

**The Soncino Babylonian Talmud**



# ERUVIN

**Book III**

**Folios 53a-79a**

TRANSLATED INTO ENGLISH

WITH NOTES

CHAPTERS V – VII

*Reformatted by Reuven Brauner, Raanana 5771*

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# ERUVIN – 53a-79a

## Eruvin 53a

OR BRIDGES, OR SEPULCHRAL MONUMENTS THAT CONTAINED DWELLING CHAMBERS, THE BOUNDARY OF THE TOWN IS EXTENDED<sup>1</sup> TO INCLUDE THEM.<sup>2</sup> SABBATH LIMITS,<sup>3</sup> FURTHERMORE, ARE TO BE SHAPED<sup>4</sup> LIKE A SQUARE TABLET<sup>5</sup> IN ORDER THAT THE USE OF THE CORNERS<sup>6</sup> MIGHT BE GAINED.<sup>7</sup>

**GEMARA.** Rab and Samuel are at variance. One learned,<sup>8</sup> me'aberin<sup>9</sup> and the other learned, me'aberin.<sup>10</sup> He who learned 'me'aberin'<sup>10</sup> explains it as 'adding a wing,'<sup>11</sup> and he who learned, 'me'aberin' explains it in the same sense as that of 'a pregnant woman'.<sup>9</sup>

The<sup>12</sup> cave of Machpelah.<sup>13</sup> Rab and Samuel differ as to its meaning. One holds that the cave consisted of two chambers one within the other; and the other holds that it consisted of a lower and upper chamber. According to him who holds that the chambers were one above the other the term machpelah<sup>13</sup> is well justified but according to him who holds that it consisted of two chambers one within the other, what could be the meaning of machpelah? That it had multiples<sup>14</sup> of couples.<sup>15</sup>

Mamreh the city of Arba.<sup>16</sup> R. Isaac explained: The city of the four<sup>17</sup> couples:<sup>15</sup> Adam and Eve, Abraham and Sarah, Isaac and Rebekah, Jacob and Leah.

And it came to pass in the days of Amraphel.<sup>18</sup> Rab and Samuel are at variance. One holds that his name was Nimrod;<sup>19</sup> and why was he called Amraphel? Because he ordered our father Abraham to be cast<sup>20</sup> into a burning furnace.<sup>21</sup> But the other holds that his name was Amraphel; and why was he called Nimrod? Because in his reign he led all the world in rebellion<sup>22</sup> against himself.<sup>23</sup>

Now there arose a new king over Egypt.<sup>24</sup> Rab and Samuel differ. One explains: Actually a new king, and the other explains:

He<sup>25</sup> issued new decrees.<sup>26</sup> He who explained: 'actually a new king', did so because it is written 'new',<sup>27</sup> while he who explained: 'he issued new decrees', did so because it was not stated: 'And the former king died and a new king reigned'. But, according to him who explained: 'He issued new decrees', may it not be objected that it was written: Who knew not Joseph?<sup>28</sup> — What is the meaning of 'Who knew not Joseph'? Who<sup>29</sup> appeared as if he never knew Joseph.

(Mnemonic:<sup>30</sup> *Eighteen, and twelve, we learned, in his generation, their heart*).<sup>31</sup>

R. Johanan stated: I spent eighteen days at R. Oshaia Beribi<sup>32</sup> and learned from him only one word in our Mishnah, viz., that 'HOW ARE THE SABBATH BOUNDARIES OF TOWNS EXTENDED' is to be read as me'aberin<sup>33</sup> with an aleph. But, surely, this is not correct.

For did not R. Johanan state, 'R. Oshaia Beribi had twelve disciples and I spent eighteen days among them and gained a knowledge of every one's intellectual powers<sup>34</sup> and of every one's wisdom? Now, is it likely that he gained a knowledge of every one's intellectual powers and of every one's wisdom and yet did not learn any Gemara?<sup>35</sup> — If you like I may reply: He may have learnt much from them, but from him he did not learn [more than the one word]. And if you prefer I might reply: He meant to say that in our Mishnah he learned only one word.<sup>36</sup>

R. Johanan further stated: When we were studying Torah at R. Oshaia's eight of us used to sit in the space of one cubit.<sup>37</sup> Rabbi stated: When we were studying Torah at R. Eleazar b. Shammua a six of us used to sit in one cubit.<sup>37</sup>

R. Johanan further stated: R. Oshaia Beribi in his generation was like R. Meir in his generation. As was the case with R. Meir in his generation that his colleagues could not fathom the depth of his knowledge<sup>38</sup> so was it

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with R. Oshaia that his colleagues could not fathom the depth of his knowledge.

R. Johanan further stated: The hearts<sup>39</sup> of the ancients were like the door of the Ulam,<sup>40</sup> but that of the last generations was like the door of the Hekal,<sup>40</sup> but ours is like the eye of a fine needle. R. Akiba is classed among the ancients; R. Eleazar b. Shammua among the last generations. Others say: R. Eleazar b. Shammua is classed among the ancients and R. Oshaia Beribi among the last generations — ‘But ours is like the eye of a fine needle’ — And we, said Abaye, are like a peg in a wall in respect of Gemara.<sup>41</sup> And we, said Raba, are like a finger in wax as regards logical argument.<sup>42</sup> We, said R. Ashi, are like a finger in a pit<sup>43</sup> as regards forgetfulness.<sup>44</sup>

Rab Judah stated in the name of Rab: The Judeans who cared for [the beauty of] their language retained their learning,<sup>45</sup> but the Galileans who did not care for [the beauty of] their language<sup>46</sup> did not retain their learning. But does this<sup>47</sup> depend on whether one cares [for linguistic beauty]? — Rather say: The Judeans who were exact in their language,<sup>48</sup> and who laid down mnemonics for their aid, retained their learning; but the Galileans who were not exact in their language,<sup>49</sup> and who laid down no mnemonic as an aid, did not retain their learning. The<sup>50</sup> Judeans who learned from one Master retained their learning, but the Galileans who did not learn from one Master did not retain their learning.

Rabina said: The Judeans who made their studies accessible to the public<sup>51</sup> retained their learning, but the Galileans who did not make their studies accessible to the public did not retain their learning. David made his studies accessible<sup>52</sup> and Saul did not make his studies accessible. Of David who made his studies accessible it is written in Scripture: They that fear Thee shall see me and be glad;<sup>53</sup> but of Saul who did not make his studies accessible to the public it is written: And whithersoever he turned himself

- (1) Lit., ‘the measure is brought out’.
- (2) Lit., ‘over against them’, the houses, turrets, etc. that projected. If a projection, for instance, was at one point, the boundary line is drawn along the outer side of that projection in a straight perpendicular line, to both extremities of that side of the town.
- (3) That are drawn at a distance of two thousand cubits from the said boundaries of the town.
- (4) Lit., ‘and they make them’ (Rashi and Bah). Cur. edd., ‘it’, i.e., the area of the town.
- (5) Where the boundary line of the town had the shape of a square. If it had that of a parallelogram the Sabbath limits, drawn parallel to it at the prescribed distances of two thousand cubits, assume also a similar shape. By ‘SQUARE’ the circular shape only is intended to be excluded (cf. following note).
- (6) That would have been excluded and lost had the Sabbath limits been drawn at distances of two thousand cubits from the sides of the square or parallelogram in which the Sabbath boundaries of the town were shaped.
- (7) For the movements of the people of the town.
- (8) In our Mishnah.
- (9) מֵעֲבָרִין from rt. עָבַר in pi’el ‘to be pregnant’.
- (10) מֵאַבְרִין from rt. אָבַר in pi’el, ‘to make a wing’.
- (11) Sc. another projection is assumed to have been added to the one already existing so that the entire side may represent a straight and continuous boundary line.
- (12) The following discussions on the interpretations of certain Biblical words are cited apropos the present and similar discussions on the interpretation of a word in our Mishnah.
- (13) מִכְפֵּלָה (rt. כָּפַל ‘to double’) Gen. XXIII, 9.
- (14) The rt. כָּפַל signifies multiplication as well as doubling.
- (15) It was the burial place of four couples (cf. Gen. XLIX, 31 and the following paragraph).
- (16) אַרְבַּע Gen. XXXV, 27.
- (17) אַרְבַּע ‘four’.
- (18) אַמְרַפֵּל Gen. XIV, 1.
- (19) Cf. Gen. X, 8ff.
- (20) אַמְרַפֵּל is read as אָמַר ‘he said’ (rt. נָפַל ‘cast’).
- (21) Lit., ‘furnace of fire’.
- (22) Nimrod נִמְרוֹד from the rt. מָרַד ‘to rebel’.
- (23) Euphemism for God.
- (24) Ex. I, 8.
- (25) The former king.
- (26) חָדָשׁ ‘new’, read as a verb in pi’el ‘to make new’.
- (27) Ex. I, 8.
- (28) Ex. I, 8. Is it possible that the former king did not know him?
- (29) In his persecution of Joseph's people.
- (30) An aid to the recollection of some of the following statements of R. Johanan.
- (31) For the last two phrases cf. marg. n. Cur. edd., ‘in David, and he built’.

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(32) בריבי, a scholar of Rabbi or R. Judah I ha-Nasi. Aliter: A great man (Rashi). V. Nazir, Sonc. ed. p. 64, n. 1.

(33) מאבריך

(34) Lit., 'heart'.

(35) Except the one word in our Mishnah. On Gemara v. Glos.

(36) In other Mishnahs and Baraitas he may have learnt many things.

(37) So anxious were the students to learn that they crowded into a small space in order to be near to the Master.

(38) Cf. supra 13b.

(39) Sc. their intellectual powers.

(40) The Ulam and the Hekal (v. supra 2a) were two of the chambers which together with the Debir constituted the Temple. The door of the Ulam was twenty cubits wide while that of the Hekal was only ten.

(41) It was as difficult for them to master their studies as it is difficult to force a peg into a wall.

(42) A finger cannot penetrate through hard wax. It only depresses it very slightly.

(43) בירא var. lec. ברזא, bung-hole].

(44) As it is easy to insert a finger into the mouth of a pit [or bung-hole], so easy was it for them to forget what they learned.

(45) Lit., 'their Torah was confirmed in their hand'.

(46) V. infra.

(47) Lit., 'the thing', learning.

(48) Carefully reproducing the traditions they received from their masters.

(49) Cf. prev. n. mut. mut.

(50) Var. lec. 'And if you prefer I might say: The' (v. marg. n.).

(51) Lit., 'they revealed the text (they studied)'.

(52) Cf. Ber. 4a, and M.K. 16a.

(53) Ps. CXIX, 74.

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he acted wrongly.<sup>1</sup>

R. Johanan further stated: Whence is it deduced that the Holy One, blessed be He, pardoned him<sup>2</sup> for that sin?<sup>3</sup> From [Scripture] where it says: Tomorrow shalt thou, and thy sons be with me,<sup>4</sup> 'with me's implies: In my [celestial] division.

R. Abba requested: 'Is there anyone who would enquire of the Judeans who are exact in their language whether we learned<sup>6</sup> me'aberin or me'aberin and whether we learned<sup>7</sup> akuzo or 'akuzo,<sup>8</sup> for they would

know [the correct spelling]'. When they were asked they replied: Some authorities learn me'aberin while others learn me'aberin, some learn akuzo while others learn 'akuzo. 'The Judeans were exact in their language'. For instance?<sup>9</sup> —

A Judean once announced that he had a cloak to sell. 'What', he was asked: 'is the color of your cloak?' 'Like that of beet<sup>10</sup> on the ground', he replied. 'The Galileans who were not exact in their language'. For instance?<sup>9</sup> —

A<sup>11</sup> certain Galilean once went about enquiring, 'who has amar?'<sup>12</sup> 'Foolish Galilean', they said to him, 'do you mean an "ass" for riding, "wine" to drink, "wool" for clothing or a "lamb" for killing?' A woman<sup>13</sup> once wished to say to her friend, 'Come, I would give you some fat to eat' but that what she actually said to her was, 'My cast-away,<sup>14</sup> may a lioness devour you'.<sup>15</sup> A certain woman' once appeared before a judge and addressed him as follows: 'My master slave,<sup>16</sup> I had a child<sup>17</sup> and they stole you from me,<sup>18</sup> and it is of such a size that if they had hanged you upon it, your feet would not have reached to the ground'.<sup>19</sup>

When Rabbi's<sup>20</sup> maid indulged in enigmatic speech she used to say this: 'The ladle strikes against the jar,<sup>21</sup> let the eagles fly to their nests';<sup>22</sup> and when she wished them to remain at table she used to tell them, 'The crown<sup>23</sup> of her friend<sup>24</sup> shall be removed and the ladle will float in the jar like a ship that sails in the sea'.

R. Jose b. Asiyān, when speaking enigmatically, used to say: 'Prepare for me a bull in judgment<sup>25</sup> on a poor mountain';<sup>26</sup> and when he enquired about an inn-keeper he spoke thus: 'The man of this raw mouth<sup>27</sup> — what comforts does he provide?'<sup>28</sup>

R. Abbahu, when indulging in enigmatic speech, used to say this: 'Make the coals ethrog like,<sup>29</sup> flatten out the golden cobbles,<sup>30</sup> and prepare for me two tellers in the dark'.<sup>31</sup>

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Others read: ‘And let them prepare for me on them two tellers in the dark’.

The Rabbis said to R. Abbahu: ‘Show us’ where R. Elai is hiding.<sup>32</sup> He replied: He amused himself with an Aaronide girl, his last keen companion, and she kept him awake.<sup>33</sup> Some say that this referred to a woman<sup>34</sup> and others say that it referred to a tractate.<sup>35</sup> They said to R. Elai: Show us<sup>32</sup> where R. Abbahu is hiding.<sup>32</sup> He replied: He consulted the crown-maker<sup>36</sup> and betook himself to Mephibosheth<sup>37</sup> in the South.<sup>38</sup>

R. Joshua b. Hananiah remarked: No one has ever had the better of me except a woman, a little boy and a little girl. What was the incident with the woman? I was once staying at an inn where the hostess served<sup>39</sup> me with beans. On the first day I ate all of them leaving nothing. On the second day too I left nothing. On the third day she over seasoned them<sup>40</sup> with salt, and, as soon as I tasted them, I withdrew my hand. ‘My Master’, she said to me, ‘why do you not eat?’ — ‘I have already eaten’, I replied: ‘earlier in the<sup>41</sup> day’. ‘You should then’, she said to lie, ‘have withdrawn your hand from the bread’. ‘My Master’, she continued, ‘is it possible that you left<sup>42</sup> [the dish to-day] as compensation<sup>43</sup> for the former<sup>42</sup> meals, for have not the Sages laid down: Nothing<sup>43</sup> is to be left<sup>44</sup> in the pot<sup>45</sup> but something must be left<sup>46</sup> in the plate?’<sup>47</sup>

What was the incident with the little girl? I was once on a journey and, observing<sup>48</sup> a path across a field, I made my way through it, when a little girl called out to me, ‘Master! Is not this part of the field?’ — ‘No’, I replied: ‘this is a trodden path’ — ‘Robbers like yourself’, she retorted: ‘have trodden it down’ —

What was the incident with the little boy? I was once on a journey when I noticed a little boy sitting at a cross-road. ‘By what road’, I asked him, ‘do we go to the town?’ — ‘This one’, he replied: ‘is short but long and that one is long but short’. I proceeded along the ‘short but long’ road. When I approached the

town I discovered that it was hedged in by gardens and orchards. Turning back I said to him, ‘My son, did you not tell me that this road was short?’ — ‘And’, he replied: ‘did I not also tell you: But long?’ I kissed him upon his head and said to him, ‘Happy are you, O Israel, all of you are wise, both young and old’.

R. Jose the Galilean was once on a journey when he met Beruriah.<sup>49</sup> ‘By what road’, he asked her, ‘do we go to Lydda?’ — ‘Foolish Galilean’, she replied: ‘did not the Sages say this: Engage not in much talk with women?<sup>50</sup> You should have asked: By which to Lydda?’

Beruriah once discovered a student who was learning in an undertone.

- (1) I Sam. XIV, 47. E.V. ‘put them to worse’.
- (2) Saul.
- (3) The execution of the priests of Nob (I Sam. XXII, 18ff).
- (4) I Sam. XXVIII, 19.
- (5) Sc. with Samuel who addressed this message to Saul when he consulted him through the woman of En-dor (I Sam. XXVIII, 7ff).
- (6) In our Mishnah.
- (7) In the Mishnah Bek. 40a.
- (8) Euphemism for the buttocks or testicles.
- (9) Lit., ‘what is it?’
- (10) Or ‘tomatoes’.
- (11) Cur. edd. in parenthesis, ‘for it was taught’.
- (12) As he spoke indistinctly it was not clear whether he meant ‘amar (עמר ‘wool’), ‘imar (אימר ‘a lamb’) hamor (חמר ‘an ass’) or hamar (חמר ‘wine’).
- (13) A Galilean whose speech was indistinct.
- (14) שליבתי ‘my friend’ sounded like שליבתי (rt. שלך) ‘my cast away’.
- (15) דאוכליך חלבא ‘that I may give you some fat to eat’ sounded like תאכליך לביא ‘may a lioness, etc.’
- (16) קירי Gr. \*\* What she wanted to say was קירי Gr. \*\* ‘lord’.
- (17) Or ‘log’, ‘beam’, תפלא. She meant טבלא ‘a board’.
- (18) גנבוך ממני. What she had in mind was גנבוך מן ‘they stole it (Sc. the board) from me’.
- (19) What she wished to say was that the board was so big that if it had been suspended from the judge it would have reached to the ground.
- (20) So MS.M. Cur. edd. ‘of the house of Rabbi’.
- (21) All the wine in the jar has been used up.
- (22) The students may now leave the dining room for their lodgings.

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- (23) The bung. כתר (v. Maharsha). Cur. edd., בתר.  
(24) The adjoining jar.  
(25) הרדין 'beet' or 'tomatoes'. The word is composed of תר (תור 'bull') and דין (judgment);  
(26) With חרדל 'mustard'. The word is made up of חר ('mountain') and דל ('poor').  
(27) אושפיזא ('inn-keeper') is made up of אוש (איש 'man'), פי ('mouth') ז (זה 'this') and נא ('raw'). (V. R. Han., Tosaf. s.v. גבר a.l.).  
(28) Lit., 'what is this good that there is?'  
(29) V. Glos.; red hot like the color of the fruit.  
(30) The coals that are glowing like gold (Rashi). Aliter (Jast.): 'Make the gold (glowing coals) sky-blue (fan them so as to give blue flames)'.  
(31) Cocks who crow at night.  
(32) הצפינו (from rt. צפה Hif. 'to look') and צפון (rt. צפן Kal 'to hide'). A play upon the similarity of the sounds.  
(33) A play upon the words, אהרונה 'אהרונה' עירניה, והנעירתו.  
(34) He married a second wife ('last') who was of the tribe of Aaron ('Aaronide') and of a charmingly keen disposition.  
(35) He was engaged all night in the study of his 'last' chosen tractate dealing with priestly ('Aaronide') laws and bristling with 'keen' dialectical arguments.  
(36) The nasi (v. Glos.) who ordained the Rabbis and crowned them so to speak as religious leaders.  
(37) Synonymous with 'noted scholar' (cf. Ber. 4a).  
(38) The Scholars in the South.  
(39) Lit., 'made'.  
(40) קדה Hif, 'to cause to burn', 'to spoil'.  
(41) Lit., 'While it was yet'.  
(42) So Elijah Wilna's glosses. Cur. edd. 'you did not leave...in the first'.  
(43) Lit., 'side'; the portion of food that must be left for the waiter.  
(44) By the waiter.  
(45) From which the contents is ladled into the plates.  
(46) By the guest.  
(47) Cf. the reading quoted by Tosaf. s.v. משיירין a.l. [According to Derek Erez. VI the reading is that one is to leave something of pastry but not of a boiled dish].  
(48) Lit., 'and there was'.  
(49) The wife of R. Meir, a woman who was famous for her sagacity, learning and character.  
(50) Aboth I, 5.

## Eruvin 54a

Rebuking him<sup>1</sup> she exclaimed: 'Is it not written: Ordered in all things, and sure:<sup>2</sup> If it is 'ordered' in your two hundred and

forty-eight limbs it will be 'sure', otherwise<sup>4</sup> it will not be sure?'

One taught: R. Eliezer<sup>5</sup> had a disciple who learned in a low voice. After three years he forgot his learning.

One taught: R. Eliezer had a student who deserved burning [for an offence] against the Omnipresent — 'Leave him alone', the Rabbis pleaded, 'he attended on a great man'.

Samuel said to Rab Judah, 'Shinena,<sup>6</sup> open your mouth and read the Scriptures, open your mouth and learn the Talmud, that your studies may be retained and that you may live long, since it is said: For they<sup>7</sup> are life unto those that find them, and a healing to all their flesh;<sup>8</sup> read not 'To those that find them'<sup>9</sup> but 'To him who utters them<sup>10</sup> with his mouth'.

Samuel further said to Rab Judah, 'Shinena, hurry on and eat, hurry on and drink,<sup>11</sup> since the world from which we must depart is like a wedding feast'.<sup>12</sup>

Rab said to R. Hamnuna, 'My son, according to thy ability<sup>13</sup> do good to thyself, for there is no enjoyment in she'ol nor will death be long in coming. And shouldst thou say: "I would leave a portion for my children" — who will tell thee in the grave?<sup>14</sup> The children of man are like the grasses of the field, some blossom and some fade'.<sup>15</sup>

R. Joshua b. Levi stated: If a man is on a journey and has no company<sup>16</sup> let him, occupy himself with the study of the Torah, since it is said in Scripture: For they<sup>17</sup> shall be a chaplet<sup>18</sup> of grace.<sup>19</sup> If he feels pains in his head, let him engage in the study of the Torah, since it is said: For they<sup>17</sup> shall be a chaplet of grace unto thy head.<sup>19</sup> If he feels pains in his throat let him engage in the study of the Torah, since it is said: And chains about thy neck.<sup>19</sup> If he feels pains in his bowels, let him engage in the study of the Torah, since it is said: It<sup>20</sup> shall be a healing

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to thy navel.<sup>21</sup> If he feels pain in his bones, let him engage in the study of the Torah, since it is said: And marrow to thy bones.<sup>21</sup> If he feels pain in all his body, let him engage in the study of the Torah, since it is said: And healing to all his flesh.<sup>22</sup>

R. Judah son of R. Hiyya remarked: Come and see how the dispensation<sup>23</sup> of mortals<sup>24</sup> is not like that of the Holy One, blessed be He. In the dispensation of mortals, when a man administers a drug to a fellow it may be beneficial to one limb but injurious to another, but with the Holy One, blessed be He, it is not so. He gave a Torah to Israel and it is a drug of life for all his body, as it is said: And healing to all his flesh.<sup>25</sup>

R. Ammi said: What is the exposition of the Scriptural text: For it is a pleasant thing if thou keep them within thee; let them be established altogether upon thy lips?<sup>26</sup> When are the words of the Torah ‘pleasant’? ‘When thou keepest them within thee’. And when wilt thou keep them within thee? When they will ‘be established altogether upon thy lips.’<sup>27</sup>

R. Zera said, [This<sup>28</sup> may be derived] from the following: A man hath joy in the answer of his mouth; and a word in due season, how good is it!<sup>29</sup> When ‘hath a man joy’? When he has an ‘answer in his mouth’.<sup>28</sup> Another version: ‘When hath a man joy in the answer of his mouth’? When the ‘word is in due season; O, how good is this’!

R. Isaac said: This<sup>28</sup> may be derived from the following: But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it;<sup>30</sup> when ‘is it very nigh unto thee’? When it is ‘in thy mouth and in thy heart to do it’.<sup>28</sup>

Raba said: It<sup>28</sup> may be derived from the following: Thou hast given him his heart's desire, and the utterance<sup>31</sup> of his lips Thou hast not withholden. Selah.<sup>32</sup> When ‘hast Thou given him his heart's desire’? At the

time when ‘Thou hast not withholden the utterance of his lips.’<sup>32</sup> Selah.<sup>32</sup>

Raba pointed out an incongruity: It is written: Thou hast given him his heart's<sup>33</sup> desire;<sup>34</sup> and it is also written: And the utterance of his lips<sup>35</sup> Thou hast not withholden. Selah?<sup>36</sup> If he is worthy, ‘Thou hast given him his heart's desire,’<sup>34</sup> but if he is unworthy, ‘The utterance of his lips Thou hast not withholden. Selah’.<sup>36</sup>

It was taught at the school of R. Eliezer b. Jacob: Wherever [in Scripture] the expression of nezah, selah or wa'ed<sup>37</sup> occurs the process to which it refers never ceases — ‘Nezah’? Since it is written For I will not contend for ever, neither will I be always<sup>38</sup> wroth.<sup>39</sup> ‘Selah’. Since it is written: As we have heard, so have we seen in the city of the Lord of hosts, in the city of our God — God establish it forever. Selah.<sup>40</sup> ‘Wa'ed’? Since it is written: The Lord shall reign forever and ever.<sup>41</sup>

(Mnemonic:<sup>42</sup> *Chains, his cheeks, tables graven.*)

R. Eleazar<sup>43</sup> said; What is the purport of the Scriptural text: And chains about thy neck?<sup>44</sup> If a man trains himself to be like a chain that hangs loosely upon the neck,<sup>45</sup> and is sometimes exposed and sometimes concealed,<sup>46</sup> his learning will be preserved by him, otherwise it will not.

R. Eleazar further stated: What is the purport of the Scriptural text: His cheeks are as a bed of slices?<sup>47</sup> If a man allows himself to be treated as a bed upon which everybody treads,<sup>48</sup> and as spices with which everybody perfumes himself,<sup>49</sup> his learning will be preserved, but otherwise it will not.

R. Eleazar<sup>50</sup> further stated: What is the purport of the Scriptural text: Tables of stone?<sup>51</sup> If a man regards his cheeks<sup>52</sup> as stone that is not easily worn away,<sup>53</sup> his learning will be preserved by him, but otherwise it will not.

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R. Eleazar<sup>50</sup> further stated: What is the purport of the Scriptural text: Graven upon the tables?<sup>54</sup> If the first tables had not been broken the Torah would never have been forgotten in Israel.<sup>55</sup>

R. Aha b. Jacob said: No nation or tongue would have had any power over them;<sup>56</sup> for it says: ‘Graven’<sup>54</sup> read not ‘graven’<sup>57</sup> but ‘freedom’.<sup>58</sup>

R. Mattena expounded: What is the purport of the Scriptural text: And from the wilderness to Mattanah?<sup>59</sup> If a man allows himself to be treated as a wilderness on which everybody treads, his study will be retained<sup>60</sup> by him, otherwise it will not.

R. Joseph had a grievance against Raba son of R. Joseph b. Hama. When the eve of the Day of Atonement approached the latter thought, ‘I shall go and pacify him’ — Proceeding to R. Joseph’s house he found his attendant engaged in mixing for him a cup of wine.<sup>61</sup> ‘Give it to me’, Raba<sup>62</sup> said to him, ‘and I will mix it’. He gave it to him and the latter duly mixed it. As he<sup>63</sup> tasted it, he remarked: ‘This mixing is like that of Raba son of R. Joseph b. Hama’.<sup>62</sup> ‘I am here’ the other answered. ‘Do not sit down upon your legs’,<sup>64</sup> R. Joseph said to him, ‘before you have explained to me these verses. What is the purport of the Scriptural text: And from the wilderness to Mattanah, and front Mattanah to Nahaliel, and from Nahaliel to Bamoth, and front Bamoth to the valley?’<sup>65</sup> — ‘If’, the other replied: ‘a man allows himself to be treated as the wilderness upon which everybody treads, the Torah will be given to him as a gift;<sup>66</sup> and so soon as it is given to him as a gift, he will be the inheritance of God<sup>67</sup> as it says: And from Mattanah<sup>66</sup> to Nahaliel;<sup>60</sup> and as soon as he is the inheritance of God, he rises to greatness,<sup>68</sup> since it says: And from Nahaliel<sup>67</sup> to Bamoth.<sup>68</sup> But if he is haughty, the Holy One, blessed be He, humbles him, as it says: And from Bamoth<sup>68</sup> to the valley.<sup>69</sup> If, however, he repents, the Holy One, blessed be

He, raises him, as it says: Every valley<sup>69</sup> shall be lifted up.<sup>70</sup>

R. Huna said: What is the purport of the Scriptural text: Thy flock settled therein; Thou preparest in Thy goodness for the poor, O God?<sup>71</sup> If a man behaves like an animal that treads upon its prey and eats it<sup>72</sup> or, as others say, that drags it and eats it,<sup>73</sup> his learning will be preserved by him, otherwise it will not — If, however, he does behave in this manner the Holy One, blessed be He, will himself prepare a banquet for him, as it says in Scripture. Thou, didst prepare in Thy goodness for the poor, O Lord.<sup>74</sup>

R. Hiyya b. Abba in the name of R. Johanan expounded: With reference to the Scriptural text: Whoso keepeth the fig tree shall eat the fruit thereof,<sup>75</sup> why were the words of the Torah compared to the ‘fig tree’? As with the fig tree<sup>76</sup>

(1) Lit., ‘she kicked him’.

(2) II Sam. XXIII, 5.

(3) The Torah, learning.

(4) Lit., ‘and if not’, if some of the ‘limbs’, in this case the organs of speech, are not used.

(5) Var. lec. ‘E. b. Jacob’.

(6) שׂוֹנֵה ‘keen-witted’ (rt. שָׁנָה ‘to sharpen’), ‘man of iron endurance’, (cf. שֶׁן סֹלֶעַ ‘rocky crag’), or ‘long toothed’ (cf. שֶׁן ‘tooth’). V. B.B., Sonc. ed. vol. II, p. 561, n. 14.

(7) The words of the Torah which includes both the written and the oral law.

(8) Prov. IV, 22.

(9) לְמַצְאֵיהֶם (rt. מָצָא in Kal ‘to find’).

(10) לְמוֹצֵיאֵיהֶם (rt. יָצָא in Hif. ‘to bring out’, ‘utter’).

(11) Sc. do not postpone any enjoyments or pleasures.

(12) Which comes all too soon to an abrupt end. Cf. ‘make hay while the sun shines’ (Eng. prov.).

(13) Lit., ‘if thou hast’.

(14) Whether it is being put to good use.

(15) Cf. Eccl. XIV, 11f, 15f, 18.

(16) לִיָּה

(17) V. supra n. 1.

(18) לִיָּה const. of לִיָּה (v. prev. n. but one).

(19) Prov. I, 9.

(20) The Torah.

(21) Prov. III, 8.

(22) Ibid. IV, 22.

(23) Lit., ‘measure’.

(24) Lit., ‘flesh and blood’.



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- (25) Prov. IV, 22.  
(26) Ibid. XXII, 18.  
(27) By being uttered clearly and methodically.  
(28) Cf. prev. n. and text.  
(29) Ibid. XV, 23.  
(30) Deut. XXX, 14.  
(31) E.V. 'request'.  
(32) Ps. XXI, 3.  
(33) Emphasis on 'heart'.  
(34) I.e., as soon as he would desire it, it would be given him.  
(35) Emphasis on 'lips'.  
(36) I.e., his desire would not be granted unless he actually asked for it.  
(37) ועד 'סלה' נצח.  
(38) לנצח.  
(39) Isa. LVII, 16.  
(40) סלה, Ps. XLVIII, 9.  
(41) ועד, Ex. XV, 18.  
(42) Containing the Biblical expressions R. Eleazar is about to expound.  
(43) So MS.M. and marg. note. Cur. edd. in parenthesis 'Eliezer'.  
(44) Prov. 1, 9.  
(45) Sc. he is pleasant and conciliatory.  
(46) He is not always in the public eye.  
(47) Cant. V, 13.  
(48) Humility.  
(49) Benefiting others.  
(50) V. supra n. 6.  
(51) Ex. XXXI, 18.  
(52) לחות 'tables', is Midrashically interpreted as לחיים 'cheeks'.  
(53) He incessantly aid repeatedly teaches the Torah to others and disregards the constant strain upon his facial muscles.  
(54) Ex. XXXII, 16.  
(55) It would have remained 'graven' forever.  
(56) Israel.  
(57) חרות.  
(58) חירות. For the sake of the tables Israel would have ever been free.  
(59) Num. XXI, 18.  
(60) Mattanah מתנה 'gift' from נתן 'to give'. The Torah will be given to him as a gift and he will never forge' it.  
(61) On account of its strength their wine had to be diluted in a certain proportion of water before it could be served.  
(62) Who was an expert in the art of mixing.  
(63) R. Joseph who was blind and unaware of Raba's presence.  
(64) The Eastern custom of sitting with legs folded under the body.  
(65) Num. XXI, 18ff.  
(66) V. supra n. 1.  
(67) נחליאל is read as אל נחליאל.  
(68) Bamoth במות signifying 'heights'.  
(69) Symbolic of a humble position.  
(70) Isa. XL, 4.

- (71) Ps. LXVIII, 11.  
(72) Sc. as the animal proceeds to eat its prey as soon as it has trampled it on the ground so does the student proceed to revise his lessons as soon as he has them from his master.  
(73) I.e., as the animal consumes its prey despite the unpleasantness of taste that it contracts in the course of being trailed in the dust or mud, so does the student persist in his studies, despite the unpleasantness he experiences in understanding or memorizing them.  
(74) Ps. LXVIII, 11.  
(75) Prov. XXVII, 18.  
(76) Since all its fruit does ripen at the same time.

## Eruvin 54b

the more one<sup>1</sup> searches it the more figs one finds in it so it is with the words of the Torah; the more one<sup>1</sup> studies them the more relish he finds in them.

**R. Samuel b. Nahmani expounded:** With reference to the Scriptural text: Loving hind and a graceful roe, etc.<sup>2</sup> why were the words of the Torah compared to a 'hind'? To tell you that as the hind has a narrow womb and is loved by its mate at all times as at the first hour of their meeting, so it is with the words of the Torah — They are loved by those who study them at all times as at the hour when they first made their acquaintance. 'And in graceful roe'? Because the Torah bestows grace upon those who study it. Her breasts will satisfy thee at all times.<sup>2</sup> Why were the words of the Torah compared to a breast? As with a breast, however often the child sucks<sup>3</sup> it so often does he find milk in it, so it is with the words of the Torah. As often a man studies them so often does he find relish in them — With her love wilt thou be ravished always,<sup>2</sup> as was the case with R. Eleazar<sup>4</sup> b. Pedath, for instance.

It was said of R. Eleazar<sup>4</sup> that he sat and studied Torah in the lower market of Sepphoris while his linen cloak lay in the upper market of the town.<sup>5</sup> R.<sup>6</sup> Isaac b. Eleazar related: A man once came to take it and found a venomous serpent in it.<sup>7</sup> It was taught at the school of R. Anan: What is the exposition of the scriptural text, ye that ride

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on white asses, ye that sit on rich cloths, and ye that walk by the way, tell of it?<sup>8</sup> ‘Ye that ride on asses’ refers to the learned men<sup>9</sup> who travel from town to town and from province to province to study<sup>10</sup> the Torah. ‘White’<sup>11</sup> means that they clarify it like noonday.<sup>12</sup> ‘That sit on rich cloths’<sup>13</sup> means that they give true judgment for the sake of the truth.<sup>14</sup> ‘That walk’ refers to the students of Scripture; ‘by the way’ refers to the students of the Mishnah; ‘tell of it’ refers to the students of the Talmud all of whose talk consists of the words of the Torah.

R. Shezbi stated in the name of R. Eleazar b. Azariah: What is the exposition of the text: The slothful man shall not hunt his prey?<sup>15</sup> The cunning hunter<sup>16</sup> will not live long.<sup>17</sup> R. Shesheth expounded: The cunning hunter<sup>18</sup> will roast.<sup>19</sup> When R. Dimi came<sup>20</sup> he said: This<sup>21</sup> may be likened to a fowler who hunts birds. If he breaks he wings of each bird as he shoots it down<sup>22</sup> his catch is secure, otherwise it is not.

Raba<sup>23</sup> expounded in the name of R. Sehora who had it from R. Huna: What is the purport of the text: Wealth gotten by vanity shall be diminished, but he that gathereth little by little shall increase?<sup>24</sup> If a man studies much at a time<sup>25</sup> his learning decreases,<sup>26</sup> and if he does not do so but ‘gathereth little by little’ he ‘shall increase’.<sup>27</sup> Raba<sup>23</sup> remarked: The Rabbis are well aware of this advice<sup>28</sup> and yet disregard it.<sup>29</sup> R. Nahman b. Isaac said: I acted on this advice and my study remained with me.

Our Rabbis learned: What was the procedure of the instruction in the oral law? Moses learned from the mouth of the Omnipotent. Then Aaron entered and Moses taught him his lesson. Aaron then moved aside and sat down on Moses’ left. Thereupon Aaron’s sons entered and Moses taught them their lesson. His sons then moved aside, Eleazar taking his seat on Moses’ right and Ithamar on Aaron’s left.

R. Judah stated: Aaron was always on Moses right. Thereupon the elders entered and Moses taught them their lesson, and when the elders moved aside all the people entered and Moses taught them their lesson. It thus followed that Aaron heard the lesson<sup>30</sup> four times, his sons heard it three times, the elders twice and all the people once. At this stage Moses departed and Aaron taught them his lesson. Then Aaron departed and his sons taught them their lesson. His sons then departed and the elders taught them their lesson. It thus followed that everybody heard the lesson four times.

From here R. Eliezer inferred: It is a man’s duty to teach his pupil [his lesson] four times. For this is arrived at a *minori ad majus*: Aaron who learned from Moses who had it from the Omnipotent had to learn his lesson four times<sup>31</sup> how much more so an ordinary pupil who learns from an ordinary teacher.

R. Akiba stated: Whence is it deduced that a man must go on teaching his pupil until he has mastered the subject? From Scripture where it says: And teach thou it to the children of Israel.<sup>32</sup> And whence is it deduced that it must be taught until the students are well versed in it?<sup>33</sup> From Scripture where it says. Put it in their mouths.<sup>34</sup> And whence is it inferred that it is also his duty to explain to him the reasons?<sup>35</sup> It has been said: Now these are the ordinances which thou shalt put before them.<sup>36</sup> But why did they not all learn<sup>37</sup> direct from Moses?<sup>38</sup> — In order to give a share of the honour<sup>39</sup> to Aaron, his sons, and the elders. Then<sup>40</sup> [why was not this procedure<sup>41</sup> adopted:] Aaron might enter and learn from Moses,<sup>42</sup> his sons might then enter and learn from Aaron,<sup>42</sup> then the elders might enter and learn from his sons<sup>42</sup> and these finally might teach all Israel?<sup>42</sup> — As Moses learned from the mouth of the Omnipotent his own teaching was of greater value.<sup>43</sup>

The Master said: ‘R. Judah stated: Aaron was always on Moses’ right’. Whose view is represented in the following where it was

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taught: If three men were going the same way, the Master is to be in the middle, the more important of the other two<sup>44</sup> on his right and the less important<sup>45</sup> on his left?<sup>46</sup> Must it be held that it represents the view of R. Judah and not that of the Rabbis?<sup>47</sup> — It<sup>48</sup> may be said to agree even with the view of the Rabbis, since Aaron's trouble had to be taken into consideration.<sup>49</sup>

R. Pereda had a pupil whom he taught his lesson four hundred times before the latter could master it. On a certain day having been requested to attend to a religious matter he taught him as usual but the pupil could not master the subject. 'What', the Master asked: 'is the matter<sup>50</sup> to-day?' — 'From the moment', the other replied. 'the Master was told that there was a religious matter to be attended to I could not concentrate my thoughts,<sup>51</sup> for at every moment I imagined, now the Master will get up or now the Master will get up'. 'Give me your attention', the Master said, 'and I will teach you again', and so he taught him another four hundred times. A bath kol issued forth asking him,<sup>52</sup> 'Do you prefer that four hundred years shall be added to your life or that you and your generation shall be privileged to have a share in the world to come?' — 'That', he replied. 'I and my generation shall be privileged to have a share in the world to come'. 'Give him both', said the Holy One, blessed be He.

R. Hisda stated: The Torah can only be acquired with [the aid of] mnemonic signs, for it is said: Put it in their mouths;<sup>53</sup> read not, 'put it'<sup>54</sup> but 'its mnemonic sign'.<sup>55</sup>

R. Tahlifa of the West<sup>56</sup> heard this and proceeding to R. Abbahu told it to him. 'You', the other said to him, 'deduce this<sup>57</sup> from that text;<sup>58</sup> we deduce it from this one: Set thee up waymarks, make thee', etc.;<sup>58</sup> devise [mnemonic] signs<sup>59</sup> for the Torah. What proof, however, is there that the expression of ziyyun<sup>60</sup> means a sign? — Since it is written, And any seeth a man's bone, then shall be set up a sign<sup>61</sup> by it.<sup>62</sup>

R. Eleazar said: The deduction<sup>63</sup> is made from this text: Say unto wisdom, 'Thou art my sister', and call understanding thy kinswoman,<sup>64</sup> devise [mnemonic] signs<sup>65</sup> for the Torah — Raba expounded: Appoint fixed times<sup>66</sup> for the study of the Torah.

- (1) Lit., 'all the time that a man'.
- (2) Prov. V, 19.
- (3) Lit., 'feels', 'searches'.
- (4) So marg. n. and Bomb. ed. Cur. edd. in parenthesis 'Eliezer'.
- (5) So absorbed was he in his studies that he forgot to take his cloak with him (cf. R. Han.) Rashi explains תשגה (here rendered 'thou wilt be ravished') as 'thou wilt make a fool of thyself' (rt. שגה 'to err', 'be confused') by neglecting one's work or trade and engaging in study. R. Eleazar presumably left his cloak with his wares in the upper market while, absorbed in his studies, he went down to the lower one oblivious of both his cloak and his wares.
- (6) Cur. edd. in parenthesis. 'It was taught'.
- (7) Providential protection of the property of the just.
- (8) Judg. V, 10.
- (9) Lit., 'disciples of the wise' (v. Glos. s.v. Talmid Hakam).
- (10) Cur. edd. in parenthesis insert 'in it'.
- (11) צהרות (rt. צהר).
- (12) צהרים (rt. צהר) interchange of ה and ח.
- (13) [Lit., 'דין = judgment').
- (14) [Lit., 'true to its own truth'; an absolutely true verdict arrived at by the judge in his endeavor to find out the truth himself without relying solely on the evidence, v. Tosaf. B.B. 8b, s.v. דין].
- (15) Prov. XII, 27.
- (16) רמיה ('slothful'), is expounded by a play upon the words as 'רמאי' 'cunning' and צידו ('his prey') as ציד 'hunter'. The reference is to one who possesses no knowledge and pretends to be a scholar.
- (17) לא יהיה ולא יאריך ימים lit., 'shall not live nor have length of days', a play upon the words לא יהרץ ('shall not hunt').
- (18) Cf. supra n. 12. R. Shesheth, however, gives the appellation of 'cunning hunter' to the fowler who proceeds in the manner R. Dimi is about to describe.
- (19) The birds lie caught. יחרך (rt. חרך 'to roast'). His exposition of the verse is as follows: 'Shall not the cunning hunter roast his prey?' 'Of course he shall' being the implied reply. 'Cunning hunter' thus refers to the student who learns section by section, thoroughly revising and consolidating each before proceeding to the next (cf. R. Dimi's parable that follows).
- (20) From Palestine to Babylon.

