

III.

BAVLI ERUBIN CHAPTER THREE

FOLIOS 26B-41B

3:1

- A. With any [food] do they prepare a fictive fusion meal to unite courtyards into a single domain [= erub] or a fictive boundary meal to establish one's point of residence for the Sabbath,
- B. except for water and salt.
- C. And any [food] is purchased with money set aside as [second] tithe,
- D. except for water and salt.
- E. He who vows [to abstain] from food is permitted [to make use of] water and salt.
- F. They prepare a fictive fusion meal to unite courtyards into a single domain [= erub] for a Nazir with wine [which he is forbidden by his vow to drink],
- G. and for an Israelite with heave-offering [which he is forbidden by reason of his caste status to eat].
- H. Sumkhos says, "With unconsecrated produce."
- I. And for a priest [they prepare a fictive fusion meal to unite courtyards into a single domain [= erub] and locate it] in a grave area.
- J. R. Judah says, "Even in a graveyard [which he is forbidden by his caste status to enter], [27A] because he can go outside and eat."

- I.1 A. Said R. Yohanan, "We may not establish analogies resting on encompassing principles, and that is so even though exceptions are explicitly stated."

- B. *Now, since he has said, and that is so even though exceptions are explicitly stated, it follows that he does not make reference to our Mishnah paragraph. Then to what passage does he make reference?*
- C. *He makes reference to the following passage: **For every commandment concerning the son to which the father is subject, men are liable, and women are exempt. And for every commandment concerning the father to which the son is subject, men and women are equally liable. For every positive commandment dependent upon the time [of year], men are liable, and women are exempt. And for every positive commandment not dependent upon the time, men and women are equally liable. [For every negative commandment, whether dependent upon the time or not dependent upon the time, men and women are equally liable, except for not marring the corners of the beard, not rounding the corners of the head (Lev. 19:27), and not becoming unclean because of the dead (Lev. 21: 1)] [M. Qid. 1:7].***
- D. *So is it a governing rule that **for every commandment concerning the son to which the father is subject, men are liable, and women are exempt?** Is this an encompassing generalization here? But what about unleavened bread, rejoicing on the festivals, and assembly on the festival of Sukkot in the Seventh Year (Deu. 31:12) [which include women, but which] depend on a particular time, and for which women are obligated! And furthermore: What about study of the Torah, procreation, and the redemption of the firstborn, which are not religious duties that depend on a particular time, and yet women are exempt from these?*
- E. Said R. Yohanan, “We may not establish analogies resting on encompassing principles, and that is so even though exceptions are explicitly stated.”

I.2 A. *Said Abbaye, and some say, R. Jeremiah, “So, too, we have learned in the Mishnah: **And further: Another general rule did they state: Whatever is carried above the Zab is unclean. And whatever the Zab is carried upon is clean, except for something which is suitable for sitting and lying, and [except for] man [M. Zab. 5:2].**”*

B. *But aren't there any more exceptions? What about what may be used for riding [a saddle]?*

C. *But what is the point of the item that may be used for riding? If he sits on it, then it is something he uses for sitting [and is no exception]!*

D. *This is what we mean to say: Isn't there the upper part of a saddle, on which we have learned on Tannaite authority: **The saddle is subject to uncleanness on account of sitting, and its handle is subject to uncleanness on account of that which is ridden upon [T. Kel. B.B. 2:7A]***? So it must follow, We may not establish analogies resting on encompassing principles, and that is so even though exceptions are explicitly stated.

E. *Said Rabina, and some say, R. Nahman, "So, too, we learn in the Mishnah passage at hand: **With any [food] do they prepare an erub and a shittuf [partnership meal], except for water and salt [M. Er. 3:1A]***. But aren't there any more items? Aren't there also morrils and truffles? So it must follow, We may not establish analogies resting on encompassing principles, and that is so even though exceptions are explicitly stated."

II.1 A. And any [food] is purchased with money set aside as [second] tithe, except for water and salt:

B. R. Eleazar and R. Yosé bar Hanina –

C. One repeated, "The limitation [**except for water and salt**] pertains to the fictive fusion meal."

D. The other repeated, "The limitation [**except for water and salt**] pertains to the use of second tithe funds."

E. *One repeated the limitation [**except for water and salt**] so as to pertain to the fictive fusion meal: The rule that the fictive fusion meal may not be prepared from water and salt pertains only to water on its own or salt on its own, but as to a mixture of water and salt, that may serve for a fictive fusion meal.*

F. *One repeated the limitation [**except for water and salt**] so as to pertain to the use of second tithe funds: The rule that second tithe funds may not be used for the purchase of salt and water applies only to water on its own or salt on its own, but as to a mixture of water and salt, that may be purchased with funds in the status of second tithe.*

G. *The authority who repeats the rule in connection with the use of second tithe funds would all the more so apply it to the case of the fictive fusion meal, but the one who repeats it in connection with the fictive fusion meal would not apply it to the use of second tithe funds. How come? Because in the latter case, we require that the funds be*

used for the purchase of some sort of produce [and salt and water do not qualify].

H. When R. Isaac came, he repeated this limitation in connection with second tithe funds.

- I. *An objection was raised: R. Judah b. Gaddish testified before R. Eleazar, "Members of the household of my father would buy brine with money in the status of second tithe."*
- J. *[Eleazar] said to him, "Perhaps you heard that only in connection with the innards of fish mixed up therewith?"*
- K. *And even R. Judah b. Gaddish made that statement only in connection with brine, since it has some fat of produce, but not in connection with pure water and salt.*
- L. *Said R. Joseph, [27B] "That rule was required only to cover a case in which one added oil to the mixture."*
- M. *Said to him Abbaye, "But wouldn't the rule [that salt water may be purchased with second tithe funds] derive then because of the fact of the oil [so why state it]?"*
- N. *It was necessary to cover the case in which one paid the cost of water and salt by paying an inclusive price for the oil.*
- O. *Yes, but is it permitted to pay an inclusive price via second tithe funds?*
- P. *It certainly is, and so it has been taught on Tannaite authority:*
- Q. **"...spend the money on anything you want [cattle, sheep, wine or other intoxicant, or anything you may desire. And you shall feast there, in the presence of the Lord your God, and rejoice with your household]" (Deu. 14:22-26):**
- R. **Ben Bag Bag says, "'Cattle': You may purchase a cow with the hide.**
- S. **"'Sheep': You may purchase a lamb with its wool.**
- T. **"'Wine': One may purchase a jug of wine with the jug itself.**
- U. **"'Or other intoxicant': You may purchase *temed* wine once it has begun to ferment" [Sif. Deu. CVII:IV.2]**

II.2 A. *Said R. Yohanan, "If anyone explains to me the language 'for oxen' (Deu. 14:26) within the theory of Ben Bag Bag, I will follow him to the bathhouse carrying his clothing. How come? All of the other clauses are required, except for 'for oxen' (Deu. 14:26), which is not required. Now, for what purpose are the others required? If Scripture*

had made reference only to ‘for oxen,’ I might have supposed that only an ox may be purchased together with its hide, because that is part of its body, but not a sheep together with its wool, for that is not part of its body; and if the All-Merciful had said only ‘for sheep,’ it would have been to teach us that a sheep may be purchased together with its wool, but I might then have supposed that that is the case because wool clings to the body; but it would not be proper to buy wine together with the price of its cask. And if the All-Merciful had made reference only to wine, I might have supposed that the purchase of the cask, too, is permitted only because that’s how it can be preserved, but not tamed wine once it has begun to ferment, which is just acid. And if all the All-Merciful had written was ‘for strong drink,’ I might have supposed that ‘strong drink’ meant only the purchase of pressed fig cakes of Keilah, which are fruit, but not wine with its jar. And if the All-Merciful had made reference to wine, meaning I may purchase wine with the jar, I might have supposed that the purchase of the jar alone is permitted, since that’s the only way it can be preserved, but not a sheep together with the wool. So the All-Merciful wrote ‘sheep’ to indicate that it may be bought even together with the wool. But what in the world is shown by the expression ‘for oxen’? And if you should say, if the All-Merciful hadn’t written ‘for oxen,’ I might have supposed that a sheep may be purchased along with its hide but not with its wool, so the All-Merciful made reference to oxen to include the hide as well, so that the reference to sheep would remain superfluous to show that one may purchase its wool along with the rest, I could say that even if the All-Merciful hadn’t made reference to oxen, no one would have proposed that a sheep may be bought with second tithe funds only together with its hide but not together with its wool, for if that were the case, the All-Merciful would have made reference to oxen, so that the reference to sheep would have remained superfluous. But since the All-Merciful has made reference to sheep, it is to indicate that it may be purchased even along with its wool—so what need is there to make reference at all to oxen? If it is argued that a sheep may be bought together with the wool, why bother to say an ox can be bought together with its hide?”

B. That, then, is what R. Yohanan meant, when he said, “If anyone explains to me the language ‘for oxen’ (Deu. 14:26) within the theory

of Ben Bag Bag, I will follow him to the bathhouse carrying his clothing.”

II.3

A. What is at issue between R. Judah b. Gaddish and R. Eleazar and the following Tannaite authorities as well [who forbid buying fish or brine]?

B. R. Judah b. Gaddish and R. Eleazar interpret Scripture by appeal to the hermeneutic rules of extension and limitation, while the Tannaite authorities interpret Scripture by appeal to the hermeneutic rules of the encompassing rule followed by the specific articulation of details.

C. R. Judah b. Gaddish and R. Eleazar interpret Scripture by appeal to the hermeneutic rules of extension and limitation:

D. “And you shall give the money for whatever your soul desires” (Deu. 14:26) —that forms an extension; “for oxen, or for sheep, or for wine, or for strong drink” forms a limitation; “or for whatever your soul asks of you” is again an extension. Now Scripture has extended the rule, limited it, and then extended it, and has thereby encompassed everything. So what has been encompassed? Everything. And what has been excluded? R. Eleazar says it excludes brine, R. Judah b. Gaddish, water and salt.

E. ...while the Tannaite authorities interpret Scripture by appeal to the hermeneutic rules of the encompassing rule followed by the specific articulation of details:

F. “And you shall give the money for whatever your soul desires” (Deu. 14:26) —that forms an encompassing rule; “for oxen, or for sheep, or for wine, or for strong drink” forms a particularization of the foregoing; “or for whatever your soul asks of you” is again an encompassing rule. Where you have an encompassing rule, a particularization, and an encompassing rule, you include in the statement only what bears the traits of the particularization. Just as here, the particularization involves products that derive from produce and that grow from the ground, so anything that derives from produce and that grows from the ground [may be purchased with funds of this character].

G. *It has further been taught on Tannaite authority: Just as the particularization speaks explicitly of what is produce that derives from the earth, so you include all produce that derives from the earth.*

H. *What's the difference between the two formulations?*

I. *Said Abbaye, "At issue between them is fish. He who says that the formulation is 'the produce of produce that derives nourishment from the earth,' that would cover fish, which derive nourishment from the earth. According to him who says it must be 'produce of the produce of the earth,' then it could not encompass fish, which is created from the water."*

J. *But did Abbaye say that fish derive their growth from the earth? And hasn't Abbaye said, [28A] "If someone ate an eel, he is flogged on four counts [specified at Lev. 11:10-11: a water insect, finless, scaleless, and twice again (Lazarus)]. If someone ate an ant, it is on five counts, the additional one being, 'Any crawling thing that swarms on the earth you shall not eat' (Lev. 11:41-44). If it is a hornet, there are six counts, adding, 'And all winged swarming things are unclean to you, they shall not be eaten (Deu. 14:10)'"?*

K. *Rather, said Rabina, "At issue between them is the matter of fowl. The one who says, second tithe funds may be spent on what is 'produce of produce that derives nourishment from the earth,' birds may be bought, since they derive their nourishment from the earth. From the perspective of him who says that what is included is 'produce of the produce of the earth,' birds are excluded, since they were created from mud."*

L. *He who extends the law of what may be purchased with second tithe funds to the purchase of fowl —what is the exegetical basis for his position? And one who eliminates birds from the list of permitted items —what is the exegetical basis of his position?*

M. *He who extends the law of what may be purchased with second tithe funds to the purchase of fowl maintains that the second encompassing rule is principal, so what we have is a particularization followed by an encompassing generalization, so that adds to the particularization everything else, and the*

initial encompassing rule excludes whatever is not similar to the particularization in at least two taxic indicators [produce of produce, deriving nourishment from the earth; fish are excluded, birds included (Slotki)]. And one who eliminates birds from the list of permitted items takes the view that the initial encompassing rule is principal, so what we have is an encompassing rule following by a particularization, in which case the encompassing rule in fact includes only what is stated in the particularization —these things are covered, nothing else is covered. And the final encompassing rule serves the purpose of encompassing anything that bears in common with the listed items three taxic indicators [produce of produce, nourished from the earth, produce of the earth; birds have only two of those taxic indicators so are excluded (Slotki)].

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

B. *But do people prepare a fictive fusion meal with a kind of clover, since it has been taught on Tannaite authority: Those who have many children may eat that species of clover but those who don’t may not, and if it has hardened into seed, even those who have many children may not eat it [since it is dangerous]?*

C. *Refer the statement to the kind that has not hardened into seed and hold that such a fictive fusion meal may serve only people who have lots of children. Or, if you like, I shall say: It may refer to people who have no children, but it is permitted because it can be eaten by those who do, for haven’t we learned in the Mishnah: **They prepare a fictive fusion meal to unite courtyards into a single domain [= erub] for a Nazir with wine [which he is forbidden by his vow to drink], and for an Israelite with heave-offering [which he is forbidden by reason of his caste status to eat]?** Therefore, the principle is, even though the food is not suitable for this party, it’s suitable for that party. Here, too, even though it’s not suitable for this party, it’s suitable for that party. And if you prefer, when Rab made that statement, he spoke of the species of clover from Media [which is o.k. food].*

D. *And isn't it alright to make a fictive fusion meal with lichen? And didn't R. Judah say Rab said, "With cuscuta and lichen they prepare a fictive fusion meal and they recite the blessing, 'Blessed are you...who creates the fruit of the ground'"?*

E. *No problem, the one statement was said before Rab came to Babylonia, the other afterward. [In Babylonia they eat it.]*

F. *Well, does Babylonia represent most of the world [that what is done there should form the law everywhere]? And hasn't it been taught on Tannaite authority: **Beans, barley, and fenugreek [which people generally grow for their seed] which a farmer sowed intending to harvest them as vegetables —his intention is null because of general practice; the result is that the seeds are liable to the separation of tithes, but the vegetables are exempt. Cress and hedge mustard [normally cultivated for both seeds and vegetables] that a farmer sowed for seed —both the seeds and the vegetables are tithed. If he sowed them intending to harvest them as vegetables, both the vegetables and the seeds are tithed [T. Shebi. 2:8-9]?***

G. *When Rab made his statement, [28B] he referred in particular to those that grow in house gardens [and are used for food].*

H. *What is hedge mustard used for?*

I. *Said R. Yohanan, "The former generations who didn't have pepper crushed it and dipped their roasted meat in it."*

II.5 A. *When R. Zira would get tired from his studying, he would go sit at the door of the house of R. Judah bar Ammi. He said, "When the rabbis come by, then I shall get up before them and receive a reward [in Heaven for honoring them]."*

B. *There emerged a youngster. He said to him, "What did your master teach you?"*

C. *He said to him, "For cuscuta, one recites the blessing, 'Blessed are you...who creates the fruit of the ground,' and for lichen, 'Blessed are you...by whose word all things are made.'"*

D. *He said to him, "To the contrary! The opposite stands to reason, for the one comes from the earth, while the other derives nourishment from the air."*

E. *But the decided law is in accord with what the youngster said. How come? The former is ripened fruit, the latter not. And as to the objection, the one comes from the earth, while the other derives nourishment from the air, that's not true. Cuscuta also derives its nourishment from the earth. For we see that when we cut the shrub off, the cuscuta dies.*

II.6 A. *Is it true that they do not make a fusion meal with unripe dates? But hasn't it been taught on Tannaite authority: **Palm tree pith is purchased with money in the status of second tithe but is not susceptible as food to uncleanness. Unripe dates may be purchased with second tithe money and they are susceptible as food to uncleanness.** R. Judah says, "Palm tree pith —lo, it is like wood in all regards, except that it is purchased with money in the status of second tithe. Unripe dates are treated as produce in all respects, except that they are exempt from the separation of tithes [T. M.S. 1:14K-N, T. Ups. 3:10-11/M. Uqs. 3:7]?*

B. *That passage speaks of stunted dates [which are completed fruit and subject to the laws governing food; Rab speaks of dates that will later on reach full ripening (Slotki)].*

C. *If that is the case, then in such a matter would R. Judah say, **except that they are exempt from the separation of tithes?** Hasn't it been taught on Tannaite authority: **Said R. Judah, "They stated the rule concerning the stunted figs of Bet Oni only as regards the separation of tithes and not concerning the removal of produce of the second year. The proper ruling is: The undeveloped figs of Bet Oni and the inferior dates of Tobaniah are subject to the separation of tithes"** [T. Sheb. 7:14B-C]?*

D. *So in point of fact the cited passage does not speak of stunted dates. The law regarding susceptibility to uncleanness as food is different, in line with what R. Yohanan said, "Since they can be sweetened by the fire," here, too, "They can be sweetened by the fire."*

II.7 A. *Where was that statement of R. Yohanan made?*

B. *It concerned the following, which has been taught on Tannaite authority:*

C. Bitter almonds when small are subject to second tithe, but when they are large, they are exempt; sweet almonds when large are subject to second tithe, but when small are exempt. R. Simeon b. R. Ishmael says in the name of his father, “Both this and that are exempt.” Others say, “Both this and that are liable.”

D. *Said R. Ilai, “R. Hanina instructed in Sepphoris in accord with the opinion of him who says, ‘Both this and that are exempt.’”*

E. *And from the perspective of him who said, “Both this and that are liable,” what good are they?*

F. *Said R. Yohanan, “They can be sweetened by the fire.”*

II.8 A. The master has said: **R. Judah says, “Palm tree pith —lo, it is like wood in all regards, except that it is purchased with money in the status of second tithe” —**

B. *So isn’t that what the initial Tannaite authority has said?*

C. *Said Abbaye, “At issue is the case in which one has boiled or fried it” [Slotki: the first Tannaite authority holds it assumes the character of food, Judah regards it as wood in all respects and it is not susceptible as food to uncleanness].*

D. *Objected Raba, “But is there anyone who maintains that if it is boiled or fried it doesn’t enter the category of food? And hasn’t it been taught on Tannaite authority: The hide and the afterbirth are not classified as food for purposes of uncleanness. But if one boiled the hide or planned to treat the placenta as food, it is classified as food for the purposes of uncleanness”?*

E. *Rather said Raba, “At issue between them is the blessing that is required [for the fruit of the ground or*

“by whose word,” respectively], for it has been stated”:

F. Over the palm heart –

G. R. Judah said, “Who creates the fruit of the ground.”

H. And Samuel said, “By whose word all things come into being.”

I. R. Judah said, “Who creates the fruit of the ground,’ *because it is fruit.*”

J. Samuel said, “By whose word all things come into being,’ *because in the end it will harden.*”

K. *Said Samuel to R. Judah, “Sharp-witted one! Indeed it is reasonable to take your view, for lo, there is the case of the radish, which ends up getting hard, and yet we say the blessing for it, ‘Who creates the fruit of the ground.’ But [in point of fact] that is not the criterion. In the case of the radish, a person will plant them for the sake of the tuber [which will be eaten before it grows wooden]. But a person does not plant the palm tree with the palm heart in mind.”*

L. *And even though Samuel praised R. Judah, the decided law accords with the view of Samuel.*

II.9

A. *Reverting to the body of the foregoing:* Said R. Judah said Rab, “With cuscuta and lichen they prepare a fictive fusion meal and they recite the blessing, ‘Blessed are you...who creates the fruit of the ground.’”

B. With how much?

C. *The answer is in accord with what R. Yehiel said, “With a handful,” and here, too, it is with a handful.*

D. How much lichen?

E. *Said Rabbah bar Tubiah bar Isaac said Rab, “As much as is in farmers’ bundles.”*

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

B. *Can you imagine that it may be done with the ashes of an alkaline plant?! Rather, from the herb from which the ashes of the alkaline plant comes.*

C. How much?

D. Said R. Yehiel, "With a handful."

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

B. How much?

C. Said R. Yehiel, "With a handful."

II.12 A. Said R. Hamnuna, "They make a fictive fusion meal with raw beets."

B. *But is that true? Didn't R. Hisda say, "Raw beets kill a healthy man"?*

C. **[29A]** *That refers to what's cooked but not really cooked through.*

D. *There are those who say, said R. Hamnuna, "They don't make a fictive fusion meal with raw beets."*

E. *The reason is that R. Hisda said, "Raw beets kill a healthy man."*

F. *But lo, we see people eat it and not die!*

G. *That refers to what's cooked but not really cooked through.*

II.13 A. Said R. Hisda, "A broth of beets is good for the heart and good for the eyes, all the more so for the belly."

B. *Said Abbaye, "And that is the case if the beet stayed on the stove until it was completely cooked."*

II.14 A. Said Raba, "Lo, I am like Ben Azzai in the marketplace of Tiberias" [ready to take on all comers].

B. *Said one of the rabbis to Raba, "How many apples are required for a fictive fusion meal?"*

C. He said to him, "So do people make a fictive fusion meal with apples?"

D. *So don't they? And haven't we learned in the Mishnah: All [unclean] foods join together to render the body unfit [for eating heave-offering] at the measure of a half a loaf, or to make up the quantity of food for two meals required for a fictive fusion meal, or to make up the amount of food the volume of an egg in regard to imparting uncleanness as food [M. Miq. 10:7A-C]?*

- E. *But what sort of a refutation is that? Should I say that the language is, All [unclean] foods, and these, too, are edibles, didn't R. Yohanan say, "We may not establish analogies resting on encompassing principles, and that is so even though exceptions are explicitly stated"?*
- F. *Rather, it is because the language is used, or to make up the quantity of food for two meals required for a fictive fusion meal, or to make up the amount of food the volume of an egg in regard to imparting uncleanness as food, and apples, too, are subject to uncleanness as food.*
- G. So how many are needed?
- H. Said R. Nahman, "In the case of apples, it must be a qab."
- I. *An objection was raised: R. Simeon b. Eleazar says, "Poor man's tithe must be at least an ukla of spices, a liter of vegetables, ten nuts, five peaches, two pomegranates, or one etrog." And said Qursak bar Dari in the name of R. Menassayya bar Shegubli in the name of Rab, "And the same for a fictive fusion meal." So shouldn't apples be comparable to peaches [so five would be needed]?*
- J. *Peaches are valued, apples aren't.* [Slotki: The more valuable the food, the less the quantity consumed in the course of a meal; the food for two meals was not to say, as much as for two satisfying meals, but only the quantity of any particular kind of food that is usually consumed in the course of two meals. Peaches are expensive, so no more than five are needed for two meals, but apples are cheap, so as much as a qab would be eaten in two meals.]
- K. *Said R. Joseph, "May his master forgive R. Menassayya bar Shegubli. I made that statement to him with reference to a Mishnah passage, but [teaching it to Qursaq] he referred it to an external Tannaite rule. For we have learned in the Mishnah: [When dispensing poor man's tithe] they may give to the poor at the threshing floor no less than (1) one-half qab of wheat, (2) one qab of barley (R. Meir says, "One-half-qab of barley"), (3) one and a half qabs of spelt, (4) one qab of dried figs, (5) one maneh of fresh figs (R. Aqiba says, "One-half [of a maneh of fresh figs]), (6) one-half log of wine (R. Aqiba says, "A quarter [of a log of wine]), (7) a quarter[-log] of oil (R. Aqiba says, "An eighth [of a log of oil]). And [as regards] all other types of produce —said Abba Saul, "[They must give to the poor] enough [produce] so that they may sell it [and use the revenue to] buy sufficient food for two meals" [M. Pe. 8:5]. And said Rab, 'So is the rule for the fictive fusion meal.'"*

- L. *Well, then, why give preference to the one or the other?* [Slotki: Since the external teaching contains no law contradictory to the Mishnah, couldn't Rab's statement apply to the one as much as the other?] *Should I say that it is because in the one the Tannaite ruling makes reference to spices, and spices are not classified as food? Well, here in the Mishnah rule, wheat and barley are included, though in raw form they also are not edible!*
- M. *Rather, it is because the Tannaite formulation makes reference to a half-log of wine, and said Rab, "They make a fusion meal with two quarter-logs of wine." Now, since we require the same volume in both cases, it follows that when Rab made the statement, "So is the rule for the fictive fusion meal," he made that statement with respect to our Mishnah rule.*
- N. *That is decisive.*

II.15 A. The master has said: **or to make up the quantity of food for two meals required for a fictive fusion meal –**

B. *R. Joseph considered ruling, "A fictive fusion meal may be prepared only if there is sufficient food of each species to provide for a complete meal."*

C. Said to him Rabbah, "Even if each species was a half, a third, or a quarter of what would be required [that suffices]."

II.16 A. *Reverting to the body of the foregoing:* Said Rab, "They make a fusion meal with two quarter-logs of wine" –

B. *But is that much really needed for this purpose? And hasn't it been taught on Tannaite authority:* R. Simeon b. Eleazar says, "Wine —enough to soak bread in it; vinegar —enough to dip meat in it; olives and onions —enough to provide a relish for bread for two meals"?

C. *That refers to boiled wine [in less volume].*

II.17 A. The master has said: "Vinegar —enough to dip meat in it" –

B. Said R. Giddal said Rab, "Enough to dip in it food of two meals of vegetables."

C. *There are those who say,* said R. Giddal said Rab, "Enough to dip in it vegetables eaten through two meals."

II.18 A. The master has said: "Olives and onions —enough to provide a relish for bread for two meals" —

B. *But do people make a fictive fusion meal with onions? And hasn't it been taught on Tannaite authority:* **Said R. Simeon b. Eleazar,**

“Once R. Meir spent the Sabbath in Ardisqa, and someone came before him. He said to him, ‘My lord, I made a fictive fusion meal with onions so I could walk to Tibeon.’ R. Meir made him stay within the four cubits that would be assigned to him [so onions are not an effective food for the purpose]” [T. Er. 6:4]?

C. That’s not a problem, the one speaks of the leaves, the other, the bulbs [the latter are eaten and may be used]. For it has been taught on Tannaite authority: If someone ate an onion and was found dead early in the morning, you don’t have to ask what caused his death. And said Samuel, “That has been taught only if he ate the leaves, but if he ate the bulbs, there is no reason to be concerned. And that is the case if he ate the leaves, only [29B] if the onion hadn’t grown to a span, but if it had grown to a span, that is no problem.”

D. Said R. Pappa, “That is the case only if someone didn’t drink beer with them but if he drank beer, there is no danger.”

II.19 *A. Our rabbis have taught on Tannaite authority:*

B. A person shouldn’t eat onions, because of the stalk in the center that it holds; and once R. Hanina ate half an onion and half the stalk and got so sick he nearly died. His colleagues sought mercy for him and he survived, because he was needed by his contemporaries.

- II.20** *A. Said R. Zira said Samuel, “With beer they make a fictive fusion meal, and bear in the volume of three logs invalidates an immersion pool.”*
- B. Objected R. Kahana, “Well, now, that’s pretty obvious. For how is that any different from dye water, about which we have learned in the Mishnah: [If] one rinsed in it [an immersion pool] baskets of olives and baskets of grapes, and they changed its color, it is valid. R. Yosé says, ‘Dye water spoils it at the measure of three logs [of drawn water], but it does not spoil it through changing the color’ [M. Miq. 7:3A-C].”*
- C. Say: In that case, it is classified as dye water, but here it is classified as beer.*
- D. So how much is required for the present purpose?*
- E. R. Aha b. R. Joseph considered stating before R. Joseph, “Two quarter-logs of beer, as we have learned in the Mishnah: **He who takes out (1) wine — enough to mix a cup [M. Shab. 8:1A], in which regard it has been taught as a Tannaite statement, ‘Enough to mix a generous cup. What is a generous cup? A cup over which a blessing is said.’** And said R. Nahman said Rabbah*

bar Abbuha, ‘A cup over which a blessing is said must contain a quarter of a quarter-log, so that, when one dilutes it with water, it is a quarter-log in volume,’ *and that is in accord with Raba, for said Raba, ‘Any wine that cannot stand an infusion of three parts of water to one of wine is no wine.’ And in the final clause of the same passage, it is stated: **and of all other liquids, a quarter log; and of all slops [refuse], a quarter-log [M. Shab. 8:1A].*** Now, since in that passage, the proportions are four to one, so here, too, the prescribed proportion should be four to one.”

- F. *But that is not the case! The reason that two quarter-logs are required in that case is that less than that volume of liquid is not taken into account, but in this case, that consideration doesn’t pertain, for people may well drink one cup in the morning and another in the evening and treat these as their meals.*

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

- B. Said R. Joseph, “With dates, the pertinent volume is a qab.”

C. *Said R. Joseph, “On what basis do I say so? Because it has been taught on Tannaite authority: A nonpriest who ate dried figs in the status of heave-offering [which he may not do] and paid their value in dates —may he be blessed! Now how is this repayment to be interpreted? Should I say that it is a payment corresponding to the value of the figs that he ate, that is, he ate priests’ figs worth a zuz so he repays dates for a zuz —then why in the world may he be blessed?! He ate a zuz worth and he paid a zuz worth. So isn’t this by measure, that he ate a griva of dried figs, worth a zuz, and he paid back a griva of dates, worth four zuz, and that’s why may he be blessed! Therefore, it follows, dates are preferable.”*

D. *Said to him Abbaye, “In point of fact he ate a zuz worth of the one and he repaid a zuz worth of the other, and what’s the point of, may he be blessed? He ate something of his that is not in big demand and paid him back with something that is in heavy demand.”*

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

- B. *Said R. Aha bar Phineas, “Two ladlefuls.”*

II.23 A. How about roasted ears?

- B. *Said Abbaye, “Two Pumbeditan handfuls.”*

II.24 A. *Said Abbaye, “Mother told me, ‘Roasted ears are good for the heart and they banish bad thoughts.’”*

- B. *And said Abbayye, "Mother told me, 'Someone who has a weak heart should get meat from the right flank of a male beast and bullshit from the month of Nisan, and if he can't get bullshit, then get some willow twigs, and roast the meat over it and eat it and then drink diluted wine.'"*

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

- B. As to raw meat, it must be enough for two meals. As to roasted meat,

C. Rabbah said, "It must be enough to eat with it bread for two meals."

- D. R. Joseph said, "It itself must be enough for two meals."

E. *Said R. Joseph, "How do I know this? Because the Persians eat chunks of roast meat without bread."*

F. *Said to him Abbayye, "So are the Persians the majority of the world, that we should make the law in accord with their practice? Hasn't it been taught on Tannaite authority: [Where we wish to know whether cloth is regarded as of value and therefore susceptible to uncleanness,] the pieces of cloth of poor people are susceptible if they are owned by poor people [but not rich ones], while the cloth of rich people would be susceptible if owned by the rich, [30A] but as to the cloth of the rich, for the poor they are not susceptible. And should you say, here and there strict rulings govern, hasn't it been taught on Tannaite authority: **They prepare a fictive fusion meal for a sick person, a frail person, or a child, with the sort of food he regularly eats, but for someone who has a large appetite they supply food only in accord with what ordinary people eat**" [T. **Er. 6:4C**]? [So in the case of the fusion meal a lenient position is taken here.]"*

G. *That's a legitimate question.*

H. *But did R. Simeon b. Eleazar make any such statement? And hasn't it been taught on Tannaite authority: R. Simeon b. Eleazar says, "Og, King of Bashan—a door for him has to be as big as he is" [if he is a corpse in a house, so that his body could be carried out through such a door; then only that door would contract corpse uncleanness, but all the doors through which he couldn't be carried would not; if we don't know which door will serve, all of them are unclean; so all doors are unclean if a big corpse can't get through them, even though a*

corpse of ordinary size would fit; so he does take a strict view as to sizes, so how can he take so lenient a view as to say **for someone who has a large appetite they supply food only in accord with what ordinary people eat**]?

I. And Abbaye [who says the law for the minority is determined by what governs the majority, so how could he concur with the foregoing, too]?

J. *In that case, what is to be done? Are we supposed to cut up the corpse and carry it out piece by piece?*

II.26 A. *The question was raised: Do rabbis differ from R. Simeon b. Eleazar or don't they?*

B. *Come and take note that Rabbah bar bar Hannah said R. Yohanan [said], "Og, King of Bashan —a door for him may be four handbreadths wide [but not big enough actually to carry him through, and that contradicts Simeon's position]."*

C. *But in that case, there are a great many small doors, only one of them four handbreadths wide, so we know for sure that when they widen a door, it will be that door.*

II.27 A. Said R. Hiyya bar R. Ashi said Rab, "They make a fictive fusion meal with raw meat."