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- (21) The manner of study just referred to (cf. supra p. 380, n. 15, final clause).
- (22) Lit., 'first, first'.
- (23) So marg. n. Cur. edd. in parentheses, 'Rabbah'.
- (24) Prov. XII. 11.
- (25) Lit., 'makes his Torah bundles, bundles', a play upon the word for 'by vanity' מהבל reading הבל as הבל (חבילה 'bundle').
- (26) An overburdened memory can retain but little.
- (27) His store of knowledge.
- (28) Lit., 'thing'.
- (29) Lit., 'transgress it'.
- (30) Lit., 'they were found in the hand of'.
- (31) Lit., 'thus'.
- (32) Deut. XXXI, 19; emphasis on 'teach'.
- (33) Lit., 'arranged in order in their mouth'.
- (34) Deut. XXXI, 19; emphasis on 'put... mouth'.
- (35) Lit., 'to show the face'... that it is not enough to teach dogmatically.
- (36) Ex. XXI. 1, emphasis on 'put before' (cf. Rashi). להראות לו פנים 'to show him the face' may be a play upon the word לפניהם, 'before them'.
- (37) MS. M. 'Let the elders enter and learn'. Bah, 'Let them all enter', etc.
- (38) The four times required.
- (39) Of instructing the people.
- (40) If it was desired to honor Aaron, his sons and the elders.
- (41) Which would have conferred greater distinction on each individual or group as compared with the group that followed.
- (42) The four times required.
- (43) Lit., 'the thing is supported'.
- (44) Lit., 'and the great'.
- (45) Lit., 'and the small'.
- (46) V. Yoma 37a.
- (47) Who hold that Aaron took his seat on Moses' left. Is it likely, however, that an anonymous ruling would agree with an individual contrary to the view of the majority?
- (48) The Baraitha cited.
- (49) As he had to sit on the left of Moses when the two were alone, he was allowed to remain in the same position, even after the others had entered, in order to save him the trouble of moving from one place to another.
- (50) Lit., 'what is the difference'.
- (51) Lit., 'I removed my mind'.
- (52) R. Pereda.
- (53) Deut. XXXI, 19.
- (54) שרימה.
- (55) סימנה (cf. prev. n.) a play upon the similarity of the two expressions.
- (56) Palestine which lay to the west of Babylon where the statement was made.
- (57) The need for mnemotechnical aids.
- (58) Jer. XXXI, 21.

- (59) ציונים, the same term as that used in the text for 'waymarks'.
- (60) ציון, sing. Of ציונים (v. prev. n.).
- (61) V. p. 383, n. 13.
- (62) Ezek. XXXIX, 15.
- (63) V. p. 383, n. 10.
- (64) Prov. VII, 4.
- (65) מודעים, pl. of מודע, the term used in the tent for 'kinswoman'.
- (66) מועד sing. מועד 'an appointed time,' obtained by transposition of the letters in מועד (cf. prev. n.).

## Eruvin 55a

This<sup>1</sup> is in harmony with the following statement of R.<sup>2</sup> Abdimi b. Hama b. Dosa:<sup>3</sup> What is the significance of the text: It is not in heaven, [that thou shouldst say: 'who shall go up for us to heaven, and bring it unto us'],<sup>4</sup> neither is it beyond the sea [that thou shouldst say, 'Who shall go over the sea for us, and bring it unto us']?<sup>5</sup> 'It is not in heaven', for if it were in heaven you should have gone up after it; and if it were 'beyond the sea', you should have gone over the sea after it.

Raba<sup>6</sup> expounded, 'It is not in heaven',<sup>4</sup> it<sup>7</sup> is not to be found with him who, because he possesses some knowledge of it, towers in his pride as high as the heavens, '[neither is it beyond the sea'] it is not found with him who, because of some knowledge of it, is as expansive in his self-esteem<sup>9</sup> as the sea.

R. Johanan<sup>10</sup> expounded: 'It is not in heaven', it<sup>11</sup> is not to be found among the arrogant;<sup>12</sup> 'neither is it beyond the sea', it is not to be found among merchants or dealers.<sup>13</sup>

Our Rabbis taught: How are the Sabbath boundaries of towns extended? [If a town is] long the Sabbath limits are measured from its normal boundaries.<sup>14</sup> If it is round corners are added to it.<sup>15</sup> If it is square no corners are added to it.<sup>16</sup> If it was wide on one side and narrow on the other<sup>17</sup> it is regarded as if both its sides were equal.<sup>18</sup> If one house projected<sup>19</sup> like a turret, or if two houses projected<sup>20</sup> like two turrets, they are to be

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treated as if a thread had been drawn beside them in a straight line, and the two thousand cubits are measured from that line outwards.<sup>21</sup> If the town was shaped like a bow<sup>22</sup> or like a gamma,<sup>23</sup> it is to be regarded as if it had been full of houses and courtyards, and the two thousand cubits are measured from the imaginary boundaries outwards.<sup>24</sup>

The Master said: '[If a town is] long the Sabbath limits are measured from its normal boundaries'. But is this not obvious? — The ruling is required in a case where it was long but narrow. Since it might have been presumed that the width should be regarded as equal to its length.<sup>25</sup> we were informed [that the law was not so]. 'If it is square shaped no corners are added to it'. Is not this obvious? —

This was only required in a case where it is square shaped but the sides of the square are not parallel with the four directions of the world. As it might have been presumed that it should be deemed to be enclosed in an imaginary square whose sides are parallel with the four directions of the world, we were informed [that this is not permitted]. 'If one house projected like a turret, or if two houses projected like two turrets'. Now that you said that the law applied to one house, was it also necessary to mention two houses? —

The ruling was necessary in that case only where the two houses were respectively on two sides of the town. As it might have been presumed that we apply the law only where a projecting house was on one side but not when houses were projecting on two sides, we were informed [that the law is applied to the latter case also]. 'If the town was shaped like a bow or like a gamma, it is to be regarded as if it had been full of houses and courtyards, and the two thousand cubits are measured from its imaginary boundaries'.

R. Huna laid down: If a town is shaped like a bow, then, if the distance between its two ends<sup>26</sup> is less than four thousand cubits,<sup>27</sup> the

Sabbath limits are measured from the bow-string,<sup>28</sup> otherwise measuring must begin from the arch.<sup>29</sup> But could R. Huna have laid down such a ruling?<sup>30</sup> Did not R. Huna in fact rule: If a breach was made in a town wall,<sup>31</sup> [the houses on both sides of the breach are regarded as belonging to the same town if the distance between them is] no more than a hundred and forty-one and a third cubits?<sup>32</sup>—

Rabbah b. 'Ulla replied: This is no difficulty, since the former<sup>33</sup> deals with a case where the gap was only on one side<sup>34</sup> while the latter deals with one that had breaches on two sides.<sup>35</sup> Then what does he<sup>36</sup> inform us? That a karpaf<sup>37</sup> is allowed for each section.<sup>38</sup> But did not R. Huna once lay down such a ruling, as we learned:

- (1) The deduction that it is necessary to resort to special efforts, such as the device of mnemotechnical symbols and the like, in order to acquire a knowledge of the Torah.
- (2) So Bah, wanting in cur. edd.
- (3) MS.M. R. Dimi b. Hida.
- (4) Deut. XXX, 12.
- (5) Ibid. 13.
- (6) Var. lec. R. Johanan (She'iltot, Toledoth, XIX).
- (7) The Torah.
- (8) Lit., 'who lifts up his mind because of it'.
- (9) Lit., 'who widens his mind because of it'.
- (10) Var. lec. Raba (She'iltot, ibid.).
- (11) The Torah.
- (12) Cf. notes on previous exposition by Raba.
- (13) The 'sea' representing maritime trade.
- (14) Lit., as it is — This is further explained infra.
- (15) Sc. the circumference of the town is deemed to be enclosed in an imaginary square and the Sabbath limits are measured from the sides of that square, the townspeople thus gaining the benefit of longer distances through the angles of the square:
- (16) This is explained infra.
- (17) If its northern side, for instance, was wider than its southern side.
- (18) The southern boundary is deemed to be extended in both directions to the same length as the northern one, and the extremities of this imaginary line are deemed to be joined to the extremities of the northern boundary.
- (19) From the town wall.
- (20) It is now assumed that both houses were on the same side of the town.
- (21) If the projecting house, for instance, was in a corner on the northern side of the town, an

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imaginary line, parallel to the town in wall, is drawn across the northern side of the house towards the western side of the town, and this line is deemed to represent the boundary of the town for the purpose of measuring the Sabbath limits. The respective positions of the 'two houses projected' is discussed presently.

(22) No houses having been built on the side corresponding to the bow-string.

(23) Gr. \*\*. Cf. prev. n. mut. mut.

(24) Tosef. 'Er. IV. Every townsman man, irrespective of the position of his house, is entitled to walk two thousand cubits distance from the imaginary, as well as from the actual boundaries.

(25) I.e., as if the a town were square-shaped and its shorter sides were equal to its longer ones.

(26) I.e., the side corresponding to the bow string.

(27) So that the Sabbath limit from the one end overlaps with the Sabbath limit from the opposite end.

(28) Outwards; and the whole town, as far as its inhabitants are concerned, is regarded as no bigger than four cubits within which they may freely move on the Sabbath in addition to the two thousand cubits distance beyond the town in all directions.

(29) Every inhabitant may move no further than two thousand cubits from his own house in any direction.

(30) That two sections of a town are regarded as one where the distance between them is less than four thousand cubits.

(31) Sc. a breach that completely severed the town in two distinct sections, no houses intervening.

(32) A distance representing the length of two karpafs of seventy and two thirds cubits each (which each town is allowed in addition to the Sabbath limit of two thousand cubits). But if the distance was greater, the two sections are regarded as two different towns. How then could it be said that R. Huna permitted any distance within four thousand cubits?

(33) A bow shaped town.

(34) V. supra p. 385, n. 9.

(35) V. supra n. 6.

(36) R. Huna in the last ruling cited.

(37) Of a length of seventy and two thirds cubits.

(38) In the same manner as one is allowed for each of two adjacent towns which are thereby combined to form one town for the purposes of Sabbath movements.

## Eruvin 55b

A karpaf is allowed for every town;<sup>1</sup> so R. Meir, but the Sages ruled: A karpaf was allowed only<sup>2</sup> between two towns,<sup>3</sup> and in connect ion with this it was stated: R. Huna

laid down: A karpaf is allowed for each town, while R. Hiyya b. Rab held: Only one karpaf is allowed for both towns?<sup>4</sup> —

Both rulings were required. For if we had been informed only of the ruling here,<sup>5</sup> it might have been presumed [to apply to this case only] because originally<sup>6</sup> all the town was a permitted domain,<sup>7</sup> but not to the case there.<sup>8</sup> And if we had been informed of the ruling there only, it might have been presumed [to apply to that case alone] because [one karpaf is] too cramped for the use of two towns, but not here<sup>9</sup> where the space of one karpaf would not be too cramped.<sup>10</sup> Hence both rulings were required. And<sup>11</sup> what perpendicular distance is allowed between the [middle of the imaginary] bow-string and the arch?-

Rabbah son of R. Huna<sup>12</sup> replied: One of two thousand cubits.<sup>13</sup> Raba the son of Rabbah son of R. Huna replied: Even one greater than two thousand cubits. Said Abaye: Logical reasoning is in agreement with Raba the son of Rabbah son of R. Huna, since<sup>14</sup> any person can, if he wishes, go around<sup>15</sup> by way of the houses.<sup>16</sup>

IF THERE WERE RUINS TEN HANDBREADTHS HIGH, etc. What is meant by RUINS? — Rab Judah replied: Three walls without a roof on them.<sup>17</sup> The question was raised: What is the ruling in the case of two walls upon which there was a roof?

Come and hear: The following are included in the Sabbath boundary of a town. A sepulchral monument of the size of four cubits by four,<sup>18</sup> a bridge or a cemetery that contains a dwelling chamber, a synagogue that has a dwelling-house for the hazan,<sup>19</sup> a heathen temple that contains a dwelling-house for its priests,<sup>20</sup> horse-stalls or storehouses In open fields, to which dwelling-chambers are attached, watchmen's huts in a field, and a house on a sea island.<sup>21</sup> All these are included in the Sabbath boundary of a town. The following, however, are not

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included in it: A sepulchral monument that was broken on two sides, the gap extending from one end to the other, a bridge or a cemetery that contains no dwelling-chamber, a synagogue that had no dwelling-house for the hazan, a heathen temple that contained no dwelling-house for its priests,<sup>20</sup> horse-stalls or storehouses in open fields, to which dwelling chambers are not attached, a pit, a ditch, a cave, a wall or a dove-cote in a field, and a house in a ship.<sup>22</sup> All these are not included in the Sabbath boundary of a town.<sup>23</sup> At all events It was here taught: 'A sepulchral monument that was broken on two sides, the gap extending from one end to the other'. Does not this refer to a case where there was a roof on top?<sup>24</sup> — No, it may be a case where there was no roof on top. Of what use is a 'house on a sea island'? —

R. Papa replied: The reference here is to a house into which a ship's tackle is moved. But is not a 'cave' included in the Sabbath boundary of a town? Did not R. Hiyya in fact teach: A cave is included in the Sabbath boundary of a town? —

Abaye replied: He referred to a cave at the entrance of which was a built structure. Might not then its inclusion be inferred solely on the ground of the structure? — The ruling<sup>25</sup> was required only in a case where the cave supplemented the prescribed size.<sup>26</sup>

R. Huna ruled: For those who dwell in huts<sup>27</sup> the Sabbath limits are measured from the very doors of their huts.<sup>28</sup>

R. Hisda raised an objection: And they pitched by the Jordan, from Beth-yeshimoth,<sup>29</sup> in connection with which Rabbah b. Bar Hana<sup>30</sup> stated: 'I myself saw the place and it measured three parasangs by three'.<sup>31</sup> Now was it not taught: When they attended to their needs they turned neither front nor sideways but backwards?<sup>32</sup> —

Raba answered him: You speak of the divisions in the wilderness! Since about them it is written: At the commandment of the

Lord they encamped and at the commandment of the Lord they journeyed,<sup>33</sup> they could well be regarded as constituting a permanent settlement.<sup>34</sup>

R. Hinena b. R. Kahana ruled in the name of R. Ashi: If among the huts there are three courtyards of two houses<sup>35</sup> each, all the encampment assumes the characteristics of a permanent settlement.<sup>36</sup>

Rab Judah citing Rab remarked: Dwellers in huts and travelers in the desert lead a miserable life,<sup>37</sup> and their wives and children are not really their own. So it was also taught: Eliezer of Biria<sup>38</sup> remarked: Those who dwell in huts are like those who dwell in graves, and concerning their daughters Scripture says: Cursed be he that lieth with any manner of beast.<sup>39</sup> What is the reason? Ulla explained: Because they have no bath houses;<sup>40</sup> and R. Johanan explained: Because they [allow each other to] perceive the times of their ritual immersion.<sup>41</sup> What is the practical difference between them?<sup>42</sup> — The case where a river is near the house.<sup>43</sup>

R. Huna said: No scholar<sup>44</sup> should dwell in a town where vegetables are unobtainable. This then implies that vegetables are wholesome, but was it not taught: Three kinds of food increase one's excrements, bend one's stature and take away a five hundredth part of the human eyesight, viz.

- (1) Its Sabbath limit being measured from the outward boundary of that karpaf.
- (2) Lit., 'they (sc. the Rabbis who originally instituted the law of karpaf) said only'.
- (3) That were adjacent to one another and that, on account of the karpafs, joined to form one town (cf. supra, p. 387, n. 13 and the discussion infra 57bf).
- (4) As two sections of one town could not in this respect be subject to greater restrictions than two independent towns that are adjacent to one another, what need was there for R. Huna's ruling in respect of one town that was only severed in two on account of a breach?
- (5) A town severed by a breach in two.
- (6) Before the breach was made.
- (7) Lit., 'it had a side of permissibility'.

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- (8) That of two towns that were never before combined to form one permitted domain.
- (9) A town severed by a breach in two.
- (10) Since originally, when the area of the gap was occupied by houses, the inhabitants in either section did not have the use of even one karpaf.
- (11) Where the distance between the two ends of the bow is less than four thousand cubits, in which case it was laid down supra that the Sabbath limit is measured from an imaginary line joining the two ends.
- (12) Bomb. ed. omits 'Rabbah b.'
- (13) There must be no more than a Sabbath limit between any of the houses in the arch and the imaginary bow-string.
- (14) However great the perpendicular distance between the imaginary bow-string and the arch.
- (15) To the ends of the arch.
- (16) Without touching the empty space between the cord and the arch. As in this manner it is possible for any townsman to pass from one end of the bow-shaped town to the other end and then to proceed also along the imaginary cord that joins these ends, the entire area enclosed by the arc and cord is deemed to be occupied by houses and courtyards.
- (17) If there was a roof on them they would be regarded as a house and would in any case be included in the town boundary in accordance with a previous ruling in our Mishnah.
- (18) Such a monument is usually provided with a dwelling-chamber for its watchman. It has, therefore, the status of a dwelling-house even though no one lives in it.
- (19) חזן 'beadle', 'sexton', 'superintendent'. In modern Hebrew, 'synagogue reader', 'precentor'.
- (20) Or 'attendants', כומריים.
- (21) Within seventy and two thirds cubits from the town.
- (22) That was not stationary, but moved sometimes within and sometimes without seventy and two thirds cubits from the town.
- (23) Tosef. 'Er. IV.
- (24) Which allows that two walls with a roof on top are not regarded as a 'ruin' that is included in the Sabbath boundary of a town.
- (25) Of R. Hiyya.
- (26) Of four cubits by four. In the absence of such a ruling it might have been presumed that, as the structure was less than the minimum size prescribed, neither it nor the cave may be included in the Sabbath boundary of the town.
- (27) צריפין, frail cone-shaped structures of reeds or branches of trees.
- (28) Sc. even if a camp consisted of hundreds of such frail huts it does not assume the character of a town the residents of which may freely move within it (however large its area) and two thousand cubits beyond it in all directions. Each hut is regarded as a single unit.

- (29) Num. XXXIII, 49, referring to the Israelites' camp in the wilderness.
- (30) Cur. edd. in parenthesis 'in the name of R. Johanan'.
- (31) Which establishes the fact that the Israelites' camp in the wilderness occupied an area of three parasangs by three.
- (32) Sc. behind the rear of the camp. An Israelite occupying a hut or a tent in the front lines of the camp had consequently to walk for the purpose a distance of three parasangs. How since this long walk, far exceeding a Sabbath limit, was permitted, it follows that an encampment consisting of huts also assumes the character of a town. An objection against R. Huna.
- (33) Hum. IX, 18. The order in M.T. is reversed: At the commandment... journeyed... encamped.
- (34) In consequence of which they were well entitled to the privileges of a town.
- (35) Of stone or wood.
- (36) Cf. infra 59b.
- (37) Lit., 'their life is no life'.
- (38) [Probably identical with Bertotha in Upper Galilee, v. Aboth, Sonc. ed., p. 31 n. 4 and Horowitz, op. cit. p. 175].
- (39) Deut. XXVII, 21.
- (40) When the men leave their homes to bathe in a distant place the women remaining behind are exposed to the temptations of the unscrupulous.
- (41) Depraved men are thus in a position to follow the women when they leave the camp for their ritual bathing.
- (42) Ulla and R. Johanan.
- (43) Ritual immersion can well be performed in the river and the women are under no necessity to go far from their homes. The men, however, would still be leaving their homes in quest of a warm bath. Ulla's reason is, therefore, applicable in such a case also while that of R. Johanan does not apply.
- (44) Talmid hakham, v. Glos.

## Eruvin 56a

black bread,<sup>1</sup> new beer and vegetables?<sup>2</sup> — This is no difficulty, one [statement referring] to garlic and leek while the other [refers] to other vegetables; as it was taught: Garlic is a vegetable, leek is a semi-vegetable;<sup>3</sup> if radish appears a life-giving drug has appeared. Was it not, however, taught: If radish appears a drug of death has appeared? — This is no contradiction, the latter might deal with the leaves while the former with the roots, or the latter might refer to the summer while the former might refer to the winter.



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Rab Judah citing Rab said: In a town which abounds with ascents and descents men and beasts die in the prime of their lives.<sup>4</sup> 'Die!' Can one really think so? — Rather say: They age in the prime of life.

R. Huna son of R. Joshua remarked: The crags between Be Bari and Be Narash have made me old.<sup>5</sup>

Our Rabbis taught: If a town is to be squared<sup>6</sup> the sides of the square must be made to correspond to the four directions of the world: Its northern side, [for instance,] must correspond<sup>7</sup> to the North, and its southern side to the South; and your guiding marks<sup>8</sup> are the Great Rear<sup>9</sup> in the North and the Scorpion in the South.

R. Jose said: If one<sup>10</sup> does not know how to square a town so as to make it correspond with the directions of the world, one may square it in accordance with the circuit of the sun. How? — The direction in which on a long day the sun rises<sup>11</sup> and sets<sup>12</sup> is the northern direction.<sup>13</sup> The direction in which on a short day the sun rises<sup>11</sup> and sets<sup>12</sup> is the southern direction.<sup>14</sup> At the vernal and autumnal equinoxes<sup>15</sup> the sun rises in the middle point of the East and sets in the middle point of the West,<sup>16</sup> as it is said in Scripture: It goeth along<sup>17</sup> the south, and turneth about the<sup>18</sup> north;<sup>19</sup> 'It goeth along the south' during the day 'and turneth about the north'<sup>20</sup> during the night. The wind turneth, turneth about moveth<sup>21</sup> refers to the eastern horizon and the western horizon along which the sun sometimes moves<sup>22</sup> and sometimes turns about.<sup>20</sup>

R. Mesharsheya stated: These rules<sup>23</sup> should be disregarded for it was taught: The sun has never exactly risen in the North East and set in the North West, nor has it ever risen precisely in the South East and set in the South West.

Samuel stated: The vernal equinox occurs only at the beginning of one of the four quarters of the day<sup>24</sup> viz., either at the

beginning of the day or at the beginning of the night or at midday or at midnight.<sup>25</sup> The summer solstice only occurs either at the end of one and a half, or at the end of seven and a half hours of the day or the night.<sup>26</sup> The autumnal equinox only occurs at the end of three, or nine hours of the day or the night,<sup>27</sup> and the winter solstice only occurs at the end of four and a half, or ten and a half hours of the day or the night.<sup>28</sup> The duration of a season of the year<sup>29</sup> is no longer than ninety-one days and seven and a half hours; and the beginning of one season is removed from that of the other by no more than one half of a planetary hour.<sup>30</sup>

Samuel further stated: The vernal equinox never begins under Jupiter<sup>31</sup> but it breaks the trees, nor does the winter solstice begin under Jupiter but it dries up the seed. This, however, is the case only when the new moon occurred in the moon-hour or in the Jupiter-hour.<sup>31</sup>

(1) פת קיבר panis cibarius.

(2) Pes. 42a.

(3) Which proves that garlic and leek may be described as vegetables.

(4) Lit., 'in the half of their days'.

(5) [Town south of Sura situated on a mountain slope on the east bank of the Euphrates, v. Obermeyer p. 308].

(6) Sc. if for the purpose of measuring its Sabbath limits its irregular boundary lines are extended to form an imaginary square (cf. supra 55a).

(7) Lit., 'gives'.

(8) In ascertaining the directions.

(9) עגלה, lit., 'wagon'.

(10) Being unable to identify either of the two constellations.

(11) At one end.

(12) At the other end.

(13) Lit., 'face of the North'.

(14) At the summer solstice the sun appears to rise in N.E. to move along E., S., and W. and to set N.W., thus rising and setting in the North. As the days shorten and the nights lengthen the circuit of the sun appears steadily to diminish and the points of sunrise and sunset appear to move day after day from N.E. to E. and from N.W. to W. respectively (the autumnal equinox, when days and nights are equal) and then to S.E. and S.W. respectively (the winter solstice when the days are shortest and the nights longest). On the shortest day, therefore, the sun appears to rise in S.E., to

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move only along S., and to set in S.W., thus rising and setting in the South.

(15) Lit., 'the circuit of Nisan (v. Glos.) and the circuit of Tishri (v. Glos.).

(16) As shown supra p. 392, n. 12.

(17) E.V. 'towards'.

(18) E.V. 'unto the'.

(19) Eccl. I, 6.

(20) Sc. hidden from view as if it turned about behind the North.

(21) Ibid. E.V., 'whirlth about continually'.

(22) Sc. is seen moving in the day time.

(23) On the points of sunrise and sunset.

(24) Sc. the solar day of twenty-four hours, which includes both day and night.

(25) The year consists of three hundred and sixty-five days and six hours approx., representing fifty-two weeks and one and a quarter solar day's. The first vernal equinox which, according to tradition, occurred on the first of Nisan, which was then a Wednesday at the beginning of the first quarter of the solar day, i.e., at the 'beginning of the night' (solar days in the Heb. calendar beginning with nightfall) was consequently followed in the second year by a vernal equinox that began at the beginning of a second quarter of the solar day which was the 'midnight' of Thursday (the solar day again beginning as stated supra at nightfall). In the third year the equinox began at the beginning of a third quarter of the solar day, which was the 'beginning of the day' of Friday. In the fourth year it began at the beginning of the fourth quarter of the solar day which was 'midday' of Saturday. The vernal equinox thus begins at a different quarter of the solar day in the course of every four years.

(26) The period intervening between an equinox and the following solstice and between a solstice and the following equinox is, as stated infra, ninety-one days and seven and a half hours approx., representing thirteen weeks and seven and a half hours. When the first vernal equinox occurred at the beginning of a Wednesday (cf. prev. n.) the following summer solstice must have occurred thirteen weeks later at the end of seven and a half hours after the beginning of the night belonging to that Wednesday. When the second vernal equinox occurred at the midnight of Thursday the summer solstice must have occurred thirteen weeks later at the end of one and a half hours after the beginning of the day also a Thursday. Since the third vernal equinox occurred on a Friday at the beginning of the day the following solstice must have occurred thirteen weeks later at the end of seven and a half hours of the day also a Friday. Finally when the fourth vernal equinox occurred at midday on Saturday, the following solstice must have occurred at the end of one and a half hours of the night of the Sunday thirteen weeks later.

(27) This is obtained by dropping the thirteen complete weeks (cf. prev. n.) which do not affect the weekday or the hour, and by adding the seven and a half hours to the respective summer solstices (cf. prev. nn.).

(28) These calculations are arrived at by dropping the weeks and adding the hours (cf. prev. n.) to the respective times of the autumnal equinoxes, the same process as in the previous cases being repeated every four years.

(29) I.e., the lapse of time between an equinox and a solstice that follows it, and between a solstice and an equinox that follows it.

(30) Every hour of the day is assumed to be governed by the sun, the moon or one of the undermentioned planets in the following order: Mercury, Moon, Saturn, Jupiter, Mars, Sun and Venus. It follows that every eighth hour is under the influence of the same heavenly body. Since, for instance, Mercury is in ascendancy in the first hour of the first day of the week, it is also in ascendancy in the eighth, the fifteenth and the twenty-second hour and so on ad infinitum. Similarly Venus who is in ascendancy in the seventh hour of the first day of the week is also in ascendancy in the fourteenth and the twenty-first hour, etc. Now since the beginning of one season is removed from that of the next season (as stated supra) by thirteen weeks and seven and a half hours and since in every week (consisting of 7 X 24 hours) the same relative order and succession of the heavenly bodies is invariably repeated, the weeks may be entirely disregarded in the calculations that determine what heavenly body would exercise its influence at the beginning of a season. The seven and a half hours only having to be taken into consideration, and the number of heavenly bodies concerned being seven, it follows that the same heavenly body that was in ascendancy at the beginning of a season is again in ascendancy during the last half hour of that season and during the first half hour of the season that follows. Every season thus begins 'one half of a planetary hour' later than the preceding one.

(31) Sc. the hour under the influence of this planet (cf. prev. n.).

## Eruvin 56b

**Our Rabbis taught: If [a circular] town is to be [circumscribed by a] square<sup>1</sup> [the sides must be] drawn in the shape of a square tablet. The Sabbath limits also are then drawn in the shape of a square tablet.<sup>2</sup> When the measurements<sup>1</sup> are taken one should not measure the two thousand cubits<sup>3</sup> from the middle point of the town corner,<sup>4</sup> because, thereby, one loses the corners.<sup>5</sup> One should**

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rather imagines that a square tablet of the size of two thousand cubits by two thousand cubits is applied to each corner diagonally,<sup>7</sup> so that the town gains thereby four hundred cubits in each corner,<sup>8</sup> the Sabbath limits gain eight hundred cubits in each corner,<sup>9</sup> while the town and the Sabbath limits together gain twelve hundred cubits<sup>10</sup> in each corner.<sup>11</sup> This<sup>12</sup> is possible, Abaye explained. in a town of the size of two thousand by two thousand cubits.<sup>13</sup>

It was taught: R. Eliezer son of R. Jose stated: The limit of the allotted land beyond the confines of the levitical cities<sup>14</sup> was two thousand cubits.<sup>15</sup> Deducting from these<sup>16</sup> an open space of one thousand cubits,<sup>17</sup> such open space would represent a quarter of the entire area<sup>18</sup> the remainder of which consisted of fields and vineyards.<sup>19</sup> Whence is this<sup>20</sup> deduced? —

Raba replied: From Scripture which says. [And the open land,..] from the wall of the city and outward a thousand cubits round about,<sup>21</sup> the Torah has thus enjoined, ‘Surround the city by an open space of one thousand cubits’. ‘Such an open space [it was said] would represent a quarter of the entire area’ — ‘A quarter’! Is it not in fact one [in the neighborhood] of a half?<sup>22</sup>—

Raba replied: The surveyor Bar Adda<sup>23</sup> explained this to me. Such a proportion is possible in the case of a town whose area is two thousand by two thousand cubits. For what is the area of its limits?<sup>24</sup> Sixteen [million square cubits].<sup>25</sup> What is the area of the corners?<sup>26</sup> Also sixteen [million square cubits].<sup>27</sup> Deducting [for the open spaces] eight [million square cubits]<sup>28</sup> from the limits, and four [million square cubits]<sup>29</sup> from the corners, to what area would this space amount? To one of twelve [million square cubits].<sup>30</sup> Would then ‘such an open space represent a quarter’? Is it not in fact more than a third of the entire area?<sup>31</sup> — Take the four [million square cubits] of the town area itself and add to them.<sup>32</sup> Does not this, however, still amount to a third?<sup>33</sup> — Do you

imagine that a quadrilateral town was spoken off? No, a circular town was meant. For by how much does the area of a square exceed that of a circle? By one quarter [approximately] — Deduct a quarter from the measurements given and there would remain nine [million square cubits];<sup>34</sup> and nine [million] represents one quarter of thirty six [million].<sup>35</sup>

Abaye said: This<sup>36</sup> is also possible in the case of a town that has an area of a thousand by a thousand cubits For what are its limits?<sup>37</sup> Eight [million square cubits].<sup>38</sup> What is the area of the corners? Sixteen [million square cubits].<sup>39</sup>

- (1) In connection with the calculations of the permitted Sabbath limits around it.
- (2) This is explained infra.
- (3) The permitted distance in all directions from the imaginary square round the town.
- (4) I.e., extending the diagonals of the imaginary square to the length of two thousand cubits and joining them so as to form a larger square.
- (5) As will be shown presently.
- (6) Lit., ‘bring’.
- (7) One extremity of the diagonal of the imaginary tablet touching in turn each of the four corners of the imaginary square, the diagonal of the latter forming a straight line with that of the former.
- (8) Lit., ‘towards here and... towards here’. The town spoken of here (as stated by Abaye infra) is one that is circular in shape and the diameter of which is two thousand cubits. By enclosing it in an imaginary square the diagonal of which (on the rule that the diagonal of a square exceeds its side by two fifths approx.) the town is extended in each of its four corners by  $((2000 \times 2/5)/2) = 4000/10 = 400$  cubits (cf. foll. n.).
- (9) A line of two thousand cubits is by two fifths (cf. prev. n.), less than the diagonal of a two thousand cubits square. ‘A square tablet of the size of two thousand cubits by two thousand cubits applied to each corner diagonally’ would consequently add to each corner two thousand cubits plus  $(2000 \times 2/5) = 800$  cubits.
- (10) I.e., the total of 400 and 800 cubits in each of the inner and outer corners respectively.
- (11) Tosef. ‘Er. IV.
- (12) The various measurements and gains just described.
- (13) Cf. preceding notes.
- (14) In addition to the cities themselves the Levites were allowed stretches of land around them for use as open spaces, fields and vineyards as will be specified below.

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- (15) In an outward direction round each city.  
(16) The 2000 cubits mentioned.  
(17) Immediately behind and around each city.  
(18) This will be explained presently.  
(19) Tosaf. 'Ar. ad fin., Sotah 27b.  
(20) That a strip of one thousand cubits around each levitical city must be reserved as an open space.  
(21) Num. XXXV, 4, dealing with the cities of the Levites.  
(22) One thousand cubits of open space in every two thousand cubits allowed:  $1000/2000 = 1/2$ . The actual area of the open space on the present assumption would, of course, be less than a half of the total area, since an inner belt of the width of a thousand cubits is smaller in area than one of equal width around it.  
(23) Aliter: The son of the surveyor Adda'. Aliter: 'Raba b. Adda replied: A surveyor.'  
(24) Sc. the stretch of land two thousand cubits in width around it.  
(25) 2000 by 2000 cubits on each of its four sides:  $2000 \times 2000 \times 4 = 16,000,000$  square cubits.  
(26) The corner spaces between the limits just described.  
(27) The area of each corner being  $2000 \times 2000$  square cubits the total area of the four corners is  $2000 \times 2000 \times 4 = 16,000,000$  square cubits.  
(28) Since the Torah enjoined to surround the whole city with a strip of one thousand cubits wide, one 1000 by 2000 cubits on each of the four sides  $2,000,000 \times 4 = 8,000,000$  sq. cubits.  
(29) One 1000 by 1000 cubits in each of the four corners =  $1,000,000 \times 4 = 4,000,000$  sq. cubits.  
(30) 8,000,000 sq. cubits and 4,000,000 sq. cubits (cf. prev. two nn.) amount to 12,000,000 sq. cubits.  
(31)  $12,000,000/32,000,000$  being equal to  $3/8$ .  
(32) To the 32,000,000. This brings the total up to 36,000,000.  
(33)  $12,000,000/36,000,000 = 1/3$ . Why then was it described as 'a quarter'?'  
(34) The city that was originally assumed to have an area of  $2,000 \times 2,000 = 4,000,000$  sq. cubits, being circular in shape has only an area of  $4,000,000 \times 3/4 = 3,000,000$  sq. cubits approx. The belt of open spaces around it, which was originally assumed to have an area of 12,000,000 sq. cubits would similarly amount to 4,000 (city, 2,000, and open spaces on two of its sides 2,000) by  $4,000 \times 3/4$  (difference between area of sq. and circle) 3,000,000 approx. (area of circular city).  $4,000 \times 4,000 \times 3/4 = 3,000,000 = 12,000,000 - 3,000,000 = 9,000,000$  sq. cubits.  
(35) The latter figure represents the total area in sq. cubits of the city and the entire stretch of open spaces, fields and vineyards allowed to each levitical city. The shape of the city does not affect this outer area which always extends to a perpendicular distance of 2,000 cubits from it in all directions of the city.

- (36) That the open space shall represent a quarter of the area of the land allowed around each city of the Levites.  
(37) The stretch of land allowed around it.  
(38) Area of 1,000 by 2,000 cubits on each of its four sides equal to  $2,000,000 \times 4 = 8,000,000$  sq. cubits.  
(39) Each corner having an area of 2,000 by 2,000 sq. cubits the area of the four corners amounts to  $2,000 \times 2,000 \times 4 = 16,000,000$  sq. cubits.

## Eruvin 57a

Deducting [for the open space] four [million square cubits]<sup>1</sup> from the limits and four [million square cubits] from the corners,<sup>2</sup> to what area would this space amount? To one of eight million square cubits. But is not such an open space a third of the area?<sup>3</sup> — Do you think that the reference is to a square town? No, a circular town was spoken of. For by how much does the area of a square exceed that of a circle? By one quarter approximately. Deduct a quarter from the measurements given<sup>4</sup> and there would remain six [million square cubits];<sup>5</sup> and six [million] represent a quarter of twenty-four [million].<sup>6</sup>

Rabina explained: What is meant by 'a quarter'? A quarter of the area of the limits.<sup>7</sup>

R. Ashi explained: What is meant by 'a quarter'? A quarter of the area of the corners.<sup>8</sup>

Said Rabina to R. Ashi: Is it not written in Scripture: 'round about'?<sup>9</sup> — By 'round about' the corners were meant — For, if you were not to admit this, would you also contend that the expression. And<sup>10</sup> dash the blood round about against the altar,<sup>11</sup> written in connection with a burnt-offering, also meant round about the very altar?<sup>12</sup> Consequently you must admit that by 'round about' was meant round about the corners; well then, here also by 'round about' was meant round about the corners.

Said R. Habibi<sup>13</sup> of Hoza'ah<sup>14</sup> to R. Ashi: Are there not, however, the projections of the corners?<sup>15</sup> — The reference is to a circular city.<sup>16</sup> Was it not, however, made square?<sup>17</sup>

# ERUVIN – 53a-79a

— You might contend that it was said that we imagine it to be a square<sup>18</sup> but can you contend that it was actually made square?<sup>19</sup>

Said R. Hanilai<sup>20</sup> of Hoza'ah to R. Ashi: Consider! By how much does the area of a square exceed that of a circle? By a quarter approximately. Are not then the so called 'eight hundred'<sup>21</sup> only six hundred and sixty-seven minus a third?<sup>22</sup> — The other replied: This<sup>23</sup> applies only to a circle inscribed within a square, but in the case of the diagonal — of a square<sup>24</sup> more must be added; for a Master stated: Every cubit in the side of a square corresponds to one and two fifths of a cubit in its diagonal.<sup>25</sup>

**MISHNAH.** A KARPAF<sup>26</sup> IS ALLOWED FOR EVERY TOWN;<sup>27</sup> SO R. MEIR, BUT THE SAGES RULED: [THE LAW OF] KARPAF<sup>27</sup> WAS INSTITUTED ONLY BETWEEN TWO TOWNS<sup>28</sup> SO THAT BY ADDING TO EACH ONE<sup>29</sup> A STRETCH OF LAND OF SEVENTY AND A FRACTION<sup>30</sup> THE KARPAF COMBINES THE TWO TOWNS INTO ONE.<sup>28</sup> SO ALSO WHERE THREE VILLAGES ARE ARRANGED IN THE SHAPE OF A TRIANGLE,<sup>28</sup> IF BETWEEN THE TWO OUTER ONES THERE WAS A DISTANCE OF A HUNDRED AND FORTY-ONE AND A THIRD CUBITS, THE MIDDLE ONE CAUSES ALL THE THREE OF THEM TO BE REGARDED AS ONE.<sup>28</sup>

**GEMARA.** Whence is this<sup>31</sup> inferred? — Raba replied: From Scripture which says: From the wall of the city and outward,<sup>32</sup> the Torah having thereby enjoined: Allow an outward area,<sup>33</sup> and then begin your measuring.<sup>34</sup>

**BUT THE SAGES RULED... WAS INSTITUTED ONLY,** etc. It was stated: R. Huna laid down: A karpaf is allowed for each town. Hiyya b. Rab laid down: Only one karpaf is allowed for both towns. We learned: **BUT THE SAGES RULED: [THE LAW OF] KARPAF WAS INSTITUTED ONLY BETWEEN TWO TOWNS.** Is not this<sup>35</sup> an objection against R. Huna? —

R. Huna can answer you: What is meant by 'KARPAF'?<sup>35</sup> The law of karpaf, but in fact a karpaf is allowed for each town. This may also be supported by reason, since in the final clause it was stated: **SO THAT BY ADDING TO EACH ONE A STRETCH OF LAND OF SEVENTY AND A FRACTION CUBITS THE KARPAF COMBINES THE TWO TOWNS INTO ONE.** This is conclusive. Must it be said that this<sup>36</sup> presents an objection against Hiyya b. Rab?<sup>37</sup> —

Hiyya b. Rab can answer you:

- (1) One thousand by one thousand sq. cubits on each of the four sides of the city amount to four million sq. cubits, cf. supra p. 398, n. 2.
- (2) Cf. loc. cit. n. 3.
- (3) Which, as has just been shown, amounted to 8,000,000 + 16,000,000 = 24,000,000 sq. cubits; 8,000,000/24,000,000 = 1/3.
- (4) Sc. from the strip of open space around the town which, if square shaped, contains an area of eight million sq. cubits.
- (5) The area of the city (1,000 X 1,000 sq. cubits) plus the area of the open space (a strip of a thousand cubits in width on the four sides of the town) amounts to 3,000 X 3,000 = 9,000,000 sq. cubits, when the city, and the open space around it are square shaped. When they are circular the total of their area amounts to 9,000,000 X 1/4 sq. cubits. The area of the open space alone amounts, therefore, to 9,000,000 X 3/4 — 1,000,000 X 3/4 (area of circular city) = 3/4 (9,000,000 — 1,000,000) = 3/4 x 8,000,000 = 6,000,000 sq. cubits.
- (6) The latter figure representing the total area of the limits of the land and the corners (v. supra 56b ad fin) which, unlike the open space, are not affected by the shape of the city.
- (7) According to Rabina the reference is, as was first assumed (cf. supra text and notes), to a city whose area was 2,000 by 2,000 sq. cubits, and the area of whose limits, (i.e., the strips of 2,000 cubits perpendicular distance from its confines) plus the area of the corners between them, is 2,000 X 2,000 X 8 = 32,000,000 sq. cubits, while the area of its open spaces along the limits, amounts to 2,000 X 1,000 X 4 = 8,000,000 sq. cubits, 8,000,000/32,000,000 = 1/4 which is the 'quarter' spoken of. Rabina is of the opinion that no land for the purpose of open space was set aside in the corners. V. Tosaf. s.v. יאז.
- (8) No open space being allowed along the limits. Cf. previous note, the Tosaf. cited and Rashi s.v. יאז a.l. The area of each corner being 4,000,000 sq. cubits and the area of the open space in each

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corner being 1,000,000 sq. cubits the latter area equals  $(1,000,000/4,000,000 =) 1/4$  'a quarter' of that of the former in each corner. The total area of the corners equals  $4 \times 4,000,000$  while the total area of open spaces in these corners equals  $4 \times 1,000,000$  the proportion of the latter to the former is, therefore,  $4 \times 1,000,000/4 \times 4,000,000 = 1/4$  which is also 'a quarter'.