B. Said R. Shimi bar Hiyya, "They make a fictive fusion meal with raw eggs."

C. How many?

D. Said R. Nahman bar Isaac, "'Sinai' [Joseph] said, 'Two.'"

III.1 A. **He who vows [to abstain] from food is permitted [to make use of] water and salt.**

B. *Water and salt are the things not regarded as food, but all other things are regarded as food.*

C. *May we not maintain, moreover, that the passage at hand refutes the view of Rab and Samuel, who have said, "People say the blessing, '... who creates various kinds of food,' only prior to eating five species of cereals alone [wheat, barley, oats, spelt, and rye]."*

D. *But wasn't their position refuted once [at B. **Ber. 35B**]?*

E. *May we say that they may also be refuted on the strength of this Mishnah statement, too?*

F. Said R. Huna, “The Mishnah [at M. **Er. 3:1**] speaks of a case of one who says, ‘I vow to abstain from eating anything that sustains [life].’”

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

B. *Do you mean to say, “The taste of food”?*

C. *Rather, that he had not had a meal.*

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

B. *An objection was raised: He who takes a vow not to benefit from a loaf — they prepare a fusion meal for him with it. Doesn’t this mean, that he said, “Shall be forbidden to me”?*

C. *No, what he said was, “This....” And that stands to reason, for the same statement proceeds to say, Under what circumstances is this the case? If he said, “By an oath, I shall not taste it.”*

D. *But if he said, “Shall be forbidden to me,” what is the case? In such a case, do they not prepare a fictive fusion meal for him from that bread? Well, if that’s the case, then, instead of using the language, if he said, “This loaf shall be consecrated,” they do not prepare a fictive fusion meal from it for him, because a fictive fusion meal may not be made from consecrated food, let the distinction be stated in the body of a single unitary statement in the following way: Under what circumstances? If he said, “This....” But if he said, “...to me,” they do not prepare for him a fictive fusion meal using it.*

E. *Said R. Huna, “So what is the upshot? Whenever someone said, ‘To me,’ they prepare a fictive fusion meal from it for him [since that language implies a prohibition only of eating the bread]? Then you have a contradiction with the*

first part of the latter clause” [Under what circumstances is this the case? If he said, “By an oath, I shall not taste it”].

- F. *The formulation is flawed, and this is how it should be formulated as a Tannaite rule:* He who takes a vow not to benefit from a loaf—they make for him a fictive fusion meal from it. And even if he said, “This loaf shall be forbidden to me,” it is as though he had said, “I take an oath that I shall not taste it.”
- G. *Well, one way or the other, there’s a problem for R. Huna.* [Slotki: How could he maintain that where someone forbade a loaf to himself, no fictive fusion meal from it may be prepared for him?]
- H. *R. Huna made his statement in accord with the position of R. Eliezer, for it has been taught on Tannaite authority:* R. Eliezer says, “[If someone said,] ‘By an oath, I shall not eat this loaf,’ they make a fictive fusion meal for him with it. ‘...this oath is prohibited to me,’ they don’t prepare a fictive meal for him from it.”
- I. *Sure, well, and did R. Eliezer make any such statement? And hasn’t it been taught on Tannaite authority:* This is the encompassing rule: If a man forbids himself by an oath from eating a certain food, they prepare a fictive fusion meal for him from it. But if a certain food was forbidden to a person [Slotki: so that the prohibition was not limited to the man’s action but was imposed on the very object itself, including whatever benefit one may derive therefrom], they do not prepare a fictive fusion meal from it for him. R. Eliezer says, “‘This loaf is forbidden to me’ —they prepare a fictive fusion meal for him from it. ‘This loaf is consecrated’ —they don’t prepare a fictive fusion meal for him from it, since they don’t prepare fictive fusion meals for him from what is consecrated”?
- J. *What you have are two Tannaite formulations in regard to the position of R. Eliezer.*

- IV.1** A. **They prepare a fictive fusion meal to unite courtyards into a single domain [= erub] for a Nazir with wine [which he is forbidden by his vow to drink], and for an Israelite with heave-offering [which he is forbidden by reason of his caste status to eat]:**
- B. *Our Mishnah paragraph is not in accord with the position of the House of Shammai, for it has been taught on Tannaite authority:*

- C. The House of Shammai say, "With wine they don't prepare a fictive fusion meal for a Nazirite, or with food in the status of heave-offering for an Israelite."
- D. And the House of Hillel say, "They do prepare a fictive fusion meal for a Nazirite with wine, or for an Israelite with food in the status of heave-offering."
- E. Said the House of Hillel to the House of Shammai, "Don't you concede [30B] that they do prepare a fictive fusion meal for an adult on the Day of Atonement [even though he may not eat the food that day]?"
- F. They said to them, "True."
- G. They said to them, "Just as they do prepare a fictive fusion meal for an adult on the Day of Atonement, so they prepare a fictive fusion meal for a Nazirite with wine, or for an Israelite with food in the status of heave-offering."
- H. And the House of Shammai?
- I. *In the case of the Day of Atonement, the meal is available that is suitable for eating while it is still day [prior to the advent of the Day of Atonement], but here there is no meal available that can be eaten [by the Nazirite or the Israelite, respectively] while it is still day.*
 - J. *In accord with what authority is the external Tannaite formulation that assigns that position to the House of Shammai?*
 - K. *It is not in accord with Hananiah, for it has been taught on Tannaite authority:*
 - L. Hananiah says, "The very principle of the fictive fusion meal did the House of Hillel not concede, unless someone brings out his bed and all his useful tools to the place [where the meal is located]." [Otherwise that is not conceded to be the man's Sabbath resting place.]
 - M. *In accord with whom is that which has been taught on Tannaite authority as follows:* If someone set out his fictive fusion meal wearing black clothes, he should not on the Sabbath go forth wearing white ones, if it was in white ones, he shouldn't go forth wearing black ones? *In accord with whom?*
 - N. *Said R. Nahman bar Isaac, "It represents the view of Hananiah concerning the position of the House of Shammai."*
 - O. *Well, then, according to Hananiah, is it only in black that he may not go out, but may he go out in white? Didn't he in fact rule, unless*

someone brings out his bed and all his useful tools to the place [where the meal is located]?

P. *This is the sense of his statement:* If he set out the fictive fusion meal while dressed in white and then needed black, he must not go out even in white. *In accord with whom is this ruling?* Said R. Nahman bar Isaac, “It represents the view of Hananiah concerning the position of the House of Shammai.”

V.1 A. Sumkhos says, “With unconsecrated produce”:

- B. *But he doesn't take a position with reference to, and against, the other clause, namely: They prepare a fictive fusion meal to unite courtyards into a single domain [= erub] for a Nazir with wine [which he is forbidden by his vow to drink]. Why not? Is it possible that the reason is, the Nazirite may address a question to a sage that might release him from his Nazirite vow? So it is equally plausible that with respect to food in the status of heave-offering, the same might take place [so there is the possibility that an Israelite might eat it]!*
- C. *But if one successfully released the food from the status of heave-offering by means of a question, it would revert to its status as food that is liable to tithing but not yet tithed.*
- D. *So one may designate heave-offering in that regard from some other source.*
- E. Associates [who observe the laws of tithing in a meticulous way] are not suspect of designating tithe for produce if the tithe is not within close proximity to the produce for which it is set aside.
- F. *Well, let him designate the required tithe from the food under discussion itself?*
- G. *There wouldn't be enough.*
- H. *How do you know for sure?*
- I. *Rather, this is what Sumkhos is thinking: He accords with rabbis, who say, “Even at twilight on the eve of the Sabbath a precautionary decree has been made against doing any kind of activity that is classed as forbidden by reason of Sabbath rest.” [Slotki: Setting aside heave-offering would be such an act, so it would not be possible at that point to convert the heave-offering into unconsecrated produce; the entire procedure is null.]*

V.2 A. In accord with what authority is that which we have learned in the Mishnah: And there are [instances in] which they have said, “Everything is

according to the measure of the man.” He that takes a handful of meal-offering, he that takes both hands full of incense, and he that drinks a mouthful on the Day of Atonement, and the food for two meals for the erub [M. Kel. 17:11D-F]?

- B. *Said R. Zira, “It is the view of Sumkhos, who has said, ‘The food for the fictive fusion meal must be suitable for the person for whom it is prepared.’”*
- C. *May we say that the cited Mishnah paragraph does not accord with R. Simeon b. Eleazar, for it has been taught on Tannaite authority: R. Simeon b. Eleazar says, “They prepare a fictive fusion meal for a sick person, a frail person, and a child, with the sort of food he regularly eats, but for someone with a big appetite they supply food only in accord with what ordinary people eat” [T. Er. 6:4C]?*
- D. *The cited Mishnah passage speaks only of a sick or old person, but not a glutton; his preference is treated as null with reference to common preference.*

VI.1 A. **And for a priest [they prepare a fictive fusion meal to unite courtyards into a single domain [= erub] and locate it] in a grave area:**

- B. *For said R. Judah said Samuel, “In a grave area of dubious status, one puffs away before him as he walks along [to blow the small bones out of the way].”*
- C. *And R. Judah bar Ammi said in the name of R. Judah, “A grave area that has been trodden down is regarded as not affected by corpse uncleanness.”*

VII.1 A. **R. Judah says, “Even in a graveyard [which he is forbidden by his caste status to enter], because he can go outside and eat”:**

- B. *A Tannaite statement: because he can put up an interposition and pass through in a chest, box, or cupboard.*
- C. *He takes the view that a moving tent is classified as a tent [for purposes of interposition between corpse uncleanness and a person protected by the tent].*
 - D. *[The initial Tannaite authority and Judah then] differ concerning what is subject to dispute between the following Tannaite authorities, as has been taught on Tannaite authority: He who enters the land of the peoples riding in a box, chest, or cupboard —Rabbi declares him unclean. R. Yosé b. R. Judah declares him clean.*
 - E. *What is at issue in the dispute? The one authority holds that a moving tent is not classified as a tent, and the other authority maintains, a moving tent is classified as a tent.*

- VII.2** A. *It has been taught on Tannaite authority: R. Judah says, [31A] “In a grave [they deposit] a fictive fusion meal prepared for a priest in the status of cleanness with heave-offering in the status of cleanness.”*
- B. *How does he [and it] get there?*
- C. *In a chest, box, or cupboard.*
- D. *But as soon as the meal comes to rest in the grave, it is rendered unclean!*
- E. *It is food that is not rendered susceptible to uncleanness [for example, dry produce] or, for example, dough that was kneaded in fruit juice [which does not render the bread susceptible to uncleanness].*
- F. *How does he bring it anyhow?*
- G. *In flat wooden utensils, which are not susceptible to uncleanness.*
- H. *But lo, doesn't the wooden utensil form a tent?*
- I. *He brings it edgewise [and the object is less than a handbreadth thick, so it forms no tent].*
- J. *If so, how come rabbis deny that one may do so?*
- K. *They take the view that it is forbidden to acquire title to a house by using something from which one is forbidden to derive benefit [and it follows, this is no way of establishing a locus for Sabbath rest].*
- L. *Then does it follow that R. Judah takes the view that it is permitted to do so?*
- M. *He maintains that the religious duties are not assigned to humanity for their personal benefit [and the whole purpose of a fictive fusion meal can only be to go to perform a commandment, for example, to a house of mourning or a wedding feast].*
- N. *Well, then, in respect to what Raba said, namely, that religious duties are not assigned to humanity for their personal benefit, may we say that he has made the statement of his tradition only in accord with one of two conflicting Tannaite authorities?*
- O. *Raba may say to you, “If rabbis had maintained that one may make a fictive fusion meal only for the purpose of carrying out a religious duty, all would have taken the same view, for religious duties were not assigned to humanity for private benefit. But here, as a matter of fact, they differ on another principle altogether. The master maintains that a fictive fusion meal may be prepared solely and only in connection with doing a religious duty, but the masters maintain that it may be prepared even for an optional matter.”*

- P. *And in respect to what R. Joseph said, namely, "One may make a fictive fusion meal only for the purpose of carrying out a religious duty," may we say that he has made the statement of his tradition only in accord with one of two conflicting Tannaite authorities?*
- Q. *R. Joseph may say to you, "All parties maintain that one may make a fictive fusion meal only for the purpose of carrying out a religious duty, for all parties concur that religious duties were not assigned to humanity for private benefit. But this is what is at stake in their dispute: The one authority maintains that, once someone has acquired the fictive fusion meal, he doesn't care that it is preserved at all. [The purpose of the fictive meal has been achieved, and there is no interest in preserving it in the grave.] And masters hold that someone does want the fictive meal to be preserved, for if it is, then he can eat it whenever he happens to need it. [Preserving the meal on the grave is a private benefit and is forbidden.]"*

3:2A-C

- A. **They prepare a fictive fusion meal to unite courtyards into a single domain [= erub] with (1) doubtfully tithed produce, (2) first tithe whose heave-offering has been removed, and (3) second tithe and consecrated produce which have been redeemed.**
- B. **And priests [do so] with dough-offering and with heave-offering.**
- C. **But [they do] not [prepare a fictive fusion meal to unite courtyards into a single domain = erub] with (1) food liable to tithing from which heave-offering and tithe have not been taken, (2) first tithe the heave-offering of which has not been removed, or (3) second tithe and consecrated produce which have not been redeemed.**

- I.1** A. **Doubtfully tithed produce:** *But lo, it's not suitable for him to eat!*
- B. *Since if he wanted, he could declare his property to be abandoned [and therefore not subject to tithing] and thereby would become a poor man, it would be fit for him. For we have learned in the Mishnah: They feed the poor doubtfully tithed produce, [31B] and billeted troops doubtfully tithed produce [M. Dem. 3:1A].*

C. Said R. Huna, *"A Tannaite statement: The House of Shammai say, 'They do not feed the poor doubtfully tithed produce.' And the House of Hillel say, 'They feed the poor doubtfully tithed produce.'"*

- II.1** A. **First tithe whose heave-offering has been removed:**

B. *So what else is new!*

C. *The ruling was necessary to cover the case of a Levite [who gets what is coming to him after the heave-offering has been removed], who went ahead [while the grain was still in the ears] and took from the crop the heave-offering of the tithe for himself without the great heave-offering's having first been removed. And [the fact that the first tithe is handed over to the Levite even though it still contains the great heave-offering] accords with what R. Abbahu said R. Simeon b. Laqish said, for said R. Abbahu said R. Simeon b. Laqish, "First tithe [for the Levite] that was designated before the other dues were separated, while the grain was still in the ears, is exempt from the requirement of having great heave-offering set apart from it, for Scripture says, 'Then you shall set apart some of it as a gift for the Lord, even a tithe of the tithe' (Num. 18:26). I have instructed you to set apart only 'a tithe of the tithe,' but not great heave-offering and the tithe of the tithe from the tithe."*

D. Said R. Pappa to Abbaye, "If so, the same rule should apply if the Levite came prior to the priest when the grain was in the pile having been threshed." [The question at hand concerns the case of a Levite who anticipated a priest and took his first tithes from the grain while it was still in the ear before the priest took his heave-offering. Although he caused the priest a loss, for the priest should get two parts out of every hundred and the Levite has taken his first tithe so the heave-offering will be only for the remaining ninety parts, still, the Levite does not have to make good the loss that the priest has suffered. Scripture says that the Levite must give a tenth part of the tithe, so Num. 18:26, implying that he need give not only a tithe from the tithe, but both tithe and heave-offering. If the Levite anticipated the priest when the grain was stacked up in piles, that is, when it was liable to both heave-offering and tithes, then the Levite must make up for the loss of heave-offering when he separates his tithe. Pappa then said to Abayye, "If you exempt the Levite from giving heave-offering because of the text, 'a tenth part of the tithe,' then even if the Levite anticipated the priest when the grain was still on the pile, he also should be exempt from the obligation to make up the heave-offering, to which Abayye said to him, "It is to meet your challenge that Scripture has said, 'Out of all your gifts you shall offer every heave-offering' (Num. 18:29)."]

E. He said to him, "Against your position Scripture states, 'You shall set apart a gift to the Lord of all your tithes' (Num. 18:28)."

F. And how come you see such a distinction [Slotki: between first tithe set apart while the grain was in the ears and between that set apart after it has been threshed? Why should only the former be exempt from the great heave-offering]?

G. *The one has entered the classification of grain, the other not.*

III.1 A. And second tithe and consecrated produce which have been redeemed:

B. *So what else is new!*

C. *The ruling was necessary to cover the case in which the principal was paid but not the added fifth. So we are informed that paying the added fifth is not essential to the transaction of redemption.*

IV.1 A. But [they do] not [prepare a fictive fusion meal to unite courtyards into a single domain [= erub] with food liable to tithing from which heave-offering and tithe have not been taken:

B. *So what else is new!*

C. *The ruling was necessary to cover the case of what is deemed liable to tithing but as yet untithed by decree of rabbis, for example, produce sown in a pot with no hole.*

V.1 A. First tithe the heave-offering of which has not been removed:

B. *So what else is new!*

C. *The ruling was necessary to cover the case of a Levite who went ahead and took what was coming to him from grain in the pile before the priest did and took the heave-offering of the tithe from it before the great heave-offering was designated. What might you have imagined? You might have supposed that the ruling accords with R. Pappa's reply to Abbaye, so we are informed that the ruling accords with Abbaye's reply.*

VI.1 A. Or second tithe and consecrated produce which have not been redeemed:

B. *So what else is new!*

C. *The ruling was necessary to cover the case of one's redeeming them but not doing so in the proper way, for example, the tithe was redeemed with a piece of unminted metal, while the All-Merciful has said, "You shall bind up the money" (Deu. 14:25), meaning, minted metal; or where unconsecrated food was exchanged for a piece of land, while the All-Merciful has said, "And he shall give the money and it shall be assured for him" (Lev. 27:19).*

3:2D-H

- D. He who sends his fictive fusion meal with a deaf-mute, an idiot, or a minor,
- E. or with someone who does not concede the validity of the fictive fusion meal —
- F. it is not a valid fictive fusion meal to unite courtyards into a single domain [= erub].
- G. But if he said to someone else to receive it from him,
- H. lo, this is a valid fictive fusion meal to unite courtyards into a single domain [= erub].

- I.1** A. A **minor**: [Isn't a minor qualified to set out a fictive fusion meal?] Didn't R. Huna say, "A minor may collect from tenants of a courtyard food for the fictive fusion meal"?
- B. *No problem, the one speaks of fictive fusion meals serving to establish the Sabbath boundaries [that a person may observe], the latter [where the minor may do it] pertains to a fictive fusion meal to form the courtyard into a single shared private domain.*

- II.1** A. **Or with someone who does not concede the validity of the erub:** *So who's that?*
- B. Said R. Hisda, "A Samaritan."

- III.1** A. **But if he said to someone else to receive it from him [the minor], lo, this is a valid fictive fusion meal to unite courtyards into a single domain:**
- B. *But shouldn't one take account of the possibility that he may not bring the meal to him?*
- C. *It is in line with what R. Hisda said, "It speaks of a case in which he is standing and watching him," and here, too, it is a case in which he is standing and watching him.*
- D. *But maybe the recipient won't accept it from him?*
- E. *It is in line with what R. Yehiel said, "An agent will be assumed to have carried out his commission." Here, too, an agent will be assumed to have carried out his commission.*
- F. *Now where were these statements made by R. Hisda and R. Yehiel?*
- G. *It is as has been taught on Tannaite authority:*

H. If someone gave the meal to an elephant who carried it [to the proper place], or to an ape who did so, the fictive fusion meal is null; but if he gave orders to someone to receive it from the animal, it is valid.

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

J. Said R. Hisda, "It speaks of a case in which he is standing and watching him."

K. *But maybe the recipient won't accept it from him?*

L. Said R. Yehiel said, "An agent will be assumed to have carried out his commission."

III.2 A. Said R. Nahman, "As to the law of the Torah, an agent will not be assumed to have carried out his commission. [32A] As to a law of scribes, an agent will be assumed to have carried out his commission."

B. And R. Sheshet said, "All the same are laws of both categories: An agent will be assumed to have carried out his commission."

C. *Said R. Sheshet, "On what basis do I say so? It is because we have learned in the Mishnah: **After the offering of the first sheaf of barley was offered, new produce was permitted forthwith. And [for] people who are distant [from Jerusalem] it is permitted from noontime and thereafter [on the sixteenth of Nisan] [M. Men. 6:5D-E].** Now lo, the prohibition of eating new produce prior to the offering of the first sheaf of barley on the sixteenth of Nisan derives from the law of the Torah, and yet the Tannaite formulation is explicit: **And [for] people who are distant [from Jerusalem] it is permitted from noontime and thereafter [on the sixteenth of Nisan].** Isn't this because an agent will be assumed to have carried out his commission?"*

D. And R. Nahman?

E. *In that case, the operative consideration indeed is explicitly stated: **On what account are those who are distant [from Jerusalem] permitted [to make use of new produce] from***

noontime and thereafter? Because they are certain that the court is not slovenly in dealing with it [M. Men. 6:5H-I].

F. *There are those who say: Said R. Nahman, “On what basis do I say so? It is indeed because the operative consideration is explicitly stated: On what account are those who are distant [from Jerusalem] permitted [to make use of new produce] from noontime and thereafter? Because they are certain that the court is not slovenly in dealing with it [M. Men. 6:5H-I].* So it is the court that isn’t slovenly in dealing with the obligation, therefore an agent is assumed to be slovenly!”

G. *And R. Sheshet will say to you, “The court is assumed to have done its duty by midday, the agent is assumed to have done his before the entire day has passed.”*

H. *Said R. Sheshet, “On what basis do I say so? Because it has been taught on Tannaite authority: A woman who is obligated for bringing an offering on account of having given birth or having produced a flux presents the required sum of money [for the two turtledoves, Lev. 12:8, 15:29] and puts it into the correct shofar box for that purpose and then goes and immerses and eats Holy Things that evening. How come? Isn’t it because we invoke the principle, an agent will be assumed to have carried out his commission?”*

I. *And R. Nahman?*

J. *In that case, it is in accord with R. Shemayyah, for said R. Shemayyah, “There is a presumption that the court of priests doesn’t get up from there until all of the money in the shofar chest has been used up” [and they have completed the required offerings for that day].*

K. *Said R. Sheshet, “On what basis do I say so? It is in line with that which has been taught on Tannaite authority:*

L. *“He who says to his fellow, ‘Go and gather for yourself figs from my fig tree’ —the other may eat of them episodically or he must tithe them as produce that is certainly untithed. [The owner does not know how much was gathered so he cannot have set aside any tithes for those figs (Slotki).] If he said, ‘Fill*

up for yourself this basket of figs from my fig tree,' the other may eat of them episodically or tithe them as doubtfully tithed produce. [The owner may or may not have designated tithe for that volume of figs from figs in some other location.] Under what circumstances? In the case of an ordinary person. But in the case of an associate, the other may eat and need not tithe," the words of Rabbi.

M. Rabban Simeon b. Gamaliel says, "Under what circumstances? In the case of an outsider. But in the case of an associate, he may eat only after tithing, since associates are not suspect of giving tithes for produce from produce that is not in the proximity of that for which the tithes are given."

N. Said Rabbi, "My opinion appears preferable to the opinion of Father. It is better that associates should be suspect of giving tithes for produce from produce that is not in the proximity of that for which the tithes are given, but that they not feed to ordinary folk food that is liable to tithes but not yet tithed."

O. *Now the dispute extends only to this point: The one authority maintains, "They may be so suspect," and the other authority maintains, "They may not be so suspect," but as a matter of fact, all parties contend as a premise that an agent will be assumed to have carried out his commission."*

P. And R. Nahman?

Q. *The rule there accords with R. Hanina of Khuzistan, for said R. Hanina of Khuzistan, "It is a presumption that an associate will not produce something that is not properly prepared under his own auspices."* [So the figs are tithed at least as doubtfully tithed produce (Slotki).]

III.3 A. The master has said, "'Under what circumstances? In the case of an ordinary person. But in the case of an associate, the other may eat and need not tithe,' the words of Rabbi."

B. *As to this common person, to whom was he speaking anyhow? Should I say that he was speaking to his pal, another common person? Then if he tells him to tithe*

the figs as doubtfully tithed produce, is the other going to do it?! [Hardly, because by definition, the category of doubtfully tithed produce is created to begin with by the laxity of common folk in this regard.] So it must have been a common person talking to an associate. But then note what follows: “My opinion appears preferable to the opinion of Father. It is better that associates should be suspect of giving tithes for produce from produce that is not in the proximity of that for which the tithes are given, but that they not feed to ordinary folk food that is liable to tithes but not yet tithed.” In that case, what’s the commoner doing in that context at all? [Slotki: No associate would allow his produce to be eaten by anyone before he himself had set apart all the prescribed dues.]

C. Said Rabina, “The opening clause speaks of a common person speaking to an associate, the concluding, an associate speaking to a common person, with another associate listening nearby. Rabbi [32B] takes the view that the associate will eat the produce and doesn’t have to tithe it, since the first associate has assuredly given the requisite tithe for it, and Rabban Simeon b. Gamaliel maintains that he must not eat the produce before tithing it, since associates are not suspect of giving tithes for produce from produce that is not in the proximity of that for which the tithes are given. Then Rabbi said to him, ‘It is preferable that fellows should be suspect of giving tithes for produce from produce that is not in the proximity of that for which the tithes are given, and that they should not give common folk all kinds of produce that is subject to tithing but not yet tithed.’”

D. What is at issue between them?

E. Rabbi maintains that it’s quite all right for an associate to violate a minor prohibition so that a common person won’t violate a major one, and Rabban Simeon b. Gamaliel maintains that an associate would

rather have the common person violate a major prohibition than that he commit even a minor one.

3:3A-F

- A. [If] one put it into a tree —
- B. [if] it is above ten handbreadths, his fictive fusion meal is not a valid fictive fusion meal.
- C. [If he put it] below ten handbreadths, his fictive fusion meal is a valid fictive fusion meal.
- D. [If] he put it in a cistern,
- E. even if it was a hundred cubits deep,
- F. his fictive fusion meal is a valid fictive fusion meal.

- I.1** A. [If one put it into a tree —if it is above ten handbreadths, his fictive fusion meal is not a valid fictive fusion meal. If he put it below ten handbreadths, his fictive fusion meal is a valid fictive fusion meal:] *In session were R. Hiyya bar Abba, R. Assi, and Raba bar Nathan, and with them in session was R. Nahman, and, in session, they said, “Now where in the world is this tree located? If it is in private domain, then what difference does it make whether it was **above ten handbreadths or below ten handbreadths**? In any case private domain extends upward to the firmament! So it must be standing in public domain. But then, where did the man propose to make his Sabbath resting place? If he intended to make it on the tree up above, then he and his fictive fusion meal are in the same domain [but then the meal should take effect even if it was above ten handbreadths]! If he intended to make his Sabbath resting place below, then he is making use of the tree [on the Sabbath, which he may not do, so how can the fictive fusion meal be valid]?”*
- B. *In point of fact, the tree indeed is located in public domain, and the man intends to make his Sabbath resting place down below, but the formulation accords with Rabbi, who has said, “Whatever is forbidden by reason of Sabbath rest is not subject to a prohibition at twilight” [so he had access to the food at twilight, which is just the moment at which the fusion meals serves to effect acquisition for the man of that spot as his resting place for the Sabbath (Abraham, Shabbat 8B)].*
- C. *Said to them R. Nahman, “Well said! So said Samuel.”*
- D. *They said to him, “And is that how you work out the whole problem?”*

- E. *But didn't they themselves solve the problem that way?*
- F. *Rather, this is what they said to him: "Did you give it permanent status in the protocol of the analysis of the rule?"*
- G. *He said to them, "Yes."*
- H. *So, too, it has been stated:*
- I. *Said R. Nahman said Samuel, "Here we deal with a tree that is standing in public domain, ten handbreadths high and four broad, and the man intends to make his Sabbath resting place down below. And the formulation accords with Rabbi, who has said, "Whatever is forbidden by reason of Sabbath rest is not subject to a prohibition at twilight."*

I.2

- A. Said Raba, "Our Mishnah rule pertains only to a tree that stood beyond the outskirts of the town [beyond houses within seventy and two-thirds cubits from the town], but as to a tree that stands within the outskirts of the town, even if the meal is located above ten handbreadths, lo, this is a valid fusion meal. *For a town is deemed to fill out its boundaries* [Slotki: even the space above the ground, since it is surrounded by houses, assumes some of the traits of private domain, as if the ground itself filled up the space above; though moving objects from the tree to public domain is forbidden, the person's Sabbath resting place in regard to the fusion meal is deemed to be level with the ground and the meal is a valid one]."
- B. *If so, then even if it is located outside of the outskirts of the town, the same should be so!* For said Raba, "He who puts his fictive fusion meal anywhere acquires an abode of four cubits, in which case, that locale is classified as private domain, and that extends to the firmament!"
- C. *Said R. Isaac b. R. Mesharshayya, "Here we deal with a tree the branches of which bend over beyond four cubits, [33A] but the man had the intention of acquiring his Sabbath abode at the root. [Slotki: The branches outside the four cubits are in public domain; if the meal lay below the height of ten cubits, one can carry it in small stages of less than four cubits to the root of the tree, which is private domain in respect to the meal but not in respect to forbidding movement of objects into it from public domain. But if the meal was deposited above ten cubits, that is, in private domain, one couldn't carry the meal to the root of the tree, which is also private domain, via the intervening public domain, so the meal is invalid.] And what is the meaning of the usages, **above** or **below**? [Slotki: Such terms are applicable to a meal on a tree that stands upright but not to one on a branch extending horizontally. In the latter case,*

we should have “high” and “low.”] [Slotki:] *The branch rises again into a vertical position.*”

- D. *But if the man wanted, couldn't he bring the meal by way of the upper part of the tree?* [He could climb the upper part of the tree, and that is above ten handbreadths so is private domain, through which it is permitted to carry from private domain in which the meal lay to the root of the tree, also private domain (Slotki).]
- E. *It is a case in which many people use the branch to adjust their burdens, in agreement with the position of Ulla, for said Ulla, “A column nine handbreadths high located in the public domain, on which the public rearrange their burdens, and someone threw an object and it came to rest on it—he is liable. [How come? If such a column were less than three handbreadths high, the public would step on it [so it's public domain pure and simple]; if it is from three to nine high, they don't step on it but they also don't rearrange their burdens on it [since it's too low]; if it is nine high, they certainly do rearrange their burdens on it.” (Abraham: It's put to public use and is part of public domain.)]*

I.3 A. *What is the dispute* [to which reference has been made, when Rabbi said, “Whatever is forbidden by reason of Sabbath rest is not subject to a prohibition at twilight”]?

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

C. “If one put the fusion meal up in a tree above ten handbreadths high, the fusion meal is null. If he put it below ten handbreadths high, the meal is valid, but he may not move it about. If he put it within three handbreadths of the ground, it is permitted to move it about. If he put it in a basket and hung it on a trip, even above ten handbreadths in height, it is a valid fusion meal,” the words of Rabbi.

D. And sages say, “If he put it in any location in which it would be forbidden to move it about, his fusion meal is null.”

E. *Now this statement,* And sages say, “If he put it in any location in which it would be forbidden to move it about, his fusion meal is null,” *to which clause in Rabbi's statement does it make reference? Should I say that it pertains to the concluding clause* [If he put it in a basket and hung it on a trip, even above ten handbreadths in height, it is a valid fusion meal, and since the meal may not be moved, since one may not make use of the trip, then even at twilight it may not be moved, so the

meal is null], *should we then say that rabbis take the position that the use of the sides [the basket being suspended on the side of the tree] is forbidden? [But that is a matter under dispute.] So it must make reference to the opening clause, in which case, as to the tree, how are we to imagine its size? If it is less than four handbreadths in width, then that is a place that is exempt [it merges into the domain in which it is located, so it is permitted to move objects from the one domain to the other; the tree is in public domain, so one may move the meal from the one into the other, and why should the meal be null even if it was ten handbreadths high? (Slotki)]. But if the tree is four handbreadths wide, then what difference does it make if one put it into a basket? [Slotki: Neither the meal alone nor the meal with the basket may be moved from one domain into the other.]*

F. *Said Rabina, "The opening clause speaks of a tree that is four handbreadths wide, the concluding one, a tree that is not four handbreadths wide, but the basket completes the width to four handbreadths. [33B] And Rabbi takes the position of R. Meir and likewise of R. Judah. He concurs with R. Meir, who has said that we do regard the sides as though they were cut to complete the prescribed width. And he concurs with R. Judah, who has said that we require that the fictive fusion meal be located in a place that is four handbreadths wide, and that condition has not been met here."*

I.4

A. *Just what is the pertinent ruling of R. Judah?*

B. *It has been taught on Tannaite authority: R. Judah says, "If one stuck a pole in public domain and put his fusion meal on it, ten handbreadths high and four broad, his fictive fusion meal is valid, but if not [if the pole was less than four handbreadths in width, or ten in height], his fictive fusion meal is null."*

C. *But to the contrary, in the latter instance aren't he and his fictive fusion meal in the same domain?*

D. *Rather, this is the sense of his statement: "If it was ten handbreadths high, then the top has to be four broad; if it is not ten high, then it need not be four broad at the top."*

I.5 A. *In accord with whom [did Rabina maintain his view at 3.F]?*

B. *It is not in accord with R. Yosé b. R. Judah, for it has been taught on Tannaite authority: R. Yosé b. R. Judah says, "If one stuck a reed in public domain, with a basket on the top of it, and one tossed an object, which landed on it, he is liable [for the object is regarded as private domain]."*

C. *You may even say that [Rabina's view] accords with R. Yosé b. R. Judah; in that case [the basket on top of the reed], the sides of the basket surround the reed [and the sides then are assumed to descend to the ground, so the top of the reed is private domain], while here, with the basket attached to the side of the tree, the sides do not surround the tree. [Slotki: If the spot on which the meal rested were to be regarded as a private domain, two processes would have to be postulated; the tree is imagined to be cut away so as to make up with the basket the prescribed area of four handbreadths; and the sides of the basket descended to the ground; the assumption of two such processes would not be admissible according to Yosé b. R. Judah.]*

D. R. Jeremiah said, "The case of the basket is different, since one might incline it and without taking it off the tree lower the meal to within ten handbreadths of the ground [without carrying it from one domain to the other, and that is why the meal is valid even if one didn't actually do so (Slotki)]."