(9) Num. XXXV, 4. How then could it be maintained that the open spaces were restricted (cf. prev. n.) to the corners only?

(10) 'The sons of Aaron' is enclosed in cur. edd. in parenthesis.

(11) Lev. I. 5.

(12) But this, surely, is contrary to the adopted practice of sprinkling the blood round the corners of the altar only.

(13) MS.M 'Aha'; Rashi (s.v. **למא** a.l.) 'Habiba'.

(14) The modern Khuzistan.

(15) Which reduce the area of the open spaces which, in consequence, would represent less than a quarter of the corners.

(16) A circle has no projecting corners.

(17) As stated supra.

(18) For the purpose of extending its Sabbath limits or the land around it in favor of the Levites.

(19) Obviously not. An imaginary square causes no actual reduction.

(20) MS.M., Habi; Bomb. ed. Hinai.

(21) Supra 56b; 'The Sabbath limits gain eight hundred cubits' by the application to the corners of the diagonal of the tablet of two thousand cubits in length.

(22) If the difference between a square and a circle is a quarter of the former it is also (since the proportion of the two figures is 3:4) a third of the latter. The difference consequently between a line of two thousand cubits (which may be regarded as the diameter of a circle) and the diagonal of a square whose sides measure two thousand cubits should be a third of two thousand  $2000/3 = 666 \frac{2}{3}$  or 667 —  $1/3$ .

(23) That the approximate difference between the area of a square and that of a circle is a quarter of the former or a third of the latter.

(24) In relation to any of its sides.

(25) A side of the square spoken of being equal to 2,000 cubits, the diagonal of such a square must be equal to  $2,000 \times 7/5$  cubits. The gain, therefore, is  $2,000 \times 7/5 - 2,000 = 2,000 \times 2/5 = 400 \times 2,000$  cubits.

(26) V. Glos., a stretch of land extending to seventy and two thirds cubits away from the town.

(27) Sc. the Sabbath limits begin at such a distance from the town and not from the town boundary.

(28) This is explained in the Gemara infra.

(29) Or 'EITHER' (v. Gemara infra). Lit., 'if there is to this... and if etc.'

(30) I.e., two thirds of a cubit.

(31) That a karpaf is allowed for every town.

(32) Num. XXXV, 4, emphasis on 'outward' **הוצי**.

(33) **הוצי**, Sc. KARPAF.

(34) Of the Sabbath limit.

(35) The use of KARPAF in the sing.

(36) The final clause just cited, according to which a karpaf is allowed to each town.

(37) Who allows only one karpaf for both towns.

## Eruvin 57b

This<sup>1</sup> is the view of<sup>2</sup> R. Meir.<sup>3</sup> But if this is the view of R. Meir [the objection arises:] Was it not already enunciated in the first clause: **A KARPAF IS ALLOWED FOR EVERY TOWN; SO R. MEIR?** — [Both were] required. For if [the law were to be derived] from the former only it might have been presumed that one karpaf is allowed for one town and one is also allowed for two towns,<sup>4</sup> hence we were informed<sup>5</sup> that for two towns two karpafs are allowed. And if we had been informed of the latter only it might have been assumed [that R. Meir's view<sup>6</sup> applied to such a case only] because [one karpaf is too] cramped for the use of two towns, but not in the former case<sup>7</sup> where the space is not too cramped.<sup>8</sup> [Hence both were] required.

We learned: **SO ALSO WHERE THREE VILLAGES ARE ARRANGED IN THE SHAPE OF A TRIANGLE, IF BETWEEN THE TWO OUTER ONES THERE WAS A DISTANCE OF A HUNDRED AND FORTY-ONE AND A THIRD CUBITS, THE MIDDLE ONE CAUSES ALL THE THREE OF THEM TO BE REGARDED AS ONE.** The reason then<sup>9</sup> is because there was one in the middle, but if there had been none in the middle the outer two villages would not have been combined. Is not this<sup>10</sup> an objection against R. Huna?<sup>11</sup> —

R. Huna can answer you: Surely, in connection with this ruling it was stated: Rabbah<sup>12</sup> in the name of R. Idi who had it from R. Hanina explained: There is no need for the villages to be arranged in the shape of an equilateral<sup>13</sup> triangle<sup>14</sup> but that if on observation it is found that with the middle one placed between the other two they would form a triangle, and there would be between

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the one and the other<sup>15</sup> a distance of no more than a hundred and forty-one and a third cubits<sup>16</sup> the middle one causes all the three of them, to be regarded as one.<sup>17</sup>

Said Raba to Abaye: What [maximum distance] is allowed between an outer village and the middle one?<sup>18</sup> — ‘Two thousand cubits’,<sup>19</sup> the other replied. ‘But did you not say’, the former asked: ‘that logical reasoning is in agreement with Raba the son of Rabbah son of R. Huna who ruled that a perpendicular distance of more than two thousand cubits was allowed?’<sup>20</sup> ‘What a comparison!’<sup>21</sup> There, houses are in existence,<sup>22</sup> but here there are no houses’.<sup>23</sup>

Raba further asked Abaye: What [maximum distance] is allowed between the two outer ones? — ‘What [distance] is allowed’! What difference does this make in view of the ruling that ‘if... with the middle one placed between the other two’ there remains between them<sup>24</sup> ‘a distance of no more than a hundred and forty-one and a third cubits’ they are all regarded as one?<sup>25</sup> — Even if they<sup>26</sup> are four thousand cubits distant from one another? — ‘Yes’, the other replied. ‘But did not R. Huna lay down: If a town is shaped like a bow then if the distance between its two ends is less than four thousand cubits the Sabbath limits are measured from the bow string, otherwise measuring must begin from the arch?’<sup>27</sup> — ‘There’, the other replied. ‘you cannot say that the distance<sup>28</sup> is filled up<sup>29</sup> but here you can well say so’.<sup>30</sup>

Said R. Safra to Raba: Behold the people of Ktesifon for whom we measure the Sabbath limits from the further side of Ardashir and the people of Ardashir for whom we measure the Sabbath limit from the further side of Ktesifon;<sup>31</sup> does not the Tigris<sup>32</sup> in fact cut between them a gap wider than a hundred and forty-one and a third cubits?<sup>33</sup> — The other thereupon went out and showed him the flanks of a wall that projected seventy and two thirds<sup>34</sup> cubits across the Tigris.<sup>35</sup>

**MISHNAH.** SABBATH LIMITS MAY BE MEASURED ONLY WITH A ROPE OF THE LENGTH OF FIFTY CUBITS NEITHER LESS NOR MORE;<sup>36</sup> AND A MAN MAY MEASURE ONLY WHILE HOLDING THE END OF THE ROPE ON A LEVEL WITH HIS HEART.<sup>37</sup> IF IN THE COURSE OF MEASURING THE SURVEYOR REACHED A GLEN OR A FALLEN WALL<sup>38</sup> HE SPANS IT<sup>39</sup> AND RESUMES<sup>40</sup> HIS MEASURING; IF HE REACHED A HILL HE SPANS IT AND RESUMES HIS MEASURING;

- (1) The final clause just cited.
- (2) Lit., ‘this according to whom?’
- (3) It is not the conclusion of the ruling of the Sages, but a continuation of R. Meir's ruling with which our Mishnah began.
- (4) The purpose of the ruling being that every town shall have a karpaf but not one exclusively for itself.
- (5) By the final clause.
- (6) That karpafs are at all allowed.
- (7) One town surrounded by open country.
- (8) In such a case, it might have been assumed, R. Meir allows no karpaf at all.
- (9) Why the two outer villages may be regarded as one despite the distance of a hundred and forty-one and a third cubits intervening.
- (10) The requirement of a third village between the other two.
- (11) Who allowed a karpaf for every town (or village) and according to whom the two outer villages would have been combined into one, even in the absence of the third village, owing to the fact that no more than the space of two karpafs ( $2 \times 70 \frac{2}{3} = 141 \frac{1}{3}$  cubits) intervened between them.
- (12) Var. lec. ‘Raba’, ‘It. Adda’.
- (13) Lit., ‘actually’.
- (14) Sc. that ‘the distance between any two of them shall be no greater than a hundred and forty-one and a third cubits.
- (15) I.e., ‘the middle village and any of the other two.
- (16) A distance that is equal to that of two karpafs on either side of the middle village.
- (17) Even though the distance between the two outer ones is much greater than a hundred and forty-one and a third cubits.
- (18) If it is desired that the middle one shall cause ALL THE THREE OF THEM TO BE REGARDED AS ONE.
- (19) A Sabbath limit. Since it is permitted to walk without an ‘erub between the middle one and either of the others it is also permitted to regard the former as placed between the latter.

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(20) Between the middle point of the bow-string and the arch, in the case of a town that was built in the shape of a bow (supra 55b).

(21) Lit., ‘thus now’.

(22) Throughout the area of the arch to either end of the imaginary string, so that it is possible to reach the ‘string’ via the bow.

(23) Between the middle village and the others, and all the distance between them must be traversed across open country.

(24) I.e., , the confines on either side of the middle one and each of the others.

(25) Which shows that the distance between the outer ones subject to this reservation is of no consequence.

(26) The outer ones.

(27) Supra 55a q.v. notes.

(28) Lit., ‘there is no (reason) to say: Fill’, between the houses at the two ends of the bow.

(29) Since there is nothing wherewith to fill it.

(30) Lit., ‘there is (reason) to say: Fill’, by regarding the third village as breaking up the distance and reducing it on either side.

(31) [Two neighboring places, the former on the eastern and the latter on the western bank of the Tigris, v. Obermeyer pp. 164ff.] Thus assuming that the two towns are combined into one.

(32) In its course between the two towns.

(33) How then could the two towns be regarded as one?

(34) Lit., ‘remnants.

(35) And thus reduced the gap between the buildings of the two towns to less than a hundred and forty one and a third cubits.

(36) The reason follows in the Gemara.

(37) Sc. each of the two surveyors must hold his end of the measuring rope at a level with his heart, in order to ensure correctness and in the process of measuring. Correctness is impossible where one end of the rope is held at one level and the other end at a higher or lower level, since the distance measured would in this case be less than the full length of the rope.

(38) That collapsed in a heap and across which people pass.

(39) [I.e., he takes into consideration only the horizontal span provided it is not more than fifty cubits]. Sc. one man stands on its near side while another stands on its far side, each of them holding one end of the rope which is thus stretched across the glen or the collapsed wall. By this method of measuring one gains for the Sabbath limit the distances taken up by the slopes.

(40) This refers to a glen, for instance, that was wider than fifty cubits (cf. n. 7) in a part that faced the town and narrower than fifty cubits in another part that was removed from the town sideways. The surveyor, when reaching the edge of the glen, is in such circumstances allowed to make a detour to the narrower section of the glen, to

span it there with the rope, and to continue his measuring until the rope is perpendicular to the line drawn from the point furthest from the town on the far side of the glen. He then RESUMES his measuring from that point to the end of the Sabbath limit.

## Eruvin 58a

**PROVIDED HE DOES NOT GO BEYOND THE SABBATH LIMIT. IF HE IS UNABLE TO SPAN IT — IN CONNECTION WITH THIS R. DOSTAI B. JANNAI STATED IN THE NAME OF R. MEIR, I HAVE HEARD THAT HILLS ARE TREATED AS THOUGH THEY WERE PIERCED’.**<sup>1</sup>

**GEMARA.** Whence is this<sup>2</sup> deduced? — Rab Judah citing Rab replied: From Scripture which says. The length of the court shall be a hundred cubits, and the breadth fifty by fifty,<sup>3</sup> the Torah having thus<sup>4</sup> enjoined: Measure with a rope of the length of fifty cubits. But is not this text required for the ordinance to take away fifty and to surround with them the other fifty?<sup>5</sup> — If for that purpose only,<sup>6</sup> Scripture might have said ‘fifty, fifty’ why then did it say ‘fifty by fifty’? Hence both may be deduced.<sup>7</sup> **NEITHER LESS NOR MORE.** One taught: Neither less because the measurements are increased,<sup>8</sup> nor more because they are reduced.<sup>9</sup>

**R. Assi**<sup>10</sup> ruled: One must measure only with a rope of apeskima.<sup>11</sup> What is the meaning of apeskima? — **R. Abba** replied: Nargila. What is Nargila? - **R. Jacob** replied: A palm-tree which has only one bast. Others read: What is the meaning of apeskima? — **R. Abba** replied: Nargila; **R. Jacob** replied: A palm-tree which has only one bast.

It was taught: **R. Joshua b. Hananiah** said: ‘You have nothing more suitable for measuring than iron chains, but what can we do in face of what the Torah<sup>12</sup> said: With a measuring line in his hand.<sup>13</sup> Is it not, however, written: And in the man's hand was a measuring rod?<sup>14</sup> — That was used for measuring the gates.



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R. Joseph learned: There are three kinds of rope. Those made of megeg,<sup>15</sup> of wicker and of flax. The megeg rope<sup>16</sup> was used for the heifer;<sup>17</sup> for we learned: They bound it with a rope of megeg and put it on its pile.<sup>18</sup> The wicker rope was used in connection with the test of a faithless wife;<sup>19</sup> for we learned: And after that he brings a wicker rope<sup>20</sup> and binds it above her breasts.<sup>21</sup> The flax rope was used for measuring purposes.

**IF IN THE COURSE OF MEASURING THE SURVEYOR REACHED.** Since it was stated: **RESUMES HIS MEASURING** it may be inferred that if he is unable to span it<sup>22</sup> he proceeds to a position<sup>23</sup> from where<sup>24</sup> he is able to do so and, after spanning it, he makes the necessary observations<sup>25</sup> [whereby he is enabled to locate the point on the far side]<sup>26</sup> that is in a straight line with his original line of measuring<sup>27</sup> and then he resumes [his measurements in a straight line] —

Thus we have here learnt what the Rabbis have taught elsewhere: If in the course of measuring the measuring rope reached a glen, the surveyor may span it if he can do so with a rope of fifty cubits, but if not, he proceeds to a position<sup>23</sup> from where<sup>24</sup> he is able to span it and, having spanned it, he makes the necessary observations<sup>25</sup> [whereby he is enabled to locate the point on the far sides that is in a straight line with his original line of measuring] and then he resumes his measuring. If the glen was a crooked one<sup>28</sup> it is pierced in an upward, as well as in a downward direction.<sup>29</sup> If it<sup>30</sup> reached a wall we do not say: ‘Let the wall be bored through’;<sup>31</sup> its thickness rather is estimated and the measuring continues.<sup>32</sup> Have we not, however, learnt: **HE SPANS IT AND RESUMES HIS MEASURING?**<sup>33</sup> — There<sup>34</sup> it is a case of one that can be conveniently used<sup>35</sup> but here it is a case of one that cannot conveniently be used.<sup>36</sup>

Rab Judah citing Samuel stated: This<sup>37</sup> was learned only in the case where a plumb line<sup>38</sup> does not descend in a straight line<sup>39</sup>

(1) Supra 35b q.v. notes.

(2) That in measuring Sabbath limits only A ROPE OF THE LENGTH OF FIFTY CUBITS may be used.

(3) Ex. XXVII, 18. E.V. ‘everywhere’.

(4) By the phrase ‘by fifty’.

(5) Supra 23b q.v. notes.

(6) Lit., ‘if so’.

(7) The deduction supra (v. prev. n.) as well as the ruling in our Mishnah.

(8) A shorter rope is likely to be stretched and each unit of rope would consequently cover more cubits of ground than the standard number it represents. The Sabbath limits would in consequence be greater than the permitted distance.

(9) A longer rope cannot be so well stretched and each unit of it would cover less ground than the standard number it represents. This would result in a loss in the Sabbath limits.

(10) Aruk, ‘Ammi’.

(11) One (as explained presently) made of the fibers of a particular kind of palm-tree.

(12) The term is here used in its wider signification which includes also the Prophetic writings.

(13) Zech. II, 5.

(14) Ezek. XL, 5.

(15) A certain kind of reed. Aliter: Bast.

(16) Because it is not susceptible to levitical uncleanness.

(17) The red heifer (cf. Num. XIX, 2ff) which had to be prepared under conditions of strict levitical cleanness.

(18) Parah III, 9.

(19) A sotah (v. Glos. and cf. Num. V, 12ff).

(20) Hebel ha-mizri, lit., ‘an Egyptian rope’. Aliter: A common cord. Aliter: A rope of rushes.

(21) Sotah 7b. Cf. Sonc. ed., p. 31, n. 1f.

(22) The GLEN, the WALL or the HILL where, for instance, the section that along the town is wider than fifty cubits.

(23) Away from the town.

(24) The width across being less than fifty cubits.

(25) Lit., , ‘and looks’.

(26) Of the obstruction that could not be spanned.

(27) Cf. relevant notes on our Mishnah and first diagram ibid. Lit., ‘corresponding to his measure’.

(28) I.e., its narrow section (not exceeding fifty cubits) that could be spanned was not on that side of the town from which the Sabbath limit was being measured (v. Rashi).

(29) The method of piercing is described infra 58b.

(30) The measuring line.

(31) Sc. that poles towering above it shall be held up on both its sides and the rope stretched from one to the other (Tosaf. s.v. יָאָר a.l.).

(32) Tosef. ‘Er. IV.

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(33) Why then is a mere estimate allowed in this case?

(34) In our Mishnah.

(35) One for instance that rises gently to a height of ten handbreadths in all area of four cubits. Hence it must either be spanned or pierced.

(36) A wall, for instance, that rose sharply in a perpendicular direction. As its sides are of no use for walking purposes they may be disregarded and only the estimated thickness of the wall need be included in the measurements.

(37) That the method of piercing is admissible.

(38) Suspended from the edge of the glen and reaching the bed.

(39) Lit., 'corresponding to it'. This is defined infra 58b.

## Eruvin 58b

but if it does descend in a straight line<sup>1</sup> the bottom of the glen is measured by the ordinary method.<sup>2</sup> What may be the depth of a glen?<sup>3</sup> — R. Joseph replied: Two thousand cubits.

Abaye raised an objection against him: [If a glen was] a hundred cubits deep and fifty cubits wide one may span it, otherwise one may not! — He holds the view of 'Others',<sup>4</sup> it having been taught: Others rule: Even though a glen was two thousand cubits deep but only fifty cubits wide one may span it. Some there are who read: R. Joseph replied: Even if it was deeper than two thousand cubits. In agreement with whose view is this ruling? Is it neither in agreement with that of the first Tanna<sup>5</sup> nor with that of the 'Others'?<sup>6</sup> — There<sup>7</sup> it is a case where the plumb line does not descend in a straight line but here it is one where it does descend in a straight line.<sup>9</sup> Where the plumb line does not descend in a straight line how much [deviation]<sup>10</sup> is allowed? —

Abimi replied: Up to four cubits; and so learned Rami b. Ezekiel: Up to four cubits.

**IF HE REACHED A HILL HE SPANS IT AND RESUMES HIS MEASURING.** Raba explained: This<sup>11</sup> was learnt only in respect of a hill that has a rise of ten handbreadths to a gradient of four cubits,<sup>12</sup> but a hill that has a

rise of ten handbreadths to five cubits must be measured in the usual manner.<sup>13</sup>

**R. Huna son of R. Nathan taught this<sup>14</sup> in the direction of leniency: Raba explained. This<sup>15</sup> was learnt only in respect of a hill that has a rise of ten handbreadths to a gradient of five cubits,<sup>16</sup> but a hill that has a rise of ten handbreadths to a gradient of four cubits<sup>17</sup> one need only estimate its base and proceed with his measuring.**

**PROVIDED HE DOES NOT GO BEYOND THE SABBATH LIMIT.<sup>18</sup> What is the reason? — R. Kahana replied: This was ordained as a preventive measure against the possible assumption that the Sabbath limit reached to that point.<sup>19</sup>**

**IF HE IS UNABLE TO SPAN IT.** Our Rabbis taught: How is the method of piercing carried out? The man on the lower level holds his end of the rope on a level with his heart while the man on the higher level holds his end on a level with his feet. Abaye stated: We have it as a tradition that piercing may be effected only with a rope of the length of four cubits.

R. Nahman citing Rabbah b. Abbuha stated:<sup>20</sup> The method of piercing must not be employed in measurements in connection with the broken-necked heifer<sup>21</sup> nor in those around the cities of refuge.<sup>21</sup> because these are ordinances of the Torah.<sup>22</sup>

**MISHNAH.** [THE SABBATH LIMIT OF A TOWN] IS MEASURED ONLY ALONG THE BEATEN TRACK.<sup>23</sup> IF ONE EXTENDED THE LIMIT AT ONE POINT MORE THAN AT ANOTHER,<sup>24</sup> THE EXTENDED LIMIT IS OBSERVED.<sup>25</sup> IF THERE WAS A GREATER DISTANCE FOR ONE AND A LESSER DISTANCE FOR ANOTHER,<sup>26</sup> THE GREATER DISTANCE IS OBSERVED. FURTHERMORE, EVEN A BONDMAN AND EVEN A BONDWOMAN ARE BELIEVED WHEN THEY SAY, THUS FAR IS THE SABBATH LIMIT', SINCE THE SAGES DID NOT ENACT THE

# ERUVIN – 53a-79a

## LAW<sup>27</sup> IN ORDER TO ADD RESTRICTIONS BUT IN ORDER TO RELAX THEM.

- (1) I.e., if the sides of the glen are practically perpendicular (as will be defined infra) so that they cannot be used at all for walking purposes.
- (2) Lit., ‘a proper measurement’.
- (3) That is spanned if it is not wider than fifty cubits.
- (4) With a capital O, sc. R. Meir (cf. Hor. 13b).
- (5) Who limits the depth to one hundred cubits.
- (6) R. Meir who allows a depth of two thousand cubits but no more.
- (7) The case in dispute between the first Tanna and others.
- (8) As the slopes of the glen, to a limited extent at least, can be used for walking on, its depth was restricted.
- (9) The sides of the glen being absolutely unsuitable for walking, its depth, however great, is of no consequence.
- (10) At the bed of the glen in relation to the edge thereof.
- (11) That the method of spanning or piercing is allowed.
- (12) V. Rashi a.I.
- (13) Such a gentle slope is deemed to be on a par with level ground which may not be measured either by spanning or by piercing.
- (14) Raba's view just enunciated.
- (15) That the method of spanning or piercing is allowed.
- (16) Since it is not level ground one of the methods of spanning or piercing may be adopted.
- (17) Being too steep and hardly suitable for walking.
- (18) Cf. relevant notes in our Mishnah, and diagram *ibid*.
- (19) Beyond the permitted limit. In the absence of the preventive measure people might desecrate the Sabbath by walking as far as that point, believing it to be within the Sabbath limit of their town.
- (20) Cur. edd. in parenthesis, ‘we have a tradition’.
- (21) *Supra* 35b q.v. notes.
- (22) Which require exact measurements. No estimates or approximate calculations being allowed, slopes of hills or dales must be carefully measured cubit by cubit as level ground.
- (23) Reading *המורמחה*, the noun being derived from rt. *מחה* ‘to strike’ (R. Han. Cf. Tosaf. s.v. *אין* a.I.). Var. lec. *מומחה* ‘expert’, ‘skilled surveyor’ (cf. Rashi s.v. *ה"ה* a.I.).
- (24) Lit., ‘and reduced towards another place’.
- (25) Lit., ‘hear’, sc. the lesser limit is extended to the length of the greater one. As the measuring rope must be stretched to its utmost capacity so as to cover the maximum length possible it is

assumed that the deficiency in the lesser limit is due to all insufficient stretching of the rope.  
(26) This is explained in the Gemara infra.  
(27) Of Sabbath limits.

## Eruvin 59a

**GEMARA.** Is<sup>1</sup> THE EXTENDED LIMIT only observed<sup>2</sup> but not the reduced limit?<sup>3</sup> — Read: Even as far as the extended limit.<sup>4</sup>

IF THERE WAS A GREATER DISTANCE FOR ONE AND A LESSER DISTANCE FOR ANOTHER, etc. What need again was there for this rule? Is it not practically identical with the previous one?<sup>5</sup> — It is this that was meant: If one surveyor extended the limit and another reduced it, the one whose limit is the greater is to be obeyed. Abaye added: Provided the extended limit<sup>6</sup> does not exceed the lesser one by more than the difference between the diagonal and a side of the town.<sup>7</sup>

SINCE THE SAGES DID NOT ENACT THE LAW IN ORDER TO ADD RESTRICTIONS BUT IN ORDER TO RELAX THEM. But was it not taught: The Sages did not enact the law in order to relax restrictions but in order to impose them? — Rabina replied. The meanings is: Not to relax restrictions in connection with Pentateuchal laws but to add restrictions to them; the laws of the Sabbath limits, however, are only Rabbinical.<sup>9</sup>

**MISHNAH.** IF A TOWN THAT BELONGED TO AN INDIVIDUAL WAS CONVERTED INTO ONE BELONGING TO MANY,<sup>10</sup> ONE ‘ERUB MAY BE PROVIDED FOR ALL THE TOWN;<sup>11</sup> BUT IF A TOWN BELONGED TO MANY AND WAS CONVERTED INTO ONE BELONGING TO AN INDIVIDUAL, NO SINGLE ‘ERUB MAY BE PROVIDED FOR ALL THE TOWN<sup>12</sup> UNLESS A SECTION OF IT OF THE SIZE OF THE TOWN OF HADASHAH<sup>13</sup> IN JUDEA, WHICH CONTAINS FIFTY RESIDENTS, IS EXCLUDED;<sup>14</sup> SO R. JUDAH. R. SIMEON RULED: THREE COURTYARDS EACH OF WHICH CONTAINED TWO HOUSES.

# ERUVIN – 53a-79a

**GEMARA.** How is one to imagine A TOWN THAT BELONGED TO AN INDIVIDUAL AND WAS CONVERTED INTO ONE BELONGING TO MANY?- Rab Judah replied: The residential district,<sup>15</sup> for instance, of the Exilarch. Said R. Nahman to him: What is your reason?<sup>16</sup> If it be suggested: Because many people meet at the seat of authority<sup>17</sup> they would remind each other,<sup>18</sup> are not all Israel [it may be objected] assembled together on a Sabbath morning also?<sup>19</sup> — Rather said R. Nahman: The private town, for instance, of Nitzwoi.<sup>20</sup>

**Our Rabbis taught:** If a town belonging to an individual was converted into one belonging to many, and a public domain<sup>21</sup> passed through it, how is an ‘erub to be provided for it? A side post or a cross-beam, is fixed on either side<sup>22</sup> and thereby one is enabled to move things about in the space between them.<sup>23</sup> No erub, however, may be provided for a half of it,<sup>24</sup> but either one erub for all of it or one ‘erub for each alley separately.<sup>25</sup> If a town did, and still does belong to many

(1) Since the Mishnah ruled: ‘THE EXTENDED LIMIT IS OBSERVED’.

(2) Lit., , ‘yes’.

(3) Is this likely? If it is permitted to walk the greater distance is it possible that the lesser one should be forbidden?

(4) Sc. the lesser limit (cf. nn. on our Mishnah) is extended to that of the greater one.

(5) IF ONE EXTENDED THE LIMIT AT ONE POINT MORE THAN AT ANOTHER.

(6) Where it exceeded the difference between the measurements by a taut and a sagging rope.

(7) In such a case it is possible to assume that one surveyor erroneously measured the perpendicular from the side while the other properly measured diagonally (v. supra 58b); cf. Rashi s.v. שלש and cf. Tosaf. s.v. למקום a.l.

(8) Of the Baraitha just cited.

(9) Which may well be relaxed (cf. supra 36a. Sotah 30b). Hence the statement in our Mishnah.

(10) I.e., belonging to one individual from which all the inhabitants hold their houses in tenancy. The whole town is, therefore, treated like one huge courtyard.

(11) As was the case before it has changed its character. The entire town is treated as one large courtyard, no independent provision being required for its alleys. This, as will be explained

infra, applies to a town that has no public domain sixteen cubits in width.

(12) Though before it changed its character one ‘erub served for the whole town.

(13) V. Josh. XV, 37.

(14) From the benefits of the general ‘erub, and a separate ‘erub is provided for it. This exclusion serves as a reminder of the former public character of the town and provides the necessary precaution in case the town is re-converted into one belonging to many when separate provision would have to be made for each individual alley.

(15) [Daskarta from the Persian ‘das’ = district, and Aramaic ‘Kartha’ = city; v. Obermeyer p. 146.]

(16) For instancing just the Exilarch’s town.

(17) Harmana, metaph. for the Exilarch’s office.

(18) Of the real character of the town and would not be likely, in consequence, to mistake the difference between a public town and a private one.

(19) For public worship or study.

(20) MS.M., ‘Nishwor’, a certain individual who owned a town; and the same law applies to any town in private ownership that was converted into one belonging to many.

(21) A road sixteen cubits wide.

(22) Of the public domain.

(23) This applies only to a town that had no wall round it so that the two ends of the public domain terminated in the open country. Hence It is only in the case of a town that was originally in private ownership that the contrivances mentioned are sufficient. In the case of one that always belonged to the public such contrivances are invalid, all the town’s alleys being subject to restrictions similar to those of the public domain.

(24) Since originally it constituted one domain it cannot now be broken up into two independent domains. The inhabitants of the one half (like the residents in one of the courtyards of an alley who failed to participate in the ‘erub of the other courtyards that cause the entire alley to be forbidden to all) cause the entire town to be forbidden to all.

(25) The objection will be raised infra as to why (cf. prev. n.) the alleys do not cause one another to be forbidden to all.

## Eruvin 59b

but<sup>1</sup> had only one gate,<sup>2</sup> a single ‘erub suffices for all of it. Who is it that learned that a public domain may thus be provided with an ‘erub? —

R. Huna son of R. Joshua replied: It is R. Judah; for it was taught: ‘A more lenient rule

# ERUVIN – 53a-79a

than this did R. Judah lay down: If a man had two houses on the two sides respectively of a public domain he may construct one side-post on one side of any of the houses and another on the other side, or one cross-beam on the one side of any of the houses and another on its other side and then he may move things about in the space between them; but they said to him: A public domain cannot be provided with an 'erub in such a manner'.<sup>3</sup>

The Master said: 'No 'erub, furthermore, may be provided for a half of it'. R. Papa explained: This was said only [in the case where the division was] longitudinal<sup>4</sup> but if it was crosswise<sup>5</sup> an 'erub may be provided for each half separately. In agreement with whose view has this<sup>6</sup> been laid down? It is contrary to that of R. Akiba, for if it were suggested that it was in agreement with his view [the objection would arise:] Did he not rule: A man<sup>7</sup> who is permitted freedom of movement in his own place<sup>8</sup> causes the restriction of free movement on others<sup>9</sup> in<sup>10</sup> a place that is not his?<sup>11</sup> —

It<sup>6</sup> may be said to be in agreement even with the view of R. Akiba, since he maintained his view only there where it was a case of two courtyards one of which was behind<sup>12</sup> the other so that the inner one had no other door,<sup>13</sup> but not here where the inhabitants in the one half could gain egress through one gate while those in the other half could gain egress through the other. Some there are who read: R. Papa explained: It must not be assumed [that only where the division was] longitudinal<sup>14</sup> may no 'erub be prepared<sup>15</sup> but that where it was crosswise<sup>16</sup> an 'erub may be prepared.<sup>15</sup> The fact is that even where the division was crosswise no 'erub may be prepared.<sup>15</sup> In agreement with whose view is this<sup>17</sup> laid down? Is it only in agreement with that of R. Akiba?<sup>18</sup> —

It<sup>17</sup> may be said to be in agreement even with the view of the Rabbis, since they maintained their view<sup>19</sup> there only where it is a case of two courtyards one behind<sup>20</sup> the other so that

the inner one can well lock its gate and use [its own area only].<sup>21</sup> but can the public domain here be shifted from its place?<sup>22</sup>

The Master said: 'Either one 'erub for all of it or one 'erub for each alley separately'. Now why is no separate 'erub allowed for either half? Obviously because they would cause one another to be forbidden;<sup>23</sup> but then would not the various alleys also<sup>24</sup> cause one another to be forbidden?<sup>25</sup> —

Here we are dealing with a case where a barrier was provided,<sup>26</sup> and this ruling is in harmony with the following one that was laid down by R. Idi b. Abin in the name of R. Hisda: Any of the residents of an alley who had made a barrier to his courtyard entrance<sup>27</sup> can no longer<sup>28</sup> impose any restrictions on the freedom of movement of the other residents of the alley.

BUT IF A TOWN BELONGED TO MANY AND WAS CONVERTED, etc. R. Zera provided an 'erub for R. Hiyya's town<sup>29</sup> and left no section out [of its provision]. Said Abaye to him, 'Why did the Master act in this manner?'<sup>30</sup> 'Its elders', the other replied: 'told me that R. Hiyya b. Assi used to provide one 'erub for all the town and I have, therefore, concluded that it must have been a town that once belonged to a single owner and was later converted into one belonging to many'.<sup>31</sup> 'The same elders', the first retorted, told me: "It formerly had a rubbish heap on one side";<sup>32</sup> but now that the rubbish heap has been removed the town must be regarded as possessing two gates in which [the preparation of a single 'erub only] is forbidden'. 'I', the other admitted, 'was not aware of this'.

R.<sup>33</sup> Ammi b. Adda of Harpania enquired of Rabbah,<sup>34</sup> 'What is the ruling where a town had a ladder<sup>35</sup> on one side and a gate on the other?'<sup>36</sup> — 'Thus', the other replied, said Rab, 'A ladder has the legal status of a door'. 'Do not pay heed to him', exclaimed R. Nahman, 'thus ruled R. Adda b. Ahabah<sup>37</sup> in the name of Rab:<sup>38</sup> "A ladder has sometimes

# ERUVIN – 53a-79a

the status of a door and sometimes that of a wall". It has the status of a wall<sup>39</sup> as has just been laid down;<sup>40</sup> and it has the status of a door where a ladder<sup>41</sup> is put up between two courtyards<sup>42</sup> in which case the residents, if they wish, may<sup>43</sup> provide only one 'erub,<sup>44</sup> and if they prefer, they may provide two separate 'erubs'.<sup>45</sup>

Could R. Nahman, however, have made such a statement?<sup>46</sup> Did not R. Nahman in fact lay down in the name of Samuel: If the residents of a courtyard and those of a balcony<sup>47</sup> above it forgot

- (1) Being enclosed on all sides.
- (2) Thus being short of the requirements of a public domain which must be wide open at both its ends.
- (3) Supra 6af q.v. notes.
- (4) Sc. if the division was made along the public domain which ran through the entire length of the town, from gate to gate, and divided it into two longitudinal halves. As the public domain is used by the inhabitants on both sides it forms a link between the two halves of the town and combines them into one inseparable unit.
- (5) Sc. it cut the town into two halves across the middle of the public domain and left for either half of the town a half of the public domain with the gate at its end, so that it was possible for the inhabitants of either half to use their own gate as entrance and exit and to avoid entirely the use of the public domain in the other half of the town.
- (6) R. Papa's ruling.
- (7) Lit., 'foot', hence a man's right of passage.
- (8) Sc. in his own courtyard where a valid 'erub had been prepared.
- (9) Even though they also prepared the prescribed 'erub.
- (10) Cur. edd. insert 'even' which is deleted by Rashi and others.
- (11) Infra 75a. Sc. in an outer courtyard in which he did not reside but in which he was entitled to the right of passage by virtue of his residence in an inner courtyard whose one and only door opened out into it. Now, since according to R. Akiba the residents of the inner courtyard, on account of their right of passage through the outer one, impose restrictions on the free movement of its residents, the inhabitants of the two halves of the town under discussion should likewise, according to R. Akiba, impose upon one another the restrictions of free movement, since each of them is also entitled to a right of passage through the public domain that passed through the other half of the town in which he did not reside. As no such

restrictions, however, are imposed, must R. Papa's ruling be said to be contrary to R. Akiba's view?

- (12) Lit., 'within'.
- (13) But the one that opened into the outer courtyard. As no other door was available to them, the residents of the inner courtyard must perforce use the outer courtyard as their only passage to the street and, by this right of entry, must restrict the freedom of movement of its residents.
- (14) V. supra p. 414, n. 2.
- (15) By the inhabitants of each half town separately.
- (16) V. supra p. 414, n. 3.
- (17) R. Papa's ruling.
- (18) Cf. prev. nn. Is it likely, however, that R. Papa would lay down a ruling that was contrary to the opinion of the majority of the Rabbis who differed from R. Akiba?
- (19) That where each courtyard had prepared a separate 'erub the residents of the inner one, despite their right of passage through the outer one, do not restrict the freedom of movement of its residents.
- (20) Lit., , 'within'.
- (21) In the interests of the residents of the outer courtyard the inner ones might well be expected to forego their right of passage for that one day.
- (22) Of course not. As it must remain where it is and there is no gate, fence or any other distinguishing mark to separate the one half of the town from the other, the two halves must be regarded as one unit and, therefore, no separate 'erubs can be permitted.
- (23) As was explained supra.
- (24) Since originally when the town belonged to one owner they were allowed free movement between each other.
- (25) Despite the side-posts or cross-beams.
- (26) For the entrance to each alley, the residents thereby indicating that they desired to sever all connection between their previously united alleys.
- (27) Thus indicating his desire to be dissociated from his neighbors.
- (28) By failing to join them in their 'erub.
- (29) Which belonged to many.
- (30) Sc. why did he not exclude at least a section OF THE SIZE OF THE TOWN OF HADASHAH?
- (31) In which case ONE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN.
- (32) As the heap blocked up one of the gates all the town, which was thus left with one gate only, could well be provided (as laid down supra) with a single 'erub.
- (33) Wanting in MS.M.
- (34) MS.M. adds: 'b. Abbuha'.
- (35) Whereby the town wall could be scaled.
- (36) Is the town to be treated as having two gates?
- (37) So Bah. Cur. edd. omit the last two words.

# ERUVIN – 53a-79a

- (38) MS.M. omits, 'in the ... Rab'.  
(39) I.e., it is not regarded as a door.  
(40) By R. Nahman, where the ladder was used as a means of entrance into, and exit from the town.  
(41) Four handbreadths wide.  
(42) Which had no door between them.  
(43) As in the case of two courtyards between which a door communicated (cf. infra 76a).  
(44) For both courtyards; and all the residents are, thereby, permitted to use both courtyards by way of the trip of the wall or through any holes or cracks in the wall.  
(45) One for each courtyard, and the residents of the one do not in any way affect the freedom of movement of the other, each courtyard being regarded as a separate domain.  
(46) That a ladder has the status of a wall where such status leads to a relaxation of the law.  
(47) Marpeseth, a balcony or gallery to which the doors of the dwellings of an upper storey open and which communicates with the courtyard below by means of a ladder.

## Eruvin 60a

to prepare an 'erub<sup>1</sup> the latter does not restrict freedom of movement in the former if a barrier, four handbreadths in height, intervened between them,<sup>2</sup> otherwise it does impose a restriction?<sup>3</sup> — Here we are dealing with a case where the balcony was less than ten handbreadths high.<sup>4</sup> But if the balcony was less than ten handbreadths high<sup>5</sup> what is the use of making a barrier?<sup>6</sup> — This is a case where it was enclosed [all along its length] up to ten cubits,<sup>7</sup> so that if it was provided with a barrier they may be deemed to be entirely removed from there.<sup>8</sup>

Rab Judah citing Samuel ruled: If a wall<sup>9</sup> was lined with ladders,<sup>10</sup> even though they extended to a greater length than ten cubits, it nevertheless retains the status of a wall.<sup>11</sup> R. Berona pointed out to Rab Judah the following incongruity at the schoolhouse<sup>12</sup> of R. Hanina:<sup>13</sup> Could Samuel have ruled that 'it nevertheless retains the status of a wall',<sup>14</sup> seeing that R. Nahman citing Samuel ruled: If the residents of a balcony and those of a courtyard<sup>15</sup> forgot to prepare a joint 'erub they do not impose any restrictions upon one another if there was a barrier of four handbreadths between them, otherwise they do impose restrictions upon one another?<sup>16</sup>—

Here we are dealing with a case where the balcony was less than ten handbreadths high.<sup>17</sup> But if the balcony is 'less than ten handbreadths high' what is the use of making a barrier? This is a case where it was enclosed [all along its length] up to ten cubits, so that if a barrier is provided they may be deemed to be completely removed from that place.<sup>18</sup> Some of the men of Kekunai<sup>19</sup> once came to R. Joseph and said to him, 'Send with us a man who might prepare an 'erub for our town'.<sup>20</sup> 'Go', he said to Abaye, 'and prepare the 'erub for them but see that there is no outcry against it at the schoolhouse'.<sup>21</sup> Proceeding thither he observed that certain houses opened on to the river.<sup>22</sup> 'These',<sup>23</sup> he said: 'might serve as the excluded section<sup>24</sup> of the town'.

Changing his mind he said: 'We learned: NO SINGLE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN, from which it follows that if it were desired,<sup>25</sup> they could all join in one 'erub'.<sup>26</sup> I would, however, provide for them, windows,<sup>27</sup> so that if desired they could be joined in the general 'erub' of the town through those windows'.<sup>28</sup> Then he said: 'This<sup>29</sup> is not necessary, since Rabbah b. Abbuha in fact provided separate erubs for each row of alleys throughout all Mahuza on account of the cattle ditches that intervened between the rows,<sup>30</sup> where<sup>31</sup> each row served as the statutory excluded section for the other<sup>32</sup> though these could not join one another in a common 'erub even if they had wished to do so'.<sup>33</sup> Then again he said: 'The two cases<sup>34</sup> are really' unlike, since there<sup>35</sup> one could if desired prepare the 'erub by way of roofs<sup>36</sup> while these<sup>37</sup> could not possibly join in one general 'erub: consequently let us provide for them windows'. Finally, however, he said: 'Windows are not necessary either, for Mar b. Pupidetha of Pumbeditha had a store of straw which<sup>38</sup> he set aside for Pumbeditha as the statutory section that was to be excluded'.<sup>39</sup> 'It is on account of this [group of houses]'. Abaye remarked: 'that the Master warned me: See that there is no outcry against it at the schoolhouse'.<sup>40</sup>

# ERUVIN – 53a-79a

UNLESS A SECTION OF IT OF THE SIZE OF THE TOWN OF HADASHAH... IS EXCLUDED. It was taught: R. Judah related, 'There was a town in Judea whose name was Hadashah which had fifty inhabitants, men, women and children, by means of which the Sages determined [the statutory size of the sections to be excluded];<sup>41</sup> and this town itself served as the excluded section [of a larger town].<sup>42</sup> The question was raised: What was the procedure in Hadashah itself?<sup>43</sup> — Since Hadashah served as the excluded section of the large town<sup>42</sup> the latter also obviously served as the excluded section of the smaller town; the question rather is: What is the procedure<sup>44</sup> in a town that is similar in size to Hadashah?<sup>45</sup> — R. Huna and Rab Judah differ on this point — One holds that a section of it must be excluded while the other maintains that none need be excluded.