I.6

A. *In session R. Pappa stated this tradition. Objected Rab bar Sheba to R. Pappa, "What should he do? He sends it on the first day [to the point he wants], awaits nightfall for it, takes it, and goes along. And on the second day he awaits nightfall for it, then he eats it [M. 3:6J-L]. [34A] But why should this be the case? Why not say, since if he wanted, he could bring it to the required spot, it is as though he had actually brought it to that spot [just as we say with the meal in the basket, if he wanted to incline it, he could have done so, and it is as if he has done so]?"*

B. Said R. Zira, "It is a precautionary decree on account of a festival that coincided with a Sunday [so that one may not carry it even when a festival occurred on a Sunday]." [Slotki: In such

a case the meal, to be effective for the festival, must be carried to the required spot on the Sabbath eve; it cannot be taken there on the Sabbath. Without the rule that the meal must always be carried to the required spot, one might have wrongly thought that even in the case postulated, the carrying of the meal to the required spot would be unnecessary; and this would have had the result that the meal would be ineffective, since in this case carrying on the Sabbath was forbidden, so the principle, since it might be carried..., does not apply.]

C. *An objection was raised:* If one had the intention of spending the Sabbath in public domain and deposited his fictive fusion meal on a wall lower than ten handbreadths from the ground, the fictive meal is valid; if it was above ten handbreadths, it is not. If he intended to make his Sabbath abode on the top of a dove cote or on top of a turret, his fictive fusion meal is valid if it lay at a height above ten handbreadths from the ground; but if it was below ten handbreadths, it is null. *But why should this be the case? Why not say, since if he wanted, he could incline it downward and bring it within ten handbreadths?*

D. *Said R. Jeremiah, "Here we deal with a turret that is nailed to the wall."*

E. *Raba said, "You may even say it is a turret that is not nailed to the wall. But here we deal with a very tall turret, so that, if one inclines it a bit, it would project because of its size beyond the four cubits."*

F. *Well, how is it to be supposed? If the turret had a window and a cord, why not take the meal up through the window with the cord?*

G. *So there ain't no window and there ain't no cord.*

- II.1** A. **[If] he put it in a cistern, even if it was a hundred cubits deep, his fictive fusion meal is a valid fictive fusion meal:**
- B. *So where is this cistern located? Should I say that it is located in private domain? [34B] Then it's obvious that it's valid, since the private domain ascends to the firmament, and, just as it is imagined to rise up, so it is imagined to descend downward. But if it is in public domain, then where did*

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

- C. *The rule was necessary to cover the case of a cistern located in neglected public domain, and he intended to have his Sabbath abode above [in public domain], and it is in accord with the view of Rabbi, who has said, "Whatever is forbidden by reason of Sabbath rest is not subject to a prohibition at twilight" [so he had access to the food at twilight, which is just the moment at which the fusion meal serves to effect acquisition for the man of that spot as his resting place for the Sabbath (Abraham, Shabbat 8B)].*

3:3G-J

- G. **[If] he put the fictive fusion meal at the tip of a reed or at the tip of a stick,**
- H. **when it is uprooted and stuck [into the ground],**
- I. **even if it is a hundred cubits high,**
- J. **lo, this is a valid fictive fusion meal.** [The meal is located on a platform four handbreadths by four, attached to the top of a reed; it is a private domain, but not really so since the base on which it rests is narrower than the prescribed four handbreadths (Slotki).]

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

- B. *He said to him, "As a matter of fact, R. Ammi bar Hama has already pointed out to R. Hisda that same conflict, and he replied to him that indeed the prior paragraph is the view of Rabbi and the later one that of rabbis."*
- C. *Rabina said, "The entire passage represents the view of Rabbi. But the concluding rule results from a decree, lest one nip the reed" [Slotki: when removing the meal from it; that would be forbidden by the Torah and so would be forbidden at twilight; but that would not be involved with a tree, which is strong and wouldn't be broken off].*

I.2 A. *A platoon came to Nehardea. Said R. Nahman to them, "Go out into the marsh and prepare an embankment so that tomorrow we may go there and sit on it [for our lesson]."*

B. *R. Ammi bar Hama objected to R. Nahman, and some say, R. Uqba bar Abba to R. Nahman, "Only **when it is uprooted and stuck [into the ground]** that is the case, but if it is not **uprooted and stuck [into the ground]**, that is not the rule. [One may not use a growing reed, so how can Nahman allow the disciples to use a bench made of growing reeds (Slotki)?]"*

C. *He said to him, "In that case [of which our Mishnah paragraph speaks], it involves hardened reeds [which are like trees and may not be used on the Sabbath]."*

D. *"And on what basis do you maintain that we make a distinction between hardened and unhardened reeds?"*

E. *"It is in line with that which has been taught on Tannaite authority: **Reeds, thorns, and thistles are classified as trees and are not subject to the prohibition of mixed seeds in a vineyard [T. Kil. 3:15]**. And it has further been taught on Tannaite authority: **Reeds, cassia, and bulrushes are a species of herb and are subject to the prohibition of mixed seeds in a vineyard**. Now these two statements surely conflict! But the one speaks of hardened reeds, the latter, not hardened ones."*

F. *That is decisive.*

G. *But still, is cassia classified as an herb? Haven't we learned in the Mishnah: **They do not graft rue onto a white cassia, because these are [grafts of] a vegetable onto a tree [M. Kil. 1:8B]**?*

H. *Said R. Pappa, "Cassia and white cassia are distinct species."*

3:3K-L

- K. [If] he put it into a cupboard and lost the key, lo, this is nonetheless a valid fictive fusion meal.
- L. R. Eliezer says, “If he does not know that the key is where it belongs, it is not a valid fictive fusion meal.”

- I.1**
- A. *But why is it the fact that this is nonetheless a valid fictive fusion meal? The man is in one location, his fictive fusion meal is somewhere else [and he can't get at it]!*
 - B. *Both Rab and Samuel said, “Here we are dealing with a cupboard made out of bricks, and it represents the view of R. Meir, who has said, ‘To begin with one may make a hole in the structure in order to get something out of it.’ For we have learned in the Mishnah: A hut full of produce, [which was] blocked up, but which was damaged [so that one unexpectedly has access to the produce through the breach] —one takes [produce] through the breach [on a festival day]. R. Meir says, ‘Also: One may make a breach to begin with and remove produce’ [M. Bes. 4:3E-G].”*
 - C. *But didn't R. Nahman bar Ada say Samuel said, “[Meir refers to] a [wall formed of] a pile of bricks. [These have not been cemented together. The individual who removes several of them therefore does not engage in a prohibited act of tearing down]”? [Slotki: What proof is there that a breach may also be made at the outset in a cupboard, the bricks in the walls of which are firmly built up?]*
 - D. *Here, too, reference is made to a mere pile of bricks.*
 - E. *But lo, said R. Zira, “They said [what is cited in Meir's name, that one may remove bricks,] only in reference to a festival day, but on the Sabbath [one may] not [do this]. [Removing the bricks to get fruit on a festival day is an aspect of the preparation of food, a permitted activity. This does not apply on the Sabbath, when preparing food is prohibited.]”*
 - F. *Here, too, the fictive fusion meal is one that has been prepared for the festival day.*
 - G. *If that is so, then how come it has been stated as a Tannaite statement in this regard: R. Eliezer says, “If the key was lost in town, the fictive fusion meal is valid, but if it was lost in the field, it is not effective” [T. Er. 2:15B]? If it was on a festival, then what difference can it possibly make to me whether it was lost in the city or in the field [since someone can carry the key anyhow]?*

- H. **[35A]** *The formulation is flawed, and this is how it should read: [If] he put it into a cupboard and locked it, then lost the key, lo, this is nonetheless a valid fictive fusion meal.* Under what circumstances? On the festival. But on the Sabbath, his fictive fusion meal is not effective. If the key was found, whether in town or in the field, his fictive fusion meal is invalid. R. Eliezer says, “If it was in the city, his fictive fusion meal is valid, if it was in the field, his fictive fusion meal is invalid.”
- I. The fact that his fictive fusion meal is valid accords with the position of R. Simeon, who has said, “**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**].
- J. *The fact that his fictive fusion meal is invalid accords with rabbis [who reject his view].*

I.2 A. *[In response to the question, but why is it the fact that this is nonetheless a valid fictive fusion meal? The man is in one location, his fictive fusion meal is somewhere else and he can’t get at it], both Rabbah and R. Joseph say, “Here we deal with a turret made of wood, for the one authority maintains that it is classified as a utensil, to which the prohibition of building or destroying doesn’t apply [and that’s how we may get at the meal], and the other master [Eliezer] maintains that it is classified as a tent.”*

B. *And at issue between them is the same principle that is subject to dispute among the Tannaite authorities of the following passage that we have learned in the Mishnah: [If] he knocked against the door, against the doorpin, against the lock, against the rudder, and against the mill frame—and against a tree which is infirm, and against a branch which is infirm but on a solid tree—against an Egyptian ladder when it is not fastened with a nail—against the bridge, against the beam, and against the door when they are not held firm with clay—they are unclean. Against the chest, box, or cupboard—they are unclean. R. Nehemiah and R. Simeon declare clean in the case of these [M. **Zab. 4:3**]. Isn’t this the point of the dispute? The one master maintains it is a utensil, the other, it is a tent?*

C. *Said Abbaye, “Now do you think so? And hasn’t it been taught on Tannaite authority: If it was a tent that can be shaken, it is unclean; if it was a utensil that cannot be shaken, it is clean? And furthermore there is the latter Tannaite formulation: But if they were moved, they are unclean. This is the governing principle: If it was moved by the force of the person afflicted with flux uncleanness, it is unclean; if it was moved by the vibration of the object on which it rested, it remains clean [and the question of whether it is a tent or a utensil is irrelevant].”*

D. *Rather, said Abbaye, “All parties concur that if the movement is on account of the direct force of the unclean person, the object is unclean; if it was on account of the vibration, it is clean. Here what we are dealing with is vibration that is a secondary effect of the force of the unclean person, and what is at issue is, the one authority holds, that constitutes a valid motion that conveys uncleanness, and the other holds that it is not a valid motion that conveys uncleanness.”*

E. *And as to our Mishnah, how do we explain it?*

F. *Both Abbaye and Raba say, “We are dealing with a lock tied with a cord, which one needs a knife to cut. The first Tannaite concurs with the view of R. Yosé, who has said, ‘All utensils are handled, except for a large saw or plowshare’ [M. Shab. 17:4B], and R. Eliezer concurs with R. Nehemiah, who has said, ‘Even a cloak and a spoon may be moved only in case of need.’”*

3:4

- A. [If] it rolled outside the Sabbath limit,
- B. or [if] a heap of stones fell on it,
- C. or [if] it was burned,
- D. or [if it was] heave-offering and was made unclean
- E. while it was still day,
- F. it is not a valid fictive fusion meal.
- G. [If it happened] after nightfall, lo, this is a valid fictive fusion meal.
- H. If it is a matter of doubt,
- I. R. Meir and R. Judah say, “Lo, it is like the ass driver and camel driver.”
- J. R. Yosé and R. Simeon say, “A matter of doubt concerning a fictive fusion meal to unite courtyards into a single domain [= erub] is resolved in favor of fitness.”

- K. Said R. Yosé, “Abtulemos gave testimony in the name of five elders concerning a matter of doubt in regard to a fictive fusion meal to unite courtyards into a single domain [= erub], that it is resolved in favor of fitness.”

I.1 A. [If] it rolled outside the Sabbath limit:

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

II.1 A. Or [if] a heap of stones fell on it:

- B. *In the assumption that, if the man wanted, he could retrieve the meal [in a manner valid on the Sabbath], may we say that our Mishnah rule does not accord with Rabbi, for if the rule concurred with his position, we should have to ask, didn't he maintain that whatever is forbidden by reason of Sabbath rest is not subject to a prohibition at twilight? [Now the fictive meal is valid only if it is accessible at twilight; removing the stones at that time would be permitted by Rabbi; so the meal would have been effective in his view (Slotki).]*
- C. *You may even say that it accords with the position of Rabbi. The rule before us addresses a situation in which use of a hoe or pick axe would be required to get at the meal [and that is forbidden by the Torah and would not be permitted at twilight].*

II.2 A. *And both rulings are required. For had the Tannaite rule addressed only the case of the meal's rolling away, we might have thought that the operative consideration is that the meal is not near the man to whom it belonged, but where a heap fell on it, since it is still near the person, the meal remains valid. And if we had only the ruling about a heap of stones falling on the meal, then we might have supposed that the meal was null because it was covered over, but where the meal rolled away, since a wind might rise and carry it back, I might have thought that it remains valid. So both rulings are required.*

III.1 A. Or [if] it was burned, or [if it was] heave-offering and was made unclean while it was still day, it is not a valid fictive fusion meal:

- B. *What need was there for the Tannaite authority to make reference to [if] it was burned?*

- C. **[35B]** It is to let you know how far R. Yosé is prepared to go.
- D. *And how come the Tannaite authority made reference to [if it was] heave-offering and was made unclean while it was still day?*
- E. *It was to let you know how far R. Meir was prepared to go.*

- III.2** A. *But does R. Meir really maintain that where there is a matter of doubt, we adopt the strict ruling? But haven't we learned in the Mishnah: An immersion pool which was measured and found lacking [forty seahs] —all things requiring cleanness which were made depending on it — retroactively —whether in private domain or whether in public domain are unclean. Under what circumstances? With reference to a major uncleanness. But with reference to a minor uncleanness, for example, [if] (1) one ate [a half-loaf of] unclean foods, (2) drank [a quarter-qab of] unclean liquids, (3) one's head and the greater part of one's body came into drawn water, or (4) three logs of drawn water fell on one's head and the greater part of one's body and he went down to immerse —it is a matter of doubt whether he immersed or did not immerse —and even if he immersed, it is a matter of doubt whether there are forty seahs [of rainwater] in it or there are not [forty seahs] in it —two immersion pools, in one of which there are forty seahs, and in one of which there are not — one immersed in one of them and does not know in which one of them he immersed — his matter of doubt is deemed clean [B. adds: the words of R. Meir]. R. Yosé declares unclean. [For R. Yosé says, "Everything which is in the assumption of being unclean always remains in its unfitness until it will be known that it has been cleaned. But its matter of doubt, when it pertains to its becoming unclean and conveying uncleanness, is clean"]?*
- B. *R. Meir takes the view that the laws of the Sabbath limits [covered by our rule] derive from the Torah.*
 - C. *Yeah, well, does R. Meir take the view that the laws of the Sabbath limits [covered by our rule] derive from the Torah? And look at what we have learned in the Mishnah: [They measure only with a rope fifty cubits long, no less, no more. And one measures only [with the rope held] at a level with his heart. [If] one was measuring and reached a valley or a fence, he takes count only of the horizontal span and continues his measuring. [If] he came to a mountain, he takes account only of the horizontal span and continues his measuring. And this is on condition that he does not go*

outside the Sabbath limit.] If he cannot take account of the horizontal span, in this case, said R. Dosetai b. R. Yannai in the name of R. Meir, “I heard that they treat hills as though they were pierced” [M. Er. 5:4]! But if you take the view that the rules of Sabbath limits derive from the Torah, then one would have to ask, is the theory of piercing the mountain permitted in that case, since R. Nahman said Rabbah bar Abbuha said, “The method of piercing is not adopted when the measurements are made around cities of refuge or in connection with measuring for the rite of breaking the neck of a heifer in the case of the finding of a neglected corpse, because these rules derive from the Torah”?

- D. *No problem! The one position belongs to [Meir] himself, the other to his master. A close reading of the language of the passage shows that that is so, for the wording is: In this case, said R. Dosetai b. R. Yannai in the name of R. Meir, “I heard that they treat hills as though they were pierced”!*
- E. *That is decisive.*
- F. *But then there are contradictions between two rulings of R. Meir on the matter of laws that derive from the Torah. For we have learned in the Mishnah: [If] one touched someone at night, and it is not known whether he is alive or dead, and in the morning he arose and found him dead —R. Meir declares clean. And sages declare unclean, for all the unclean things [are adjudged] as at the time that they are found [M. Toh. 5:7H-K]. [The laws of uncleanness derive from the Torah but Meir takes the lenient position, so why take the strict one in our Mishnah rule?]*
- G. Said R. Jeremiah, “Our Mishnah rule refers to heave-offering on which a dead creeping thing lay through the whole twilight [on the eve of the Sabbath, so the food was unclean prior to the Sabbath].”
- H. *If so, then would R. Yosé have taken the position, a matter of doubt in regard to a fictive fusion meal to unite courtyards into a single domain is resolved in favor of fitness?*
- I. *Both Rabbah and R. Joseph said, “Here we deal with a case in which there are two sets of witnesses, one of which testifies that the food was made unclean while it was still daylight, the other, after dark.”*
- J. [36A] *Raba said, “In that case [where the corpse was touched], we have two distinct presumptions in favor of a lenient ruling [the person may have been alive, the man may have been clean], but here, there is only one presumption in favor of a lenient ruling [we assume the heave-offering had been clean].”*

- K. *Aren't then contradictions between two rulings assigned to R. Yosé [since in the passage on the immersion pool he is strict in declaring the man unclean, even in a matter of doubt about uncleanness defined by rabbis, but in our Mishnah paragraph he is lenient in validating the meal]?*
- L. *Said R. Huna bar Hinena, "The matter of uncleanness is exceptional, since its basic point of origin is the Torah."*
- M. *Well, certainly the basic principle of the Sabbath also derives from the Torah!*
- N. *True enough, but R. Yosé takes the position that the restrictions regarding Sabbath limits derive from the rabbis. Or, if you prefer, I shall say, the one represents his position, the other, his master's, since a close reading of the wording of the Tannaite formulation yields that point: **Abtulemos gave testimony in the name of five elders concerning a matter of doubt in regard to a fictive fusion meal to unite courtyards into a single domain [= erub], that it is resolved in favor of fitness.***
- O. *That settles it.*
- P. *Raba said, "In that case [where the corpse was touched], this is the operative consideration behind the ruling of R. Yosé: Confirm the status of the unclean person as it is assumed to be, and say that he never immersed."*
- Q. *To the contrary, confirm the status of the immersion pool as it is presumed to be, and say, the immersion pool was never lacking the requisite volume of water.*
- R. *It was the case of an immersion pool that had not been measured beforehand, for it was taught on Tannaite authority: **Under what conditions did R. Yosé say, "A fictive fusion meal the status of which is subject to doubt is valid"?** That is a case in which he made the fictive fusion meal with food in the status of heave-offering, and it is a matter of doubt whether it contracted uncleanness while it was still day or whether it contracted uncleanness after dark; and so in the case of a meal made up of produce, and it is a matter of doubt whether it was still day when they were properly prepared as to the designation of tithes, or whether it was after dark that that took place—that is a case in which a matter of doubt affecting a fictive fusion meal is resolved as clean. But if one made a fictive fusion meal with heave-offering, and it is a matter of doubt whether it is clean or unclean, or if one*

had produce, and it was a matter of doubt whether or not the necessary tithes had been designated, this is not a matter of doubt in connection with a fictive fusion meal that would be resolved in favor of validity [T. Er. 2:16].

S. *What differentiates food in the status of heave-offering [in which instance Yosé maintains the meal is effective if it is a matter of doubt whether it contracted uncleanness or was tithed prior to or after twilight?] In that case he has said, "Confirm the status of heave-offering as it had been presumed to have been"? But then the same is to be said in connection with produce: Confirm produce that is liable to tithing but not yet tithed in the assumption that pertains to it and say that it has not yet been properly prepared for eating!*

T. *Well, don't read the rule in the wording, and it is a matter of doubt whether it was still day when they were properly prepared as to the designation of tithes, but rather, say, it is a matter of doubt whether it was still daylight when the produce acquired its status as doubtfully tithed, or whether it was after dark that the produce entered that status.*

III.3 A. R. Samuel bar R. Isaac asked R. Huna, "If before a person there were two loaves of bread, one unclean and one clean, and he said, 'Prepare for me a fictive fusion meal with the clean one wherever it happens to be located' ['and that will designate my Sabbath resting place,' and both loaves were used for that purpose in the correct place, but he doesn't know which is which], what is the rule? *Address the question to both R. Meir and R. Yosé. You may address the question to R. Meir, for R. Meir takes the position that he does in that case only because there is no food that is assuredly clean heave-offering, but in this case, one of the two loaves is known to be clean [so the basis for the strict ruling of Meir may not pertain]. And address the question also to R. Yosé, for perhaps even R. Yosé takes the position that he does only there, where, if it were the fact that the heave-offering was clean, the man knows where to look for it [and can eat it, so we disregard the*

uncleanness and assume it is clean], but here, by contrast, he doesn't even know where to look for it, so he can't eat either of the loaves and the meal is null]."

B. He said to him, "Both from the perspective of R. Yosé and from the perspective of R. Meir, we require a meal that is suitable to be eaten while it is still day, and that condition has not been met."

- III.4** A. Raba asked R. Nahman, "If someone said, 'This loaf of bread today will be secular but tomorrow will be holy,' and he said, 'Make a fictive fusion meal for me with this,' what is the law?"
- B. He said to him, "His fictive fusion meal is valid."
- C. "'Today it is holy and tomorrow secular,' and he said, 'Make a fictive fusion meal for me with this,' what is the law?"
- D. He said to him, "His fictive fusion meal is invalid."
- E. *"So what's the difference?"*
- F. *He said to him, "When you've measured a kor of salt for me, [I'll tell you]. If he said, "This loaf of bread today will be secular but tomorrow will be holy,' on account of doubt [at twilight as to the status of the object], sanctity does not affect the object. But if he said, 'Today it is holy and tomorrow secular,' on account of doubt, the status of sanctity is not removed from the bread."*

III.5 A. *There we have learned in the Mishnah: A flagon which is in the status of that which had been immersed on the selfsame day and which had been filled from a jar containing [first] tithe which was yet untithed —if he said, "Lo, this will be heave-offering of tithe once it gets dark," lo, this is heave-offering of tithe. If he said, "Lo, this is a fictive fusion meal," he has said nothing [M. T.Y. 4:4A-D].*

B. Said Raba, "This is to say, it is at the end of the day [Friday, at twilight] that the status of a fictive fusion meal takes effect. **[36B]** *For if you maintain that it is at the beginning of the Sabbath that the status of a fictive fusion meal takes effect, then, if he said, 'Lo, this is a fictive fusion meal,' why is it the fact that he has said nothing?"*

C. *Said R. Pappa, "You may even maintain that it is at the beginning of the Sabbath that the status of a fictive fusion meal takes effect, still,*

we require that it be a meal that is suitable for eating while it is still day [Friday], and that condition has not been met.”

3:5

- A. A man stipulates concerning his fictive fusion meal and says, “If gentiles come from the east, my fictive fusion meal is at the west.
- B. “[If they come] from the west, my fictive fusion meal is at the east.
- C. “If they come from both directions, then to the place which I shall choose shall I go.
- D. “If they come from neither side, lo, I am in the status of the other people of my town.
- E. “If a sage comes from the east, my fictive fusion meal is at the east.
- F. “If he comes from the west, my fictive fusion meal to mark my Sabbath resting place [fictive fusion meal] is at the west.
- G. “If one comes from both directions, then to the place which I shall choose I shall go.
- H. “If he comes from neither side, lo, I am in the status of the other people of my town.”
- I. R. Judah says, “If one of them was his master, he goes to his master. If both of them were his masters, to the place which he shall choose he goes.”

I.1 A. *When R. Isaac came, he repeated the entire Mishnah paragraph in the opposite order [with the sage at A-D, the gentiles at E-H, so that one wanted to run from the sage and come toward the gentiles]. But then the two statements on the gentiles contradict one another and the two statements on the sage contradict each other.*

- B. *There would not be a contradiction between the two statements on gentiles, the one speaking of tax collectors [whom one flees], the other, townsfolk, whom one wants to conciliate. There’s no contradiction between the two statements concerning the sage, one speaks of a sage who gives a public lecture [whom people run to hear], the other, a sage who teaches children [who is a bore].*

II.1 A. R. Judah says, “If one of them was his master, he goes to his master. If both of them were his masters, to the place which he shall choose he goes”:

B. *And rabbis?* [Slotki: Why do they allow him to choose even where one of the sages was his personal teacher?]

C. *Sometimes he may prefer to meet his colleague more than his master.*

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

B. *How come he can’t say, “If one came from this direction and one came from that direction....”?* *Because we do not affirm the principle of retroactive clarification of the facts* [because the choice the man made between the two sages on the following day may not have been his choice at twilight on Friday, at the point at which the fictive fusion meal took effect (Slotki)]. *But then we should invoke the same consideration if the language was, if one came from the east or from the west!*

C. *Said R. Yohanan, “Our Mishnah paragraph speaks of a case in which the sage had already come” [within the Sabbath limit by twilight, though the man didn’t know. The meal was validated by an event that had happened, though the one who made the stipulation didn’t know that fact, so the meal is valid; the subsequent clarification of the facts didn’t validate the meal, the facts themselves did. The issue of retrospective clarification of the facts is not in play here].*

D. *To the contrary, what Ayyo has said cannot be sustained by what was taught in our Mishnah [why bother to read the Mishnah rule in such a way as to uphold an external Tannaite statement]?*

E. *Perish the thought! For we have it as a tradition concerning R. Judah that he does not accept the principle of the retrospective clarification of the facts of the matter, as has been stated on Tannaite authority: **He who purchases wine among the Samaritans [in a situation in which he cannot presently separate tithes but wishes to drink the wine,] [37A] says, “Two logs [out of one hundred] which I shall separate, behold, these are [made] heave-offering, and [the following] ten [logs are made first] tithe, and [the***

following] nine [logs are made] second tithe.” He regards [the wine] as unconsecrated produce, and drinks it [M. Dem. 7:4],” [T. Dem. 8:5:] the words of R. Meir. But R. Judah, R. Yosé, and R. Simeon prohibit this procedure [Kirzner to *Baba Qamma* 69B: maintaining that retrospective designation is not acceptable; they maintain no retrospective designation that would make the wine drunk unconsecrated and that which remained would be the part that was originally consecrated, and this shows that Judah does not hold the principle of retrospective clarification of the facts of the matter, thus necessitating the transposition of the cited passage].

- F. *Ulla said, “On the strength of our Mishnah paragraph what Ayyo has said is null.”*
- G. *Then what about the Tannaite statement, But R. Judah, R. Yosé, and R. Simeon prohibit this procedure?*
- H. *Ulla repeated the Tannaite authorities two by two: “The words of R. Meir and R. Judah, but R. Yosé and R. Simeon prohibit this procedure.”*
- I. *And is it the fact concerning R. Yosé that he does not accept the principle of the retrospective clarification of the facts of the matter? And haven’t we learned in the Mishnah: R. Yosé says, “Two women who purchased their pairs of birds in partnership, or who paid over the money for their pairs of birds to a priest —for whichever one the priest wants should he offer one as a sin-offering, and for whichever one he wants he offers one as a burnt-offering —whether [the birds had to be brought because of] one class or two classes” [M. Qin. 1:4L]? [So the status of the birds is settled retrospectively.]*
- J. *Said Rabbah, “In that case, it is where the women originally made a stipulation to that effect.”*
- K. *If so, then what’s the point of making such an obvious statement anyhow?*
- L. *So we are informed of matters in accord with the position of R. Hisda, for said R. Hisda, “Bird-offerings cannot be designated [as either burnt-or sin-offerings, respectively,] [37B] except at the moment that they are purchased by the owner or at the moment at which the priest prepares them at the altar.”*
- M. *And still, is it the fact concerning R. Yosé that he does not accept the principle of the retrospective clarification of the facts of the matter? And haven’t we learned on Tannaite authority: An unobservant person who said to an associate [an observant person who is going to the market], “Buy for me a bunch of vegetables,” or, “Buy for me a white bread” —“The observant person*

does not have to designate tithes,” the words of R. Yosé. And sages say, “He has to designate the tithes.” [Slotki: since no mention was made at the time of the purchase as to which bundle or loaf was for the one and which for the other, every part of the purchase is regarded as that of the observant person, and what he gives to the outsider is regarded as a partial sale of his own purchase; but he may not hand over any doubtfully tithed produce but has to tithe it. Since Yosé says he doesn’t have to tithe it, he takes the view that the rule of retrospective clarification of the facts holds, so that when the outsider selects, that is a retrospective choice; so he surely does affirm the principle at hand.]

- N. *Reverse the attributions.*
- O. *Come and take note: If someone said, “Let the produce in the status of second tithe that I have in my house be redeemed with this sela-coin that happens to come up from my purse into my hand,” R. Yosé says, “The produce is redeemed” [T. M.S. 4:12A-C].*
- P. *Reverse the attributions: R. Yosé says, “The produce is not redeemed.”*
- Q. *So why reverse two formulations for the sake of the one before us, why not reverse the one for the sake of the two?*
- R. *Because as a matter of fact, the Tannaite formulation cited last has been given in reversed form, since it goes on to say, R. Yosé concedes that if the man said, “The second tithe that I have in my house will be redeemed with the new sela that happens to come up from my purse into my hand,” the tithe is redeemed [T. 4:12E]. Since he used the language here, “It is redeemed,” it follows that in the prior instance what he said was, “It is not redeemed.”*
- S. *And what’s the character of this new sela? If there were two or three others ones in the purse, so that there is the possibility of a retrospective clarification of the facts, then this case is no different from the first, and if there was only one such coin, what’s the point of the language, “that happens to come up”?*
- T. *Since the formulation, “that happens to come up,” was used in the opening clause, it was repeated here as well: “that happens to come up.”*

II.3 A. Said Raba to R. Nahman, “Who is the Tannaite authority who holds that, even in a law that derives from the authority of rabbis, we do not admit the possibility of retrospective clarification of the facts of the matter? For it has been taught on Tannaite authority: If someone

said to five people, 'Lo, I am preparing a fictive fusion meal for any one of you whom I choose, so that, if I want, he may go, and if I don't want, he may not go,' the fictive fusion meal takes effect if he made up his mind while it was still day, but if he made his decision after dark, the meal is null."

B. *He shut up and said not a word.*

C. *So why didn't he state to him what Ayyo's household taught as a Tannaite statement?*

D. *He'd never heard it.*

E. *R. Joseph said, "So are you pulling Tannaite authorities out of general circulation? It is a dispute among Tannaite authorities, as has been taught on Tannaite authority: If someone said, 'Lo, I am preparing a fictive fusion meal for every Sabbath of the year, so that, whenever I want, I may go, and whenever I don't want, I may not go,' the fictive fusion meal takes effect if he made up his mind while it was still day, but if he made his decision after dark —R. Simeon says, 'His fictive fusion meal is valid,' and sages say, 'His fictive fusion meal is not valid.'" Well, as a matter of fact, we have heard the tradition that R. Simeon rejects the principle of retrospective clarification of the facts, so that there is a contradiction between statements of R. Simeon. So reverse the attributions. But what's the problem? Perhaps where R. Simeon rejects the principle of retrospective clarification of the facts, that concerns a matter that pertains to the rules of the Torah, but as to a matter that pertains to a rule on rabbinical authority, he takes that position!"*

F. *He takes the view that one who affirms the principle of retrospective clarification of the facts does so in every instance and draws no distinction between rules based on the authority of the Torah and those based on the authority of rabbis, and one who does not take that view does not maintain it in any instance, whether the law derives from the Torah or the authority of rabbis.*

G. *Raba said, "As to the case concerning wine bought from Samaritans, that is exceptional, since we require that the tithes derive from first fruits, so that what remains will be distinct from it [and Simeon prohibits this procedure because the dues remain mixed with the remainder until later on, so that is the operative consideration]."*

H. *Said to him Abbayye, “Well, what about this case: If before someone were two pomegranates that were liable for tithing but untithed, and he said, ‘If it rains today, this one will be heave-offering for that one, and if it doesn’t rain today, that one will be heave-offering for this one,’ would the rule be the same here, that is, whether it rained that day or didn’t rain, would his statement be null?* [Slotki: At the time the heave-offering was designated, the one pomegranate that was to be heave-offering was not distinguishable from the other, which was to be the remainder of the crop, available for common use.] *And should you say that that is indeed the fact, then, haven’t we learned in the Mishnah: One who says, ‘The heave-offering of this heap is within it,’ or, ‘Its tithes are within it, [or] ‘Its heave-offering of the tithe is within it’ — R. Simeon says, ‘He has [validly] designated [these agricultural gifts]’ [M. Ter. 3:5 A-C]?”*

I. *That case is exceptional, since the remainder of the produce is located around the priestly dues. [The dues and remainder are distinguishable in the main.] Or if you prefer, I shall say that it is in accord with the consideration formulated as a Tannaite rule: They said to R. Meir, “Don’t you concur, that the skin might burst, and it will turn out that the man will have been drinking drink in the status of liable but untithed produce?” And he said to them, “When it will have burst [you may raise that issue].”*

J. *Along the lines of our premise, stated earlier, that we require that the tithes derive from first fruits, so that what remains will be distinct from it, what could they have meant [in asking about the bursting of the skins]?*

K. *This is what they meant to say: In accord with our position, we require that the priestly and levitical-offerings be first fruit, so that the remainder is distinguishable from the produce that is designated, but even within your premises, [38A] don’t you concur that it’s possible that the skin will burst and one will turn out retrospectively to have been drinking wine that is liable to tithes but not yet tithed? And he said to them, “When it will have burst [you may raise that issue].”*

3:6

- A. R. Eliezer says, “In connection with a festival day adjacent to the Sabbath, whether before or after it, a man prepares two fictive fusion meals to unite courtyards into a single domain [= erub] and says,
- B. “‘My fictive fusion meal [= erub] for the first day is at the east, and for the second it is at the west.’
- C. “‘For the first it is at the west and for the second it is at the east.’
- D. “‘My fictive fusion meal to mark my Sabbath resting place [= erub] is for the first day, and the second leaves me in the status of the others who dwell in my town.’
- E. “‘My fictive fusion meal to mark my Sabbath resting place [= erub] is for the second day, and the first leaves me in the status of the others who dwell in my town.’”
- F. And sages say, “He makes a fictive fusion meal to unite courtyards into a single Sabbath [= erub] for a single direction.
- G. “Or he does not make a fictive fusion meal to unite courtyards into a single Sabbath [= erub] at all [vs. B, C].
- H. “He either makes a fictive fusion meal to unite courtyards into a single Sabbath [= erub] for both days,
- I. “or he does not make a fictive fusion meal to unite courtyards into a single Sabbath [= erub] at all [vs. D, E].
- J. “What should he do?
- K. “He sends it on the first day [to the point he wants], awaits nightfall for it, takes it, and goes along.
- L. “And on the second day he awaits nightfall for it, then he eats it.
- M. “He turns out to profit from his journeying and to profit from his erub.
- N. “[If] it was eaten on the first day, his fictive fusion meal to mark his Sabbath resting place [= erub] is for the first day, and it is not a fictive fusion meal to unite courtyards into a single domain [= erub] for the second day.”
- O. Said to them R. Eliezer, “You concede to me then that they are two [distinct periods of] sanctification.”