R. SIMEON RULED: THREE COURTYARDS, etc. R. Hama b. Goria citing Rab stated: The halachah is in agreement with R. Simeon. R. Isaac ruled: Even one house and one courtyard [are sufficient].<sup>46</sup> 'One courtyard'! Is this conceivable?<sup>47</sup> — Rather say: One house in one courtyard.

Said Abaye to R. Joseph: 'Is that ruling of R. Isaac a tradition or a logical deduction?' — 'What', the other retorted: 'does this matter to us?' — 'Is then', the first replied. 'the study of Gemara to be a mere sing-song?'<sup>48</sup>

**MISHNAH.** IF A MAN WHO WAS<sup>49</sup> IN THE EAST<sup>50</sup> INSTRUCTED HIS SON,<sup>51</sup> 'PREPARE FOR ME AN 'ERUB<sup>51</sup> IN THE WEST',<sup>52</sup> OR IF HE WAS IN THE WEST<sup>52</sup> AND HE INSTRUCTED HIS SON<sup>51</sup> 'PREPARE FOR ME AN 'ERUB<sup>51</sup> IN THE EAST',<sup>52</sup> IF THE DISTANCE BETWEEN HIM AND HIS HOUSE WAS NO MORE THAN TWO THOUSAND CUBITS<sup>53</sup> AND THAT BETWEEN HIM AND HIS 'ERUB WAS MORE THAN THIS, HE IS PERMITTED TO PROCEED TO HIS HOUSE<sup>54</sup> BUT FORBIDDEN TO PROCEED TO HIS

'ERUB.<sup>55</sup> IF THE DISTANCE TO HIS 'ERUB WAS NO MORE THAN TWO THOUSAND CUBITS AND THAT TO HIS HOUSE MORE THAN THIS, HE IS FORBIDDEN TO PROCEED TO HIS HOUSE<sup>56</sup> BUT PERMITTED TO PROCEED TO HIS 'ERUB.<sup>57</sup> IF A MAN DEPOSITS HIS 'ERUB WITHIN THE [SABBATIC] EXTENSION OF A TOWN,<sup>58</sup> HIS ACT IS OF NO CONSEQUENCE.<sup>59</sup> IF HE DEPOSITED IT EVEN ONE CUBIT ONLY BEYOND THE LIMIT<sup>60</sup>

- (1) Jointly for the balcony and the courtyard, but each was provided with a separate 'erub.
- (2) Lit., 'before them', sc. at the foot of the ladder. The door forms a partition between the two courtyards so that the residents of the one can in no way affect those of the other.
- (3) As if the ladder were a proper door communicating between the balcony above and the courtyards below. From this it follows that, according to R. Nahman, a ladder has the status of a door where such status leads to a restriction of the law; how then could it be said supra that he held a ladder to have the status of a wall where the law is thereby relaxed?
- (4) It is in such a case only that a ladder cannot be regarded as a wall whereby the law might be relaxed.
- (5) And consequently fully open to the courtyard.
- (6) Balcony and courtyard, being so close to each other, would be like two courtyards between which no wall intervened which cannot be separated from each other in their 'erub arrangements.
- (7) I.e., leaving only a gap not exceeding ten cubits as a doorway.
- (8) I.e., the residents of the balcony and courtyard respectively may be deemed as having withdrawn themselves from the use of each other's domain. In the absence of such a barrier, however, the balcony, owing to its close proximity to the courtyard below, and its two cubits doorway, must inevitably be regarded as forming one domain with that courtyard even though the law must be restricted as a consequence.
- (9) Between two courtyards.
- (10) Sc. a number of ladders were placed against the wall, one next to the other.
- (11) The ladders, though they afford access from one courtyard into the other, are not necessarily regarded as a breach of more than ten cubits that causes the two courtyards to be regarded as one requiring a joint 'erub, but can also be treated, if it is so desired, as a wall separating the two domains necessitating an 'erub for each domain (Rashi).
- (12) Aliter: press-room.



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- (13) Var. lec. 'Sata' (MS.M.) 'bar Senina' (Bomb. ed.).
- (14) So that the law is not restricted to deprive a wall of its status on account of a ladder that was placed against it.
- (15) Situated in close proximity below the former.
- (16) Since the height of the balcony was not stated the ruling presumably applies also to one that was ten handbreadths high and that had the status of a wall; which shows that a ladder (the usual means of communication between balcony and courtyard) does deprive a wall of its status and imparts to it the character of one that has a door in it.
- (17) So that even in the absence of thee ladder it could not be regarded as a valid wall.
- (18) V. supra p. 418, nn. 1-2.
- (19) Or 'Korkunia'; identified with Kirkesium or Circesium on the Euphrates.
- (20) Which belonged originally to one man and was now the possession of many.
- (21) On account of the requirement for a certain section to be excluded from the provisions of the general 'erub of the town (cf. our Mishnah).
- (22) That flowed behind the town, the houses having possessed no other doors opening towards the town.
- (23) Which, owing to the position of the doors, could not in any case be included in the general 'erub of the town.
- (24) Lit., 'remainder'.
- (25) To include those that were once excluded, and to exclude instead other houses.
- (26) As the houses by the river, however, could not in any case be included (cf. supra n. 6) in the town's 'erub they could not obviously be set aside as the statutory section to be excluded.
- (27) That will face the town, and the size of each of which would be four handbreadths by four.
- (28) And consequently night well serve also as the statutory section to be excluded.
- (29) The provision of windows.
- (30) Supra, 26a q.v. diagram and notes.
- (31) Since many alleys in each row were allowed to join in one erub despite the fact that the town that belonged to one man belonged once to many.
- (32) For if that had not been the case each alley would have required a separate 'erub to itself and a side-post air cross-beam.
- (33) On account of intervening cattle ditches which cut off the approaches between the various rows. Similarly in the case of the houses by the river, though they could not be included in the provision of the general 'erub of the town, they might we;; serve as the statutory section to be excluded.
- (34) The houses by the river and the rows of alleys that were separated by the cattle ditches.
- (35) The last mentioned (v. prev. n.).
- (36) Connected by balconies with one another.
- (37) In the absence of the windows mentioned.
- (38) Since (as laid down infra) the halachah is in agreement with R. Simeon that it is not necessary to exclude fifty tenants.
- (39) As the exclusion of this store-house satisfied the statutory requirements so should the houses by the river.
- (40) [Had he insisted on the people providing this group of houses with windows unnecessarily, he would have raised an outcry; v. Tosaf. ה"יני].
- (41) Cf. our Mishnah.
- (42) In its vicinity.
- (43) Sc. could all the inhabitants of Hadashah join in one 'erub?
- (44) Cf. prev. n. mut. mut.
- (45) But which, unlike Hadashah, was not near to a large town.
- (46) To constitute the statutory section.
- (47) A courtyard without a house, surely, could not be regarded is a dwelling.
- (48) A monotonous droning where no one is interested in sources or origins.
- (49) At the time the Sabbath had set in.
- (50) Sc. in the open country in an easterly direction from his house or HIS SON (v. Gemara infra).
- (51) Prior to the commencement of the Sabbath.
- (52) Cf. supra n. 5.
- (53) The permitted Sabbath limit.
- (54) Sc. his house, with whose Sabbath limit he was when the Sabbath had begun is regarded as the place of his Sabbath rest from where he is entitled to walk distances of two thousand cubits in all directions.
- (55) Because at the time the Sabbath had begun he was more than a Sabbath limit away from it (cf. prev. n. mut. mut.). The place of an 'erub which one is unable to reach during the Sabbath between this be regarded as one's place of Sabbath rest. (On the distinction between this else and the one supra 50b, v. Rashi a.l.).
- (56) Cf. prev. n. mut. mut.
- (57) Cf. supra n. 9, mut. mut.
- (58) I.e., within the area of seventy and two thirds cubits around the town from which the two thousand cubits of the Sabbath limit are measured.
- (59) Lit., 'he has not done anything', since in the absence of the 'erub also he (cf. prev. n.) is permitted to move within that area as well as a Sabbath limit of two thousand cubits beyond it in all directions on any side of the town; while all the town itself is in this respect regarded as an area of no more than four cubits by four within which its inhabitants may freely move in addition to the limits mentioned.
- (60) I.e., (cf. Gemara infra) beyond the Sabbatic extension of seventy and two thirds cubits around the town.

# ERUVIN – 53a-79a

## Eruvin 60b

### HE LOSES<sup>1</sup> WHAT HE GAINS.<sup>2</sup>

**GEMARA.** Assuming that EAST<sup>3</sup> means the east side of his house and that WEST<sup>3</sup> means the west of his house,<sup>4</sup> one can well understand how it is possible that THE DISTANCE BETWEEN HIM AND HIS HOUSE WAS NO MORE THAN TWO THOUSAND CUBITS AND THAT BETWEEN HIM AND HIS ERUB WAS MORE THAN THIS, since he would reach his house before he could<sup>5</sup> reach his 'erub, but how is it possible that THE DISTANCE between him and HIS 'ERUB should be NO MORE THAN TWO THOUSAND CUBITS AND THAT TO HIS HOUSE MORE THAN THIS? —

R. Isaac replied: Do you think that EAST<sup>3</sup> means east of his house and WEST<sup>3</sup> the west of his house? The meaning in fact is not so; EAST denotes the east of the position of HIS SON and WEST denotes the west position of HIS SON.<sup>6</sup> Raba son of R. Shila<sup>7</sup> replied: One may even explain EAST as the east of his house and WEST as the west of his house where, for instance, his house stood in a diagonal direction.<sup>8</sup>

IF A MAN DEPOSITS HIS 'ERUB WITHIN THE [SABBATIC] EXTENSION, etc. How can you possibly assume that an 'erub would be deposited BEYOND THE LIMIT?<sup>9</sup> — Rather read: Outside the Sabbatic extension.<sup>10</sup>

HE LOSES WHAT HE GAINS. Only WHAT HE GAINS and no more? Was it not in fact taught: If a man deposits his 'erub within the [Sabbatic] extension of a town, his act is of no consequence. If he deposited it even one cubit only beyond the [Sabbatic] extension of the town, he gains that cubit<sup>11</sup> and loses all the town<sup>12</sup> because the extent of the town is included in the extent of the Sabbath limit?<sup>13</sup>—

This is no difficulty, since the latter refers to a case where his measure<sup>14</sup> terminated within the town,<sup>15</sup> while the former deals with one where his measure terminated at the far end of the town;<sup>16</sup> this being in agreement with a ruling of R. Idi who laid down in the name of R. Joshua b. Levi: If a man<sup>17</sup> was measuring [the two thousand cubits distance from his acquired Sabbath abode] and advancing towards a town, and his measure<sup>18</sup> terminated in the middle of the town he is allowed to proceed no further than half the town, but if his measure terminated at the far end of the town,<sup>19</sup> all the town, as far as he is concerned, is regarded as four cubits and the remainder of the Sabbath limit<sup>20</sup> may be made up for him.<sup>21</sup> These,<sup>22</sup> exclaimed R. Idi, are nought but prophetic utterances;<sup>23</sup> for what is the difference whether the measure terminated in the middle of the town or at the end?<sup>24</sup> —

Said Raba: We have learnt<sup>25</sup> both these cases: The people of a large town may walk through the whole of a small town,<sup>26</sup>

- (1) In one direction of the town.
- (2) In the other direction. If the 'erub, for instance, was deposited at a distance of one thousand cubits in an easterly direction of the town the man, since the 'erub entitles him to walk distances of two thousand cubits from it in all directions, is entitled to walk a total distance of (1000 + 2000 = ) 3000 cubits from the town in an easterly direction but only one thousand cubits in the westerly direction. The entire area of the town itself, as mentioned supra is, in this respect regarded as no bigger than four cubits by four and, in consequence, is not to be deducted from the extent of the permitted limits.
- (3) So MS.M. (agreeing with the reading in our Mishnah). Cur. edd. here add lamed, 'to the'.
- (4) The house being situated between him on the one side of it and his son on the opposite side.
- (5) Lit., 'and not'.
- (6) The position of his house, however, may well have been much further away than that of his 'erub.
- (7) MS.M., 'Rabbah b. Shila'.
- (8) In relation to him and his 'erub.
- (9) Such an 'erub, which is unapproachable on the Sabbath, would surely be useless.
- (10) Of seventy and two thirds cubits around the town. Cf. relevant note on our Mishnah.

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(11) On the side of the town where the 'erub was deposited.

(12) When the Sabbath limit from the 'erub across the town in the opposite direction (cf. prev. n.) is measured, [the town is included in the extent of the Sabbath limit].

(13) And deducted from it. How then is this to be reconciled with our Mishnah?

(14) Of the two thousand cubits prescribed for a Sabbath limit.

(15) Either because the town was very big or because the 'erub lay at a considerable distance from it. In such a case only is the town included in the extent of the Sabbath limit and the man is forbidden to move beyond the far side of the town.

(16) In this case all the town is regarded as being no bigger than four cubits by four, and the Sabbath limit is extended beyond the town to a distance of two thousand cubits minus the distance between the 'erub and the side of the town near it.

(17) Who was overtaken by dusk underway and, being unaware of the proximity of a town, had acquired his Sabbath abode at the spot where he happened to be at the time the Sabbath had set in (cf. supra 45a); (and the same law applies to a man who deposited an 'erub outside his own town).

(18) V. p. 423, n. 7.

(19) Sc. the end opposite the one that was near his 'erub.

(20) The difference between two thousand cubits and the distance of the 'erub from the side of the town nearest to it.

(21) By extending the Sabbath limit beyond the far side of the town (cf. supra n. 3).

(22) n. Joshua b. Levi's rulings.

(23) Sheer imagination. V. however, Rash and Tosaf.

(24) Apparently none.

(25) Infra 61a.

(26) That was situated within its Sabbath limit. Now this must imply that the whole of the small town is regarded as no bigger than four cubits and that the remainder of the Sabbath limit may be made up by extending the limit beyond the far side of the small town, in agreement with R. Joshua b. Levi's second ruling.

## Eruvin 61a

but the people of the small town may not walk through the whole of a large town.<sup>1</sup> Now what is the reason?<sup>2</sup> Obviously<sup>3</sup> because the measure of the latter terminated in the middle of the former town,<sup>4</sup> while that of the former terminated at the end of the latter town.<sup>4</sup> And R. Idi?<sup>5</sup> — He read in both cases<sup>6</sup> 'The people may'<sup>7</sup> and expounded [the

Mishnah cited] as referring to an 'erub that ones deposited;<sup>9</sup> but of the case of one who was measuring,<sup>10</sup> we have there learnt nothing.<sup>11</sup> Have we not indeed? Did we not as a matter of fact learn: And to the measure<sup>12</sup> of whom the Rabbis have spoken a distance of two thousand cubits only is allowed even if the end of his permitted measure terminated within a cave?<sup>13</sup> — His<sup>14</sup> ruling was required in respect of a Sabbath limit that terminated at the far end of a town, a case of which we did not learn.<sup>15</sup>

R. Nahman stated: He who learns<sup>16</sup> 'The people may'<sup>17</sup> is not in error, and he who learns 'the people may not'<sup>17</sup> not in error. 'He who learns "the people may" is not in error since he might explain it to refer to an 'erub that one<sup>18</sup> had deposited;<sup>19</sup> while 'he who learns "the people may not is not in error' since he might explain that it refers to a case where the Sabbath limit was being measured,<sup>18</sup> and that a clause is missing [from the Mishnah] which should properly read thus: The people of a large town may walk through the whole of a small town<sup>19</sup> but the people of the small town may not walk through the whole of the large town.<sup>20</sup> This, however, applies only to a case where the Sabbath limit was being measured, but if a man stayed in a larger town and deposited his 'erub in a smaller town<sup>21</sup> or if he stayed in a small town and deposited his 'erub in a large town<sup>21</sup> he may walk through the whole of the town<sup>22</sup> and a distance of two thousand cubits beyond it.

R. Joseph citing Rami b. Abba who had it from R. Huna ruled: If a town was situated on the edge of a ravine, and<sup>23</sup> there was a barrier four cubits<sup>24</sup> in height in front of it, its Sabbath limit is measured from the edge of the ravine,<sup>25</sup> otherwise<sup>26</sup> measuring<sup>27</sup> must begin from the door of every inhabitant's house.<sup>28</sup> Said Abaye to him:<sup>29</sup> You told us in connection with this that the barrier must be four cubits in height; but why should this one be different from all other barriers whose prescribed height is only four handbreadths?<sup>30</sup> — There,<sup>31</sup> the other<sup>29</sup>

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replied, the use of the place involves no fear, but the use of the place here<sup>32</sup> does involve fear.<sup>33</sup>

Said R. Joseph, whence do I derive this ruling? From what was taught: Rabbi permitted the inhabitants of Gader to go down<sup>34</sup> to Hamethan but did not allow the inhabitants of Hamethan to go up to Gader.<sup>35</sup> Now what could have been the reason? Obviously, that the former<sup>36</sup> did put up a barrier<sup>37</sup> while the latter<sup>38</sup> did not put up a barrier.<sup>39</sup>

When R. Dimi came<sup>40</sup> he explained: The people of Gader used to molest the people of Hamethan, and ‘permitted’<sup>41</sup> meant ‘ordained’.<sup>42</sup> Then<sup>43</sup> why should Sabbath be different from other days? — Because intoxication is not uncommon on such a day. Would they<sup>44</sup> not molest them<sup>45</sup> when they come there?<sup>46</sup> — No; a dog in a strange town does not bark for seven years.<sup>47</sup> Now then,<sup>48</sup> might not the people of Hamethan molest those of Gader? — No; they<sup>49</sup> were not so submissive as all that.<sup>50</sup>

R. Safra explained: Gader<sup>51</sup> was a town that was built in the shape of a bow.<sup>52</sup> R. Dimi b. Hinena explained: The former<sup>53</sup> were the inhabitants of a large town while the latter were inhabitants of a small town.<sup>54</sup> Thus<sup>55</sup> taught R. Kahana. R. Tabyomi, however, taught as follows: R. Safra and R. Dimi b. Hinena differ, one explaining that Gader<sup>56</sup> was a town built in the shape of a bow<sup>57</sup> while the other explains that the latter<sup>58</sup> were the inhabitants of a small town while the former were inhabitants of a large town.

**MISHNAH.** THE PEOPLE OF A LARGE TOWN MAY WALK<sup>59</sup> THROUGH THE WHOLE OF A SMALL TOWN,<sup>60</sup> AND THE PEOPLE OF A SMALL TOWN MAY<sup>61</sup> WALK<sup>62</sup> THROUGH THE WHOLE OF A LARGE TOWN.<sup>60</sup> HOW IS THIS [TO BE UNDERSTOOD]? IF A MAN STAYED IN A LARGE TOWN AND DEPOSITED HIS ‘ERUB IN A SMALL TOWN<sup>60</sup> OR IF HE STAYED IN A SMALL TOWN AND DEPOSITED HIS ‘ERUB

IN A LARGE TOWN,<sup>60</sup> HE MAY WALK THROUGH ALL THE TOWN AND TWO THOUSAND CUBITS BEYOND IT. R. AKIBA RULED: HE IS ALLOWED TO WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS ‘ERUB. SAID R. AKIBA TO THEM:<sup>63</sup> DO YOU NOT AGREE WITH ME THAT IF A MAN DEPOSITED HIS ‘ERUB IN A CAVE HE MAY WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS ‘ERUB? THEY<sup>63</sup> REPLIED: WHEN IS THIS THE CASE? ONLY WHERE NO PEOPLE DWELL THEREIN BUT WHERE PEOPLE DWELL THEREIN ONE MAY WALK THROUGH THE WHOLE OF IT AND TWO THOUSAND CUBITS BEYOND IT. THUS IT FOLLOWS THAT [WHERE AN ‘ERUB IS DEPOSITED] WITHIN IT THE LAW IS MORE LENIENT THAN [WHERE ONE IS DEPOSITED] ON THE TOP OF IT. AND TO THE MEASURER,<sup>64</sup> OF WHOM [THE RABBIS] HAVE SPOKEN A DISTANCE OF TWO THOUSAND CUBITS IS ALLOWED<sup>65</sup> EVEN IF THE END OF HIS [PERMITTED] MEASURE<sup>66</sup> TERMINATED WITHIN A CAVE.<sup>67</sup>

(1) As if it were no bigger than four cubits. They may walk so far only as the termination of their Sabbath limit in whatever part of the town that may happen to be, in agreement with the first ruling of R. Joshua b. Levi.

(2) For the difference between the rights of the inhabitants of the large and those of the smaller town respectively.

(3) Lit., ‘not?’

(4) In agreement with the rulings of R. Joshua b. Levi (cf. supra nn. 10f).

(5) How, in view of the rulings in the Mishnah just cited, could he maintain that R. Joshua b. Levi's rulings are sheer imagination.

(6) The first and second clause of the Mishnah cited.

(7) Lit., ‘people, people’, sc. instead of reading ‘The people of the large town may... but the people of the small town may not’, etc. he reads: ‘The people... may’ in both clauses.

(8) Of the inhabitants of the large town.

(9) In the small town. As the man's ‘erub lay within the town the whole of it, as far as he is concerned, is rightly regarded as no bigger than four cubits.

(10) That spoken of by R. Joshua b. Levi.

(11) Hence R. Idi's exclamation.

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(12) A man who measures the two thousand cubits distance from the place which he acquired as his Sabbath abode or in which he deposited his 'erub.

(13) Supra 52b, Mishnah infra ad fin. The interior of a cave being presumably subject to the same law as the interior of a town, R. Joshua b. Levi's ruling in respect of the latter is obviously covered by the one relating to the former. An objection against R. Idi. Aliter: Why should R. Joshua R. Levi merely repeat a Mishnah?

(14) R. Joshua b. Levis.

(15) In the Mishnah. Hence also the justification of R. Idi's exclamation. (Cf. supra n. 8 ad fin).

(16) In the final clause of the Mishnah just discussed.

(17) Cf. supra n. 2.

(18) Sc. where no 'erub had been deposited within either town, where in consequence the whole town cannot be regarded as four cubits in respect of the Sabbath limit, and where, as a result actual distances must be measured.

(19) Where the latter was situated entirely within the Sabbath limit of the former. If, for instance, the distance between the two towns was one thousand cubits and the smaller did not cover more than one thousand cubits the people of the larger town may walk through the whole of the smaller (which being within their Sabbath limit, is regarded as no bigger than four cubits) and another thousand cubits or more beyond it to complete their two thousand cubits Sabbath limit.

(20) Since the larger town (cf. prev. n.) is not entirely situated within their Sabbath limit. They may, therefore, walk the distance of a thousand cubits between the two towns and another thousand cubits, to complete their Sabbath limit, within the larger town itself, but no further.

(21) That was situated within the Sabbath limit of his own town.

(22) In which his 'erub had been deposited.

(23) Lit., 'if'.

(24) So MS.M. Cur. edd. omit 'cubits'.

(25) Which is regarded as the boundary of the town.

(26) Lit., 'and if not', i.e., if no such partition was provided.

(27) Of the Sabbath limit of the town.

(28) All the town, in the absence of the partition, being regarded, for the reason to be given presently, as an occasional and irregular settlement which, in respect of Sabbath limits, cannot be treated as one unit of four cubits. Every house must be considered as a separate unit and the Sabbath limit of its tenants begins from that house.

(29) R. Joseph.

(30) V. supra 60b.

(31) In cases where a height of four handbreadths is enough.

(32) Owing to the steepness of the ravine.

(33) A higher barrier is consequently required.

(34) On the Sabbath.

(35) Tosef. 'Er. IV.

(36) Being situated on the slope higher than Hamethan.

(37) Which connected all their houses into one town and thus enabled them to begin their Sabbath limit from the town boundary.

(38) Having been situated on a lower part of the slope.

(39) At the base of their slope, in consequence of which (cf. supra p. 426, n. 9) only the tenants of the few houses that were within the Sabbath limit of Gader could be permitted to go up to that town, but the tenants of all the other houses that were without that limit could not.

(40) From Palestine to Babylon.

(41) 'Rabbi permitted', etc. v. supra.

(42) Sc. It was an ordinance laid down by Rabbi that, while the people of Gader were allowed to visit Hamethan, the people of the latter town, for their own safety, shall not visit the former.

(43) If the ordinance had no bearing on the laws of Sabbath limits.

(44) The people of Gader.

(45) The Hamethan people.

(46) To Hamethan.

(47) Proverb. As visitors the Gaderites would not venture on a quarrel.

(48) If the Gaderites were at a disadvantage when at Hamethan.

(49) The people of Gader.

(50) Though the Gaderites, as visitors, would seek no quarrels at Hamethan, they would nevertheless defend themselves if attacked.

(51) So with R. Han., contra Rashi (cf. Tosaf. s.v. עיר a.l.).

(52) Whose ends were four thousand cubits apart. In such a case (cf. supra 55a) the Sabbath limit is measured from the imaginary chord of the bow. The limit of Gader consequently included Hamethan which was no more than two thousand cubits distant from the chord. The position of the latter town, however, whose limit terminated at the Gader chord which was more than two thousand cubits distant from the center of its arc, prevented its inhabitants from walking to Gader which thus lay beyond their Sabbath limit.

(53) The people of Gader.

(54) The Sabbath limit of Gader terminated at the far end of Hamethan (the smaller town) while the Sabbath limit of Hamethan terminated in the middle of the large town of Gader. As all Hamethan lay within the Sabbath limit of Gader the people of the latter town were permitted to traverse its whole area (as if all the town were no bigger than four cubits) and distances completing the permitted two thousand cubits beyond it. As part of Gader, on the other hand, was without the Sabbath limit of Hamethan the people of the latter

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town could walk only to the end of their Sabbath limit.

(55) Specifying the authorship of each of the two last mentioned explanations.

(56) V. p. 427, n. 18.

(57) V. p. 427, n. 19.

(58) The people of Hamethan.

(59) In addition to the distances of two thousand cubits in all directions.

(60) That was situated within its Sabbath limit.

(61) J.T., Alfasi and cur. edd. supra 60b read: 'but the people... may not'. Cf. also R. Nahman's justification of the alternative readings of our Mishnah.

(62) In addition to the distances of two thousand cubits in all directions.

(63) The Rabbis who differed from his view.

(64) Sc. a person who did not deposit his 'erub in the town in question but was measuring his way and advancing towards it from his home town or from a place where he had deposited his 'erub.

(65) But no more.

(66) Of two thousand cubits.

(67) And even if that cave was inhabited. Only in the previous case where the 'erub lay within the town or within the cave did the Rabbis regard the entire area of the town and cave respectively as no bigger than four cubits.

## Eruvin 61b

**GEMARA.** Rab Judah laid down in the name of Samuel: If a man spent the Sabbath in a deserted<sup>1</sup> town,<sup>2</sup> he may, according to the Rabbis, walk through the whole of it<sup>3</sup> and two thousand cubits beyond it.<sup>4</sup> If, however, he deposited his 'erub in a deserted town<sup>5</sup> he is allowed no more than a distance of two thousand cubits from the place of his 'erub.<sup>6</sup> R. Eleazar laid down: Whether a man spent the Sabbath in a town or deposited in it his 'erub he is permitted<sup>7</sup> to walk through the whole of it and two thousand cubits beyond.

An objection was raised: SAID R. AKIBA TO THEM, DO YOU NOT AGREE WITH ME THAT IF A MAN DEPOSITED HIS 'ERUB IN A CAVE HE MAY WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS 'ERUB? THEY REPLIED: WHEN IS THIS THE CASE? ONLY WHEN NO PEOPLE DWELL THEREIN from which it is obvious, is it not, that where NO PEOPLE DWELL THEREIN they agree with him?<sup>8</sup> — By the

expression.<sup>9</sup> NO PEOPLE DWELL THEREIN a place was meant that was unsuitable for dwelling.<sup>10</sup>

Come and hear: If a man spent the Sabbath in a town, even though it was as big as Antioch, [or if he spent the Sabbath] in a cave, though it was like the cave of Zedekiah the king of Judah.<sup>11</sup> he may walk through the whole of it and two thousand cubits beyond. Now<sup>12</sup> the town mentioned must be one that is in a condition similar to that of the 'cave', so that as the cave is one that is deserted<sup>13</sup> so must the town also be one that is deserted and yet<sup>14</sup> it was stated that only if a man spent the Sabbath in it is the law<sup>15</sup> applicable<sup>16</sup> but not where he only deposited his 'erub in it. Now whose view could this<sup>17</sup> represent? If it be suggested: It is that of R. Akiba, the difficulty would arise: What was the point in speaking of a deserted town when the same ruling applies also to one that is inhabited.<sup>18</sup> Consequently<sup>19</sup> it must be said to represent the view of the Rabbis.<sup>20</sup> Now is not the reason for the ruling<sup>21</sup> that the man spent the Sabbath in it,<sup>22</sup> but if he had only deposited his 'erub in it this ruling<sup>21</sup> would not have applied?<sup>23</sup> —

Do not say that the 'town' mentioned must be one that is in a condition similar to that of the 'cave' but rather, the 'cave must be one that is in a condition similar to that of the town; so that as the town is inhabited the cave also must be one that is inhabited; and this ruling<sup>24</sup> is that of R. Akiba who laid down: HE<sup>25</sup> IS ALLOWED TO WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS 'ERUB, while in the case of one who had spent the Sabbath within the town he<sup>26</sup> agrees with the Rabbis.<sup>27</sup> But was it not stated: 'Like the cave of Zedekiah'?<sup>28</sup> —

Like the cave of Zedekiah [in one respect] but unlike the cave of Zedekiah [in another]. 'Like the cave of Zedekiah' in respect of its huge size,<sup>29</sup> 'but unlike the cave of Zedekiah' for whereas the latter<sup>30</sup> was deserted, the one referred to was<sup>31</sup> inhabited. Mar Judah once

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came across the people of Mabrakta who were depositing their 'erubs at the Be Agobar Synagogue.<sup>32</sup> 'Penetrate'<sup>33</sup> he said to them, 'further into its interior,<sup>34</sup> that you may be allowed to walk a greater distance'<sup>35</sup> 'Contentious man', said Raba<sup>36</sup> to him, 'in respect of the laws of 'erub no one takes any notice of the ruling of R. Akiba'.<sup>37</sup>

## CHAPTER VI

**MISHNAH.** IF A MAN LIVES IN A COURTYARD WITH A HEATHEN OR WITH ONE WHO DOES NOT ACKNOWLEDGE THE PRINCIPLE OF ERUB,<sup>38</sup> EITHER OF THEM<sup>39</sup> CAUSES HIM TO BE RESTRICTED IN THE USE OF THE COURTYARD.<sup>40</sup> R.<sup>41</sup> ELIEZER B. JACOB RULED: NEITHER<sup>42</sup> CAN RESTRICT HIM<sup>43</sup> UNLESS THERE ARE<sup>44</sup> TWO ISRAELITES<sup>45</sup> WHO<sup>46</sup> IMPOSE RESTRICTIONS UPON EACH OTHER.<sup>47</sup> R. GAMALIEL<sup>48</sup> RELATED: A SADDUCEE ONCE LIVED WITH US IN THE SAME ALLEY IN JERUSALEM AND FATHER TOLD US:<sup>49</sup> 'HASTEN AND CARRY OUT<sup>50</sup> ALL NECESSARY ARTICLES INTO THE ALLEY<sup>51</sup> BEFORE HE CARRIES OUT HIS<sup>52</sup> AND THEREBY IMPOSES RESTRICTIONS UPON YOU'.<sup>53</sup> R. JUDAH RELATED, [THE INSTRUCTION<sup>54</sup> WAS GIVEN] IN A DIFFERENT FORM:<sup>55</sup> HASTEN AND ATTEND<sup>56</sup> TO YOUR REQUIREMENTS IN THE ALLEY<sup>57</sup> BEFORE HE CARRIES OUT HIS ARTICLES AND THEREBY IMPOSES RESTRICTIONS UPON YOU'.<sup>58</sup>

- (1) Lit., 'ruined', 'desolate'.
- (2) No people lived in it but its wall was intact.
- (3) Since (cf. prev. n.) it was surrounded by a wall.
- (4) This ruling is also applicable according to the view of R. Akiba, but the limitation 'according to the Rabbis', is due to the ruling that follows.
- (5) But did not himself spend the Sabbath in it.
- (6) Because, in the case of the deposit of an 'erub, as explained supra, the Rabbis draw a distinction between all inhabited town and a deserted one. Only in the former case is the entire area of the town regarded as no bigger than four cubits. R. Akiba, however, (cf. supra n. 9) differs from their view and regards even an inhabited town as they do a deserted one.
- (7) According to the Rabbis.

(8) That Only two thousand cubits are allowed. How then could R. Eleazar maintain that the Rabbis conferred the same rights whether an 'erub was put in an inhabited or in a deserted place?

(9) Lit., 'what'.

(10) Sc. one that had no walls around it.

(11) Through which he attempted his escape (cf. Jer. LII, 7) and which is said to extend from Jerusalem to the plain of Jericho.

(12) Since 'town' and 'cave' were mentioned in the same context.

(13) No people presumably living in such a huge subterranean cave. Aliter: No people would be allowed to live in a royal cave (cf. Rashi s.v. וְיָרֵךְ a.l.).

(14) Despite its possession of walls. In the absence of walls no one would have allowed the man to walk through the whole of its area in addition to the two thousand cubits beyond it.

(15) That in addition to the permitted Sabbath limit of two thousand cubits one may also walk through the whole of its area.

(16) Lit., 'yes'.

(17) That the privilege (cf. supra n. 9) is restricted to the case of actual Stay in the town and does not extend to that of an 'erub deposited in it.

(18) R. Akiba having ruled that even where a man deposited his 'erub in an inhabited town he may walk no further than two thousand cubits.

(19) Since a distinction is made between a deserted, and an inhabited town.

(20) Who accordingly agree that if an 'erub was deposited in a deserted town the privilege (cf. supra p. 430, n. 9) does not apply.

(21) V. p. 430, n. 9.

(22) Lit., 'yes'.

(23) How then could R. Eleazar maintain that according to the Rabbis no distinction is made between an inhabited town and a deserted one?

(24) V. Supra p. 430, n. 11.

(25) The man who deposited his 'erub in a certain town wherein he did not spend the Sabbath.

(26) R. Akiba.

(27) V. loc. cit. n. 9.

(28) V. p. 430, n. 7.

(29) Lit., 'big'.

(30) Lit., 'there'.

(31) Lit., 'and here'.

(32) A large building situated within the Sabbath limit of Mabrakta. The people of the town, relying on the ruling of the Rabbis, who allowed two thousand cubits in addition to the whole area with the walls surrounding the place of the 'erub, put their 'erub anywhere within the building. [On the Abe Gobar synagogue, v. Ta'an., Sonc. ed., p. 6a. It was in the neighborhood of Mahuza.]

(33) With the 'erubs.

(34) Sc. the 'erubs should be placed as far away from the town as possible.

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(35) As the Sabbath limit of the town. This advice was given in accordance with R. Akiba's ruling that a man IS ALLOWED TO WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE and not from the walls surrounding the place, OF HIS 'ERUB.

(36) A similar expression against Mar Judah was used by Rabbah (cf. Kid. 58a).

(37) Since in the case of the 'erub laws the halachah always rests with the author adopting the more lenient view.

(38) A Samaritan. Cf. Mishnah supra 31b.

(39) Lit., 'behold this'.

(40) As he is not the only possessor of the courtyard he is forbidden to carry objects from his house into the courtyard or vice versa unless he has, before the commencement of the Sabbath, rented from his neighbor, for the duration of the Sabbath, the right the latter has in their common courtyard.

(41) In some of the separate editions of the Mishnah this is preceded by 'So R. Meir.'

(42) Lit., 'for ever'.

(43) In the use of the common courtyard.

(44) Besides the heathen or the Samaritan (v. n. 1).

(45) Living in houses in the same courtyard and thus having a share in it.

(46) Unless they properly joined together in the preparation of one 'erub.

(47) Only in such circumstances does the right of a third tenant of the type mentioned, wherever that right has not been duly rented from him, restrict their use of the common courtyard. He cannot, however, impose any restrictions upon an Israelite if the latter and he are the only tenants. The reason is explained in the Gemara infra.

(48) On the identity of the bearer of this name v. Tosaf. s.v. אָמַר a.l.

(49) On a certain occasion when the Sadducee renounced his right to his share in the alley.

(50) Just before the Sabbath begins.

(51) In order to acquire by that act the Sadducee's share.

(52) And thereby acquires again the right he at first renounced.

(53) A Sadducee, according to this view, is not regarded as a heathen, whose right in a courtyard or an alley must be rented, but as a heretic Israelite who may renounce his right by a mere declaration, no renting of it being necessary. Since the Sadducee in question had received no rent it was within his power to withdraw his concession at any moment provided the other tenants had not acquired possession of the alley by carrying their articles into it. Hence the instruction to HASTEN the acquisition BEFORE the Sadducee had time to change his mind.

(54) Just quoted by R. Gamaliel.

(55) Lit., 'in another language'.

(56) Before the Sabbath begins.

(57) I.e., 'carry out all the objects in your house that you require to have in the alley during the Sabbath'.

(58) According to R. Judah, a Sadducee who renounced his right to his share without receiving any payment for it may withdraw his concession at any time even after the other tenants had, by the performance of some act, acquired possession of his share. As he might change his mind at any moment the other tenants (cf. prev. n.) had to carry out all they needed prior to the commencement of the Sabbath.

## Eruvin 62a

**GEMARA.** Abaye b. Abin and R. Hinena b. Abin sat at their studies while Abaye was sitting with them, and in the course of their session they dealt with the following argument: It is quite possible to understand the view of R. Meir<sup>1</sup> since he may hold the opinion that a heathen's dwelling is legally a valid dwelling<sup>2</sup> and that no difference is to be made between one [Israelite tenant]<sup>3</sup> and two [Israelite tenants].<sup>4</sup> What, however, could be the view of R. ELIEZER B. JACOB? If he is of the opinion that a heathen's dwelling is legally a valid dwelling,<sup>2</sup> restrictions<sup>5</sup> should be imposed even in the case of one Israelite tenant; and if he holds that it is legally no valid dwelling, no restrictions should be imposed<sup>5</sup> even in the case of two Israelite tenants!<sup>6</sup> —

Said Abaye to them: But does R. Meir hold that a heathen's dwelling is legally a valid dwelling? Was it not in fact taught: A heathen's courtyard<sup>7</sup> has the same status as a cattle-pen?<sup>8</sup> Rather say: All agree that a heathen's dwelling is legally no valid dwelling, but the point at issue between them<sup>9</sup> here is the question whether a law<sup>10</sup> had been instituted as a preventive measure against the possibility of an Israelite's learning to imitate his<sup>11</sup> deeds.

R. Eliezer b. Jacob holds that, since a heathen is suspected of bloodshed,<sup>12</sup> a preventive measure has been enacted by the Rabbis in the case of two Israelites, who quite frequently live together with a heathen, but not in that of one Israelite who as a rule does



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not live together with a heathen,<sup>13</sup> while R. Meir holds that, since it may sometimes happen that one Israelite also should live with a heathen, the Rabbis have laid down: No 'erub is effective where a heathen lives in the same courtyard, nor is the renunciation of one's right<sup>14</sup> effective where a heathen is concerned<sup>15</sup> unless that right has been let; but a heathen would not let his right.<sup>16</sup> What is the reason?<sup>17</sup>

If it be suggested: Because he considers it possible that the other might take permanent possession of his share, the explanation would be satisfactory according to him who holds that the lease must be of a sound character;<sup>18</sup> what, however, could be said in explanation according to him who holds that only an imperfect lease is required?<sup>19</sup>

For it was stated: R. Hisda ruled: The lease must be of a sound character and R. Shesheth ruled: It may be of an imperfect character only. What is meant by 'imperfect' and what is meant by 'sound'? If it be suggested that 'sound' denotes a rental of a perutah<sup>20</sup> and 'imperfect' a rental that was less than a Perutah, the objection would arise: Is there any authority who upholds the View that [acquisition] from a heathen cannot be effected with less than a Perutah? Did not, as a matter of fact, R. Isaac son of R. Jacob b. Giyori send the following message in the name of R. Johanan, 'Be it known to you that one can lease from a heathen even with less than a perutah', and R. Hiyya b. Abba ruled in the name of R. Johanan, 'A Noahide<sup>21</sup> would rather be killed than spend so much as a perutah<sup>22</sup> which is not returnable'?<sup>23</sup> —

The fact is that 'sound' denotes a lease confirmed by legal documents and attested by officers,<sup>24</sup> and 'imperfect' denotes one that was neither confirmed by legal documents nor attested by officers. [Now,<sup>25</sup> I again submit:] 'The explanation would be satisfactory according to him who holds that the lease must be of a sound character: what, however, could be said in explanation

according to him who holds that only an imperfect lease is required'?<sup>26</sup>

Even in such a case<sup>27</sup> he<sup>28</sup> fears witchcraft<sup>29</sup> and does not let his share in the courtyard. [To revert to] the main text,<sup>30</sup> A heathen's courtyard has the same status as a cattle-pen' and it is, therefore, permitted<sup>31</sup> to carry things in and out, both from the courtyard into the houses and from the houses into the courtyard. But if only one Israelite<sup>32</sup> was a tenant there, he<sup>33</sup> does impose restrictions;<sup>34</sup> so R. Meir.<sup>35</sup> R. Eliezer b. Jacob ruled: No restrictions are ever imposed<sup>36</sup> unless there are also two Israelite tenants<sup>37</sup> who impose restrictions upon one another.<sup>38</sup>

- (1) Sc. the author of the first ruling of our Mishnah.
- (2) With reference to Sabbath, hence his right to a share in the courtyard.
- (3) Living in the courtyard with the heathen.
- (4) v. prev. n. Hence his ruling that a heathen invariably restricts the use of a common courtyard irrespective of whether he has many Israelite neighbors or only one.
- (5) In the use of the common courtyard.
- (6) Since in either case, as far as Sabbath laws are concerned, he has no share in the courtyard; while the Israelites' shares are merged into one common domain by means of their 'erub.
- (7) In certain circumstances, as will be explained infra.
- (8) Tosef. 'Er. V. I.e., the tenancy by a heathen of a house that opens into a common courtyard is like a cattle-pen, and consequently does not restrict the movement of objects on the Sabbath from the houses into the courtyard, v. infra. Now since this ruling, as will be shown infra, represents the view of R. Meir, how could a contrary view be attributed to him here.
- (9) R. Meir and R. Eliezer b. Jacob.
- (10) Subjecting an Israelite to the necessity of renting the heathen's share every Sabbath eve.
- (11) The heathen's.
- (12) Cf. A.Z. 22a.
- (13) Against something unusual no enactment was deemed necessary. Hence R. Eliezer b. Jacob's ruling that the restrictions applied to a courtyard in which no less than two Israelites were the heathen's neighbors.
- (14) To a share.
- (15) Lit., 'in the place of', i.e., a heathen's renunciation of his right to his share in the common courtyard has no validity.
- (16) As the Israelite would in consequence be subjected every Sabbath to much inconvenience

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he would naturally move out of that courtyard at the earliest possible opportunity and, indirectly, he would thereby be saved from the evil influence of the heathen's questionable mode of life.

(17) That a heathen refuses to let his share.

(18) This will be explained presently.

(19) What possible objection could the heathen have to such a defective lease?

(20) V. Glos.

(21) Lit., 'a son of Noah', sc. any heathen.

(22) The smallest coin (v. Glos.). Lit., 'for less than the value of a perutah.'

(23) Yeb. 47b, A.Z. 71a; which shows that in respect of a heathen a transaction involving less than a Perutah has the same validity as one involving a Perutah. How then is 'imperfect' and 'sound' to be understood?

(24) Aliter: A lease is sound if made legal by sureties and (countersigned) by officers (Jast.). Aliter: A lease of a courtyard is sound if connected with the privilege of placing in the yard chairs and seats (cf. Rashi a.l. and Jast.).

(25) Having disposed of the definition of 'sound' and 'imperfect'.

(26) What possible objection could the heathen have to such a defective lease?

(27) Where the lease was legally imperfect.

(28) The heathen, when requested to let his share.

(29) Not understanding the religious motive of the request he suspects some underhand work.

(30) Quoted by Abaye supra q.v. notes.

(31) To an Israelite who was not one of the tenants of that courtyard but happened to visit any of the houses in it.

(32) Who, by virtue of his tenancy of a house, is entitled to the use of the courtyard.

(33) Since the courtyard (cf. prev. n.) is deemed to be his domain.

(34) On the carrying of objects by other Israelites from the houses into the courtyard and vice versa.

(35) The last three words are absent from the Tosef.

(36) On account of the heathen's tenancy.

(37) Occupying two houses in that courtyard.

(38) Tosef. 'Er. V. As the heathen's share is distinct from theirs (a heathen's tenancy, as explained supra, having been given validity in such circumstances) they, by virtue of their shares in the courtyard, impose restrictions on the movements of objects from the heathen's house into the courtyard while he, by virtue of his share, despite the 'erub in which the two Israelites may have joined, imposes restrictions on the movements of objects from their houses into the courtyard.

## Eruvin 62b

The Master said: 'A heathen's courtyard has the same status as a cattle-pen'.<sup>1</sup> Did we not, however, learn: **IF A MAN LIVES IN A COURTYARD WITH A HEATHEN. . . EITHER OF THEM CAUSES HIM TO BE RESTRICTED?**<sup>2</sup> —

This is no difficulty, since the latter<sup>2</sup> deals with the case of a heathen who was at home<sup>3</sup> while the former<sup>1</sup> deals with one who was not at home.<sup>3</sup> But what principle does he<sup>4</sup> adopt? If he is of the opinion that a dwelling house without an occupier is legally a valid dwelling, should not even a heathen<sup>5</sup> impose restrictions;<sup>6</sup> and if he is of the opinion that a dwelling house without an occupier is legally no valid dwelling should not an Israelite<sup>7</sup> also impose no restrictions? He,<sup>8</sup> in fact, holds the view that a dwelling house without an occupier is legally no valid dwelling; but<sup>9</sup> in the case of an Israelite, who imposes restrictions when he is at home,<sup>10</sup> the Rabbis<sup>11</sup> have enacted a preventive measure where he is away; while in the case of a heathen who, even when at home, imposes restrictions merely as a preventive measure lest the Israelite learn to imitate his deeds<sup>12</sup> it was enacted that he imposes restrictions only when he is at home but not in his absence. But does he<sup>13</sup> not impose restrictions when he is absent? Have we not in fact learnt: If a man left his house and went to spend the Sabbath in another town, whether he was a gentile or an Israelite, his share imposes restrictions;<sup>14</sup> so R. Meir?<sup>15</sup> — There<sup>15</sup> it is a case where he returns on the same day.<sup>16</sup>

Rab Judah stated in the name of Samuel: The halachah<sup>17</sup> is in agreement with R. Eliezer b. Jacob; R. Huna stated: The custom<sup>18</sup> is in agreement with the ruling of R. Eliezer b. Jacob; while R. Johanan stated: The public act<sup>19</sup> in agreement with the ruling of R. Eliezer b. Jacob.

Said Abaye to R. Joseph: We have a tradition, that 'the teaching of R. Eliezer b. Jacob is small in quantity<sup>20</sup> but well sifted';<sup>21</sup>

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and Rab Judah also laid down in the name of Samuel, 'The halachah is in agreement with R. Eliezer b. Jacob;<sup>22</sup> is it then permitted<sup>23</sup> to a disciple<sup>24</sup> to give a ruling accordingly<sup>25</sup> in a district that is under the jurisdiction of his Master? — 'Even', the other replied, on the question of the permissibility of eating an egg<sup>26</sup> with kutha,<sup>27</sup> which I<sup>28</sup> have been asking him<sup>29</sup> throughout the lifetime of R. Huna,<sup>30</sup> R. Hisda gave me<sup>31</sup> no decision'.<sup>32</sup>

R. Jacob b. Abba asked Abaye: Is it permitted to a disciple in a district under his Master's jurisdiction to give a ruling that was as authoritative as those contained in the Scroll of Fast-Days,<sup>33</sup> which is a written and generally accepted document?<sup>34</sup> — Thus, the other replied, said R. Joseph: Even on the question of the permissibility of eating an egg<sup>26</sup> with kutha,<sup>27</sup> which I<sup>28</sup> have been asking him<sup>29</sup> throughout the lifetime of R. Huna,<sup>30</sup> R. Hisda gave me<sup>30</sup> no decision. R. Hisda decided legal questions at Kafri<sup>35</sup> in the lifetime of R. Huna.<sup>36</sup>

(1) From which it follows that a heathen can impose no restrictions upon an individual Israelite if the latter is the only other tenant in their Joint courtyard. Only an Israelite imposes restrictions on other Israelites in connection with the movement of objects from and into the heathen's house.

(2) Which shows, contrary to the ruling in the Baraitha cited (cf. prev. n.), that a heathen imposes restrictions upon an Israelite even where the latter is the only other tenant in their joint courtyard. How then are the two rulings to be reconciled?

(3) During the Sabbath in question.

(4) The author of the Baraitha.

(5) Though away from home.

(6) Of course he should, since his absence does not in any way affect the validity of his tenancy.

(7) If away from his home; since the validity of his tenancy is impaired by his absence.

(8) The author of the Baraitha.

(9) In reply to the objection raised (cf. prev. n.).

(10) On account of the legal validity of his tenancy.

(11) In order to prevent an infringement of the law when he is at home.

(12) Cf. supra 62a.

(13) A heathen tenant.

(14) On the other tenants of the courtyard.

(15) Supra 47a, infra 86a.

(16) Where, for instance, during the first part of the Sabbath he was not far away from his home. If no restrictions upon his fellow tenants had been imposed, even in his absence, they might, after his return, unconsciously have continued the unrestricted use of their courtyard which they enjoyed since the day began. Where, however, the heathen is unable to return on the same day no such precaution is necessary and consequently no restrictions were imposed.

(17) Halachah, sc. the ruling may be promulgated in a public discourse. V. following nn.

(18) Minhag, i.e., the ruling may not publicly be announced (cf. prev. n.) but is to be communicated privately to anyone seeking the information.

(19) Nahagu (cf. prev. two notes), i.e., the ruling may not be communicated even in private, but if any person acted in agreement with it no objection may be raised against him.

(20) Kab (v. Glos.), i.e., his rulings in the Mishnah are only few.

(21) Lit., 'clear', i.e., the halachah is always in agreement with his rulings.

(22) Supra.

(23) Since the ruling is so unquestionably authoritative.

(24) Who in ordinary cases must not venture to give a decision in a locality that is under his Master's jurisdiction.

(25) In agreement with R. Eliezer b. Jacob (v. our Mishnah).

(26) A perfectly developed egg found in a slaughtered fowl (so Tosaf. s.v. אפילו a.l.). The question whether a properly laid egg may be eaten with milk (cf. following n.) could, of course, never arise (v. however, Rashi).

(27) A preserve containing milk.

(28) So MS.M. and Bah. Cur. edd. 'they'.

(29) To test his loyalty to his Master.

(30) Whose colleague and disciple he was (cf. Tosaf s.v. רב a.l.).

(31) Reading of MS.M. and Bah. Cur. edd. omit.

(32) Though the answer was quite simple and obvious (cf. Bezah 6b) and could be supplied by a mere tiro.

(33) Megillath Ta'anith, a scroll (the only halachic collection which the Rabbis of the Talmud had in a written form) containing a record of the days of the year on which fasting and mourning were forbidden; v. Ta'an., Sonc. ed., p. 70f.

(34) Lit., 'that is written and lying'.

(35) A place in Babylon that was not subject to the direct jurisdiction of R. Huna (v. following note).

(36) Who resided in another part of Babylon at Pumbeditha (Rashi). [Obermeyer p. 317: Sura, south of which lay Kafri.]

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## Eruvin 63a

R. Hamnuna decided legal points at Harta<sup>1</sup> di Argiz<sup>2</sup> during the lifetime of R. Hisda.<sup>3</sup> Rabina examined the slaughterer's knife<sup>4</sup> in Babylon.<sup>5</sup> Said R. Ashi to him, 'Why does the Master act in this manner?' 'Did not,' the other replied: 'R. Hamnuna decide legal points at Harta di Argiz during the lifetime of R. Hisda?'<sup>6</sup> — 'It was stated', the first retorted: 'that he did not decide legal points'. 'The fact is', the other replied: 'that one statement was made that he did decide legal points while another was that he did not do so, and the explanation is that only during the lifetime of his Master R. Huna did he decide no legal points but during the lifetime of R. Hisda, who was both his colleague and disciple, he did decide legal points, and I too am the Master's colleague as well as disciple'.

Raba said: A young scholar may examine his own knife.<sup>7</sup> Rabina once visited Mahuza when his host brought to him a slaughtering knife for examination. 'Go', he said to him, 'take it to Raba'.<sup>8</sup> 'Does not the Master', the other asked: 'uphold the ruling laid down by Raba that a young scholar may examine his own knife?' — 'I', he replied, 'am only buying the meat'.<sup>10</sup>

(Mnemonic:<sup>11</sup> *Zila of<sup>12</sup> Hania<sup>13</sup> changes<sup>14</sup> Ika<sup>15</sup> and Jacob.<sup>16</sup>*)

R. Eleazar of Hagronia<sup>17</sup> and R. Abba b. Tahlifa once visited R. Aha son of R. Ika's house in the district that was subject to the jurisdiction of R. Aha b. Jacob. R. Aha son of R. Ika, desiring to prepare for them a third-grown<sup>18</sup> calf, presented to them the slaughtering knife for examination. 'Should no consideration be shown for the old man?'<sup>19</sup> R. Aha b. Tahlifa asked. 'Thus', R. Eleazar of Hagronia replied: 'said Raba: A young scholar may examine his own knife'. R. Eleazar of Hagronia<sup>20</sup> thereupon examined the knife and was providentially punished for his disrespect. But did not Raba lay down, 'A young scholar 'lay examine his own knife'? — There the case was different

since they began to discuss the question of his<sup>19</sup> dignity. And if you prefer I might reply: R. Aha b. Jacob was different from other local authorities since he was a man of great distinction.

Raba ruled: When it is a question of preventing one from committing a transgression it is quite proper [for a disciple to give a legal decision] even in his Master's presence.

Rabina once sat in the presence of R. Ashi when he observed that a certain person was tying his ass to a palm-tree on the Sabbath day.<sup>21</sup> He called out to him but the other took no notice. 'Let this man' he called out, 'be placed under the ban'. 'Does such an act as mine',<sup>22</sup> he<sup>23</sup> then asked [R. Ashi], 'appear as an impertinence?' — There is no wisdom for understanding nor counsel against the Lord,<sup>24</sup> wherever the divine name is being profaned no respect is to be shown to one's Master.<sup>25</sup>

Raba ruled: In the presence of one's Master it is forbidden [to give a legal decision]<sup>26</sup> under the penalty of death;<sup>27</sup> in his absence this is forbidden but the penalty of death is not incurred. Is then no penalty of death incurred in his absence? Was it not in fact taught: R. Eliezer b. Jacob<sup>28</sup> stated: The sons of Aaron died<sup>29</sup> only because they gave a legal decision in the presence of their Master Moses. What was the exposition they made? And the sons of Aaron the priest shall put fire upon the altar;<sup>30</sup> although, they said, fire came down from heaven<sup>31</sup> it is nevertheless a religious duty to bring also some ordinary fire.

R. Eliezer, furthermore, had a disciple who once gave a legal decision in his presence. 'I wonder', remarked R. Eliezer to his wife, Imma Shalom, 'whether this man will live through the year'; and he actually did not live through the year. 'Are you', she asked him, 'a prophet?' 'I', he replied: 'am neither a prophet for the son of a prophet, but I have this tradition: Whosoever gives a legal

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decision in the presence of his Master incurs the penalty of death'.) Now, in connection with this incident Rabbah b. Bar Hana related in the name of R. Johanan: That disciple's name was Judah b. Gorias and he was three parasangs distant from his Master?<sup>32</sup> — He was in his presence.<sup>33</sup> But was it not stated that 'he was three parasangs distant'?<sup>34</sup> — And according to your conception what need was there for the mention of his name and the name of his father? But the fact is that all the details were given in order that it be not said that the whole story was a fable.

R. Hiyya b. Abba stated in the name of R. Johanan: Whoever gives a legal decision in the presence of his Master deserves to be bitten by a snake, for it is said: And Elihu the son of Barachel the Buzite answered and said: I am young, etc. wherefore I held back,<sup>35</sup> and elsewhere<sup>36</sup> it is written: With the venom of crawling things<sup>37</sup> of the dust.<sup>38</sup> Ze'iri stated in the name of R. Hanina: He is called a sinner, for it is said: Thy word have I laid up in my heart,<sup>39</sup> that I might not sin against Thee.<sup>40</sup>

R. Hammuna pointed out an incongruity: It is written: Thy word have I laid up<sup>39</sup> in my heart,<sup>40</sup> and it is also written: I preached righteousness in a great congregation.<sup>41</sup> — This is really no contradiction, the former relating to the time when Ira the Jairite<sup>42</sup> was still alive while the latter relates to the time when Ira the Jairite was no longer alive.

R. Abba b. Zabda<sup>43</sup> stated: Whoever gives<sup>44</sup> his priestly gifts to one priest [only] brings famine into the world. For it is said in Scripture: Ira the Jairite was priest to David.<sup>45</sup> Now was he priest to David alone and not to all the world?<sup>46</sup> But the meaning is that David sent to him<sup>47</sup> his priestly gifts; and this is followed by the text: And there was a famine in the days of David.<sup>48</sup>

R. Eliezer<sup>49</sup> said: He<sup>50</sup> is deprived of his greatness — For it is said: And Eleazar the priest said unto the men of war... This is the

statute of the law which the Lord hath commanded Moses;<sup>51</sup> although he thus said to them, 'He commanded my father's brother<sup>52</sup> and not me'<sup>53</sup> he was nevertheless punished,<sup>54</sup> as it is written: And he<sup>55</sup> shall stand before Eleazar the priest<sup>56</sup> and yet we do not find that Joshua ever needed his guidance.

R. Levi stated: He who answers a word<sup>57</sup> in the presence of his Master goes down to Sheol childless; for it says in Scripture: And Joshua the son of Nun, the minister of Moses from his youth up, answered and said: 'My lord Moses, shall them in'<sup>58</sup>

(1) MS.M.: Hadeta'.

(2) Harta of Argiz, the name of the person who built the town of Harta. Rashi: in the name of תשובת הגאונים.

(3) Whose colleague and disciple he was (cf. Tosaf. s.v. רב a.l.). [R. Hisda was at that time head of the School at Sura which comprised within its jurisdiction Harta di Argiz, Obermeyer, loc. cit.].

(4) Used in the ritual slaughter of clean beasts and fowls. Such a knife, in order to reduce the pain of the animal to the lowest minimum, must be carefully ground until a very fine edge is obtained, and before use must also be submitted to the highest local religious authority for examination.

(5) Though his Master, R. Ashi, was the supreme religious authority at Matha Mehasia, a place near Sura. [The town Babylon was in the neighborhood of Sura, v. Obermeyer p. 304].

(6) As R. Hammuna, though a disciple of R. Hisda, was allowed to give legal decisions in a Babylonian town because R. Hisda, the supreme religious chief, resided in another part of Babylon so, Rabina submitted, was he also allowed to occupy the position of local religious authority in respect of the examination of the slaughtering knife in a town in which R. Ashi himself did not reside.

(7) Cf. supra n. 1. He need not submit it for examination to the supreme local religious authority if he is using it himself for his own beast.

(8) Rabina.

(9) Who was the religious head of the locality.

(10) From the innkeeper, sc. as the beast was not being killed exclusively for his own use the examination of the knife does not come under the ruling cited.

(11) An aid to the recollection of the names that follow.

(12) So Bah. Cur. edd. 'to Hania'.

(13) R. Eleazar of Hagronia.

(14) R. Abba b. Tahlifa (rt. חלף 'change').

(15) R. Aha son of R. Ika.

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- (16) R. Aha b. Jacob.  
(17) Near Nehardea.  
(18) Aliter: Third-born. Aliter: In its third year.  
(19) R. Aha b. Jacob who was the supreme religious head of the place and whose prerogative it was to examine the instrument.  
(20) Or 'he', omitting the name with MS.M.  
(21) The use of a growing tree on the Sabbath is Rabbinically forbidden.  
(22) Acting in the presence of the religious head of the place.  
(23) Rabina.  
(24) Prov. XXI, 30.  
(25) Wisdom, etc. of one's Master are regarded as of no consequence when an act is committed against the Lord.  
(26) Except, as stated supra, where the profanation of the divine name is at stake.  
(27) At the hands of Heaven.  
(28) So Bah. Cur. edd. omit the last two words.  
(29) Cf. Lev. X, 1f.  
(30) Ibid. I, 7.  
(31) V. ibid. IX, 24.  
(32) When he gave the legal decision mentioned; which shows that the penalty of death is incurred even where a decision is given in the Master's absence. An objection against Raba's last cited statement.  
(33) At the time he gave the legal decision. The distance of three parasangs mentioned referred only to that of the disciple's usual place of residence from the residence of his Master.  
(34) If the distance had no connection with the place where the decision was given what was the point in mentioning it at all?  
(35) זחל rt. זחל Job. XXXII, 6.  
(36) Cf. Bah.  
(37) זחל rt. זחל.  
(38) I.e., snakes. Deut. XXXII, 24.  
(39) He refrained from giving legal decisions in the presence of his Masters.  
(40) Ps. CXIX, 11.  
(41) Ibid. XL, 10.  
(42) David's teacher (cf. II Sam. XX, 26).  
(43) En Jacob and Asheri read: 'R. Abba b. Kahana'; MS.M., 'R. Kahana'.  
(44) Var. lec. 'sends' (MS.M. Ct Jacob and Asheri).  
(45) II Sam. XX, 26.  
(46) Of course not. A priest obviously enjoys that dignity before all 'Ben.  
(47) And to no other priest.  
(48) Ibid. XXI, 1.  
(49) Var. lec. 'Eleazar'.  
(50) Who gives a legal decision in the presence of his Master.  
(51) Num. XXXI, 21.  
(52) Moses.

- (53) Thus acknowledging that the statute he was teaching them was taught to him by his Master Moses.  
(54) For promulgating it in the presence of the Master.  
(55) Joshua.  
(56) Num. XXVII, 21, i.e., Joshua will have to submit his doubts and difficulties to Eleazar.  
(57) To a question submitted.  
(58) Nun. XI, 28. 'Kela'em', an answer in one word.

## Eruvin 63b

and elsewhere it is written: Nun his son, Joshua his son.<sup>1</sup> This exposition, however, differs from that of R. Abba b. Papa, for R. Abba b. Papa<sup>2</sup> stated: Joshua was punished<sup>3</sup> for no other sin than that of preventing Israel or one night from the duty of propagation; for it is said in Scripture: And it came to pass, when Joshua was by Jericho, that he lifted up his eyes and looked, etc.<sup>4</sup> and this is followed by the text: And he said: 'Nay,<sup>5</sup> but I am captain of the host of the Lord,' I am now come'.<sup>6</sup> 'Last evening',<sup>7</sup> he said to him [in effect]. 'you omitted to offer up the continual evening sacrifices and now you are neglecting the study of the Torah'.<sup>9</sup> 'On account of which offence', the other asked,<sup>10</sup> 'did you come'? —

'Now',<sup>11</sup> he replied. 'am I come'. Joshua, we read forthwith, went that night into the midst of the vale,<sup>12</sup> a text which, R. Johanan explained, teaches that he entered into the profundities of the halachah.<sup>13</sup> And we have a tradition that so long as the Ark and the Shechinah are not settled in their appointed place<sup>14</sup> connubial intercourse is forbidden.<sup>15</sup>

R. Samuel b. Inia<sup>16</sup> stated in the name of Rab: The study of the Torah is more important than the offering of the daily continual sacrifices,<sup>17</sup> since he said to him,<sup>18</sup> 'now am I come'.<sup>19</sup>

R. Berona stated in the name of Rab: Concerning the man who sleeps in a room<sup>20</sup> in which husband and wife rest Scripture says: The women of My people ye cast out from their pleasant houses.<sup>21</sup> This, R. Joseph

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said, applies even to the time when one's wife is menstruant. Raba said: If one's wife is menstruant may a blessing come upon him.<sup>22</sup> This,<sup>23</sup> however, is not very logical, for who watched him<sup>24</sup> until that time?<sup>25</sup>

There was a certain alley in which Lahman<sup>26</sup> b. Ristak<sup>27</sup> lived. 'Will you let us<sup>28</sup> your domain?<sup>29</sup> said the other residents to him; but he would not let it to them. So they went to Abaye and reported the matter to him. 'Renounce', he advised them, 'your respective domains<sup>30</sup> in favor of one resident so that he would be in the position of one individual living in the same place with a heathen, and wherever one individual lives in the same place with a heathen the latter imposes no restrictions upon the former'.<sup>31</sup> 'Is not the only reason',<sup>32</sup> he was asked,<sup>33</sup> 'that it is not usual for one Israelite and one heathen to live together? And is it not a fact that these did live together?' — 'The renunciation of' private domains in favor of one resident', he replied: 'is an unusual occurrence, and the Rabbis enacted no prohibitory measures against any occurrence that is unusual'.<sup>34</sup>

R. Huna son of R. Joshua proceeded to report this ruling<sup>35</sup> to Raba when the latter remarked:<sup>36</sup>

- (1) I Chron. VII, 27, no son of Joshua being mentioned.
- (2) MS.M. 'that of R. Hanina, for R. Hanina b. Papa'.
- (3) Having to die childless.
- (4) Josh. V, 13.
- (5) סל. Cur. edd. in Parenthesis, ל' 'to him'.
- (6) Ibid. 14.
- (7) The one preceding the night of the meeting.
- (8) Cf. Num. XXVIII, 1ff.
- (9) Joshua, engaging in incessant warfare both by day and night, was unable to allow time either for the daily evening sacrifice or for the study of the Torah which the people were expected to pursue in the evening when they were free from their labors. The critical attitude of the 'captain' is inferred (v. Rashi) from his appearance with his sword drawn' (Josh. V. 13); and the emphasis he laid on 'now' (v. infra n. 12) implies that previously also some offence had been committed.
- (10) Cf. MS.M. and Bah.
- (11) For the last mentioned offence.

- (12) Josh. VIII, 13.
- (13) 'Went' (rt. לָהַךְ) and 'vale' (rt. עָמַק) are expounded as 'entered' and 'profundities' which are respectively derived from the same Heb. roots. For other readings of the passage v. Bah a.l. and Sanh., Sonc. ed., p. 289, n. 12.
- (14) Which was the case when a battle was in progress.
- (15) Joshua, having been the cause, suffered in consequence the disability mentioned.
- (16) Var. lec. 'Iwya' (En Jacob).
- (17) Cf. Num. XXVIII, 1f.
- (18) The 'captain' to Joshua.
- (19) Josh. V, 14. He was more concerned with the latter offence than with the former.
- (20) Lit., 'curtain', a curtained enclosure'.
- (21) Micah II, 9.
- (22) The man who by his presence provides a moral safeguard.
- (23) Raba's view.
- (24) The husband.
- (25) No one, of course, besides himself and his wife. If the husband and wife are thus trusted by the Torah to be fully competent to look after their moral interests, there could not be much advantage in having an occasional intruder.
- (26) Var. lec. 'Haman' (R. Han. cf. MS.M.).
- (27) A heathen.
- (28) For the Sabbath.
- (29) His right to the use of the alley.
- (30) Cf. prev. n. mut. mut.
- (31) As a result of the arrangement the residents would be enabled to move (a) within the alley any objects that rested in it at the time the Sabbath had set in and (b) objects from the house of the individual, in favor of whom they had renounced their rights, into the alley and from the alley into his house. In the absence of the arrangement they would have been deprived even of these limited privileges (cf. Shah. 130b). The prohibition, however, to move objects from their own houses into the alley and vice versa would still remain in force (cf. infra 69b).
- (32) Why a heathen imposes no restrictions on an individual Israelite that lives with him in the same courtyard or alley.
- (33) By one of the scholars. Cur. edd., 'they said to him', is wanting from MS.M.
- (34) Hence the effectiveness of the suggested arrangement.
- (35) Of Abaye.
- (36) Lit., 'said to him'.

## Eruvin 64a

'If so,<sup>1</sup> are you not abolishing the law of 'erub in that alley?' — 'They might prepare an 'erub'.<sup>2</sup> 'Would It not then be said that an 'erub is effective even where a heathen is a

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resident in the place?’ — ‘An announcement might be made’.<sup>3</sup> ‘An announcement for the children?’<sup>4</sup> —

‘Rather’, said Raba, ‘let one of them<sup>5</sup> persuade him<sup>6</sup> and borrow a place from him on which he shall put down something, so that<sup>7</sup> he assumes the status of his hired laborer or retainer concerning whom Rab Judah laid down in the name of Samuel: Even his<sup>8</sup> hired laborer and even his retainers<sup>9</sup> may contribute his share to the ‘erub<sup>10</sup> and this alone is sufficient.’<sup>11</sup>

Abaye asked R. Joseph: What is the ruling if there were<sup>12</sup> five hired labourers<sup>13</sup> or live retainers?<sup>14</sup> — The other replied: If the Rabbis have laid down that one's hired laborer or retainer is regarded as a householder in order that the law might be relaxed,<sup>15</sup> would they also maintain that a hired laborer or retainer has a similar status in order that the law might be restricted?<sup>16</sup> [Reverting to] the main text: ‘Rab Judah laid down in the name of Samuel: Even his hired laborer and even his retainer may contribute his share to the ‘erub, and this alone is sufficient. R. Nahman observed: How excellent a ruling is this.

Rab Judah stated in the name of Samuel: He who has drunk a quarter of a log<sup>17</sup> of wine must not give a legal decision. This ruling’ observed R. Nahman, ‘is not a very fine one, because in my own case, before I drink a quarter of a log of wine my mind is not clear’.

Said Raba to him:<sup>18</sup> Why did the Master speak in such a manner?<sup>19</sup> Did not R. Aha b. Hanina in fact state, ‘What is the exposition of the Scriptural text: But he that keepeth company with harlots loses his substance?<sup>20</sup> Whosoever says: "This ruling is a fine one<sup>21</sup> or "That ruling is not a fine one" loses the substance of the Torah?’ — ‘I withdraw’, the other replied.

Rabbah son of R. Huna ruled: One who is under the influence of drink must not pray,

but if he did pray his prayer is regarded as a proper one. An intoxicated man must not pray, and if he did pray his prayer is an abomination. How are we to understand the expression of ‘One who is under the influence of drink’, and how that of ‘an intoxicated man’? —

As follows: When R.<sup>22</sup> Abba<sup>23</sup> b. Shumani<sup>24</sup> and R. Menashya b. Jeremiah of Difti<sup>25</sup> were taking leave from each other at the ford of the river Yopati they suggested, ‘Let each one of us say something that the other has never heard before, for Mari son of R. Huna<sup>26</sup> laid down: The best form of taking leave of a friend is to tell him<sup>27</sup> a point of the halachah, because he would remember him for it’. ‘What is to be understood’, one of them began, ‘by "one who is under the influence of drink" and what by "an intoxicated man"?' The former is one who is able to speak in the presence of a king,<sup>28</sup> the latter is one who is unable to speak in the presence of a king’. ‘What’, the other began, ‘should he who took possession of the property of a proselyte<sup>29</sup> do that he shall be worthy of retaining it? Let him purchase with it<sup>30</sup> a scroll of the Law’.<sup>31</sup> R. Shesheth said: Even

- (1) That renunciation alone is deemed to be sufficient to enable the residents to enjoy the privileges mentioned.
- (2) Although it would bring them no material benefit.
- (3) That the ‘erub is ineffective, that with the exception of the one resident, in whose favor the others had renounced their rights, all are forbidden to carry any objects from their houses into the alley and vice versa, and that only within the alley, which on account of the renunciation assumed the status of a private domain, is the movement of objects permitted.
- (4) Sc. what is the use of an announcement of which the rising generation would be unaware. The new generation, ignorant of the terms of the announcement, would naturally assume that an ‘erub is effective even where a heathen is one of the residents.
- (5) Of the residents.
- (6) The heathen resident in the alley.
- (7) By becoming a tenant to the heathen's courtyard.
- (8) A heathen's.
- (9) If he is an Israelite.



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- (10) For the alley.  
(11) To enable all the residents to move objects from their houses into the alley and vice versa.  
(12) In a heathen's house.  
(13) Cf. MS.M.  
(14) Each one of whom occupied a room or a garret in it, and one of whom had forgotten to contribute his share to the 'erub for the alley. Since, it is asked, in respect of enabling the house in which he lives to be joined with the others in one 'erub he is regarded as its householder, is he equally regarded as a householder the absence of whose share from an 'erub restricts the use of the entire alley?  
(15) I.e., that the 'erub shall be effective.  
(16) Of course not. As all doubtful questions in the laws of 'erub are decided in favor of the more lenient view, a hired laborer or retainer cannot be regarded as a householder wherever he failed to contribute to the 'erub of the alley.  
(17) v. Glos.  
(18) R. Nahman.  
(19) Criticizing traditional rulings.  
(20) Prov. XXIX, 3.  
(21) זונות 'harlots' is read as זו נאה 'this is fine'.  
(22) Lit., 'like that of R.'  
(23) Var. lec. 'Rabbah' (En Jacob).  
(24) Var. lec. 'Rabbah b. Shimi (MS.M.).  
(25) V. marg. glos., cur. edd., 'Gifty'. MS.M. omits the word.  
(26) Var. lec., 'Mari son of R. Huna son of R. Jeremiah b. Abba (cf. Ber. 31a).  
(27) Lit., 'a man shall not depart from his friend except from the midst of'.  
(28) Sc. is able to collect his thoughts if suddenly confronted by a high personage whom he fears or reveres.  
(29) Who died without any Jewish issue and thus had no legal heirs.  
(30) With the proceeds of a portion of the property.  
(31) The pious act will protect him from loss.

## Eruvin 64b

a husband [should act in a similar manner] with his wife's estate.

**Raba said:** Even a man who engaged in trade and made a large profit should act in a similar manner.

**R. Papa said:** Even he who has found something [should act in the same manner].

**R. Nahman b. Isaac said:** Even if he had only

arranged for the writing of one pair of tefillin.<sup>2</sup>

In connection with this R. Hanin [or, as some say: R. Hanina] stated: What is the Scriptural proof?<sup>3</sup> It is written: And Israel vowed a vow, etc.<sup>4</sup>

**Rami b. Abbas** stated: A mil's walk or a little sleep removes the effects of wine.

Said R. Nahman in the name of Rabbah b. Abbuha: This applies only to one who has drunk one<sup>6</sup> quarter of a log, but if one has drunk more than a quarter, a walk would only cause him more fatigue, and sleep would produce more intoxication. But does a mil's walk remove the effects of wine?

Was it not in fact taught: It once happened that R. Gamaliel was riding on an ass when traveling from Akko to Chezib while R. Ila'i was following behind him. Finding a gluskin<sup>7</sup> on the road he said to him, 'Ila'i, pick tip the gluskin from the road'. Later he met a heathen. 'Mabgai',<sup>9</sup> he said to him, 'take away that loaf from Ila'i'.

R. Ila'i thereupon approached him,<sup>10</sup> and asked 'where are you from?' 'I am', the other replied: 'from the station keepers'<sup>11</sup> settlements'. 'And what is your name?' 'My name is Mabgai'. 'Did R. Gamaliel ever know you?' 'No', the other replied. At that moment we discovered that R. Gamaliel divined by the holy spirit and, at the same time, we learned three things: We learned that<sup>12</sup> eatables<sup>13</sup> may not be passed by,<sup>14</sup> that<sup>15</sup> the majority of travelers must be followed;<sup>16</sup> and that<sup>17</sup> it is permitted to derive benefit<sup>18</sup> from a heathen's leavened bread after the Passover.<sup>19</sup>

When he<sup>20</sup> arrived at Chezib a man approached him and asked for his vow to be absolved. 'Have we', he' asked the person who accompanied him,<sup>21</sup> 'perchance drunk a quarter of a log of Italian wine?' 'Yes', the other replied. 'In that case', he said: 'let him walk behind us until the effect of our wine is

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removed'. The man walked behind them for three mils until he<sup>20</sup> reached the Ladder of Tyre.<sup>22</sup> Having arrived at the Ladder of Tyre, R. Gamaliel alighted from his ass, wrapped himself in his cloak, sat down and disallowed his vow. At that time we learned many things: We learned that a quarter of a log of Italian wine causes intoxication; that an intoxicated man may not decide legal questions; that a journey causes the effects of wine to be removed, and that absolution from vows may not be granted while riding, walking, or standing, but must be done sitting. At all events, were not 'Three mils' mentioned here?<sup>23</sup> —

Italian wine is different<sup>24</sup> since its powers of intoxication are greater.<sup>25</sup> But did not R. Nahman state in the name of Rabbah b. Abbuha, 'This applies only to one who has drunk one quarter of a log, but if one has drunk more than a quarter, a walk would only cause him more fatigue, and sleep would produce more intoxication'?<sup>26</sup> —

A rider is in a different position.<sup>27</sup> Now that you have arrived at this,<sup>28</sup> no objection<sup>29</sup> can be raised against Rami b. Abba<sup>30</sup> either, since a rider is in a different position.<sup>31</sup> But [the law,]<sup>32</sup> surely, is not so; for did not R. Nahman say: Absolution from vows may be granted while walking, standing or riding?<sup>33</sup> —

This is a point at issue between Tannas, one<sup>34</sup> holding that<sup>35</sup> an opening for regret must be discovered<sup>36</sup> while the other<sup>37</sup> holds that no opening for regret is required;<sup>38</sup> for<sup>39</sup> Rabbah b. Bar Hana related in the name of R. Johanan: what opening did R. Gamaliel suggest to that man? There is that speaketh like the piercings of a sword, but the tongue of the wise is health,<sup>40</sup> he 'that speaketh' a vow deserves to be pierced by the sword,<sup>41</sup> 'but the tongue of the wise<sup>42</sup> is health'.<sup>43</sup>

The Master said that 'eatables may not be passed by'. R. Johanan laid down in the name of R. Simeon b. Yohai: This applies only to the earlier generations when the

daughters of Israel did not freely indulge<sup>44</sup> in witchcraft, but in the later generations when the daughters of Israel freely indulged in witchcraft one may pass them by. A Tanna taught: Whole loaves<sup>45</sup> may be passed by but not crumbs. Said R. Assi to R. Ashi: But do they not practice witchcraft with crumbs? Is it not in fact written in Scripture: And ye have profaned Me<sup>46</sup> among My People for handfuls of barley and for crumbs of bread?<sup>47</sup> — These<sup>48</sup> they received as a fee.<sup>49</sup>

R. Shesheth citing R. Eleazar b. Azariah observed:

- (1) Lit., 'he wrote with them', sc. paid for, out of the wealth or property he had acquired.
- (2) V. Glos.
- (3) That the performance of a pious deed has a favorable effect on one's fortunes.
- (4) Num. XXI, 2, the conclusion of the text showing that as a result of the vow Israel expected to be victorious in their struggle against the Canaanites.
- (5) Var. lec. R. Aha (cf. Sanh. 22b).
- (6) So MS.M. omitting כִּי 'the contents'. This is also the reading in the quotation infra.
- (7) An expensive loaf made of a certain kind of white flour.
- (8) R. Gamaliel.
- (9) A Samaritan proper name common among heathens (cf. Mak. 11a).
- (10) The heathen.
- (11) Burgonin, pl. of burgoni, keeper or tenant of a station for travelers.
- (12) Since R. Ila'i was requested to pick up the loaf.
- (13) Lying on the ground.
- (14) But must be picked up.
- (15) Since the loaf was given away to a heathen.
- (16) The majority having been heathens the loaf must be assumed to have been dropped by one of them and, therefore, forbidden to an Israelite.
- (17) This incident occurred after the Passover; and the loaf was nevertheless presented to a heathen.
- (18) The recipient of the loaf would naturally be grateful for the gift and likely to repay it by some other act of kindness.
- (19) Which is forbidden in the case of an Israelite's leavened bread.
- (20) R. Gamaliel.
- (21) R. Ila'i.
- (22) Scala Tyriorum, a promontory south of Tyre.
- (23) How then could Rami b. Abba maintain that a one mil's walk is enough?
- (24) From other wines.

# ERUVIN – 53a-79a

- (25) Hence a longer journey is necessary.  
(26) And since Italian wine is stronger than others one quarter of a log of it would have the same effect as a larger quantity of the others.  
(27) From that of a pedestrian. The injurious consequences of a walk would not affect him.  
(28) To the drawing of a distinction between riding and walking.  
(29) From the statement that three mils are necessary to remove the influence of drink.  
(30) Who spoke of one mil only.  
(31) While for a pedestrian one mil is sufficient, a rider, whose exertion is less, requires three mils.  
(32) With reference to the absolution of vows.  
(33) Ned. 77b.  
(34) With whom R. Gamaliel is in agreement.  
(35) Before a Sage may absolve one from a vow.  
(36) Sc. a valid ground must be found to make the man regret his vow from the very outset. In order to discover such a ground careful thinking is necessary and this is only possible when one is comfortably seated.  
(37) Who allows the granting of absolution in any position.  
(38) Absolution may be granted to any person who applies for it irrespective of whether he regrets ever having made the vow or not.  
(39) As proof that R. Gamaliel holds the same view as the former Tanna.  
(40) Prov. Xli, 18.  
(41) Because he might not be able to fulfill his obligations.  
(42) That of the Sage who grants absolution.  
(43) He restores the sinner to a healthy moral condition. With this exposition R. Gamaliel was able to convince the man of his folly and to make him express his sincere regrets for ever having made his vow.  
(44) Lit., 'broken through'.  
(45) Since witchcraft may be suspected.  
(46) By the practice of witchcraft (v. Rashi).  
(47) Ezek. XIII, 19.  
(48) The 'crumbs' mentioned by Ezekiel.  
(49) For their services in the art of witchcraft. With these crumbs, however, no witchcraft was performed.

## Eruvin 65a

I could justify the exemption from judgment of all the [Israelite] world since the day of the destruction of the Temple until the present time, for it is said in Scripture: Therefore hear now this, thou afflicted and drunken but not with wine.<sup>1</sup>

An objection was raised: The sale or purchase of an intoxicated person is valid. If

he committed a transgression involving the penalty of death he is to be executed, and if he committed one involving flogging he is to be flogged; the general rule being that he is regarded as a sober man in all respects except that he is exempt from prayer.<sup>2</sup> [Does not this contradict the view of R. Shesheth]? By the expression,<sup>4</sup> 'I could justify the exemption' that he used he also meant exemption from judgment [for the lack] of [devotions in] prayer.

R. Hanina said: This<sup>3</sup> applies only to one who did not reach the stage of Lot's drunkenness,<sup>6</sup> but one who did reach such a stage is exempt from all responsibilities.

R. Hanina observed: Against him who passes by<sup>7</sup> the 'Shield'<sup>8</sup> in the time of haughtiness<sup>9</sup> troubles will be closed and sealed about him, for it is said in Scripture: His scales<sup>10</sup> are his pride, shut up together as with a close<sup>11</sup> seal.<sup>12</sup> What proof is there that afek<sup>13</sup> signifies 'passing by'? —

Since it is written in Scripture: My brethren have dealt deceitfully as a brook, as the channel<sup>13</sup> of brooks that pass by.<sup>14</sup>

R. Johanan said: The statement<sup>15</sup> was 'Against him who does not utter'.<sup>16</sup> What is the proof that mapik<sup>17</sup> signifies manifestation?<sup>18</sup> —

Since it is written in Scripture: And the channels<sup>19</sup> of waters appeared, and the foundations of the world were laid bare.<sup>20</sup> Observe! The Scriptural texts provide equal proof for the one Master as well as for the other Master; wherein then lies the difference between them?<sup>21</sup> —

The difference between them is [the propriety of the practice] of R. Shesheth; for R. Shesheth entrusted [the task of waking him from] his sleep to his attendant. One Master<sup>22</sup> upholds the view of R. Shesheth while the other Master<sup>23</sup> does not.<sup>24</sup>

# ERUVIN – 53a-79a

R. Hiyya b. Ashi citing Rab ruled: A person whose mind is not at ease must not pray, since it is said: 'He who is in distress shall give no decisions'.<sup>25</sup> R. Hanina did not pray on a day when he was agitated. It is written, he said: 'He who is in distress shall give no decisions'.<sup>26</sup>

Mar Ukba did not attend<sup>27</sup> court on a shutha<sup>28</sup> day.

R. Nahman b. Isaac observed: Legal study<sup>29</sup> requires as much clearness<sup>30</sup> as a north wind day.<sup>31</sup>

Abaye remarked: If my [foster] mother<sup>32</sup> had told me: 'Bring me the kutha',<sup>33</sup> I would not have been able to study.<sup>34</sup> If, remarked Raba,<sup>35</sup> a louse bit me I could not study.<sup>34</sup> Seven garments for the seven days of the week<sup>36</sup> were prepared for Mar son of Rabina by his mother.

Rab Judah observed: Night was created for naught but sleep.

R. Simeon b. Lakish observed: The moon<sup>37</sup> was created only to facilitate study.

When R. Zera was told, 'You are exceedingly well versed in your studies', he replied: 'They are the result of day work'.