- I.1** A. [And sages say, “He makes a fictive fusion meal to unite courtyards into a single Sabbath [= erub] for a single direction. Or he does not make a

fictive fusion meal to unite courtyards into a single Sabbath]: *What would this purport? It is surely with reference to for both days. And as to the reference to for both days, what would this purport? It surely is with reference to, for a single direction. So isn't that the same as the former clause?*

- B. *This is the sense of what rabbis wanted to say to R. Eliezer: "Don't you concur that people may not make a fictive fusion meal for one day in which half of the meal was to serve for the northerly direction and the other for the southerly?"*
- C. He said to them, "True enough."
- D. They said to him, "Just as one may not make a fictive fusion meal on the same day so that half of it served for the southerly direction and half of it for the northerly, so people may not make a fictive fusion meal to cover two days, with the meal for one day to serve for the easterly direction and the other for the westerly direction."
- E. And R. Eliezer?
- F. *In the one case, we are dealing with a single span of sanctification, but in the other, we are dealing with two spans of sanctification.*
- G. Said to them R. Eliezer, "Don't you concede that if he made a fictive fusion meal by walking to the spot and by his presence there at twilight acquiring it as his Sabbath abode on the first day at the evening, he must also do the same on the second day. If his fictive fusion meal turns out to have been eaten on the first day, he does not fulfill his obligation with it on the second day?"
- H. They said to him, "True enough."
- I. He said to them, "Then the two days must constitute two distinct spells of sanctification."
- J. And rabbis?
- K. *They really were not certain of the matter [of whether a Sabbath and festival are a single protracted span of sanctification or two distinct spans], and here they imposed a strict rule, and there as well they imposed a strict rule.*
- L. They said to R. Eliezer, "Don't you concede that they don't to begin with prepare a fictive fusion meal on the festival day for the Sabbath?"
- M. He said to them, "True enough."
- N. "So then don't the two days constitute a single protracted span of sanctification?"

- O. And R. Eliezer?
- P. *The operative consideration there is on account of not preparing on the festival day what is required for the Sabbath.*

I.2

- A. *Our rabbis have taught on Tannaite authority:*
- B. “If he made the equivalent of a fictive fusion meal by walking to the spot and by his presence there at twilight acquiring it as his Sabbath abode on the first day at the evening, he must also do the same on the second day. If his fictive fusion meal turns out to have been eaten on the first day, he does not fulfill his obligation with it on the second day,” the words of Rabbi.
- C. R. Judah says, [38B] “Lo, it is the case of an ass driver and a camel driver.” [Slotki: It is uncertain whether the two days are to be regarded as one entity of holiness or two; in the former case the meal for the first day is also effective for the second, and the man is consequently forbidden to walk the two thousand cubits from the town in the opposite direction of the meal, though he would be allowed four thousand cubits from the town in the direction of the meal, which is his abode for the day and from which point he is entitled to walk two thousand cubits in all directions. In the latter case the meal for the first day is not effective for the second, and the man is consequently forbidden on that day to walk more than two thousand cubits from the town in the direction of the meal, though, since the town is his abode, he would be permitted to walk the two thousand cubits from the town in the opposite direction of the meal. Owing to the uncertainty both restrictions are imposed, and the man may walk only the two thousand cubits between the town and his meal.]
- D. Rabban Simeon b. Gamaliel and R. Ishmael b. R. Yohanan b. Beroqah say, “If he made the equivalent of a fictive fusion meal by walking to the spot and by his presence there at twilight acquiring it as his Sabbath abode on the first day at the evening, he does not have to do the same on the second day. If his fictive fusion meal turns out to have been eaten on the first day, he does not fulfill his obligation with it on the second day.”

I.3

A. *Said Rab, “The decided law is in accord with these four elders in regard to the position of R. Eliezer, who has said, ‘They are two distinct spells of sanctification.’ And who are the four elders? They are Rabban Simeon b. Gamaliel, R. Ishmael b. R. Yohanan b. Beroqah, R. Eleazar b. R. Simeon, and R. Yosé b. R. Judah, represented without attribution, or, there are those who say, one of them is R. Eleazar, and*

the allegation, R. Yosé b. R. Judah, represented without attribution is to be deleted.”

B. But lo, as to Rabban Simeon b. Gamaliel and R. Ishmael b. R. Yohanan b. Beroqah, we have heard the opposite opinion in their names!

C. So reverse it.

D. If so, then it's the same thing that Rabbi says.

E. Yeah, so say, and so said Rabban Simeon b. Gamaliel and R. Ishmael b. R. Yohanan b. Beroqah.

F. So why not include Rabbi in the reckoning of those who concur?

G. Rabbi repeated the statement as a Tannaite formulation but he himself did not concur with it.

H. So maybe the rabbis, too, repeated the statement as a Tannaite formulation but he himself did not concur with it?

I. Rab learned the statement as a formulated tradition.

I.4

A. When R. Huna died, R. Hisda went to the academy and contrasted two statements that Rab had made: “Did Rab really say, ‘The decided law is in accord with these four elders in regard to the position of R. Eliezer who has said, “They are two distinct spells of sanctification”’? It has been stated—as to the Sabbath and the festival day that are successive, Rab said, ‘An egg laid on one of those days is forbidden for use on the other’ [so he holds they are two distinct spells of sanctification]!”

B. Said Rabbah, “The operative consideration there is on account of not preparing on the festival day what is required for the Sabbath. For it has been taught on Tannaite authority: ‘And it shall come to pass on the sixth day that they shall prepare’ (Exo. 16: 5) —on an ordinary day one prepares for the Sabbath, and on an ordinary day one prepares for a festival, but on a festival one does not prepare for the Sabbath, and on the Sabbath one does not prepare for a festival.”

*C. Said to him Abbaye, “Well, then, what about what we’ve learned in the Mishnah: **What should he do? He sends it on the first day [to the point he wants], awaits nightfall for it, takes it, and goes along. And on the second day he awaits nightfall for it, then he***

eats it. *Isn't this a case of preparing on the festival day for the Sabbath?"*

D. *Said to him Rabbah, "Do you suppose that that is at the conclusion of the [festival] day that precede the Sabbath for which the meal is prepared at which the meal acquires its validity? It is at the outset of the day for which the meal is required, that is, the Sabbath itself, and on the Sabbath one may under certain conditions make preparations for the Sabbath itself."*

E. *If that is the case, then, in the case cited earlier [A flagon which is in the status of that which had been immersed on the selfsame day and which had been filled from a jar containing [first] tithe which was yet untithed —if he said, "Lo, this will be heave-offering of tithe once it gets dark," lo, this is heave-offering of tithe. If he said, "Lo, this is a fictive fusion meal," he has said nothing (M. T.Y. 4:4A-D)], one should be able to prepare the fictive fusion meal with the flask! [Slotki: The reason for the inability of the meal given there was that before the Sabbath begins it consisted of food that was subject to tithing but not tithed; but if a fictive fusion meal doesn't take effect before the Sabbath actually begins, then since at the moment that the Sabbath began, the meal consisting of the flagon was no longer untithed, the meal should be valid.]*

F. *But we require a meal that is suitable for eating while it is still day, and that condition has not been met.*

G. *Well, what about what we have learned in the Mishnah: R. Eliezer says, "In connection with a festival day adjacent to the Sabbath, whether before or after it, a man prepares two fictive fusion meals to unite courtyards into a single domain [= erub]..."? But we require a meal that is suitable for eating while it is still day, and that condition has not been met! [Slotki: Since the effectiveness of the fusion meal for the first day prevents the man for whom it was prepared from walking a single step in the opposite direction of the town, in consequence of which he is unable, while it is yet day, to gain access to his second meal.]*

H. *But do you really suppose that he put down one fictive fusion meal at the end of two thousand cubits in one direction, and the other at two thousand cubits in the opposite direction? Not at all. One meal was*

put down at the termination of one thousand cubits in one direction, and the other at the end of one thousand cubits in the opposite direction [Slotki: so that either meal is within two thousand cubits' distance from the other, and the man can get to either of the meals that he needs].

I. *Well, then, what about what R. Judah said, "If he made a fictive fusion meal by walking to the spot and by his presence there at twilight acquiring it as his Sabbath abode on the first day at the evening, he must also do the same on the second day. If he made a fictive fusion meal by using bread on the first day, he must do the same on the second day"? Now lo, what he's doing is preparing on the festival day for the Sabbath!*

J. *He said to him, "Do you really think that he has to go there and say something? He goes there and remains silent and takes his seat."*

K. *In accord with whose opinion is that position [that no oral statement has to be made in this regard]? It is in accord with R. Yohanan b. Nuri, who has said, "Objects that are ownerless acquire the spot where they are located at the moment that the Sabbath or festival day commences."*

L. *You may even say that it is in accord with rabbis. Rabbis differ from R. Yohanan b. Nuri only in a case in which someone is asleep, in which instance he can't possibly make any statement anyhow, but if he is awake and could make such a statement if he wanted to, then he is assumed to have made the statement even though he actually didn't do so."*

M. *Said Rabbah bar R. Hanin to Abbaye, "If the master had had that which has been taught on Tannaite authority, namely, 'One should not walk to the end of his field to know what it requires, along these same lines, [39A] someone should not walk around the gate of the city to enter a bathhouse as soon as the holy day ends,' he would have retracted his position."*

N. *But that is not the case: He did hear that statement but did not retract. The reason is that in that case, the motive for one's doing so is obvious, but here it is not all that obvious. For if one was a neophyte rabbi, people would say that he was reflecting on his studies, and if he was an outsider, people might suppose he'd lost his ass.*

- I.5** A. *Reverting to the body of the foregoing:* R. Judah said, “If he made a fictive fusion meal by walking to the spot and by his presence there at twilight acquiring it as his Sabbath abode on the first day at the evening, he must also do the same on the second day. If he made a fictive fusion meal by using bread on the first day, he must do the same on the second day” –
- B. if he made the fictive fusion meal with a piece of bread for the first day, he makes a fictive fusion meal by walking to the spot and by his presence there at twilight acquiring it as his Sabbath abode on the second day. If he made the fictive fusion meal on the first day a fictive fusion meal by walking to the spot and by his presence there at twilight acquiring it as his Sabbath abode, he may not do so with bread on the second day, for people are not to make a fictive fusion meal to begin with with bread.
- C. If he made a fictive fusion meal with bread on the first day, he does the same on the second day.
- D. Said Samuel, “It has to be with that same piece of bread.”
- E. *Said R. Ashi, “A close reading of the passage will yield the same result, for what we find is this language:*
What should he do? He sends it on the first day [to the point he wants], awaits nightfall for it, takes it, and goes along. And on the second day he awaits nightfall for it, then he eats it.”
- F. *And rabbis?*
- G. *Maybe the intent in that passage is just to inform us of some good advice.*

3:7

- A. R. Judah says, “As to a New Year at which one suspected [the month] might be intercalated [so that the New Year would be observed on the thirtieth of Elul and on the first of Tishré],
- B. “a man prepares two fictive fusion meals to unite courtyards into a single domain [= fictive fusion meals to unite courtyards into a single domain = erubs] and says,

- C. “My fictive fusion meal to mark my Sabbath resting place [=erub] for the first day is at the east, and for the second is at the west.’
- D. “My fictive fusion meal to mark my Sabbath resting place [=erub] for the first day is at the west, and for the second is at the east.’
- E. “My fictive fusion meal to mark my Sabbath resting place [=erub] is for the first day, and for the second, I am in the status of the other people who dwell in my town.’
- F. “My fictive fusion meal to mark my Sabbath resting place [=erub] is for the second day, and for the first, I am in the status of the other people who dwell in my town.”
- G. But sages did not concur with him.

3:8

- A. And further did R. Judah say, “A man stipulates [on the New Year] about a basket of produce on the first day of a festival and eats it on the second.
- B. “And so, too, an egg born on the first day of the festival [of the New Year] may be eaten on the second.”
- C. But sages did not concur with him.

3:9

- A. R. Dosa b. Harkinas says, “He who goes before the ark on the first day of the New Year says,
- B. “Give us strength, Lord our God, on this first day of the month,
- C. “whether it is today or tomorrow.’
- D. “On the next day he says, ‘If it is today or yesterday.”
- E. And sages did not concur with him.

I.1

- A. But sages did not concur with him:
- B. *Who are the ones who did not concur with him?*
- C. *Said Rab, “It is R. Yosé, for it has been taught on Tannaite authority:*
- D. “Sages concur with R. Eliezer that if, on the eve of the New Year, one suspects that the prior month of Elul might be intercalated, he prepares two erub meals and makes this declaration: ‘My fictive fusion meal to mark my Sabbath resting place [=erub] for the first day is at the east, and for the second is at the west. My fictive fusion meal to mark my Sabbath resting place [=erub] for the first day is at the west, and for the second is at the east. My

fictive fusion meal to mark my Sabbath resting place [= erub] is for the first day, and for the second, I am in the status of the other people who dwell in my town. My fictive fusion meal to mark my Sabbath resting place [= erub] is for the second day, and for the first, I am in the status of the other people who dwell in my town.'

- E. "R. Yosé forbids doing so.
- F. "Said to them R. Yosé, 'Don't you agree that if witnesses to the appearance of the new moon and the advent of the month of Tishri were to come from twilight onward, both that day and the next day are treated as holy?'"
- G. **[39B]** And rabbis?
- H. *Sure, but there's a particular reason in play, which is, so that people won't treat the thirtieth of Elul with disrespect.* [Slotki: It's not in fact holy, but if witnesses were to come and the day was not treated as holy, the public on the next occasion might regard the entire day with equal disrespect and work all that day as if it had been one of the ordinary working days. That would result in the actual desecration of a holy day where the witnesses happened to come before noon, and that day and the next had been declared as the one and only day of the New Year festival. To avoid that, the practice is as described.]

II.1 A. **And further did R. Judah say, "A man stipulates [on the New Year] about a basket of produce on the first day of a festival and eats it on the second. And so, too, an egg born on the first day of the festival [of the New Year] may be eaten on the second." But sages did not concur with him:**

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

fruit or drink the juice that exuded that day and end up squeezing the fruit], I might have supposed that he concurs with rabbis. So all three items had to be made explicit.

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

- B. In what manner did R. Judah say, “**A man stipulates [on the New Year] about a basket of produce on the first day of a festival and eats it on the second**”? If before him were two baskets of produce liable to tithing but not yet tithed, he says, “If today is secular but tomorrow holy, then let this basket be heave-offering in behalf of that, and if today is holy and tomorrow secular, what I have said is null.” Then he makes his designation and puts it aside. Then the next day he says, “If today is secular, let this be heave-offering for that, and if today is holy, what I have said is null,” and he makes his designation and eats the produce.
- C. R. Yosé forbids this procedure.
- D. And so, too, did R. Yosé prohibit doing the same in respect to the two festival days observed in the exilic communities [on occasions beside the New Year].