A daughter<sup>38</sup> of R. Hisda once asked R. Hisda,<sup>39</sup> 'Would not the Master like to sleep a little?' 'There will soon come', he replied: 'days that are long and short<sup>40</sup> and we shall have time to sleep long'.

R. Nahman b. Isaac remarked: 'we are day workers'.

R. Aha b. Jacob borrowed<sup>41</sup> and repaid.<sup>42</sup>

R. Eliezer ruled: A man who returns from a journey<sup>43</sup> must not pray for three days, for it is said in Scripture: And I gathered them together to the river that turneth to Ahava;<sup>44</sup> and there we encamped three days, and I viewed<sup>45</sup> the people.<sup>46</sup>

On returning from a journey Samuel's father refrained from prayer for three days. Samuel did not pray in a house that contained alcoholic drink.<sup>47</sup>

R. Papa did not pray in a house that contained fish-hash.<sup>47</sup>

R. Hanina observed: He who allows himself to be pacified when lie is taking wine possesses some of the characteristics of his Creator, for it is said in Scripture: And the Lord smelled the sweet savour;<sup>48</sup> and... said... 'I will not again curse the ground any more for man's sake'.<sup>49</sup>

R. Hiyya observed: He who retains a clear mind under the influence of wine possesses the characteristics of the seventy elders; for the numerical value of 'yayin'<sup>50</sup> is seventy<sup>51</sup> and so is also the numerical value of 'sod',<sup>52</sup> so that when wine goes in counsel departs.<sup>53</sup>

R. Hanin<sup>54</sup> observed: Wine was created for the sole purpose of comforting mourners and rewarding the wicked;<sup>55</sup> for it is said: Give strong drink unto him that is ready to perish,<sup>56</sup> and wine unto the bitter in soul.<sup>57</sup>

R. Hanin<sup>58</sup> b. Papa stated: A person in whose house wine is not poured like water has not attained the state of blessedness; for it is said: And He will bless thy bread and thy water,<sup>59</sup> as the 'bread' spoken of is a food that may be bought with the money of the Second Tithe so is the 'water'<sup>60</sup> a liquid that may be bought with the money of the Second Tithe. Now such a liquid is' of course,<sup>61</sup> wine,<sup>62</sup> and yet it is called 'water'.

(1) Isa. LI, 21. Having been described as 'drunken' prior to the destruction of the Temple, Israel, still bearing the stigma, cannot be held responsible for their actions.

(2) Tosef. Ter. III.

(3) The ruling that, with the exception of the duty of prayer, all intoxicated man is in all respects regarded as a sober man.

(4) Lit., 'what'.

(5) Cf. Rashi.

# ERUVIN – 53a-79a

- (6) A state of complete unconsciousness (cf. Gen. XIX, 30ff).  
(7) נפק rt. מפיק.  
(8) I.e., omits to read the 'Amidah benedictions (cf. P.B. pp. 44ff) the first of which concludes with 'the Shield of Abraham'.  
(9) When in a state of intoxication.  
(10) אפיקי מגנים rendered as 'passing by' (cf. supra n. 2) the benediction concluding with 'Shield', (אברהם מגן).  
(11) צר interpreted as צרה 'trouble'.  
(12) Job XLI, 7.  
(13) נפק, rt. אפיק.  
(14) E.V., overflow, Job VI, 15.  
(15) Reported by R. Hanina.  
(16) The benedictions mentioned.  
(17) נפק rt. מפיק.  
(18) Sc. the utterance of the benedictions.  
(19) נפק אפיקי.  
(20) Ps. XVIII, 16.  
(21) Seeing that according to both views the law in practice is exactly the same, what matters it whether the rt. נפק is used as a positive in the sense of 'passing by' or as a negative, 'does not utter'?  
(22) R. Johanan.  
(23) R. Hanina who uses the expression of 'passing by'.  
(24) In his opinion a man's mind must be absolutely tranquil and clear during his prayers. A man who does not awake on his own cannot have a clear mind and is consequently unfit for prayer. (For another interpretation of the passage v. R. Han. and cf. Tosaf. s.v. מסר a.l.).  
(25) M.T. has no such verse. R. Tam. (Tosaf. s.v. בצר a.l.) attempts to trace it to Job XXXVI, 19, rendering שועך as 'thy prayer' and בצר as here interpreted 'in distress'.  
(26) V. prev. note.  
(27) Lit., 'go out to'.  
(28) 'Severe south wind' (Rashi), east wind' (Ar.), 'cloudy' (R. Han.).  
(29) Or 'a legal decision'.  
(30) Of mind. Aliter (cf. prev. n.); 'Must be as clear'.  
(31) Istana. Cf. B.B., Sonc. ed. p. 568, n. 9 and Yeb. 72a.  
(32) V. Kid. 31b.  
(33) A dish of bread-crusts, sour milk and salt.  
(34) Sc. the slightest disturbance of his studies would have distracted his mind and prevented him from concentrating on the work in hand.  
(35) Var. lec. 'Rabina' (En Jacob).  
(36) Thus providing for his cleanliness and comfort and facilitating his study.  
(37) Or 'moonlight'.  
(38) MS.M., En Jacob and others read: 'the daughters'.  
(39) Who spent his nights in prayer and study.

- (40) The days in the grave are long in quantity but short in quality. In the grave one cannot continue his studies or perform any of the other good deeds.  
(41) From the day-time.  
(42) In the night. Sc. if for some reason he had to curtail his studies during the day he made up the deficiency in the night.  
(43) Which usually involves danger, fatigue and distraction of the mind.  
(44) Cur. edd., 'Ahava'.  
(45) Lit., 'and I understood'.  
(46) Ezra VIII, 15; he was unable to 'view' or 'understand' them before on account of the fatigue and distractions caused by the journey.  
(47) He could not stand its pungent odor which disturbed his devotions.  
(48) Smell and taste are regarded as being on a par.  
(49) Gen. VIII, 21, which shows that the Creator allowed himself to be pacified when enjoying, so to speak, a 'sweet savor' (cf. prev. n.).  
(50) יין 'wine'.  
(51) It is composed of the letters י 10, + י 10, + ך 50, = 70. Lit., 'wine was given in seventy letters'. MS.M. omits 'letters'.  
(52) סוד 'counsel', consists of the letters ט, 60 + ך, 6 + ך 4 = 70.  
(53) Sc. the man who drinks wine loses the ability for clear thinking. Any man, therefore, who is able to retain the clarity of his mind in such circumstances is regarded as being on a par with the seventy elders, the Sanhedrin, the source of clear thought and counsel.  
(54) MS.M. 'Johanan'.  
(55) For the little good they may do in this world.  
(56) Sc. the wicked.  
(57) The mourner; Prov. XXXI, 6.  
(58) MS.M. 'Hanina'.  
(59) Ex. XXIII, 25.  
(60) Since it was mentioned in the same context as the 'bread'.  
(61) Lit., 'and what is it?'  
(62) Since water like salt (cf. supra 26b) may not be bought with the money of the Second Tithe.

## Eruvin 65b

If, therefore, it is poured in one's house like water that house has attained to the state of blessedness, otherwise it has not.<sup>2</sup>

R. Ila'iz said: By three things may a person's character be determined: By his cup,<sup>4</sup> by his purses and by his anger; and some say: By his laughter also.

# ERUVIN – 53a-79a

Rab Judah stated in the name of Rab: An Israelite and a heathen once lived in the inner of two courtyards and one Israelite lived in the outer one,<sup>6</sup> and when the case<sup>7</sup> came up for discussion before Rabbi he forbade the use of the latter,<sup>8</sup> and when it was submitted to R. Hiyya he also forbade its use.<sup>8</sup>

Rabbah and R. Joseph were once sitting at the end [of a discourse] of R. Shesheth's session<sup>9</sup> when the latter on sitting down suggested that<sup>10</sup> Rab explained his traditional ruling to be in agreement with the view of R. Meir;<sup>11</sup> and Rabbah nodded his head.<sup>12</sup> 'That two great men',<sup>13</sup> exclaimed R. Joseph,<sup>14</sup> 'should make a mistake in such a simple thing! If the ruling is in agreement with R. Meir why was it required that all Israelite shall live in the outer courtyard?<sup>15</sup> And should you reply that the case just happened to be of such a nature, was not Rab asked, [it could be pointed out,] whether the inner Israelite tenant could use his own place<sup>16</sup> and he replied that he was permitted?'<sup>17</sup> —

In agreement with whose view then?<sup>18</sup> Is it suggested to be in agreement with that of R. Eliezer b. Jacob?<sup>19</sup> Did he not, [it may be retorted,] rule:<sup>20</sup> UNLESS THERE ARE TWO ISRAELITES WHO IMPOSE RESTRICTIONS UPON EACH OTHER?<sup>21</sup> —

Is it<sup>22</sup> then in agreement with R. Akiba who ruled: A man who is permitted freedom of movement in his own place<sup>23</sup> causes the restriction of free movement on others in a place that is not his?<sup>24</sup> What need was there,<sup>25</sup> [it may be asked,] to have a heathen,<sup>26</sup> seeing that even one Israelite alone would have imposed the restrictions? —

R. Huna son of R. Joshua replied: The ruling<sup>22</sup> in fact is in agreement with R. Eliezer b. Jacob<sup>27</sup> and R. Akiba,<sup>28</sup> but<sup>29</sup> here we are dealing with a case where [the two Israelites] joined in an 'erub. Hence the reason of the prohibition that there was a heathen<sup>30</sup> who imposed the restrictions, but

where there was no heathen there is none to impose restrictions upon them.

R. Eleazar<sup>31</sup> enquired of Rab: What is your ruling where all Israelite and a heathen lived in the outer courtyard and one Israelite lived in the inner one? [Is the enactment<sup>32</sup> applicable only] there,<sup>33</sup> for the reason that it is usual<sup>34</sup> [for an Israelite] to live [with a heathen] since [the former knows] that the heathen would be afraid [to use violence against him] as he expects the other Israelite<sup>35</sup> to come and demand,<sup>36</sup> 'Where is that Israelite that lived with you?'<sup>37</sup> but [not] here where the heathen could well reply,<sup>38</sup> 'He went out and disappeared';<sup>39</sup> or is it likely [that the enactment extended also to such a case since] here also [the heathen would be] afraid [to, use violence against his neighbor] as he imagines that the Israelite<sup>40</sup> might at any moment pass<sup>41</sup> and detect him in the act?<sup>42</sup> — The other replied: Give to a wise man, and he will be yet wiser.<sup>43</sup>

Resh Lakish and the students of R. Hanina once happened to be in a certain inn<sup>44</sup> while its tenant was away but its landlord was present. 'Is it proper',<sup>45</sup> they discussed, 'to rent from him<sup>46</sup> [the heathen's share in the courtyard]?'<sup>47</sup> Wherever the landlord is not entitled to terminate the lease<sup>48</sup> there could be no question that we must not rent it; the question arises only where he is entitled to terminate it.<sup>48</sup> May we rent it because he has the power to terminate the lease or is it possible that, since at present at any rate he did not yet terminate it, we may not rent it?' —

Resh Lakish said to them: 'Let us<sup>49</sup> rent it<sup>50</sup> and when we arrive at our Masters in the South we might submit the question to them'. On submitting the question<sup>51</sup> to R. Afes he replied: 'You have acted well in renting it'.

R. Hanina<sup>52</sup> b. Joseph, R. Hiyya b. Abba and K. Assi once happened to come to a certain inn whither<sup>53</sup> a heathen, the owner of the inn, had returned on the Sabbath.<sup>54</sup> 'Is it permissible',<sup>55</sup> they discoursed, 'to rent from

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him his share? Is the law of renting like that of the preparation of an 'erub,<sup>56</sup> so that as an 'erub must be prepared while it is yet day,<sup>57</sup> must renting take place while it is yet day;<sup>57</sup> or is the law of renting like that of the renunciation of one's domain, so that as the right to one's domain may be renounced even on the Sabbath<sup>58</sup> so may renting also take place on the Sabbath?'<sup>59</sup>

R. Hanina b. Joseph said: 'Let us rent it', while R. Assi said: 'Let us not rent it'. 'Let us', said R. Hiyya b. Abba to them, 'rely on the words of the old man and rent it'. When they subsequently came to R. Johanan and submitted the question to him he told them:

- (1) Lit., 'there is'.
- (2) Lit., 'and if not, not
- (3) MS.M., 'Ela'.
- (4) Sc. by the effect of drink on his mind, or by the amount he consumes.
- (5) The sums of money he spends on charitable causes or the manner of his dealing in money matters.
- (6) Through which the tenants of the former had a right of passage.
- (7) Of the permissibility of the movement of objects on the Sabbath in the outer courtyard.
- (8) Sc. the movement of objects in it is forbidden on the Sabbath unless in addition to a joint 'erub by the two Israelites the heathen has also let his share in it to its tenant.
- (9) שלהי פרקיה; the phrase seems to be a technical phrase denoting a special session at the end of a series of lectures devoted to the reviewing of the conclusions reached during the course, v. Kaplan J., *The Redaction of the Babylonian Talmud*, p. 257.]
- (10) Lit., 'like whom?'
- (11) The author of the ruling in the first clause of our Mishnah which restricts the use of a courtyard in which a heathen lived even if no more than one Israelite lived in it with him.
- (12) In consent.
- (13) So MS.M. Cur. edd. add., 'like our Rabbis'.
- (14) MS. M. 'Abaye'.
- (15) To bring up the number of Israelites to two. According to R. Meir (cf. supra p. 455, n. 14) the heathen would have imposed the restrictions even in there had been only the one Israelite in his courtyard.
- (16) In the inner courtyard, sc. may he move objects from his house into that courtyard and vice versa?
- (17) Which shows that the prohibition is restricted to that courtyard alone in which no less than two

Israelites have a share. How then could it be suggested that the ruling was in agreement with R. Meir.

- (18) Did Rab explain his reported ruling.
- (19) The author of the ruling in the second clause of our Mishnah.
- (20) That a heathen causes no restrictions.
- (21) As the two Israelites do not live in the same courtyard, and as the inner tenant is permitted to use his own courtyard, the latter could impose no restrictions upon the former. Why then was the use of the outer courtyard forbidden?
- (22) Rab's reported ruling under discussion.
- (23) As is the Israelite in the inner courtyard.
- (24) Supra 59b, q.v. notes; and since the two Israelites thus impose restrictions upon each other the heathen also imposes restrictions upon them.
- (25) For the imposition of restrictions,
- (26) In the inner courtyard.
- (27) That only where two Israelites impose restrictions upon each other does a heathen's tenancy affect their rights to the use of their courtyard. Hence it is well permitted to the only Israelite in the inner court freely to use that courtyard in which he lives.
- (28) According to whose view the inner Israelite tenant, though he may freely use his own courtyard, imposes restrictions on the use of the outer courtyard.
- (29) The reason why the tenancy of a heathen is required if restrictions are to be imposed.
- (30) Who impairs the validity of the 'erub of the Israelites.
- (31) V. marg. glos. Cur. edd., 'Eliezer'.
- (32) That a heathen tenant imposes restrictions on his Israelite neighbors.
- (33) In the previous case where an Israelite and a heathen lived in the inner courtyard and one Israelite lived in the outer one.
- (34) In the circumstances described (cf. prev. n.).
- (35) Who lived in the outer courtyard.
- (36) Lit., 'now the Israelite would come and say to me'.
- (37) He could not shake since his way out could only be through the outer courtyard where its tenant would have seen him.
- (38) Lit., 'I would say to him',
- (39) As no Israelite would in such circumstances venture to live with a heathen in the same courtyard no enactment (cf. supra n. 3) was deemed necessary.
- (40) The tenant of the inner courtyard.
- (41) Through the outer courtyard on his way out.
- (42) Lit., 'come and see me'.
- (43) Prov. IX, 9; Sc. the enactment applied to the latter, as well as to the former case.
- (44) In the courtyard of which lived two Israelites and one heathen who rented his house from a fellow heathen.
- (45) Lit., 'what is it?'

# ERUVIN – 53a-79a

(46) The landlord.

(47) In order that the movement of objects in it shall be permitted on the Sabbath even if the leaseholder returned before the termination of the Sabbath.

(48) Before the clay of its expiration. Lit., 'remove him'.

(49) Since doubtful points in respect of the laws of 'erub are to be decided in favor of the more lenient view.

(50) And thus be entitled to the unrestricted use of the courtyard.

(51) Lit., 'they came, asked'.

(52) MS.M. 'Rabbah'.

(53) After they had duly prepared their 'erub on the Sabbath eve.

(54) No question would have arisen if he had not returned since a heathen's right in a courtyard is disregarded in his absence in the case of 'erub. (Cf. R. Judah's ruling supra 86a).

(55) Lit., 'what is it?'

(56) Lit., 'is one who rents like one who prepares an 'erub'.

(57) Of the Sabbath eve.

(58) Cf. supra 69b.

(59) And consequently one of them at least in whose favor all the others would renounce their rights could rent the heathen's share and thus be entitled to the unrestricted use of the courtyard. [This is not treated as a commercial transaction but as the presentation of a mere gift, since its sole object is to permit the movement of objects; Tosaf. 66a, s.v. **היה**].

## Eruvin 66a

'You have acted well in renting the place'. The Nehardeans were astonished at this decision.<sup>1</sup> Could R. Johanan, [they argued,] have given such a decision, seeing that R. Johanan laid down that renting is subject to the same law as that of the preparation of an 'erub, which means, does it not, that as the preparation of an 'erub must take place while it is yet day so must renting also take place while it is yet day?<sup>2</sup> —

No;<sup>3</sup> the meaning is that as an 'erub may be prepared even with food that is worth less than a perutah<sup>4</sup> so may renting also be effected even with less than a perutah,<sup>4</sup> and as an 'erub for a heathen's share is valid even if effected through his hired laborer or retainer<sup>5</sup> so may his share be rented even from his hired laborer or his retainer,<sup>6</sup> and as

in the case of 'erub, if five tenants lived in one courtyard,<sup>7</sup> one of them may join in an 'erub<sup>8</sup> for all of them<sup>9</sup> so also in the case of renting, if five tenants<sup>10</sup> lived in one courtyard,<sup>11</sup> one of them may rent the heathen's share on behalf of all of them.

R. Eleazar was astonished at it.<sup>12</sup>

'What', R. Zera asked: 'could have been the cause of R. Eleazar's astonishment?' That such a great man as R. Zera, exclaimed R. Shesheth, should not know why R. Eleazar was astonished! His difficulty, [of course] was a ruling of his Master Samuel who laid down: Wherever tenants<sup>13</sup> impose restrictions upon one another but may<sup>14</sup> join together in an 'erub they may<sup>15</sup> renounce their rights to their shares in favor of one of them;<sup>16</sup> where they may<sup>14</sup> join in an 'erub but<sup>17</sup> do not impose restrictions upon one another, or when they do<sup>18</sup> impose restrictions upon one another but may not<sup>19</sup> join in an 'erub, they may not renounce their rights in favor of one of them. 'Wherever tenants impose restrictions upon one another but may join together in an 'erub they may renounce their rights to their shares in favor of one of them' as, for instance, in the case of two courtyards, one within the other.<sup>20</sup> 'Where they may join in an 'erub but do not impose restrictions upon one another... they may not renounce their rights in favor of one of them' as, for instance, in the case of two courtyards<sup>21</sup> that have a common door between them.<sup>22</sup>

Now what case was intended to be included in the statement, 'Where they do impose restrictions upon one another but may not join in an 'erub they may not renounce their rights in favor of one of them'? Was not this meant to include the case of the heathen?<sup>23</sup> Now,<sup>24</sup> if the heathen had come home on the Sabbath eve,<sup>25</sup> could not his share have been hired prior to the Sabbath?<sup>26</sup>

(1) Just attributed to R. Johanan.

(2) How then could it be asserted that R. Johanan approved of the renting of the heathen's share on the Sabbath?



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(3) Sc. the comparison was not intended, as suggested, to restrict the laws of 'erub, but rather, since in all questions of 'erub the lenient course is followed, to relax them.

(4) V. Glos.

(5) If he was an Israelite (cf. supra 64a).

(6) Who was not an Israelite.

(7) Whose door opened into another courtyard.

(8) With the tenants of the other courtyard.

(9) Cf. infra 72b.

(10) Israelites.

(11) Where a heathen tenant also lived.

(12) At the decision supra to rent the heathen's share on the Sabbath and to renounce the individual Israelites' rights in favor of one of them.

(13) In the absence of an 'erub.

(14) If they wish.

(15) Where they have failed to prepare their 'erub on the Sabbath eve.

(16) Thereby constituting the entire courtyard as the domain of that one tenant and they in consequence are enabled to move objects from place to place within the courtyard as well as from that tenant's house into the courtyard and vice versa; the movement of objects from their own houses into the courtyard and vice versa would, of course, remain forbidden.

(17) Even in the absence of an 'erub.

(18) In the absence of an 'erub.

(19) Even if they desire it.

(20) The tenants of the inner courtyard, if they do not join in an 'erub for their courtyard, restrict the use of the outer courtyard by its tenants, on account of the former's right of passage through it. They may join in an 'erub with the outer tenants if they desire to do so, by preparing one on the Sabbath eve. They may, therefore, should they even happen to have failed to prepare the 'erub on the Sabbath eve, renounce their right of passage through the outer courtyard in favor of its tenants and thus remove the latter's restrictions upon its use.

(21) Each of which has a door of its own to an alley or a public domain.

(22) In addition to their other doors. The tenants of these two courtyards may join in an 'erub if they wish but, since each courtyard is self-contained, they do not impose restrictions upon one another even in the absence of an 'erub. As renunciation of rights in a courtyard was permitted only where the tenants impose restrictions upon one another no renunciation is here allowed.

(23) Who lived in a courtyard with two Israelites. In such a case the two Israelites would impose restrictions upon one another but could not join in an 'erub on account of the heathen tenant.

(24) Since this case was apparently intended.

(25) Lit., 'and if he came since yesterday'.

(26) Lit., 'from yesterday'. Of course it could. Why then, since all 'erub could well be prepared after the heathen's share had been hired, is this case described as one where the tenants 'impose restrictions' but 'may not join in an 'erub'?

## Eruvin 66b

Consequently, it must refer to a case where the heathen came home on the Sabbath, and in connection with this it was stated that 'where they do impose restrictions upon one another but may not join in an 'erub they may not renounce their rights in favor of one of them'.<sup>2</sup> This is conclusive.

I, observed R. Joseph, have never before heard this reported ruling.<sup>3</sup> Said Abaye to him: You yourself have taught it to us<sup>4</sup> and you said it in connection with the following. For Samuel said that 'no domain may be renounced where two courtyards are involved<sup>5</sup> nor may it be renounced in the case of a ruin',<sup>6</sup> and you told us in connection with it that when Samuel said that 'no domain may be renounced where two courtyards are involved' he meant it to apply only to two courtyards that<sup>7</sup> had one door in common,<sup>8</sup> but where one courtyard was within the other,<sup>9</sup> since the tenants impose restrictions upon one another,<sup>10</sup> they<sup>11</sup> may also renounce their rights.<sup>12</sup> Could I, the former questioned, have reported such a ruling in the name of Samuel? Did not Samuel in fact state: 'In the laws of 'erub we can only be guided<sup>13</sup> by the wording of our Mishnah',<sup>14</sup> [viz.,] 'the tenants of one courtyard',<sup>15</sup> but not those of two courtyards?<sup>16</sup> —

When you told us, the other explained, that 'In the laws of 'erub we can only be guided by the wording of our Mishnah' you said It in connection with the following: Since an alley to its courtyards is as a courtyard to its houses.<sup>17</sup>

[To turn to] the main text: Samuel ruled that no domain may be renounced where two courtyards are involved nor may it be renounced in the case of a ruin.<sup>18</sup> R. Johanan, however, ruled: A domain may be renounced

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even where two courtyards are involved and it may also be renounced in the case of a ruin. And both<sup>19</sup> had to be mentioned. For if the two courtyards only had been mentioned it might have been assumed that only in this case did Samuel maintain his view, since the use of one is quite independent of that of the other,<sup>20</sup> but that in the case of a ruin, the use of which is common to the two tenants,<sup>21</sup> he agrees with R. Johanan.<sup>22</sup> And if the latter<sup>23</sup> only had been stated it might have been presumed that in this case only did R. Johanan<sup>24</sup> mention his view, but that in the former case<sup>25</sup> he agrees with Samuel. Hence both were required.

Abaye stated: Samuel's ruling that<sup>26</sup> 'no domain may be renounced where two courtyards are involved'<sup>27</sup> applies only<sup>28</sup> to two courtyards that had one door in common but where two courtyards were one within the other, since the tenants impose restrictions upon one another, they may also renounce their rights.<sup>29</sup>

Raba stated: Even in the case of two courtyards one of which was within the other the tenants may sometimes renounce their rights and sometimes<sup>30</sup> they may not renounce them. How is this [possible]?

If the tenants<sup>31</sup> deposited their 'erub in the outer courtyard and one tenant, whether of the inner courtyard or of the outer courtyard, forgot to participate in the 'erub, the use of both courtyards is restricted,<sup>32</sup> if they deposited their 'erub in the inner courtyard and one tenant of the inner courtyard forgot to participate in the 'erub, the use of both courtyards is restricted.<sup>32</sup>

If, however, a tenant of the outer courtyard forgot to participate in the 'erub, the use of the inner courtyard is unrestricted<sup>33</sup> while that of the outer one is restricted.<sup>34</sup> 'If the tenants deposited their 'erub in the outer courtyard and one tenant, whether of the inner courtyard or of the outer courtyard, forgot to participate in the 'erub, the use of both courtyards is restricted'. For in whose

favor could this tenant of the inner courtyard<sup>35</sup> renounce his right?

Should he renounce it<sup>36</sup> in favor of the tenants of the inner courtyard?<sup>37</sup> But their 'erub, surely, is not with them!<sup>38</sup>

Should he<sup>39</sup> renounce his right<sup>40</sup> in favor of the tenants of the outer courtyard also?<sup>41</sup> Surely no domain may be renounced where two courtyards are involved!<sup>42</sup> As to the tenant of the outer courtyard<sup>43</sup> too in whose favor could he renounce his right?

Should he renounce it<sup>36</sup> in favor of the tenants of the outer courtyard? There would still remain the tenants of the inner courtyard<sup>44</sup> who<sup>45</sup> would impose the restrictions upon them!

Should he renounce it in favor of the tenants of the inner courtyard also?<sup>46</sup> Surely no domain may be renounced where two courtyards are involved!<sup>42</sup> 'If they deposited their 'erub in the inner courtyard and one tenant of the inner courtyard forgot to participate in the 'erub, the use of both courtyards is restricted'. For in whose favor could this tenant of the inner courtyard<sup>47</sup> renounce his right?

Should he renounce it<sup>48</sup> in favor of the tenants of the inner courtyard? There would still remain the tenants of the outer courtyard who<sup>49</sup> would impose restrictions upon them!

Should he<sup>50</sup> renounce his right<sup>51</sup> in favor of the tenants of the outer courtyard also?<sup>52</sup> Surely no domain may be renounced where two courtyards are involved!<sup>53</sup>

(1) Since it is a case where they may not join in an 'erub'.

(2) Which proves that renunciation of individual shares in favor of one of the tenants is permissible only where the tenants were allowed to prepare an 'erub on the Sabbath eve. Hence R. Eleazar's astonishment (supra 66a).

(3) Of Samuel, that in the case of two courtyards the tenants of the inner one may renounce their

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right of passage through the outer one in favor of the tenants of the latter.

(4) R. Joseph, as the result of a serious illness, lost his memory and Abaye who was a disciple of his often reminded him of his own teachings. Cf. supra 10a notes.

(5) Lit., 'from courtyard to courtyard'. This is explained presently.

(6) That intervened between two houses whose doors opened into it. Only in the case of houses that opened into a courtyard, which is a recognized place for the use of tenants, was renunciation of one's right to one's share in that courtyard permitted in order to enable (a) the tenant in whose favor the renunciation was made to move objects from his house to the courtyard and vice versa, and (b) the other tenant or tenants to move objects from place to place within the courtyard. As a ruin, however, is not usually a place which tenants would use no renunciation of one's domain was permitted and no objects, therefore, may be moved either from the houses into it or from it into the houses unless a proper 'erub has been duly prepared.

(7) In addition to the door each had towards an alley or a public domain.

(8) Lit., 'between them'. Since each of the two groups of tenants, by closing the communicating door, is well able freely to use its own courtyard, irrespective of any action on the part of the other group, the Rabbis did not consider it necessary to relax the law in their favor and to allow renunciation.

(9) And the inner tenants cannot possibly gain access to the alley or public domain except through the outer courtyard.

(10) On account of the right of way.

(11) The inner tenants, if they prepared no 'erub even among themselves.

(12) Of passage, to which they are entitled in the outer courtyard, and the tenants of the latter are thereby enabled to use their courtyard.

(13) Sc. no further relaxation of the law is permitted.

(14) The Mishnah infra 69b of which Samuel presumably spoke.

(15) May, if one of them forgot to join in their 'erub, renounce their rights in their courtyard in favor of that man.

(16) How then could this be reconciled with the ruling of Samuel that the law of renunciation applies only to two courtyards?

(17) Mishnah infra 73b. Cf. the discussion infra 74a.

(18) Supra q.v. notes.

(19) Courtyards and ruin.

(20) Lit., 'its use is alone', the one courtyard is not used by the tenants of the other. As the tenants are independent of, and consequently impose no restrictions upon one another it was quite proper

that the law of renunciation should not be extended to them.

(21) Lit., 'one use for both of them', the two tenants who lived on either side of the ruin, who do impose restrictions upon each other.

(22) That renunciation is permitted.

(23) A ruin.

(24) For the reason given supra n. 2.

(25) To which the reason stated supra n. 1 is applicable.

(26) Lit., 'that which Samuel said'.

(27) Supra q.v. notes.

(28) Lit., 'he did not say them, but'.

(29) Cf. supra p. 462, nn. 2ff.

(30) Though they impose restrictions upon one another.

(31) Of both courtyards.

(32) Sc. renunciation is of no avail; as will be explained anon.

(33) Because the tenants of the outer courtyard, whose 'erub was deposited in it and who in consequence were regarded as its tenants, are permitted to renounce their rights in favor of the inner tenants whose use they would otherwise have restricted on account of the restrictions in their own courtyard occasioned by the outer tenant who failed to participate with them in their 'erub.

(34) As explained in the prev. n. ad fin.

(35) Who failed to participate in the 'erub.

(36) The right to his share in his courtyard.

(37) So that they might thereby be permitted to the unrestricted use of their courtyard though the tenants of the outer

courtyard, on account of his right of way, would not be allowed the unrestricted use of their own courtyard.

(38) Since it was not deposited in their own courtyard but in the outer one; and should they be severed from it they would remain with no 'erub at all and, in consequence, would be subject to all the restrictions that tenants impose upon one another.

(39) The inner tenant who did not participate in the 'erub.

(40) Of way in the outer courtyard.

(41) And by eliminating himself in this manner from both courtyards enable both groups of tenants to have the unrestricted use of the courtyards.

(42) Lit., 'from courtyard to courtyard', sc. according to Samuel no tenant of one courtyard may renounce his right to his share in favor of a tenant of another courtyard even though, in the absence of such renunciation, he imposes restrictions upon him.

(43) Who failed to participate in the 'erub.

(44) Whose 'erub has been invalidated on account of this tenant's forgetfulness.

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(45) Since they are restricted in the use of their own courtyard.

(46) V. supra n. 7.

(47) Who failed to participate in the 'erub.

(48) The right to his share in his courtyard.

(49) On account of their participation in the 'erub that was deposited in the inner courtyard, which has conferred upon them the status of tenants.

(50) The inner tenant who did not participate in the 'erub.

(51) Of way in the outer courtyard.

(52) V. supra p. 464, n. 7.

(53) V. supra p. 464, n. 8.

## Eruvin 67a

'If, however, a tenant of the outer courtyard forgot to participate in the 'erub the use of the inner courtyard<sup>1</sup> is' certainly 'unrestricted',<sup>2</sup> since its tenants<sup>3</sup> might close its door<sup>4</sup> and so enjoy its use, 'while that of the outer one is restricted'.<sup>5</sup>

Said R. Huna son of R. Joshua to Raba: But why should the use of both courtyards be restricted where a tenant of the inner one forgot to join in the 'erub.? Could not the tenant of the inner courtyard renounce his right in favor of the tenants of the inner courtyard and the tenants of the outer one could then come and enjoy unrestricted use together with them? —

In agreement with whose view, [retorted Raba, is this objection raised? Apparently] in agreement with that of R. Eliezer who ruled that 'it is not necessary to renounce one's right in favor of every individual tenant',<sup>6</sup> but I spoke in accordance with the view of the Rabbis who ruled<sup>6</sup> that 'it is necessary to renounce one's right in favor of every individual tenant'.<sup>7</sup>

Whenever R. Hisda and R. Shesheth met each other, the lips of the former trembled at the latter's extensive knowledge of Mishnahs,<sup>8</sup> while the latter trembled all over his body at the former's keen dialectics.<sup>9</sup>

R. Hisda once asked R. Shesheth: 'What is your ruling where two houses were situated on the two sides of a public domain and

gentiles came and put up a fence before their doors<sup>10</sup> on the Sabbath?<sup>11</sup> According to him who holds that no renunciation of a domain is valid where two courtyards are involved<sup>12</sup> the question does not arise. For<sup>13</sup> if no renunciation is permitted where two courtyards are involved even where an 'erub could, if desired, have been prepared on the previous day<sup>14</sup> how much less could renunciation be permitted here<sup>15</sup> where<sup>16</sup> no 'erub could have been prepared on the previous day even if desired.

The question arises only on the view of him, who ruled,<sup>12</sup> "A domain may be renounced even where two courtyards are involved".<sup>17</sup> Do we say that only there where they could, if desired, have prepared an 'erub on the previous<sup>18</sup> day is one also allowed to renounce one's domain, but here<sup>19</sup> where they could not prepare an 'erub on the previous day<sup>20</sup> one is not allowed to renounce one's domain either; or is it possible that there is no difference between the two cases?'<sup>21</sup> —

'No renunciation is permitted', the other replied.<sup>22</sup> 'What is your ruling', the former again asked: 'where the gentile<sup>23</sup> died on the Sabbath?<sup>24</sup> According to him who ruled that it was permitted to rent,<sup>25</sup> the question does not arise. For if two acts<sup>26</sup> are permitted is there any need to question whether one act only<sup>27</sup> is permitted?<sup>28</sup> The question, however, arises according to him who ruled that it was not permitted to rent.<sup>29</sup> Are only two acts<sup>30</sup> forbidden<sup>31</sup> but not one,<sup>27</sup> or is it possible that no difference is to be made between the two cases?' — 'I maintain', the other replied: 'that renunciation is permitted'.<sup>32</sup> Hamnuna, however, ruled: renunciation<sup>33</sup> is not permitted.<sup>34</sup>

Rab Judah laid down in the name of Samuel: If a gentile has a door of the minimum size of four handbreadths by four that opened<sup>35</sup> into a valley, even though he leads camels and wagons in and out all day through an alley,<sup>36</sup> he does not restrict its use for the residents of that alley. What is the reason? — That door

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which he keeps exclusively for himself is the one he prefers.<sup>37</sup> The question was asked: What is the ruling where it<sup>38</sup> opened into a karpaf?<sup>39</sup>

**R. Nahman<sup>40</sup> b. Ammi** citing a tradition replied:

- (1) By its tenants.
- (2) Even according to Samuel,
- (3) In whose favor those of the outer one may well renounce the right in their courtyard which they have acquired solely through their 'erub (cf. Rashi).
- (4) That leads to the outer courtyard.
- (5) Cf. supra p. 463, n. 14, ad fin. The renunciation on the part of the outer tenants, it may be added, is necessary only in accordance with the ruling of R. Akiba. According to the view of the Rabbis no renunciation is required v. infra 75b (Rashi and Tosaf. a.l.).
- (6) Cf. supra 26b.
- (7) Since a tenant of one courtyard cannot renounce his right in favor of a tenant of another courtyard (as stated supra) the inner tell, [It cannot renounce his right in favor of any of the outer tenants and, consequently, his renunciation in favor of his own neighbors alone cannot in any way help towards the removal of the restrictions.
- (8) Many of which appear to be contradictory to each other and so offered R. Shesheth, who could easily marshal them, an opportunity of embarrassing R. Hisda by inviting him to reconcile them.
- (9) With which he could easily bewilder R. Shesheth.
- (10) Lit., 'and surrounded them', sc. fences were erected on both sides of the doors of the houses across the public domain so as to form an enclosure into which both doors opened.
- (11) Is one of the tenants permitted to move objects from his house into the enclosure (cf. supra 20a) if the other has renounced in his favor the share he has in it?
- (12) Supra 66b, q.v. notes.
- (13) Lit., 'now that'.
- (14) Sc. on the Sabbath eve. From which it follows (as explained supra) that where residents impose no restrictions upon each other they are not permitted to exercise the right of renunciation even where they had the right to join in an 'erub.
- (15) The case under consideration.
- (16) In addition to the residents' inability to impose restrictions upon each other.
- (17) From which it follows that renunciation is permitted even where the residents concerned do not impose restrictions upon each other.

- (18) So that they enjoyed at least one privilege, that of the right to the preparation of an 'erub.
- (19) The case under consideration.
- (20) And are thus deprived even of the one privilege (cf. supra n. 11).
- (21) As renunciation is permitted even where the residents impose no restrictions upon each other so is it also permitted where no 'erub could be prepared by them on the Sabbath eve.
- (22) Renunciation is admissible only where the residents concerned (a) impose restrictions upon one another or (b) could, if they desired, have prepared an 'erub at the proper time.
- (23) Who lived in a courtyard with two Israelites who neither rented his share in it nor prepared an 'erub on the Sabbath eve.
- (24) May the Israelites renounce their rights to each other on the Sabbath?
- (25) On the Sabbath, from a gentile who returned home on that day; and that renunciation is subsequently permitted (v. supra 65b).
- (26) Renting and renunciation.
- (27) Renunciation.
- (28) Obviously not.
- (29) Cf. supra n. 5, mut. mut.
- (30) Renting and renunciation.
- (31) Lit., 'two it is that we do not do'.
- (32) Since in this case, unlike the one cited, the residents could have rented the gentile's share before the Sabbath when a valid 'erub could well have been prepared.
- (33) Which is admissible only where an 'erub could have been prepared.
- (34) Since in this case also no 'erub could have been prepared because the gentile's share in the courtyard had in fact not been rented.
- (35) From his courtyard.
- (36) In which Israelites live and into which his courtyard also has a door.
- (37) He is consequently presumed to have renounced his right to his share in the alley, and if he does use it he is regarded as a mere passer-by whose passage can in no way affect the rights of the residents (cf. R. Han.).
- (38) The door of the heathen's courtyard that had also a door opening towards an alley (cf. supra p. 467, n. 16).
- (39) Is a karpaf in this respect regarded as a valley?
- (40) Var. lec., 'Hanan' (Bomb. ed.).

## Eruvin 67b

Even if it opened to a karpaf.<sup>1</sup> Both Rabbah and R. Joseph ruled: A gentile<sup>2</sup> causes restrictions<sup>3</sup> [if his karpaf was no bigger than] two beth se'ah,<sup>4</sup> but if it was bigger<sup>5</sup> he causes no restrictions;<sup>6</sup> an Israelite,<sup>7</sup> however,

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causes no restrictions<sup>8</sup> [if his karpaf was no bigger than] two beth se'ah,<sup>9</sup> but if it was bigger<sup>10</sup> he<sup>11</sup> does cause restrictions.<sup>6</sup>

Raba b. Haklai<sup>12</sup> asked R. Huna: What is the ruling<sup>13</sup> where [the door of a gentile's courtyard]<sup>14</sup> opened into a karpaf<sup>15</sup> The other replied: Behold it has been said: 'Causes restrictions if [his karpaf was no bigger than] two beth se'ah, but if it was bigger he causes no restrictions'.<sup>16</sup>

Ulla laid down in the name of R. Johanan: If a man threw an object<sup>17</sup> into a karpaf that was bigger than two beth se'ah and that was not enclosed for dwelling purposes he incurs guilt<sup>18</sup> even if it was of the size of a kor or even as big as two kors. What is the reason?<sup>19</sup> — It is a proper enclosure<sup>20</sup> which only lacks tenants.<sup>21</sup>

R. Huna b. Hinena<sup>22</sup> raised all objection: If a rock in the sea<sup>23</sup> was ten handbreadths high and four handbreadths wide it is forbidden to move objects from it into the sea and from the sea into it;<sup>24</sup> but if it was lower<sup>25</sup> this is permitted.<sup>26</sup> To what extent?<sup>27</sup> To two beth se'ah.<sup>28</sup> Now what do these<sup>29</sup> refer to? If it be suggested: To the final clause,<sup>30</sup> the objection would arise: Seeing that one would only be moving from a karmelith to a karmelith,<sup>31</sup> why only two beth se'ah, and no more? Consequently it must refer<sup>32</sup> to the first clause, and what was implied was this: 'If a rock in the sea was ten handbreadths high and four handbreadths wide it is forbidden to move objects from it into the sea and from the sea into it', and 'To what extent?<sup>33</sup> To two beth se'ah', from which it follows that if it was bigger than two beth se'ah the movement of objects is permitted.<sup>34</sup> It is thus obvious that a rock of such dimensions has<sup>35</sup> the status of a karmelith. Does not this<sup>36</sup> then present an objection against R. Johanan?<sup>37</sup>—

Raba retorted: only he who does not know how to explain Baraitas raises such an objection against R. Johanan. [The limitation]<sup>38</sup> as a matter of fact refers to the first clause,<sup>39</sup> and it is this that was meant:

Within it,<sup>40</sup> however,<sup>41</sup> it is permitted to move objects; and 'To what extent?<sup>42</sup> To two beth se'ah'.<sup>43</sup>

R. Ashi replied: [The limitation<sup>44</sup> applies] indeed to the first clause,<sup>45</sup> for the Rabbis have laid down the one ruling<sup>46</sup> and they themselves have also laid down the other ruling:<sup>47</sup> They have laid down the ruling that in a karpaf that was bigger than two beth se'ah and that was not enclosed for dwelling purposes the movement of objects is permitted only within four cubits,<sup>48</sup> and they themselves have also laid down the ruling that no objects may be moved from a private domain into a karmelith.<sup>49</sup> [In the case, therefore, of a rock that was no bigger than] two beth se'ah, throughout the area of which the movement of objects is permitted, the Rabbis have forbidden the movement of objects from the sea into it as well as from it into the sea.<sup>50</sup> What is the reason?<sup>51</sup> Because it<sup>52</sup> is a private domain in all respects.<sup>53</sup> [If, however, It was] bigger than two beth se'ah, throughout the area of which the movement of objects is forbidden,<sup>54</sup> the Rabbis permitted the movement of objects from it into the sea and from the sea into it.<sup>55</sup> What is the reason?<sup>56</sup> Because, otherwise,<sup>57</sup> people might assume it to be a private domain in all respects and, in consequence, would also move objects throughout its area.<sup>58</sup> But wherein does the one differ from the other?<sup>59</sup>—

It is usual to move objects within the area of the rock itself<sup>60</sup> but it is unusual to move objects from it into the sea or from the sea into it.<sup>61</sup> There was once a child whose warm water<sup>62</sup> was spilled.<sup>63</sup> 'Let some warm water', said Rabbah 'be brought for him from my house'.<sup>64</sup>

'But', observed Abaye, 'We have prepared no 'erub'.<sup>65</sup> 'Let us then rely', the other replied. 'on the shittuf'.<sup>66</sup>

'But', Abaye told him, 'we had no shittuf either'.<sup>66</sup> 'Then', the other said: 'let a gentile be instructed to bring it for him' — 'I

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wished', Abaye later remarked: 'to point out an objection against the Master<sup>67</sup> but R. Joseph prevented me, because he told me in the name of R. Kahana, "When we were at Rab Judah's he used to tell us that in a Pentateuchal matter<sup>68</sup> any objection<sup>69</sup> must be raised before the Master's ruling is acted upon.<sup>70</sup> but in a Rabbinical matter<sup>71</sup> we must first<sup>72</sup> act on the ruling of the Master and then point out the objection".'<sup>73</sup> After that he<sup>74</sup> said to him,<sup>75</sup> 'What objection was it that you wished to raise against the Master?' 'It was taught', the other replied, 'that "sprinkling"<sup>76</sup> on the Sabbath is only Rabbinically forbidden.<sup>77</sup> Now, instructing a gentile to do work<sup>78</sup> on the Sabbath<sup>79</sup> is also Rabbinically forbidden,

- (1) Does not the heathen in any way restrict the use of the alley for its residents.
- (2) Whose courtyard had one door opening into an alley in which courtyard doors of Israelites also opened, and another door opening into a karpaf.
- (3) On the use of the alley by his Israelite neighbors.
- (4) Since the area of the karpaf is not big enough to induce him to give up his use of the alley.
- (5) In consequence of which he prefers to use the karpaf and the door that leads to it, and dispenses entirely with his right to the use of the alley.
- (6) On the use of the alley by his Israelite neighbors.
- (7) V. supra n. 5.
- (8) Even if he did not join in the 'erub of the other residents.
- (9) As he is permitted to use a karpaf of such a size on the Sabbath, and since its area fully suffices for all his possible Sabbath requirements and is also more convenient for his use than the comparatively smaller space of the alley, he is presumed to have dispensed with his right to the use of the alley which may, therefore, be provided by its other residents with a valid 'erub even if he does not participate in it.
- (10) So that it has the status of a karmelith (v. Glos.) into which he is forbidden to move any objects from his courtyard on the Sabbath.
- (11) Being inevitably driven to the use of the alley.
- (12) MS.M., 'Hakuka'.
- (13) According to Rab Judah who spoke (supra 67a ad fin.) of a door that opened into a valley.
- (14) That had also a door to an alley in which Israelites resided.
- (15) Sc. has a karpaf the same status as a valley?
- (16) Supra q.v. notes.