II.3 A. *There was a stag that was brought to the household of the exilarch, which was trapped on the first day of the festival and slaughtered on the second day of the festival as it was observed in the exile. R. Nahman and R. Hisda ate it, R. Sheshet didn't. Said R. Nahman, “What can I do to R. Sheshet for not eating the meat of the stag?”*

B. *Said to him R. Sheshet, “So how am I supposed to eat it, since Issi taught as a Tannaite statement, and some say, Assi taught as a Tannaite statement, ‘And so, too, did R. Yosé prohibit doing the same in respect to the two festival days observed in the exilic communities [on occasions beside the New Year].’”*

C. *Said Raba, “But what's the problem? Maybe this is the sense of the statement: And so, too, did R. Yosé prohibit doing the same in respect to the two festival days of the New Year in the exile.”*

D. *If so, then the language that should be used is, “...in the exile rather than of the exile.”*

E. *Said R. Assi, “So what's the problem? Maybe this is the sense of his statement: And so did R. Yosé treat the prohibition on any two festival days of the exile as did rabbis on the two festival days of the New Year, on which they permit doing so [so Yosé, too, permitted the procedure].”*

F. *R. Sheshet met Rabbah bar Samuel. He said to him, “Has the master learned to repeat as a Tannaite statement anything with respect to multiple spells of sanctity in festivals?”*

G. *He said to him, “I have learned the following Tannaite formulation: R. Yosé concedes the rule in respect to the two festival days celebrated in the exile.”*

H. *He said to him, “If you should meet them, don’t say anything to them about that subject.”*

I. *Said R. Ashi, “To me personally did Amemar say, ‘That stag wasn’t trapped at all, [40A] but it came from outside of the festival boundary.’ The authority who was perfectly happy to eat it took the view, that which arrived on a festival day from outside of the festival boundary for one Israelite is permitted for another Israelite’s use [the exilarch shouldn’t have eaten it, but anyone else might do so]. The one who wouldn’t eat it took the view, whatever came to the household of the exilarch came for the use of all the rabbis.”*

J. *“But didn’t R. Sheshet meet Rabbah bar Samuel and make the statement to him on this very matter?”*

K. *Never happened.*

II.4 A. *Some turnips came to Mahuza on a festival day. Raba went and examined them and saw that they were withered. He permitted people to buy them, saying, “This was certainly picked yesterday. Why otherwise might one rule not to eat them? Because they came from outside the festival boundary? That which arrived on a festival day from outside of the festival boundary for one Israelite is permitted for another Israelite’s use —and all the more so this produce, which has come for sale to gentiles anyhow.”*

B. *But when he saw that the gentiles were bringing in more turnips, he forbade buying them. [The gentiles wanted to sell to the Jewish market.]*

II.5 A. *Truck gardeners cut myrtle on the second day of the festival. Rabina permitted people to smell them in the evening right at the end of the festival. Said Raba bar Tahalipa to Rabina, “The master should forbid them, since they aren’t informed about the Torah.”*

B. *Objected R. Shemayya, “But is the operative consideration that they’re not informed about the Torah? If they’d been informed about*

the Torah would they have been permitted? Isn't it necessary to leave some time after the end of the holy day for cutting the myrtles [and this has not been done]?"

C. They went and addressed the question to Raba, who said to them, "We require enough time to elapse to prepare them after the holy day."

- III.1 A. R. Dosa b. Harkinas says, "He who goes before the ark on the first day of the New Year says, 'Give us strength, Lord our God, on this first day of the month, whether it is today or tomorrow.' On the next day he says, 'If it is today or yesterday.'" And sages did not concur with him:**
- B. *Said Rabbah, "When we were at the household of R. Huna, he asked us: 'What is the rule on making mention of the new month in the prayer of the New Year? Since the new month and the New Year are distinguished from one another as to the additional offerings that are required for those occasions, respectively, we do make mention of the new month, too? Or maybe, a single remembrance serves for both?' And he said to us, 'You have learned it as a Tannaite statement in the Mishnah: R. Dosa b. Harkinas says, "He who goes before the ark on the first day of the New Year says, 'Give us strength, Lord our God, on this first day of the month, whether it is today or tomorrow.' On the next day he says, 'If it is today or yesterday.'" And sages did not concur with him.' Doesn't [this difference of sages with Dosa] pertain to mentioning the new moon?"*
- C. *No, it makes reference to the matter of the stipulation in the prayer. And that, too, stands to reason, since it has been set forth as a Tannaite rule in a formulation external to the Mishnah: And so, too, did R. Dosa do on the new months throughout the entire year, but they did not concur with him. No, if you take the view that at issue was the stipulation, then it is on that account that they didn't agree with him. But if you maintain that at issue was making mention of the matter, then why in the world should they not have agreed with him?*
- D. *So what is the upshot? That at issue is the stipulative prayer that he has formulated? But then why specify that there was a disagreement on both matters?*
- E. *It was necessary to make a stipulation concerning both matters. For had we been informed about the matter of the New Year, one might have supposed that it is in that matter in particular that rabbis took the position that they did,*

so that people would not treat the day lightly, but as to the new months through the year, they might have concurred with R. Dosa. And if the disagreement with R. Dosa had been stated only with respect to the other case but not the New Year, I might have imagined that in that matter R. Dosa made his statement, but in the other, I might have supposed that he goes along with rabbis. So both were necessary.

- F. *An objection was raised: **On a New Year that coincided with the Sabbath—the House of Shammai say, “One says as the prayer ten blessings.” And the House of Hillel say, “Nine” [T. Ber. 3:13].** Now if it were the fact that the new month is to be mentioned in the New Year prayers, then the House of Shammai should want to have eleven, not ten.*
- G. **[40B]** *Said R. Zira, “We must distinguish the new month from a festival [the latter has a benediction unto itself, the former doesn’t, but is merely mentioned in the context of the prayer]. Since the new month is encompassed in the benediction in the morning and evening prayers, it is also encompassed in the additional prayer” [even on the New Year (Slotki)].*
- H. *Well, do the House of Shammai concur that one encompasses the new month in the blessing on the sanctity of the Sabbath? And hasn’t it been taught on Tannaite authority: As to the new month that coincides with the Sabbath, the House of Shammai say, “One says a prayer consisting of eight blessings,” and the House of Hillel say, “Seven”? [The House of Shammai has a special benediction for the new month, and that is a problem for Zira.]*
- I. *That’s a problem.*

III.2 A. *As to the matter of including a reference to the new moon in the blessings said on the sanctity of the Sabbath when the new moon and the Sabbath coincide, there is a Tannaite dispute, for it has been taught on Tannaite authority:*

B. **[As for] a Sabbath that coincides with a new moon or the intermediate days of a festival –**

C. **in the evening, morning, and afternoon [prayers] one recites seven [benedictions] and mentions the nature of the occurrence [being celebrated] during the [prayer concerning cultic] worship.**

D. **And if one did not mention [the specific day in the prayer concerning cultic worship], they make him go back [and repeat that benediction properly].**

E. R. Eliezer says, “In the thanksgiving [benediction], during the additional service [recited only on Sabbaths and festivals], he begins with [reference to] the Sabbath and concludes with [reference to] the Sabbath and mentions the [specific] holiness of the day in the middle.”

F. Rabban Simeon b. Gamaliel and R. Ishmael the son of R. Yohanan b. Beroqah say, “In any instance in which one is obligated [to recite] seven [benedictions], he begins with the [benedictions for] Sabbath and concludes with the [benedictions for the] Sabbath and mentions the [specific] holiness of the day in the middle [T. Ber. 3:14].

G. *So what’s the upshot?*

H. Said R. Hisda, “Inclusion of a single memorial covers both.”

I. And so said Rabbah, “Inclusion of a single memorial covers both.”

- III.3** A. *And said Rabbah, “When we were at the household of R. Huna, he asked us, ‘What is the law as to reciting the benediction of the season [“Blessed are you...who has kept us in life, sustained us, and brought us to this season”] on the New Year and on the Day of Atonement? Since these holy days come periodically, we should recite that blessing —or maybe, since they’re not called by the Torah “festivals,” we don’t recite that blessing?’ And I couldn’t answer. When I came to the household of R. Judah, he said, ‘I recite the blessing for the season even when a new pumpkin comes to market.’ I said to him, ‘Well, I’m not asking whether it’s permitted to say it, I’m asking whether it is required to say it!’ He said to me, ‘Both Rab and Samuel say, “The blessing of the season is recited only on the three pilgrim festivals alone.”’”*
- B. *An objection was raised: “Give a portion to seven, yes, even to eight” (Qoh. 11: 2) —R. Eliezer says, “‘Seven’ refers to the seven days of creation, ‘eight’ refers to the eight days of circumcision.” R. Joshua says, “‘Seven’ refers to the seven days of Passover, ‘eight’ refers to the eight days of the festival of Tabernacles. Now since Scripture says, ‘Yes, even,’ that encompasses Pentecost, the New Year, and the Day of Atonement.” So doesn’t this make reference to the benediction of the season?*
- C. *No, it refers to the blessing of the holiness of the day. And this stands to reason, for if you think it refers to the blessing of the season, is there an occasion to recite a blessing of the season on all seven days? [It’s only said on the first.]*

- D. *Well, that's no problem. If someone didn't say that blessing on the right day, he says it the next day or any later day.*
- E. *Still, isn't a cup of wine required for the blessing ["Blessed are you...who has kept us in life, sustained us, and brought us to this season"]? That would then support the position of R. Nahman, who said, "One may say the blessing of the season even in the marketplace [when new produce arrives]"!*
- F. *Anyhow, that's no question, since one may say the blessing of the season when one happens to lay hands on a cup of wine.*
- G. *Sure, sure, that works for the New Year and Pentecost, but what about the Day of Atonement? If he says the blessing and then drinks the wine, once he's said the blessing of the season, he is therefore under the restrictions of the day and wine is then forbidden to him. For didn't R. Jeremiah bar Abba say to Rab, "Did you stop work?" And he said to him, "Yes, I stopped" [so once one says the Sabbath prayers, the Sabbath restrictions apply; the same goes for the blessing of the season]. And if you propose, you can recite the blessing over wine then put it aside, then what about the simple rule: He who says a blessing has to taste what he has blessed? And should you propose, you will give it to a child, the answer is, the law is not in accord with R. Aha bar Jacob [who said that's o.k.], for the child may get accustomed to doing it that way [and do it that way as an adult].*
- H. *So what's the upshot anyhow?*
- I. *Rabbis sent R. Yemar the Elder to R. Hisda on the eve of the New Year. They said to him, "Go, see how he does things, then come back and tell us." When he saw him, he said to him, "He who picks up a moist log wants the spot where the log was located" [people don't do something for no reason].*
- J. *They brought him a cup of wine. He said the sanctification and also said the blessing of the season.*
- K. *The decided law is, one says the blessing of the season on the New Year and the Day of Atonement; and the decided law is, as to the blessing of the season, one says it even in the marketplace.*

III.4 A. *And said Rabbah, "When we were at the household of R. Huna, he asked us, 'As to a disciple in a master's household who is observing a fast on the eve of the Sabbath, must he complete it [on an ordinary day]?' He didn't have the answer. I came before R. Judah, but he didn't know either. Said Raba, 'Let's see: For it has been taught on Tannaite authority: If the ninth of Ab coincides with the Sabbath, [41A] and so if the eve of the ninth of Ab coincides with the*

Sabbath, one eats and drinks as needed and puts on his table a meal as gargantuan as what Solomon ate in his day. If the ninth of Ab coincided with a Friday, food of the volume of an egg is brought and eaten on that day, so that one does not enter the Sabbath in a condition of torment.”

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

- B. Said R. Judah, “Once we were in session before R. Aqiba, and it was the ninth of Ab that coincided with a Friday. They brought him a lightly roasted egg, and he swallowed it without salt. That wasn’t because he was hungry, but to show the disciples the law.”
- C. And R. Yosé says, “One has to observe the fast and finish it up that day.”
- D. Said to them R. Yosé, “So don’t you agree with me in the case of the ninth of Ab that coincides with a Sunday, that one concludes eating while it is still daylight [on the Sabbath]?”
- E. They said to him, “True enough.”
- F. He said to them, “So what difference can I draw between entering the Sabbath in a state of torment and leaving it in a state of torment?”
- G. They said to him, “If you say that one leaves the Sabbath in a state of torment, well, anyhow, one has been eating and drinking all day long. But will you say that one should enter the Sabbath in a state of torment, not having been eating and drinking all day long?”
- H. And Ulla said, “The decided law accords with R. Yosé.”

I. *But do we in practice act in accord with R. Yosé? And an objection may be raised: “They do not decree a fast for the community to take place on the new moon, Hanukkah, or Purim. But if they had begun [a sequence of fasts], they do not break off,” the words of Rabban Gamaliel. Said R. Meir, “Even though Rabban Gamaliel said that they do not break off, he would concede that they also do not complete [fasting for the whole day].” And so is the rule for the ninth of Ab which coincides with a Friday [M. Ta. 2:10]. And it has been taught on Tannaite authority:* After the death of Rabban Gamaliel, R. Joshua came in to abrogate his ruling. Arose R. Yohanan b. Nuri on his feet and said, “*I see matters this way: After the head goes the body.* Throughout the lifetime of Rabban Gamaliel, we determined the law in accord with him. Now do you really propose to nullify his opinion? Joshua, people should not pay any attention to you, for the law has already been

determined to accord with Rabban Gamaliel.” And not a single person present was ready to object.

J. In the generation of Rabban Gamaliel they acted in accord with Rabban Gamaliel, in the generation of R. Yosé they acted in accord with R. Yosé.

K. Is it the fact, then, that in the generation of Rabban Gamaliel they acted in accord with Rabban Gamaliel, in the generation of R. Yosé they acted in accord with R. Yosé? *But hasn't it been taught on Tannaite authority:* Said R. Eleazar b. R. Sadoq, “I am of the descendents of Senead of the tribe of Benjamin. Once the ninth of Ab coincided with the Sabbath, and we postponed it for after the Sabbath, and we fasted on that day, but we didn't complete the fast because that day was the festival of our [family].” [They kept the tenth of Ab as a family holiday.] *So the operative consideration was that it was a festival, but if it hadn't been a festival, they would have completed the fast that day!*

L. *Said Rabina, “The festival that is established only by rabbinic authority is different from a Sabbath.* Since on the former occasion it is permitted to fast for a spell of hours, it is permitted to complete a fast on the eve [for only an hour]; but in respect to the Sabbath, since it is forbidden to fast on it even for a few hours, it also is forbidden to complete a fast on the eve of the Sabbath [which might encroach on the Sabbath (Slotki)].”

M. *Said R. Joseph, “Well, now, I never heard that tradition!”*

N. *Said to him Abbaye, “But you're the one who told it to us, but it was in the context of the following: ‘They do not decree a fast for the community to take place on the new moon, Hanukkah, or Purim. But if they had begun [a sequence of fasts], they do not break off,’ the words of Rabban Gamaliel. Said R. Meir, ‘Even though Rabban Gamaliel said that they do not break off, he would concede that they also do not complete [fasting for the whole day].’ And so is the rule for the ninth of Ab which coincides with a Friday [M. Ta. 2:10]. And it was in that context that we said, ‘Said R.*

Judah said Rab, "That represents the position of R. Meir, who made his statement in the name of Rabban Gamaliel. But sages say, 'One completes the fast.'"*Now doesn't this refer to all of the days that are listed?*" [Slotki: Even on a Sabbath eve the fast must be completed; since Rab regarded Yosé as "sages," he meant that the law accords with his view.]

O. *No, it speaks only of Hanukkah and Purim, and that stands to reason.* **[41B]** *For if you should imagine that it refers to all of the listed holy days, then, didn't Rabbah raise a question on that subject to R. Judah and didn't R. Judah not answer him?* [Slotki: If the Sabbath eve were included among the days on which a fast must be completed, Judah speaking in the name of Rab would have given Rabbah an answer.]

P. *Well, according to your reasoning, what about the following: Mar Zutra expounded in the name of R. Huna, "The decided law is: One who is fasting on a Friday must complete the fast"? So when Rabbah addressed his question to R. Huna, why didn't R. Huna answer him?*

Q. *The reason is that he asked the question before R. Huna had heard the ruling, while he made his statement after he heard it.*

R. *Well, then, here, too, the question was asked before R. Judah heard the rule, but the statement was made afterward!*

S. *Mar Zutra expounded in the name of R. Huna, "The decided law is: They fast and complete the fast [on a Friday]."*