- (17) From a public domain, on the Sabbath when it is forbidden to move objects from a public domain into a private one and vice versa.
- (18) Sc. he is liable to bring a sin-offering as if he had thrown the object into a private domain.
- (19) I.e., since a karpaf of the size mentioned is subject to the law of a karmelith, within which the movement of objects beyond the distance of four cubits is forbidden, why should it here be regarded as a private domain?
- (20) Hence it has Pentateuchally the same status as a private domain, and guilt is therefore incurred for throwing any objects from a public domain into it.
- (21) In consequence of which it was Rabbinically subjected to the restrictions of a karmelith also.
- (22) MS. M., 'Hanina'.
- (23) A sea is subject to the restrictions of a karmelith.
- (24) Even within four cubits; because a rock of the dimensions given has the status of a private domain into which from a karmelith and into a karmelith from which it is forbidden to move objects on the Sabbath.
- (25) Lit., 'less than here (stated)'.
- (26) Lit., '(they may) move (objects)', from the sea into it and from it into the sea, within four cubits, since such a low rock has the status of a karmelith like the sea which surrounds it.
- (27) In the area of the rock. It will be explained presently what the question and the following answer refer to.
- (28) But not to a bigger area.
- (29) The last question and answer.
- (30) Which deals with a rock that was lower than ten handbreadths.
- (31) Since, whatever its area, a rock that is lower than ten handbreadths has the status of a karmelith.
- (32) Lit., 'but not?'
- (33) Of area of rock.
- (34) Cf. supra n. 9 mut. mut.
- (35) On account of its big area, despite its height.
- (36) The relaxation of the law in turning a private domain into a karmelith on account of the extent of its area.
- (37) Who laid down supra that though a karpaf was bigger than two beth se'ah it is still subject to the restrictions of a private domain and that a person who threw an object from a public domain into it incurs guilt.
- (38) To 'two beth se'ah', in the Baraita cited by R. Huna b. Hinena.
- (39) Which deals with a rock that was lower than ten handbreadths.
- (40) Sc. on the surface of the rock itself.
- (41) Since the first clause only stated that 'it is forbidden to move objects from it into the sea and from the sea into it' and did not forbid the

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movement of objects on the surface of the rock from one part of it to another.

(42) Of area of rock is the movement of objects on the rock itself permitted.

(43) But if it is bigger it loses, on account of its wide extent and the absence of inhabitants, the status of a private domain in respect of the movement of objects within it, and assumes that of a karmelith. Had it not been subjected to these restrictions people might erroneously have treated a public domain also with the same laxity. On account of its height, however, it retains, in relation to the sea, the status of a private domain the movement of objects from which into the sea and vice versa remains forbidden.

(44) To 'two beth se'ah', in the Baraitha cited by R. Huna b. Hinena.

(45) But not, as Raba explained, to an inference from that clause.

(46) That relating to a karpaf as enunciated by R. Johanan.

(47) The one in the first clause of the Baraitha cited by R. Huna b. Hinena as defined by the limitation at its conclusion. Since both rulings are merely Rabbinical and not Pentateuchal the Rabbis could well abrogate one in favor of the other wherever the general requirements of the Sabbath laws demanded such a course; as will be explained anon.

(48) Sc. that it has been given the status of a karmelith as a restriction and safeguard against mistaking it for a public domain and applying its relaxation to the latter also. It is nevertheless forbidden to move airy objects from it into a public domain or vice versa since, as R. Johanan stated, it is Pentateuchally regarded as a private domain proper.

(49) As a precaution against the moving of objects from a private into a public domain.

(50) Since the prohibition only strengthens the Sabbath laws and can in no way lead, as in the case that follows, to their infringement.

(51) For the imposition of the restrictions.

(52) The rock whose area was less than two beth se'ah.

(53) And no infringement of the law (cf. infra n. 10) need be provided against.

(54) It having been given the status of a karmelith.

(55) Within four cubits.

(56) Sc. why were not the restriction had been imposed and the movement of this case also?

(57) If the restrictions had been imposed and the movement of objects from it into the sea or vice versa had been forbidden even within four cubits.

(58) Even beyond four cubits. As this, however, "would entail an infringement of the Rabbinical law which imposed on such an area the restrictions of a karmelith, it was considered preferable to abrogate in this case the law

forbidding the movement of objects between a karmelith and a private domain.

(59) I.e., why should the law against moving objects between a karmelith and a private domain be abrogated rather than the one forbidding the movement of objects beyond four cubits in a private domain that was bigger than two beth se'ah?

(60) Hence it was necessary to enact a preventive measure.

(61) Against that which is unusual no preventive measures were enacted. Only in the case of a private domain and a karmelith on land, the movement of objects between which is not infrequent, has such a preventive measure been deemed necessary.

(62) That was prepared for him prior to the Sabbath, in connection with his circumcision due on the Sabbath day, and kept warm for the purpose.

(63) On the Sabbath.

(64) Which was in the same courtyard.

(65) Sc. an 'erub of courtyards' which enables the tenants of different houses in the same courtyard to move objects from house to house through the courtyard area.

(66) V. Glos. Shittuf in an alley in relation to its courtyards and the houses in their courtyards serves the same purpose as that of 'erub in a courtyard in relation to its houses (cf. infra 73a).

(67) Rabbah

(68) Concerning which a Master gives a decision.

(69) Which a student wishes to raise against it.

(70) Since very great care must be exercised in any action that might possibly infringe a Pentateuchal law.

(71) Concerning which a Master gives a decision.

(72) out of respect for the Master, and on the assumption that he would be able to give a suitable answer to the students' objection.

(73) As the law of 'erub of courtyards is only Rabbinical Abaye had no alternative but to act on Rabbah's ruling.

(74) R. Joseph.

(75) Abaye.

(76) On an unclean person, of the water of purification containing the ashes of the red heifer (cf. Num. XIX, 2ff).

(77) Shebuth v. Glos.

(78) for an Israelite.

(79) If that work is forbidden on the Sabbath to an Israelite.

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why then should it not be said: As "sprinkling" on the Sabbath which is a Rabbinical prohibition does not supersede the Sabbath, so should not an instruction to a



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gentile to do work on the Sabbath which is also Rabbinically forbidden supersede the Sabbath?'<sup>2</sup> —

'Do you', the first retorted: 'draw no distinction between a Rabbinical prohibition that involves a manual act<sup>3</sup> and one<sup>4</sup> that involves no such act?'<sup>5</sup> 'How is it, Rabbah son of R. Hanan) asked Abaye, 'that in an alley in which two great men like you<sup>6</sup> reside there should be neither 'erub nor shittuf?' —

'What', the other replied. 'can we do? For the Master<sup>7</sup> [to collect the tenants' contribution],<sup>8</sup> would not be becoming,<sup>9</sup> I am busy with my studies, and the other tenants do not care. And were I<sup>10</sup> to transfer to them the possession of a share of the bread in my basket<sup>11</sup> the shittuf, Since If they had asked me for the bread I could not give it to them,<sup>12</sup> would be invalid; for it was taught: If one of the residents of an alley<sup>13</sup> asked for some of the wine or the oil<sup>14</sup> and they refused to give it to them the shittuf is thereby rendered null and void'. 'Why then', the first asked: 'should not the Master transfer to them the possession of a quarter of a log of vinegar<sup>15</sup> a cask?'<sup>16</sup> —

'It was taught: [Commodities kept] in store<sup>17</sup> may not be used for shittuf'.<sup>18</sup> 'But was It not taught that they<sup>19</sup> may be used for shittuf?' —

This, R. Oshaia replied, is no contradiction, since one view is that of Beth Shammai and the other is that of Beth Hillel. For we learned: If a corpse lay in a house that had many doors<sup>20</sup> all the doorways<sup>21</sup> are unclean.<sup>22</sup> If one of them was opened, that doorway is unclean while all the others are clean.<sup>23</sup> If it was intended to take out the corpse through one of them, or through a window that measured four handbreadths by four, this protects all the doors.<sup>24</sup>

Beth Shammai ruled: This<sup>25</sup> applies only where the intention was formed before the person in question was dead,<sup>26</sup> but Beth Hillel ruled: Even if it was formed after he was dead.<sup>27</sup> There was once a certain child<sup>28</sup>

whose warm water<sup>29</sup> was spilled out.<sup>30</sup> Said Raba: 'Let us ask his mother [and] if she requires any, a gentile<sup>31</sup> might warm some for him indirectly through his mother'. 'His mother', R. Mesharsheya told Raba, 'is already eating dates'.<sup>32</sup> 'It is quite possible', the other replied, 'that it was merely a stupor that had seized her'.<sup>33</sup> There was once a child<sup>34</sup> whose warm water<sup>35</sup> was spilled out.<sup>36</sup> 'Remove my things', ordered Raba,<sup>37</sup> 'from the men's quarters<sup>38</sup> to the women's quarters<sup>39</sup> and I will go and sit there<sup>40</sup> so that<sup>41</sup> I may renounce in favor of the tenants of the child's courtyard<sup>42</sup> the right I have in this one'.<sup>43</sup> 'But', said Rabina to Raba, 'did not Samuel lay down: No renunciation of one's right in a courtyard is permitted where two courtyards are involved?'<sup>44</sup> —

'I', the other replied, 'hold the same view as R. Johanan who laid down: It is permitted to renounce one's right in a courtyard even where two courtyards are involved'. 'But', the first asked: 'if the Master does not hold the same view as Samuel

(1) Even where the performance of a Pentateuchal commandment, such, e.g., as that if the Paschal lamb, must in consequence be postponed (cf. Pes. 65b).

(2) Why then did Rabbah permit an instruction to be given to a gentile to bring the warm water for the child?

(3) Sprinkling, for instance.

(4) Such as a mere verbal instruction.

(5) The answer, of course, must be in the affirmative. While a manual act remains forbidden even where a commandment must thereby be superseded a verbal may well be permitted where it is essential for the observance of a commandment such as circumcision with which Rabbah had to deal. The insertion in cur. edd., 'for the master, surely, did not tell the gentile: Go and warm (it)', is deleted by Bah.

(6) Lit., 'like our Rabbis', Rabbah and Abaye.

(7) Rabbah.

(8) To the 'erub'.

(9) Lit., 'not his way'.

(10) Instead of making a collection.

(11) Which could be designated as 'erub; and thus give all the tenants a share in it.

(12) He could not well afford to give away every Sabbath a portion of his bread to any of his neighbors who might care to assert his claim.

(13) Who contributed his share to the shittuf.

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(14) That has been contributed.  
(15) There could be no great loss in giving some vinegar to any of the tenants who might ask for it.  
(16) Which might be kept in his courtyard throughout the year and thus enable all the tenants to have free intercourse between the courtyards and the houses.  
(17) Sc. a store of fruit or a cask of vinegar, for instance, from which small quantities at a time are being consumed.  
(18) In the case of a cask of vinegar, for instance, no portion of it may be designated for the purpose, because no one could possibly distinguish between the quantity that had been so designated and the general contents of the cask; and any quantity that one may happen to use at any time might be assumed to be the quantity that had been designated for the shittuf which in consequence would cease to exist.  
(19) Commodities in store (v. previous n.).  
(20) That were closed.  
(21) Lit., 'all of them', since no decision had been made through which of the doors the corpse shall be carried out.  
(22) Sc. any object that happens to be within the space enclosed by the door posts, lintel and threshold, though it was not within the room, is levitically unclean.  
(23) Because it is assumed that the corpse would be taken out through the opened door.  
(24) Cf. prev. n.  
(25) That intention is effective.  
(26) Since in that case the uncleanness has never descended on the other doors. If, however, no intention had been formed before the person was dead, and all the doors had been affected by the uncleanness, any subsequent intention cannot retrospectively, cause a differentiation between the one door and the others.  
(27) Ohal. VII, 3. Intention, in their opinion, is effective retrospectively. Similarly in the case of shittuf with a non-identified quantity: According to Beth Hillel the shittuf is valid, since any quantity of the contents that remain in the cask may be retrospectively regarded as the original quantity assigned for the shittuf: while according to Beth Shammai it cannot be so regarded and the shittuf is consequently invalid.  
(28) Who was to be circumcised on the Sabbath.  
(29) That had been prepared before the Sabbath and kept warm for the operation.  
(30) On the Sabbath.  
(31) An Israelite may desecrate the Sabbath for the sake of a woman in childbirth during the first seven days only. After the first seven days (circumcision cannot take place before the eighth day) an Israelite, though himself forbidden to do for her sake any work that is forbidden on the Sabbath, may request a gentile to do it.

(32) Sc. cold foodstuffs. As she is able to eat cold food it is obvious that her life cannot be dependent on the warm water which, consequently, must not be prepared for her on the Sabbath.  
(33) I.e., she may have been unconscious that she was eating anything at all. Hence, if she expressed a desire for warm water it is permitted to request a gentile to warm some for her and so, indirectly, for the child also.  
(34) Who was to be circumcised on the Sabbath.  
(35) V. p.474, n. 12.  
(36) On the Sabbath.  
(37) Who had a supply of warm water in his own courtyard which was adjacent to that in which the child was kept. No joint 'erub for the two courtyards had been prepared but they had a common door between them. Cur. ed., 'to them', is omitted with MS.M.  
(38) In which he usually lived and which communicated directly with his courtyard.  
(39) Which, for the sake of privacy, were behind the men's apartments and consequently inaccessible from the courtyard except by way of the men's quarters.  
(40) During the Sabbath.  
(41) By being deprived of direct access to the courtyard.  
(42) Lit., to them'.  
(43) Sc. his own courtyard. On renouncing his right in their favor they would acquire possession of his courtyard and therewith also the right to carry objects from one courtyard into the other through the common door. Thus they would be placed in a position enabling them to carry the required warm water to the child's apartment. Raba, on the other hand, who, as a result of his renunciation, would be deprived of the use of his courtyard, would be protected against the possible use of it through forgetfulness by his removal to the inner apartments from which he could gain no access to it except through the men's quarters involving a long walk and sufficient time in which to recollect his self-imposed restrictions.  
(44) Supra 66b. Lit., 'from courtyard to courtyard'. How then could Raba renounce his right in favor of the tenants of the child's courtyard?

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let him remain<sup>1</sup> in his usual quarters<sup>2</sup> and renounce his right in his courtyard in their<sup>3</sup> favor and then<sup>4</sup> let them renounce their rights<sup>5</sup> in the Master's favour,<sup>6</sup> for did not Rab rule: Renunciation<sup>7</sup> may be followed<sup>8</sup> by renunciation?<sup>9</sup> —

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‘On this point I am of the same opinion as Samuel who ruled: Renunciation<sup>7</sup> may not be followed<sup>8</sup> by renunciation’.<sup>10</sup> ‘But are not both rulings<sup>11</sup> based on the same principle, since why indeed should not renunciation<sup>7</sup> be allowed to follow<sup>8</sup> renunciation?<sup>9</sup> Is it not because a person, as soon as he renounces his right,<sup>12</sup> completely eliminates himself from that place and assumes the status of a tenant of a different courtyard and no renunciation is valid between two courtyards? How then<sup>13</sup> could the Master<sup>14</sup> renounce his right?<sup>15</sup> —

‘There<sup>16</sup> the reason is this:<sup>17</sup> That a Rabbinical enactment<sup>18</sup> shall not assume<sup>19</sup> the character of a mockery and jest. [To turn to] the main text: Rab ruled: Renunciation may be followed by renunciation, and Samuel ruled: Renunciation may not be followed by renunciation.<sup>20</sup> Must it be assumed that Rab and Samuel differ on the same principle as that on which the Rabbis and R. Eliezer differed,<sup>21</sup> Rab holding the same opinion as the Rabbis<sup>22</sup> while Samuel holds the same opinion as R. Eliezer?<sup>23</sup>

Rab can answer you: I may uphold my ruling even in accordance with the view of R. Eliezer; for it was only there that R. Eliezer maintained his ruling that the man who renounces his right to his courtyard renounces ipso facto his right to his house also, because people do not live in a house that has no courtyard, but did he<sup>24</sup> express any opinion as regards complete elimination?<sup>25</sup> Samuel also can answer you: I may uphold my ruling even according to the view of the Rabbis; for it was only there that the Rabbis maintained their ruling,<sup>26</sup> since only that which a man actually renounced can be deemed to have been renounced while that which he did not actually renounce cannot be so regarded, but from that at least which a man does renounce he is eliminated completely.<sup>27</sup>

R. Aha b. Hana<sup>28</sup> citing R. Shesheth stated: Their views<sup>29</sup> [differ on the same principles] as those of the following Tannas: If a tenant<sup>30</sup> presented<sup>31</sup> his shares<sup>32</sup> and then he carried

out something,<sup>32</sup> whether he acted unwittingly or intentionally, he imposes restrictions;<sup>33</sup> so R. Meir.

R. Judah ruled: If he acted<sup>34</sup> with intention he imposes restrictions,<sup>33</sup> but if unwittingly he does not.<sup>35</sup> Now, do they<sup>36</sup> not differ on the following principles: One Master<sup>37</sup> holding that renunciation<sup>38</sup> may be followed by renunciation, while the other Master<sup>39</sup> maintains that renunciation<sup>40</sup> may not be followed by renunciation?<sup>41</sup> —

R. Aha b. Tahlifa replied in the name of Raba: No; all<sup>42</sup> hold the view that renunciation may not be followed by renunciation but<sup>43</sup> the point at Issue between them<sup>44</sup> is whether a penalty has been imposed in the case of one who acted unwittingly on account of one who acted intentionally. One Master<sup>45</sup> holds the view that in the case of one who acted unwittingly a penalty has been imposed on account of one who acted with intention,<sup>46</sup> while the other Master<sup>47</sup> holds that in the case of one who acted unwittingly no penalty has been imposed on account of one who may act with intention.<sup>48</sup>

R. Ashi said: Rab and Samuel differed on the same point of issue as the one between, R. Eliezer and the Rabbis.

**R. GAMALIEL RELATED: A SADDUCEE ONCE LIVED WITH US.** Whoever spoke of A SADDUCEE?<sup>49</sup> — A clause is missing, and this is the correct reading:<sup>50</sup> A Sadducee has the same status as a gentile,<sup>51</sup> but R. Gamaliel ruled: A Sadducee has not the status of a gentile.

**AND R. GAMALIEL RELATED: A SADDUCEE ONCE LIVED WITH US IN THE SAME ALLEY IN JERUSALEM. AND FATHER TOLD US: ‘HASTEN AND CARRY OUT<sup>52</sup> ALL THE NECESSARY ARTICLES INTO THE ALLEY<sup>53</sup> BEFORE HE CARRIES OUT HIS<sup>54</sup> AND THEREBY IMPOSES RESTRICTIONS UPON YOU’.** And so<sup>55</sup> it was also taught: If a man lives [in the same alley] with a gentile, a Sadducee or

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a Boethusian, these impose restrictions upon him;<sup>56</sup> and it once happened that a Sadducee lived with R. Gamaliel in the same alley in Jerusalem, and R. Gamaliel said to his sons, 'Hasten my sons and carry<sup>52</sup> Out what you desire to carry out<sup>57</sup> or<sup>58</sup> take in<sup>52</sup> what you desire to take in,<sup>57</sup> before this abomination carries out his articles and thereby imposes restrictions upon you, since [at that moment] he renounced his share in your favor'; So R. Meir. R. Judah related, [The instruction was given] in a different form: 'Hasten and attend to your requirements in the alley before nightfall when he would impose restrictions upon you'.<sup>59</sup>

The Master said, 'Carry out what you desire to carry out or bring in what you desire to bring in, before this abomination imposes restrictions upon you'. This then implies that<sup>60</sup> if they carried out their objects first and then he carried out his he imposes no restrictions upon them'.

- (1) Instead of moving into the women's quarters.
- (2) Lit., 'in his place'.
- (3) The tenants of the child's courtyard.
- (4) After they had taken the water to the child.
- (5) In Raba's courtyard.
- (6) Who, in consequence, would again be allowed the free use of his courtyard.
- (7) By one person in favor of another.
- (8) On the same Sabbath.
- (9) On the part of the latter in favor of the former. Cf. infra 69b.
- (10) Cf. prev. n. and infra 79b.
- (11) That (a) after a person renounced his right in a courtyard in favor of another the latter may not on the same Sabbath renounce it in favor of the former and (b) no tenant of one courtyard may renounce his right in it in favor of a tenant of another courtyard.
- (12) To his share in a courtyard.
- (13) Since on adopting one ruling the adoption of the other is inevitable.
- (14) Lit., 'the Master also should not'.
- (15) In favor of the tenants of the child's courtyard.
- (16) The ruling of Samuel that 'renunciation may not be followed by renunciation'.
- (17) Not the one suggested by the questioner.
- (18) The prohibition to move objects from one courtyard into another without 'erub.
- (19) By repeated renunciations and the consequent freedom in the moving of objects between

courtyards without any further legal preliminaries.

(20) Supra q.v. notes.

(21) Cf. supra 26b.

(22) Who laid down (v. Mishnah infra 69b and its explanation in the Gemara following it) that if one of the tenants forgot to contribute his share to the 'erub of his neighbor's in a courtyard, but on the Sabbath renounced his right to share in the courtyard in their favor, it is forbidden both to him and to them to carry any objects from his house into the courtyard or from the courtyard into his house; from which it is evident that, though a man renounced his right in a courtyard, he is not ipso facto assumed to have renounced his right to his house also. Thus it follows that a tenant's renunciation is not regarded as his complete elimination; that he is still a legitimate tenant of the same courtyard; and that, in agreement with Rab, the other tenants may renounce in his favor the rights he previously renounced in their favor.

(23) Who ruled (cf. supra 26b) that he who renounces his rights to his courtyard renounces ipso facto his rights to his house also; from which it follows that a tenant's renunciation is regarded as his complete elimination from his courtyard, that he assumes in consequence the status of a tenant of a different courtyard; and that, in agreement with the view of Samuel, the other tenants may not renounce in his favor the rights he previously conceded to them.

(24) R. Eliezer.

(25) I.e., that the man in question Should be regarded as the tenant of a different courtyard in whose favor consequently his neighbors should not be allowed to renounce their rights? No such opinion having been expressed, R. Eliezer may well be assumed to share the view advanced by Rab that renunciation may be followed by renunciation'.

(26) That the renunciation of a tenant's Share in a courtyard does not imply his renunciation to his rights in his house.

(27) As the tenant in question renounced his right to the courtyard he must be regarded as a tenant of a different courtyard in whose favor no right in the former courtyard may subsequently be renounced.

(28) MS.M., 'Rabbah b. Bar Hana'.

(29) Those of Rab and Samuel on the question of a renunciation that followed a renunciation.

(30) Who forgot to join in the 'erub of his neighbors in a courtyard.

(31) On the Sabbath, to his neighbors.

(32) In the courtyard into which their houses opened.

(33) On the "use of the courtyard by all the tenants. His carrying of the object into the courtyard is regarded as an act of re-acquisition of

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the share he had previously renounced in favor of the other tenants.

(34) When carrying out an object.

(35) *infra* 69b.

(36) R. Meir and R. Judah.

(37) R. Meir who ruled that restrictions are imposed even where an object had been carried out unwittingly, from which it follows that the renunciation is not regarded as the tenant's complete elimination.

(38) Since elimination is incomplete (cf. prev. n.) and the tenant in question is still denied to be living in the same courtyard.

(39) R. Judah who ruled that if an object was carried out unwittingly no restrictions are imposed, from which it follows that a renunciation results in so complete an elimination that only an intentional act can revoke it.

(40) Resulting as it does in the tenant's complete elimination (et prev. n.).

(41) Apparently they do. Must it then be assumed that both Rab and Samuel differ from one or other of the Tannas mentioned?

(42) Even R. Meir.

(43) In reply to the objection: Why does R. Meir impose restrictions even where the tenant acted unwittingly?

(44) It. Meir and R. Judah.

(45) R. Meir.

(46) Had the law been relaxed in the case of the former it might erroneously have been relaxed in that of the latter also.

(47) R. Judah.

(48) In the case, however, of an intentional carrying out of all object since a renunciation cannot have the legal force of a sale, all agree that the act cancels the renunciation; provided only that the act preceded the tenants' acquisition of the renounced share.

(49) None; the Mishnah having dealt with a heathen oily. Why then does It. Gamaliel introduce the Sadducee as if someone had given a different ruling concerning him?

(50) Of our Mishnah.

(51) He cannot renounce his right to his share in a courtyard by a mere declaration.

(52) As soon as the Sabbath begins.

(53) Thus acquiring possession of it.

(54) And re-acquires his right to his share.

(55) That, as has just been explained, the Rabbis differ from R. Gamaliel in the case of a Sadducee.

(56) In his use of the alley on the Sabbath. Cur. edd. in parenthesis, 'R. Gamaliel ruled: A Sadducee and a Boethusian impose no restrictions'.

(57) During the Sabbath.

(58) So Tosaf. s.v. א"ל א"ל.

(59) In his opinion R. Gamaliel regards a Sadducee as a gentile and no renunciation of his is valid.

(60) According to R. Meir.

## Eruvin 69a

But have we not learnt: If a tenant<sup>1</sup> presented his share<sup>2</sup> and then he carried out something,<sup>3</sup> whether he acted unwittingly or intentionally, he imposes restrictions;<sup>4</sup> so R. Meir?<sup>5</sup> —

R. Joseph replied. Read:<sup>6</sup> He imposes no restrictions. Abaye replied: There is no contradiction,<sup>7</sup> the former dealing with a case<sup>8</sup> where the residents of the alley had taken possession of the alley<sup>9</sup> while the latter deals with ones where the residents of the alley had not taken possession of the alley; and so it was also taught: If he<sup>10</sup> carried out an object<sup>11</sup> before he had renounced his share,<sup>12</sup> whether he acted<sup>13</sup> unwittingly or intentionally, he<sup>14</sup> is entitled to renounce his right;<sup>15</sup> so R. Meir.

R. Judah ruled: If he acted<sup>13</sup> unwittingly he is entitled to renounce his right<sup>15</sup> but if he acted with intention he is no longer entitled to renounce his right.<sup>16</sup> He who presented his share<sup>12</sup> and then carried out an object.<sup>11</sup> whether he acted<sup>13</sup> unwittingly or with intention, he imposes restrictions;<sup>17</sup> so R. Meir.

R. Judah ruled: If he acted<sup>18</sup> with intention he imposes restrictions but if unwittingly he does not. This,<sup>19</sup> however, applies only where the residents of the alley did not take possession of the alley.<sup>20</sup> but where they did take possession of it<sup>20</sup> he imposes no restrictions upon them irrespective of whether he acted<sup>18</sup> unwittingly or intentionally.

The Master said: 'R. Judah related, [The instruction was given] in a different form: "Hasten and attend to your requirements in the alley before nightfall when he would impose restrictions in you".' From this<sup>21</sup> it is evident that he is regarded as a gentile; but have we not learnt.<sup>22</sup>

# ERUVIN – 53a-79a

**BEFORE HE CARRIES OUT?**<sup>23</sup> — Read: Before the conclusion of the day.<sup>24</sup> And if you prefer I might say: There is really no contradiction since the former<sup>25</sup> might refer to one who is a mumar<sup>26</sup> in respect of desecrating the Sabbath in privacy only, while the latter<sup>27</sup> might deal with one who desecrates the Sabbath in public. Whose view is followed in what was taught: ‘A mumar<sup>26</sup> or a barefaced sinner is not entitled to renounce his share’? — But is a barefaced sinner on a par with a mumar?<sup>28</sup> —

Rather read: ‘A barefaced mumar<sup>29</sup> is not entitled to renounce his share’. Now in agreement with whose [view has this been laid down]? — In agreement, of course, with that of R. Judah.<sup>30</sup> A certain man once went out<sup>31</sup> with a jeweled charm<sup>32</sup> but when he observed R. Judah Nesi'ah he covered it up. ‘A person of this type’,<sup>33</sup> [the Master said.] ‘is in accordance with the view of R. Judah entitled to renounce his share’.

**R. Huna stated:** Who is regarded as an Israelite in mumar?<sup>34</sup> He who desecrates the Sabbath in public.

**Said R. Nahman to him:** In agreement with whose view?<sup>35</sup> If [it be suggested that it is] in agreement with that of R. Meir who holds that a person who is suspected of disregarding one matter [of law] is held suspect in regard to all the Torah,<sup>36</sup> the statement should also apply to any of the other prohibitions of the Torah;<sup>37</sup> and if [it is suggested that it is] in agreement with the view of the Rabbis,<sup>38</sup> did they not rule, it may be objected, that one who is suspected of disregarding one law is not held suspected in regard to all the Torah

- (1) Who, owing to forgetfulness, failed to contribute his share to the ‘erub of his neighbors.
- (2) To his neighbors, on the Sabbath.
- (3) Into their alley.
- (4) On the use of the alley by all its residents.
- (5) Infra 69b. How then are the two rulings of R. Meir (v. supra n. 2) to be reconciled?
- (6) In the Mishnah just cited.
- (7) Cf. supra n. 7.
- (8) lit., ‘here’.

(9) Before the man who presented them with, or renounced in their favor his share had carried out his objects.

(10) A tenant who, forgetting to join in the common ‘erub, presented his share to his neighbors.

(11) Into the alley towards which his courtyard as well as the courtyards of the others opened.

(12) In the alley, in favor of his neighbors.

(13) When he carried out the objects.

(14) Though accused of a desecration of the Sabbath.

(15) In favor of the other residents.

(16) Cf. prev. n., R. Judah holding the opinion that a person who intentionally desecrates the Sabbath is denied the privilege of renunciation.

(17) On the use of the alley by its residents. His intentional use of it after he had presented his share to his neighbors is regarded as the re-acquisition of his share; and in the case of an unwitting use of it the restrictions are imposed on account of the possibility of intentional use.

(18) When he carried out the objects.

(19) That if an Israelite tenant presented his share to his neighbors and then used the alley, there is a difference of opinion between R. Meir and R. Judah, the latter holding that restrictions are imposed only where the use was intentional while the former maintains that they are imposed even where the use was unintentional (cf. Rashi s.v. *במה* ad fin. a.l.).

(20) Before the tenant in question had carried out his object.

(21) The statement of R. Judah according to which a Sadducee is not entitled to renounce his right to his share.

(22) In R. Judah's ruling in our Mishnah.

(23) Which shows that until that time at least his renunciation is valid. If, however, he has the status of a gentile how could his renunciation ever be valid?

(24) *יציא היום* (cf. Bah. Cur. edd. *יציא*), an expression which conveys the same meaning as that of ‘before nightfall’ in R. Judah's statement cited in the Baraita. Instead of *יציא* (Hif. Of *יציא*) which bears the meaning of ‘carrying’ (*יציא כליו*) ‘he will carry out his things’), the reading is *יצא* (Kal. Of *יצא*) which bears the meaning of ‘going out’, ‘departing’.

(25) Lit., ‘here’ our Mishnah which allows a Sadducee to renounce his right.

(26) Lit., ‘changed’, ‘converted’, an apostate, a person who does not conform to the Jewish law.

(27) The Baraita which regards the Sadducee as a gentile.

(28) Barefacedness, surely, is not so great an offence as the denial of the laws of the Sabbath.

(29) Sc. one who desecrates the Sabbath in public.

(30) As has just been explained. It cannot be in agreement with the views of R. Meir since he

# ERUVIN – 53a-79a

allows even a mumar who desecrates the Sabbath in public to renounce his share. —

(31) On the Sabbath when the carrying of objects in a public domain is forbidden.

(32) Humarta di-medusha, a ‘charm’, ‘ball’ or ‘bead’ containing a ‘jewel for sealing’; or ‘a small bundle of spices’ (cf. Rashi a.l. anti Jast.). Such an object, not being regarded as a personal ornament, may not be carried on the Sabbath in a public domain even on one’s person.

(33) I.e., who is ashamed to carry the forbidden object in the presence of a noted personality.

(34) This is now assumed to mean a mumar or apostate in all respects.

(35) Is this statement made.

(36) Bek. 30b.

(37) Not only to that against the desecration of the Sabbath.

(38) Who differ from R. Meir (v. Bek. 30b).

## Eruvin 69b

unless he is a mumar in respect of idolatry?<sup>1</sup>—

R. Nahman b. Isaac replied: Only in respect of presenting or renouncing his right to his share,<sup>2</sup> this being in agreement with what was taught: An Israelite mumar who observes the Sabbath in public<sup>3</sup> may renounce his share, but one who does not observe the Sabbath in public may not renounce his share, because the Rabbis have laid down: An Israelite may renounce or present his share, whereas with a gentile transfer is possible only through the letting of his share. How is this<sup>4</sup> done? He<sup>5</sup> says to him,<sup>6</sup> ‘My share is acquired by you’ or ‘my share is renounced in your favor’, [and the latter thereby] acquires possession and there is no need for him to perform a formal act of acquisition.<sup>7</sup>

R. Ashi replied:<sup>8</sup> To this Tanna<sup>9</sup> the desecration of the Sabbath is an offence as grave as idol worship;<sup>10</sup> as it was taught: Of you<sup>11</sup> implies;<sup>12</sup> But not all of you, thus excluding a mumar;<sup>13</sup> ‘of you’<sup>14</sup> only among you did I make distinctions<sup>15</sup> but not among the other nations;<sup>16</sup> ‘of the cattle’<sup>17</sup> includes men who resemble cattle.<sup>18</sup> From here it has been inferred that sacrifices may be accepted from transgressors in Israel,<sup>19</sup> in order that they might return in repentance, all except

from a mumar, from one who offers libations of wine to idols and from one who publicly desecrates the Sabbath.<sup>20</sup> Now is not this statement self contradictory: First you said: ‘Of you implies: But not all of you, thus excluding a mumar’, and then you state, ‘Sacrifices may be accepted from transgressors in Israel’?<sup>21</sup>

This, however, is no contradiction since the first clause might deal with a person who is a mumar in respect of all the Torah, while the intervening clause might refer to one who is a mumar in respect of one precept only. But [then] read the final clause: ‘Except from a mumar and from one who offers libations of wine to idols’. What, pray, is one to understand by this type of mumar? If he is a mumar in respect of all the Torah he is obviously identical with the one in the first clause;<sup>22</sup> and if he is a mumar in respect of one precept only, does not a contradiction arise from the middle clause?<sup>23</sup> Must it not consequently be conceded that it is this that was meant:<sup>24</sup> Except from one who is a mumar in respect of offering libations of wine to idols or the desecration of the Sabbath in public?<sup>25</sup> It is thus evident that idolatry and the desecration of the Sabbath are offences of equal gravity.<sup>26</sup> This is conclusive.

*MISHNAH.* IF ONE OF THE TENANTS OF A COURTYARD FORGOT TO JOIN IN THE ‘ERUB,<sup>27</sup> HIS HOUSE IS FORBIDDEN BOTH TO HIM AND TO THEM FOR THE TAKING IN OR FOR THE TAKING OUT OF ANY OBJECT.<sup>28</sup> BUT THEIR HOUSES ARE PERMITTED BOTH TO HIM AND TO THEM.<sup>29</sup> IF THEY PRESENTED THEIR SHARES<sup>30</sup> TO HIM, HE IS PERMITTED THE UNRESTRICTED USE OF THE COURTYARD BUT THEY ARE FORBIDDEN.<sup>31</sup> IF THERE WERE TWO [WHO FORGOT TO JOIN IN THE ‘ERUB], THEY<sup>32</sup> IMPOSE RESTRICTIONS UPON ONE ANOTHER, BECAUSE ONE TENANT MAY PRESENT HIS SHARE<sup>33</sup> AND ALSO ACQUIRE THE SHARES OF OTHERS<sup>34</sup> WHILE TWO TENANTS MAY PRESENT THEIR SHARES BUT MAY NOT ACQUIRE

# ERUVIN – 53a-79a

ANY.<sup>35</sup> WHEN MUST ONE'S SHARE BE PRESENTED?<sup>36</sup> BETH SHAMMAI RULED: WHILE IT IS YET DAY,<sup>37</sup> AND BETH HILLEL RULED: AFTER DUSK. IF A TENANT PRESENTED HIS SHARE<sup>33</sup> AND THEN CARRIED OUT ANY OBJECT, WHETHER UNWITTINGLY OR INTENTIONALLY, LIE IMPOSES RESTRICTIONS;<sup>38</sup> SO R. MEIR. R. JUDAH RULED: IF HE ACTED WITH INTENTION HE IMPOSES RESTRICTIONS, BUT IF UNWITTINGLY HE IMPOSES NO RESTRICTIONS.

*GEMARA.* Apparently it is only HIS HOUSE that IS FORBIDDEN but his share in the courtyard<sup>39</sup> is permitted;<sup>40</sup> but how is one to understand the circumstances? If he has renounced his rights,<sup>41</sup> why should his house<sup>42</sup> be forbidden? And if he has not renounced his rights why should his courtyard be permitted? Here we are dealing with the case of a tenant who renounced his right to his courtyard but not his right to his house, the Rabbis<sup>43</sup> being of the opinion that a tenant who renounces his right to his courtyard does not ipso facto renounce his right to his house, since a person might well live in a house that has no courtyard.

**BUT THEIR HOUSES ARE PERMITTED BOTH TO HIM AND TO THEM.** What is the reason? — Because he<sup>44</sup> is regarded as their guest.

**IF THEY PRESENTED THEIR SHARES TO HIM, HE IS PERMITTED THE UNRESTRICTED USE OF THE COURTYARD BUT THEY ARE FORBIDDEN.** Why should not they be regarded as his guests? — One man may be regarded as the guest of five<sup>45</sup> men; five men cannot be regarded as the guests of one. Does this<sup>46</sup> then imply that renunciation<sup>47</sup> may be followed by renunciation?<sup>48</sup> —

No; it is this that was meant: **IF THEY originally<sup>49</sup> PRESENTED THEIR SHARES TO HIM, HE IS PERMITTED THE UNRESTRICTED USE OF THE COURTYARD BUT THEY ARE**

**FORBIDDEN. IF THERE WERE TWO WHO FORGOT TO JOIN IN THE 'ERUB THEY IMPOSE RESTRICTIONS UPON ONE ANOTHER.** Is not this obvious?<sup>50</sup> —

This ruling was necessary only in a case where one of them has subsequently<sup>51</sup> renounced his shares<sup>52</sup> in favor of the other. As it might have been assumed that the latter should be permitted [the full use of the courtyard].<sup>53</sup> hence we were informed that [this is not so], because the former, at the time he renounced his share, was not himself permitted the unrestricted use of that courtyard.<sup>54</sup>

**BECAUSE ONE TENANT MAY PRESENT HIS SHARE.** What need again was there for this ruling? If that he MAY PRESENT, did we not learn this before?<sup>55</sup> If that he MAY ACQUIRE, did we not already learn this also?<sup>56</sup> — It was necessary on account of the final clause: **TWO TENANTS MAY PRESENT THEIR SHARES.** Is not this also obvious?<sup>57</sup> — It might have been presumed

- (1) But not in respect of the Sabbath.
- (2) Is an Israelite who desecrates the Sabbath regarded as a mumar.
- (3) Lit., 'in the market place', though he desecrates it in private.
- (4) An Israelite's renunciation or presentation.
- (5) The one who is renouncing or presenting.
- (6) The other in whose favor the renunciation or presentation is made.
- (7) Such as, for instance, symbolic acquisition. Cf. A.Z. 64b, Hul. 6a.
- (8) To the objection raised by R. Nahman against R. Huna.
- (9) Whose view R. Huna was presumably reporting.
- (10) Sc. as one guilty of idolatry is regarded as a mumar in respect of all the Torah so also is one who is guilty of the desecration of the Sabbath.
- (11) Lev. 1, 2, dealing with sacrifices.
- (12) Emphasis on 'of'.
- (13) Sc. that no sacrifices may be accepted from a mumar.
- (14) Emphasis on 'you'.
- (15) Between a mumar and a confessing Israelite.
- (16) Sacrifices from these must be accepted without regard to the religious views they hold (cf. Hul. 13b).
- (17) Lev. 1, 2, dealing with sacrifices. Emphasis on 'cattle'.



# ERUVIN – 53a-79a

- (18) Wicked men who, like cattle, are unconscious of their duties to God and man.
- (19) Who in their ignorance or carelessness might have strayed from the right path.
- (20) Hul. 5a.
- (21) 'Transgressors' presumably including the mumar also.
- (22) Then why the repetition?
- (23) Which does allow sacrifices to be accepted from a person who is a mumar in respect of one precept only.
- (24) In the final clause.
- (25) Of course it must.
- (26) And this is the view held by R. Huna. Hence there is no necessity to resort to the reply of R. Nahman b. Isaac according to which a man who publicly desecrates the Sabbath is regarded as a mumar only in respect of his disability to present and renounce his share in connection with the laws of 'erub. Such a man, as has originally been assumed, is in fact regarded as a mumar in all respects.
- (27) In which his neighbors have joined.
- (28) The circumstances in which this law applies are discussed in the Gemara infra.
- (29) I.e., it is permitted to move objects from their houses into the courtyard and from the courtyard into their houses, since both their houses and courtyard have been converted into one common domain.
- (30) In their courtyard.
- (31) The movement of objects even from his house into the courtyard; as will be explained infra.
- (32) Though the other tenants renounced their shares in their favor.
- (33) To his neighbors.
- (34) Which they presented to him.
- (35) Because, while the courtyard is their common domain, their houses are their individual property and it is forbidden to carry objects from a private house into a courtyard which belongs to another tenant as well as to its owner.
- (36) To one's neighbor, so that the use of the courtyard shall be unrestricted.
- (37) Of the Sabbath eve.
- (38) On the use of the courtyard by his neighbors. His act is regarded as one of re-acquisition of the share he has previously presented to them.
- (39) Since only HIS HOUSE was mentioned.
- (40) To the other tenants who are allowed to carry objects from their houses into the courtyard and from the courtyard into their houses.
- (41) In their favor.
- (42) Which he renounced simultaneously with his share in the courtyard.
- (43) The anonymous author of this part of our Mishnah who differs from R. Eliezer's ruling (supra 26b) that a tenant's renunciation of his share in a courtyard implies ipso facto his renunciation of his right to his house.

- (44) By abstaining from taking out any object from his house into the courtyard or vice versa and by using the courtyard in connection with the other tenants' houses only.
- (45) Fictitious number, sc. any number of people more than one.
- (46) The ruling that 'IF THEY PRESENTED THEIR SHARES TO HIM, HE IS PERMITTED, etc. though the first 'renounced his right' in their favor in consequence of which (as was explained supra) it was laid down in the first clause that 'THEIR HOUSES ARE PERMITTED'.
- (47) Spoken of in the first clause of our Mishnah (cf. prev. n.).
- (48) I.e., the presentation of 'THEIR HOUSES TO HIM' in the clause under discussion.
- (49) Not, as has been assumed, after he has renounced his right in their favor. This clause, in other words, is entirely independent of the first one.
- (50) Since even in the absence of the other tenants the two would have imposed restrictions upon each other.
- (51) After the other tenants had renounced the shares in favor of the two.
- (52) Which now presumably included he shares that the other tenants had renounced in his favor.
- (53) As in the case where all the tenants presented their shares to one of them.
- (54) On account of the other tenant who was imposing restrictions upon him. Owing to these restrictions the presentation of the other tenants' shares was useless and, therefore, invalid. As he could not acquire their shares he could not obviously renounce them in favor of anyone else.
- (55) 'BUT THEIR HOUSES ARE PERMITTED' because, as was explained in the Gemara supra, he 'renounced his right' in their favor.
- (56) 'IF THEY PRESENTED THEIR SHARES TO HIM', etc.
- (57) From a previous ruling in our Mishnah according to which any number of tenants, which obviously includes two, may present their shares to one of their number.

## Eruvin 70a

that this<sup>1</sup> should be forbidden, as a preventive measure against the possible assumption that one may also renounce his share in favor of two,<sup>2</sup> hence we were informed that no such possibility need be considered.

**BUT MAY NOT ACQUIRE ANY.** What need was there for this ruling?<sup>3</sup> — It<sup>4</sup> was required only for this case: Even where they<sup>5</sup>

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said to him,<sup>6</sup> ‘Acquire our shares on the condition that you transfer them’.<sup>7</sup>

Abaye enquired of Rabbah: If five tenants live in the same courtyard and one of them forgot to join in the ‘erub, is it necessary, when he renounces his right to his share,<sup>8</sup> to renounce it in favor of every individual tenant or not? —

He must, the other replied. renounce it in favor of every individual tenant. He<sup>9</sup> pointed out to him<sup>10</sup> the following objection: A tenant who did not join in an ‘erub<sup>11</sup> may present his share<sup>12</sup> to one of those who joined in the ‘erub;<sup>13</sup> two tenants who joined in an ‘erub<sup>14</sup> may present their shares<sup>15</sup> to the one who did not join in their ‘erub; and two tenants who did not join in an ‘erub<sup>16</sup> may present their shares<sup>15</sup> to the two of their neighbors who joined in an ‘erub or to one neighbour<sup>17</sup> who<sup>18</sup> did not prepare an ‘erub.

One, however, who joined in an ‘erub<sup>19</sup> may not present his share to one<sup>20</sup> who did not join with them<sup>21</sup> nor may two who joined in an ‘erub present their shares to the two who did not join,<sup>22</sup> nor may the two who did not join in an ‘erub present their shares to the other two who also did not join.<sup>22</sup> At all events it was stated in the first clause, ‘A tenant who did not join in an ‘erub may present his share to one of those who joined in an ‘erub’. Now, how is one to understand the circumstances? If there was no other tenant with him,<sup>23</sup> with whom could he have joined in an ‘erub? It is consequently obvious that there must have been another tenant with him, and yet it was stated: ‘To one of those who joined in the ‘erub’!<sup>24</sup> —

And Rabbah?<sup>24</sup> — Here<sup>25</sup> we are dealing with a case where there was one<sup>26</sup> who died.<sup>27</sup> But if one<sup>26</sup> was there and died, how will you explain the final clause: ‘One, however, who joined in an ‘erub may not present his share to one who did not join with them’? If one<sup>26</sup> was there only before and is now dead why should not this be permitted?<sup>28</sup> It is consequently obvious that he<sup>26</sup> was still there

and, since the final clause is a case where he was there, must not the first clause also deal with one who was still alive?<sup>29</sup> —

What an argument! Each clause may deal with a different case.<sup>30</sup> You may have proof that this is so,<sup>31</sup> for in the final section of the first clause it was stated, ‘And two tenants who did not join in an ‘erub may present their shares to the tow of their neighbors who joined in an ‘erub’, from which it follows: To two only<sup>32</sup> but not merely to one.<sup>33</sup>

Abaye, however, explained: What is meant by ‘To two’? To one of the two. If so, why<sup>34</sup> was it not stated:<sup>35</sup> To one who joined in the ‘erub<sup>36</sup> or to one who did not?<sup>37</sup> — This is a difficulty. ‘A<sup>38</sup> tenant who did not join in an ‘erub may present his share to one of those who joined in the ‘erub’ refers according to Abaye to a case where the other tenant<sup>39</sup> was also alive; and by this we are informed that it is not necessary to renounce one's share in favor of each individual tenant.

According to Rabbah this refers to a case where the other tenant<sup>39</sup> was first<sup>40</sup> alive and then<sup>41</sup> died; and the point in the ruling<sup>42</sup> is that no preventive measure had been enacted against the possibility that sometimes the one<sup>39</sup> may happen to be alive [and the same procedure<sup>43</sup> might be followed]. And<sup>44</sup> ‘two tenants who joined in an ‘erub may present their shares to the one who did not join in their ‘erub’. Is not this obvious?<sup>45</sup> —

It might have been presumed<sup>46</sup> that the tenant, since he did not join in the ‘erub, should be penalized,<sup>47</sup> hence we were informed [that no such penalization had been enacted]. ‘And<sup>48</sup> two tenants who did not join in an ‘erub may present their shares to the two of their neighbors who joined in an ‘erub’.

According to Rabbah this final clause<sup>49</sup> was taught in order to explain the sense of the first clause.<sup>50</sup> According to Abaye<sup>51</sup> this<sup>52</sup> was required on account of the ruling relating to ‘two tenants who did not join In an erub’.

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Since it might have been presumed that renunciation on their part should be forbidden as a preventive measure against the possibility of a renunciation in their favour,<sup>53</sup> hence we were informed [that no such measure was deemed necessary]. ‘Or to one neighbor who did not prepare an ‘erub’. What need was there for this ruling?<sup>54</sup> —

It might have been presumed that those rulings<sup>55</sup> applied only where some of the tenants joined in an ‘erub and only some did not, but that where all the tenants failed to join in an ‘erub they should be penalized<sup>56</sup> in order that the law of ‘erub shall not be forgotten.<sup>57</sup> hence we were informed [that no penalization was imposed]. ‘One, however, who joined in an ‘erub may not present his share to one who did not join with them’.

According to Abaye this final clause<sup>58</sup> was taught in order to indicate the meaning of the first clause.<sup>59</sup>

According to Rabbah the final clause was taught on account of the first one.<sup>60</sup> ‘Nor may two who joined in an ‘erub present their shares to the two who did not join’. What need again was there for this ruling?<sup>61</sup> —

It was required in that case only where one of them<sup>62</sup> renounced his share in favor of the other.<sup>62</sup> As it might have been presumed that the, latter should be permitted the unrestricted use of this courtyard.<sup>63</sup> hence we were informed that the law was not so, because the former, at the time he made his renunciation, was not himself permitted the unrestricted use of that courtyard. ‘Nor may the two who did not join in an ‘erub present their shares to the other two who also did not join’. What again was the need for this ruling?<sup>61</sup> —

**58** <sup>t</sup><sup>64</sup> was necessary only for this case: Even<sup>65</sup> where they<sup>66</sup> said to him,<sup>67</sup> ‘acquire our shares on the condition that you transfer them’.<sup>68</sup> Raba inquired of R. Nahman: May all heir<sup>69</sup> renounce his share?’<sup>70</sup>

- (1) The presentation of their shares by two tenants to one.
- (2) Lit., ‘he might come to renounce for them’.
- (3) Which is virtually a repetition of the previous ruling. ‘TWO ... IMPOSE RESTRICTIONS UPON ONE ANOTHER’.
- (4) The apparently superfluous repetition of the restriction.
- (5) The tenants who presented their shares.
- (6) One of the two who forgot to contribute to the ‘erub.
- (7) To the other tenant. Though in a case like this the one tenant might well be presumed to be acting as their agent to the other tenant, yet for the reason given (cf. supra p. 436, n. 11 and text), he MAY NOT ACQUIRE their shares.
- (8) In the courtyard in favor of its neighbors.
- (9) Abaye.
- (10) Rabbah.
- (11) With his two neighbors who prepared one between themselves.
- (12) In their courtyard.
- (13) And, since this one is associated in the ‘erub with the other, both of them are thereby permitted the unrestricted use of the courtyard.
- (14) In a courtyard in which they lived with a third tenant.
- (15) In their courtyard.
- (16) With the two other tenants who lived in the same courtyard.
- (17) If he is the only other neighbor.
- (18) Like themselves.
- (19) With one of his two neighbors.
- (20) The other of his two neighbors (cf. prev. n.).
- (21) His presentation is of no avail on account of the share of the neighbors who did not present his.
- (22) Since TWO TENANTS MAY ... NOT ACQUIRE ANY.
- (23) With the tenant who prepared the ‘erub.
- (24) How then could Rabbah maintain that the renunciation must be made in favor of every individual tenant?
- (25) In the Baraita cited by Abaye.
- (26) A tenant with whom an ‘erub was prepared.
- (27) By the time the third tenant presented his share. As at that time only two tenants occupied the courtyard one may well renounce his share in favor of the other. On the question of the heirs of the deceased who might be expected to inherit his share and thus impose the same restrictions as he himself, v. Rash and Tosaf. a.I.
- (28) Why should not the survivor be allowed to renounce his share.
- (29) The objection against Rabbah thus arises again.
- (30) Lit., ‘that as it is, and that’, etc.
- (31) That the first clause deals with a case where one of the two tenants who joined in the ‘erub died.

# ERUVIN – 53a-79a

(32) Lit., 'yes'. i.e., the presentation must be made to each of the two.  
(33) Of the two.  
(34) Instead of 'two'.  
(35) As was the case in the first clause.  
(36) Since One tenant cannot join in an 'erub with himself it would be obvious that the reference was to one of two tenants.  
(37) Cf. prev. n.  
(38) The Gemara now proceeds to discuss the Baraitha cited, clause by clause.  
(39) Who joined in the 'erub with the one mentioned.  
(40) When the 'erub was prepared.  
(41) When the renunciation was made.  
(42) Which seems superfluous In view of the rule that even two tenants may renounce their shares in favor of one, and much more so one in favor of one.  
(43) Of renouncing in favor of one of the two only.  
(44) Cf. supra n. 10.  
(45) Since the latter may well renounce his share in their favor, on account of the 'erub in which they have joined. No preventive measures against the possibility that one tenant might renounce his share in favor of two, could have been required. Now, since It was already stated in the first clause that one tenant may renounce, what need was there to mention also two?  
(46) Since the first clause deals with a renunciation in favor of those who did join in an 'erub.  
(47) And no renunciation in his favor should be permissible.  
(48) V. p. 489, n. 10.  
(49) Which specifies that renunciation must be made in favor of each of the two tenants.  
(50) Sc. that it deals with a case where one of the two tenants who joined in an 'erub died before the renunciation was made. Had he not died the renunciation would have had to be made (cf. prev. n.) in favor of each of the two.  
(51) Who explained supra that 'to the two' meant 'to one of the two'.  
(52) The clause under discussion which, since no difference could be made between one who makes a renunciation and two who make a renunciation, seems superfluous in view of the first clause which allows one tenant to make a renunciation in favor of one of another two tenants.  
(53) Which, as stated supra, is forbidden.  
(54) Which is implied in the previous ones.  
(55) Enumerated previously, according to which such renunciation is permitted.  
(56) By depriving them of the right to renunciation.  
(57) Were renunciation allowed, no 'erub would ever be prepared and the younger generation would in consequence remain ignorant of the institution of 'erub'.

(58) Which is apparently superfluous since in view of the fact that one tenant did not renounce his share the renunciation of the other alone cannot be effective.  
(59) Sc that it refers to a case where both tenants who had joined in the 'erub were alive.  
(60) As the first clause taught that 'a tenant who did not join in an erub may present his share to one of those who joined' the final clause taught that if the case was reversed presentation is forbidden. The first clause, however, deals with a case where one of the two tenants who joined in the 'erub was dead while the final one deals with a case where both tenants were alive'.  
(61) Which is implied in the preceding rulings.  
(62) Of those who did not join in the 'erub.  
(63) As is the case where all tenants presented their shares to one of their own number.  
(64) The superfluous repetition.  
(65) Cf. Bah.  
(66) The tenants who presented their shares.  
(67) The one of the two who did not join in their 'erub.  
(68) To the other of the two tenants who did not join in the 'erub (cf. supra p. 487, n. 10).  
(69) Whose father, from whom he inherited his estate, had forgotten to contribute to the 'erub of his courtyard and died on the Sabbath.  
(70) Which he inherited (cf. prev. n.) on that day and which his father had not renounced in favor of his neighbors.

## Eruvin 70b

Is it only in the case where [a tenant can], if he wishes, join in the 'erub on the previous day<sup>1</sup> that he can also renounce his share,<sup>2</sup> but this [heir], since he could not join in the 'erub on the previous day even if he wished,<sup>3</sup> may not renounce his share, or is it possible that an heir steps into his father's place?<sup>4</sup> —

'I', the other replied, 'hold that he may renounce his share, but those [scholars] of the school of Samuel learned that he may not do so'. He<sup>5</sup> thereupon pointed out the following objection against him:<sup>6</sup> This is the general rule: Whatever is permitted during a part of the Sabbath remains permitted throughout the Sabbath and whatever is forbidden during a part of the Sabbath remains forbidden throughout the Sabbath, the only exception being the case of the man who renounced his share.<sup>7</sup> 'Whatever is permitted during a part of the Sabbath remains

# ERUVIN – 53a-79a

permitted throughout the Sabbath', as is, for instance, the case of an 'erub that was prepared for the purpose of carrying objects through a certain door<sup>9</sup> and that door was closed up.<sup>10</sup> or one that was prepared for the purpose of carrying objects through a certain window<sup>9</sup> and that window was closed up.<sup>10</sup>

'This is the general rule'<sup>11</sup> includes the case of an alley whose cross-beam<sup>12</sup> or side-post<sup>2</sup> had been removed.<sup>13</sup> 'Whatever is forbidden during a part of the Sabbath remains forbidden throughout the Sabbath', as, for instance, in the case of two houses, that were respectively situated on the two sides of a public domain which gentiles surrounded with a wall during the Sabbath.<sup>14</sup> What does the expression<sup>15</sup>

'This is the general rule',<sup>16</sup> include? It includes the case of a gentile<sup>17</sup> who died on the Sabbath.<sup>18</sup> Now here It was stated: 'The only exception being the case of the man who renounced his share',<sup>19</sup> from which<sup>20</sup> it follows, does it not, that only he<sup>21</sup> may do so but not his heir?<sup>22</sup> —

Read, 'The only exception being the law of renunciation'.<sup>23</sup> He<sup>24</sup> raised another objection against him:<sup>25</sup> If one of the tenants of a courtyard<sup>26</sup> died, having left his share to a man in the street,<sup>27</sup> the latter<sup>28</sup> imposes restrictions,<sup>29</sup> if this occurred while it was yet day,<sup>30</sup> but if it occurred after dusk<sup>31</sup> he imposes no restrictions. If, however, a man in the street<sup>32</sup> died, having left his share to one of the tenants of the courtyard, he imposes no restrictions, if this occurred while it was yet day,<sup>33</sup> but if it occurred after dusk,<sup>34</sup> he imposes restrictions. Now why should he impose restrictions?<sup>35</sup> Let him renounce his share!<sup>36</sup> — The ruling that he imposes restrictions applies only so long as he did not renounce<sup>37</sup> his share.

Come and hear: If an Israelite and a proselyte lived in one dwelling<sup>38</sup> and the proselyte died<sup>39</sup> while it was yet day<sup>40</sup>

(1) Lit., 'yesterday', i.e., the Sabbath eve.

(2) On the Sabbath.

(3) Since at that time he had not yet had any share in the courtyard.

(4) Lit., 'is his father's leg', and is consequently entitled to all his rights.

(5) Raba.

(6) R. Nahman.

(7) This is explained presently.

(8) Between two courtyards.

(9) That communicated between the two courtyards.

(10) By some obstructions that happened to fall into it during the Sabbath. As it was permissible to carry objects from one courtyard into the other through the door (or the window) during a part of the Sabbath, the permissibility remains in force even after the door (or the window) was closed up. It is, for instance, permissible to throw objects from one courtyard into the other across the obstruction or through minor communication holes (cf. infra 76a).

(11) Which implies that there must be some other cases also but they were not here specified.

(12) So MS.M. and Rashi. Cur. ed. have the plural form.

(13) During the Sabbath. Although the use of an alley that was not provided with cross-beam or side-post is else' where restricted, the removal of either in this case, since the alley was well provided with the one or the other during a part of the Sabbath, does not affect the tenants' right to its continued and unrestricted use. This ruling is not covered by the one specified, since in the latter case the walls remained intact while in the former they were absent (cf. supra 17b).

(14) As in the absence of the wall no 'erub was admissible on the Sabbath eve, it is forbidden to move objects from any of the houses into the newly enclosed area, even if one of the householders renounced his right in that area in favor of his neighbor.

(15) In the introduction to the first clause, which presumably refers also to the final clause.

(16) V. supra p. 492, n. 11.

(17) Who lived in the same courtyard with Israelites and whose right in the courtyard precluded his neighbors from joining in an 'erub unless they previously hired his share from him.

(18) Since no 'erub was allowed on the Sabbath eve and no renunciation of rights was permissible during the first part of the Sabbath while he was alive, no renunciation is permitted even after his death. This ruling also could not be inferred from the one specified, since in the latter case no erub could possibly have been provided on the Sabbath eve while in that of the former it could well have been prepared if (cf. prev. n.) the gentile's share had been hired.

(19) Sc. only in the case of such a renunciation during the Sabbath are the restrictions, which on

# ERUVIN – 53a-79a

account of the absence of 'erub were previously in force, removed for the rest of the day.

(20) Since only 'the man who renounced his share', not his heir, was mentioned.

(21) The original householder.

(22) Lit., 'he, yes; heir, not'. How then could R. Nahman maintain that an heir may also renounce his share?

(23) Either by the original owner or by his heir.

(24) Raba.

(25) R. Nahman.

(26) Who joined in 'erub with his neighbors (cf. Tosaf. a.l.).

(27) Sc. a Stranger, one who did not live in the same courtyard.

(28) Since he did not join in the 'erub.

(29) On the use of the courtyard by its tenants. As the new owner of the house he imposes restrictions though he does not himself live in it, his case being similar to that of the owner of a storehouse for straw or of a cattle-pen (cf. infra 72b).

(30) Of the Sabbath eve, when the 'erub was not yet effective.

(31) When the 'erub was already in force and the tenants were in consequence allowed the unrestricted use of their courtyard during a part of the Sabbath.

(32) Sc. one who did not live in that courtyard but was the owner of a house in it.

(33) Since he has sufficient time before the Sabbath to join in the 'erub in respect of that house.

(34) When no 'erub may any longer be prepared.

(35) In agreement with R. Nahman that an heir is entitled to renounce the share he inherited.

(36) And thus enable the tenants to enjoy the unrestricted use of their courtyard.

(37) Lit., 'what also (is meant by) he imposes restrictions that he learned? Until he would renounce'.

(38) Or 'barn', the doors of their compartments or huts opening into one court.

(39) Leaving no heirs.

(40) Of the Sabbath eve.

[but is not the law just] the reverse, viz., that where no one took possession no restrictions are imposed?<sup>7</sup> — R. Papa replied. Read: 'Although he had not taken possession'. But was it not stated: 'Though he had taken possession'? — It is this that was meant: Though he did not take possession while it was yet day and did so only after dusk<sup>8</sup> he imposes restrictions, since<sup>9</sup> he could have taken possession while it was yet day.<sup>10</sup> 'After dusk, no restrictions are imposed even though no other Israelite took possession of his estate'. You say, 'Even though no other Israelite took possession of his estate' and<sup>11</sup> much less so<sup>12</sup> if one did take possession; but is not the law just the reverse, viz., that where one did take possession restrictions are imposed?<sup>13</sup> — R. Papa replied: Read: 'Though he did take possession'.<sup>14</sup> but was it not stated: 'Even, though he did not take possession'? — It is this that was meant: Though he took possession<sup>15</sup> after dusk he imposes no restrictions, since he could not take possession while it was yet day.<sup>16</sup> At all events it was stated in the first clause that 'restrictions are imposed'. But why should restrictions be imposed? Let him<sup>17</sup> renounce his share? — The ruling that he imposes restrictions<sup>18</sup> applies only so long as he does not make his renunciation.

R. Johanan replied: The Baraitas<sup>19</sup> represent the view of Beth Shammai who ruled that no renunciation is allowed on the Sabbath.<sup>20</sup> For we learned: WHEN MUST ONE'S SHARE BE PRESENTED? BETH SHAMMAI RULED: WHILE IT IS YET DAY AND BETH HILLEL RULED: AFTER DUSK. Said Ulla: What is Beth Hillel's reason?<sup>21</sup> The case of renunciation is on a par with that of saying,<sup>22</sup> 'You should have gone to the better kind'.<sup>23</sup>

What, objected Abaye, is the comparison with the case of saying, 'You should have gone to the better kind', where the gentile died on the Sabbath?<sup>24</sup> Rather it is this principle on which they are here at variance: Beth Shammai are of the opinion that the renunciation of a domain<sup>25</sup> is like conferring

## Eruvin 71a

even though<sup>1</sup> another Israelite<sup>2</sup> had taken possession of his estate, [the latter] imposes restrictions;<sup>3</sup> [but if he died] after dusk<sup>4</sup> no restrictions are imposed even though no other Israelite took possession of his estate. Now is not this statement self-contradictory? You first stated: 'While it was yet day, even though another Israelite had taken possession [the latter] imposes restrictions' and,<sup>5</sup> much more so<sup>6</sup> if one did not take possession of it;

# ERUVIN – 53a-79a

acquisition<sup>26</sup> of a domain [to another], but conferring acquisition of a domain on the Sabbath is forbidden;<sup>27</sup> while Beth Hillel are of the opinion that renunciation is merely the giving up of one's domain, and the giving up of a domain on the Sabbath is perfectly permissible.

**MISHNAH.** IF A HOUSEHOLDER WAS IN PARTNERSHIP WITH HIS NEIGHBOURS,<sup>28</sup> WITH THE ONE IN WINE AND WITH THE OTHER IN WINE,<sup>29</sup> THEY NEED NOT PREPARE AN ERUB;<sup>30</sup> BUT IF HIS PARTNERSHIP WAS WITH THE ONE IN WINE AND WITH THE OTHER IN OIL,<sup>31</sup> IT IS NECESSARY FOR THEM TO JOIN IN AN 'ERUB.<sup>32</sup> R. SIMEON RULED: NEITHER IN THE ONE CASE NOR IN THE OTHER NEED THEY JOIN IN AN ERUB.

**GEMARA.** Rab explained:<sup>33</sup> Only [if the wine<sup>34</sup> was kept] in one container.<sup>35</sup> Said Raba: A deduction also supports this view. For it was stated: WITH THE ONE IN WINE AND WITH THE OTHER IN OIL, IT IS NECESSARY FOR THEM TO JOIN IN AN 'ERUB; now if you grant that the first clause deals with one container and the final clause with two containers both rulings are quite correct,<sup>36</sup> but if you contend that the first clause deals with two containers and the final clause deals with two containers, why. [it might be objected,] should a difference be made between wine and wine and between wine and oil?<sup>37</sup> — Wine and wine,<sup>38</sup> Abaye retorted, can properly be mixed,<sup>39</sup> but wine and oil cannot properly be mixed.<sup>40</sup>

**R. SIMEON RULED: NEITHER IN THE ONE CASE NOR IN THE OTHER NEED THEY JOIN IN AN 'ERUB.** Even if the partnership was with the one in wine and with the other in oil?<sup>41</sup> — Rabbah replied: Here we are dealing with a courtyard that was situated between two alleys,<sup>42</sup> R. Simeon following his own View.<sup>43</sup> For we learned: R. Simeon remarked: To what may this case be compared? To three courtyards that open one into the other and also into a public domain, where, if the two outer ones made an

'erub with the middle one, it is permitted to have access to them and they are permitted access to it, but the two other ones are forbidden access to one another.<sup>44</sup> Said Abaye to him:<sup>45</sup> Are the two cases at all alike, seeing that there<sup>46</sup> it was stated: 'The two outer ones are forbidden,' while here It was stated that **THEY NEED NOT JOIN IN AN 'ERUB** at all?<sup>47</sup> — The ruling that<sup>48</sup> **THEY NEED NOT JOIN IN AN 'ERUB** applies only to one between the neighbors and the householder, but the neighbors among themselves must certainly join in an 'erub.

- (1) This will be discussed presently.
- (2) The estate of a proselyte, who has no legal heirs, may be appropriated by the first person who takes possession of it.
- (3) As the new owner did not join in the 'erub he imposes restrictions on the use of the court by the surviving Israelite.
- (4) V. supra n. 2.
- (5) Since the clause is introduced by 'even though'.
- (6) Lit., 'and it is not required (to state)'.
- (7) There being no one to impose them.
- (8) The purport of the expression being, 'even though... had taken possession after dusk, so that during a part of the Sabbath the place was free from restrictions.
- (9) The proselyte having died before dusk.
- (10) As the proselyte's share was in a state of suspended ownership even when the Sabbath had set in the entire place could not be regarded as a permitted domain even during a part of the Sabbath.
- (11) Since the clause is introduced by 'even though'.
- (12) Lit., 'and it is not required (to state)'.
- (13) On account of that persons share.
- (14) He nevertheless imposes no restrictions, since during a part of the Sabbath, prior to his acquisition of the estate, the place was free from all restrictions.
- (15) 'Even though' qualifying this implied clause.
- (16) When the proselyte was still alive (cf. supra n. 7).
- (17) The Israelite taking legal possession of the estate of the deceased proselyte being in a position of an heir.
- (18) Lit., 'what (is the meaning of he) imposes restrictions that has been taught'.
- (19) According to which an heir imposes restrictions and from which objection was raised against R. Nahman.
- (20) Hence no means are available to an heir for the removal of the restrictions that begin with the

# ERUVIN – 53a-79a

incidence of the Sabbath. R. Nahman, however, may disagree with their view, following that of Beth Hillel.

(21) For allowing renunciation on the Sabbath.

(22) Lit., 'it is made as (if he) says' to a person whom he found in his field setting aside terumah from a certain kind of produce on his behalf without his previous consent.

(23) B.M. 22a. The terumah is valid if there was a better kind in the field; because the owner, by his present consent, is assumed retrospectively to have appointed the person as his agent. Similarly in the case of renunciation: The tenant's present act of renunciation is taken as an indication of his retrospective desire to join with the other tenants in their 'erub and that his failing to do so was due to mere forgetfulness.

(24) In the latter case, surely, retrospective intention could not possibly be assumed.

(25) I.e., one's share in a court.

(26) [Reading מִיִּקְנִי instead of מִיִּקְנִי of cur. edd. v. Tosaf. s.v. יִקְנִי].

(27) Because it is on a par with a commercial transaction. Hence their prohibition of renunciation on the Sabbath.

(28) In an alley.

(29) Sc. they were all joint holders in one edible commodity that (as will be explained infra) was kept in one container.

(30) Their partnership in the commodity serves also the purpose of 'erub.

(31) Sc. two different commodities that must be kept in separate containers.

(32) Since only a commodity in joint ownership that is kept in one container may be regarded as 'erub.

(33) The first clause of our Mishnah.

(34) Which they possessed in common.

(35) NEED THEY NOT PREPARE AN 'ERUB (cf. supra p. 496, n. 12).

(36) As the wine spoken of in the first clause was kept in one container no other 'erub was consequently required, while in the case of the wine and the oil spoken of in the final clause, since they were kept in two containers, a special 'erub was rightly required.

(37) Sc. why should an 'erub be necessary in the latter case if it is not required in the former?

(38) Though kept in two containers.

(39) Hence it may serve as an 'erub even if it has not yet been mixed.

(40) As they must always be kept apart they cannot be regarded as 'erub if they have not been expressly set aside for that purpose. Hence, contrary to the submission of Raba, the first clause also may be dealing with two containers.

(41) But how could such a ruling be justified in view of the fact that the two commodities cannot properly be mixed?

(42) The tenants of which had a stock of wine in common with the residents of the one alley and a stock of oil in common with those of the other, so that the wine and the oil do not serve the purpose of one 'erub but that of two 'erubs, one for each alley.

(43) That the residents of one courtyard may join in two 'erubs with the residents of two alleys respectively even though the latter, not having been joined to each other by an 'erub, are forbidden access from one to the other.

(44) Supra 45b, q.v. notes. Similarly (cf. prev. n.) in the case of the wine and oil, though the two alleys (cf. supra p. 497, n. 10) were not joined to one another, and access between them is forbidden, the courtyard may be joined to both of them and access between it and the alleys is permitted.

(45) Rabbah.

(46) In the Mishnah cited.

(47) Implying full permissibility of access.

(48) Lit., 'what'.

## Eruvin 71b

R. Joseph<sup>1</sup> however, replied:<sup>2</sup> R. Simeon and the Rabbis differ on the same principle as that on which R. Johanan b. Nuri and the Rabbis differ.<sup>3</sup> For we learned: If some oil<sup>4</sup> floated on wine<sup>4</sup> and a tebul yom<sup>5</sup> touched the oil, he<sup>6</sup> causes the oil only to be unfit;<sup>7</sup> but R. Johanan b. Nuri ruled: They both form a connection with each other.<sup>8</sup> The Rabbis<sup>9</sup> may hold the same view as the Rabbis<sup>10</sup> while R. Simeon<sup>9</sup> may hold the same view as R. Johanan b. Nuri.<sup>11</sup>

It was taught: R. Eleazar<sup>12</sup> b. Taddai ruled: In either case<sup>13</sup> it is necessary for them to join in an erub. Even if the partnership was with the one In wine and with the other also in wine?<sup>14</sup> Rabbah explained: Where this [householder] comes with his lugin<sup>15</sup> [of wine] and pours [it into the common cask] and the other comes with his lugin and pours it in, no one disputes the ruling that<sup>16</sup> this alone is a valid 'erub.<sup>17</sup> They only differ where the householders bought a cask of wine in partnership.<sup>18</sup> R. Eleazar b. Taddai is of the opinion that there is no such rule as bererah<sup>19</sup> while the Rabbis maintain that the rule of bererah holds good.<sup>20</sup>



# ERUVIN – 53a-79a

R. Joseph explained: R. Eleazar b. Taddai and the Rabbis differ on the question whether it is permissible to rely upon shittuf<sup>15</sup> where an ‘erub is required.<sup>21</sup> the one Master<sup>22</sup> holding that It is not permissible to rely on it<sup>23</sup> while the Masters<sup>24</sup> maintain that it is permissible to rely on it.<sup>25</sup>

Said R. Joseph: Whence do I derive this?<sup>26</sup> [From the following:] Since Rab Judah stated in the name of Rab, ‘The halachah is in agreement with R. Meir’<sup>27</sup> and R. Berona stated in the name of Rab, ‘The halachah is in agreement with R. Eleazar b. Taddai’.<sup>28</sup> Now what is the reason?<sup>29</sup> Obviously<sup>30</sup> because both rulings are based on the same principle.<sup>27</sup>

Said Abaye to him: If the principle is the same what need was there to lay down the halachah, twice?<sup>31</sup> — It is of this that we are informed: That in matters of<sup>32</sup> ‘erub we [sometimes] adopt<sup>33</sup> two restrictive rulings.<sup>34</sup> What is the ruling of R. Meir and what is that of the Rabbis?<sup>35</sup> [Those about which] it was taught: An ‘erub of courtyards must be prepared with bread; but wine, even if preferred, may not be used for ‘erub,<sup>36</sup> Shittuf of an alley may be done even<sup>37</sup> with wine;<sup>38</sup> but bread, if preferred, may [obviously]<sup>39</sup> be used for the shittuf. An ‘erub must be prepared for courtyards<sup>40</sup> even where shittuf is arranged for the alleys<sup>41</sup> in order that the law of ‘erub may not be forgotten by the children who might believe that their fathers<sup>42</sup> had been preparing no ‘erub; so R. Meir.

The Sages, however, ruled: Either ‘erub or shittuf [is enough]. R. Nehumi<sup>43</sup> and Rabbah<sup>44</sup> differ on the interpretation of this statement. One maintains that in the case of bread<sup>45</sup> no one disputes the ruling that one<sup>46</sup> is enough<sup>47</sup> and that they only differ in the case of wine,<sup>48</sup>

(1) Maintaining, contrary to the view of Rabbah, that R. Simeon in our Mishnah was referring to courtyards in the same alley.

(2) To the objection raised supra as to how could R. Simeon regard two commodities like wine and oil as one valid ‘erub.

(3) It. Simeon, as will be shown presently, holding the same view as the former.

(4) Of terumah.

(5) V. Glos.

(6) On account of his levitical uncleanness.

(7) For consumption.

(8) T.Y. II, 5; the touching of the one is, therefore, regarded as the touching of both.

(9) Of our Mishnah.

(10) In the Mishnah cited, who regard wine and oil as separate and distinct commodities.

(11) Who holds that oil and wine can be treated as the component parts of one liquid.

(12) So MS.M.

(13) This is discussed anon.

(14) But why should an ‘erub be necessary in such a case?

(15) V. Glos.

(16) Even where the wine was not originally mixed for the purpose of ‘erub.

(17) Since every householder has contributed its individual share to the common stock.

(18) So that the individual contributions were never distinguishable from one another.

(19) V. Glos. In consequence none of the householders has any distinguishable share in the wine.

(20) So that every householder may be regarded as having contributed a definite and distinguishable share to the common contents of the cask.

(21) I.e., whether the amalgamation of the courtyards of an alley by shittuf, for the purpose of facilitating movement in it, exempts the tenants of the courtyards from ‘erub for the purpose of carrying objects from one courtyard into the other.

(22) R. Eleazar b. Taddai.

(23) Hence his ruling that ‘in either case’ an ‘erub must be prepared.

(24) The Rabbis.

(25) No ‘erub, therefore, is required. Since the residents are united by shittuf in their alley they are also deemed to be united in their courtyards; and they are consequently permitted to convey objects from one courtyard into another through doors that open from one into the other.

(26) That the point at issue between R. Eleazar b. Taddai and the Rabbis is the Question whether shittuf can also serve the purpose of ‘erub.

(27) That it is not permissible to rely upon shittuf where an ‘erub is required.

(28) That ‘in either case’ an erub must be prepared.

(29) That Rab pronounced the halachah to be in agreement with both R. Meir and R. Eleazar b. Taddai.

(30) Lit., ‘not’?

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(31) It was admittedly necessary for Rab to state that the halachah is in agreement with R. Meir, since otherwise the principle underlying R. Eleazar b. Taddai's ruling would have been unascertainable, and erroneous conclusions affecting the laws of 'erub might have been arrived at (cf. Rashi); but why, it is asked, was it also necessary for Rab to state that the halachah is in agreement with R. Eleazar b. Taddai?

(32) As in this particular case (cf. Tosaf.).

(33) This is the reading of R. Han. Cur. edd. 'we do not adopt' (cf. Rashi); v. Tosaf. s.v. לטז.

(34) Laid down by the same authority, though one of them is opposed by other authorities. In this case the halachah is in agreement with R. Meir that where an 'erub is required, shittuf may not be relied upon irrespective of whether it was done with (a) wine concerning which the Rabbis agree with him or (b) bread about which the Rabbis differ.

(35) To which reference has just been made.

(36) An 'erub essentially serves the purpose of constituting a dwelling or habitation (cf. supra 49a) and bread alone of all commodities is regarded as important enough to constitute one.

(37) Cf. Rashi. According to Tosaf. the rendering might be, 'should preferably be done'.

(38) Since the purpose of shittuf is not the association of the house but that of the courtyards which are not regarded as 'dwellings' (cf. supra n. 5).

(39) Cf. Rashi, or (according to Tosaf.) 'also'.

(40) Either for each one separately, in the interests of its own tenants, or, if doors open from one courtyard into another, for several courtyards together, to enable their tenants to have access to each other through their courtyard doors.

(41) To enable the tenants to carry objects from one courtyard into another through the alley. In the absence of shittuf this is forbidden, though the right of carrying through the communicating doors remains unaffected. In the case of shittuf it is permitted to carry objects between the courtyards either through the alley or through their communicating doors even where each courtyard had prepared a separate 'erub for its own tenants only.

(42) Lit., 'who would say: Our fathers'.

(43) Var. lec. 'Rehumi' (MS.M. and Bah).

(44) Var. lec. 'Rabbah b. Joseph' (Bah).

(45) Since it is suitable for both 'erub and shittuf.

(46) Either shittuf or 'erub.

(47) Since one may also serve the purpose of the other.

(48) Where it was used for 'shittuf. According to R. Meir this alone is not enough since wine is inadmissible for 'erub; while according to the Rabbis once wine has become effective in shittuf it is ipso facto effective for 'erub, since shittuf may be relied upon where an 'erub is required.

## Eruvin 72a

while the other maintains that in the case of wine<sup>1</sup> no one disputes the ruling that the two<sup>2</sup> are necessary<sup>3</sup> and that they only differ in the case of bread.<sup>4</sup>

An objection was raised: 'The Sages, however, ruled: Either 'erub or shittuf is enough'. Does not this mean that it is permissible to prepare an 'erub in a courtyard with bread or arrange shittuf in an alley with wine?<sup>5</sup> —

R. Giddal citing Rab replied: It is this that was meant: Either an 'erub for the courtyards<sup>6</sup> is prepared with bread, and unrestricted movement is permitted in both the alley and the courtyards;<sup>7</sup> or shittuf for the alley is made with bread, and unrestricted movement is again permitted in both.<sup>7</sup>

Rab Judah citing Rab stated: The halachah<sup>8</sup> is in agreement with R. Meir; R. Huna, however, stated: The customary practice is in agreement with R. Meir, while R. Johanan stated: The people are in the habit of acting in agreement with R. Meir.

**MISHNAH.** IF FIVE COMPANIES SPENT THE SABBATH IN ONE HALL<sup>9</sup> EACH COMPANY, BETH SHAMMAI RULED, MUST<sup>10</sup> CONTRIBUTE SEPARATELY TO THE ERUB;<sup>11</sup> BUT BETH HILLEL RULED: ALL OF THEM<sup>12</sup> CONTRIBUTE TO THE 'ERUB ONLY ONE SHARE.<sup>13</sup> THEY<sup>14</sup> AGREE, HOWEVER, THAT WHERE SOME OF THEM OCCUPY ROOMS<sup>15</sup> OR UPPER CHAMBERS<sup>16</sup> A SEPARATE CONTRIBUTION TO THE 'ERUB MUST BE MADE FOR EACH COMPANY.

**GEMARA.** R. Nahman stated: The dispute<sup>17</sup> relates only to partitions of stakes<sup>18</sup> but where the partitions<sup>19</sup> were ten handbreadths high all<sup>20</sup> agree that a separate contribution to the 'erub must be made for each company. Others read: R. Nahman stated: The dispute<sup>17</sup> relates also to partitions of stakes.<sup>21</sup>

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R. Hiyya and R. Simeon son of Rabbi differ on the interpretation of our Mishnah.<sup>22</sup> One holds that the dispute<sup>23</sup> relates only to partitions that reach to the ceiling, but where they do not reach it<sup>24</sup> all<sup>25</sup> agree that only one contribution to the ‘erub need be made for all of them; while the other holds that the dispute<sup>23</sup> relates Only to partitions that do not reach the ceiling but where they do reach it all<sup>20</sup> agree that a separate contribution to the ‘erub is necessary for each company.

- (1) Since it is unsuitable for shittuf purposes.
- (2) Both Shittuf and ‘erub.
- (3) Even the Rabbis agree that wine cannot become effective for ‘erub even by way of shittuf for which alone it may be used.
- (4) That was used either for ‘erub or for shittuf, R. Meir maintaining that even in this case one cannot do service for the other.
- (5) And either presumably suffices for both alley and courtyards. How then is this to be reconciled with the second view that ‘in the case of wine no one disputes the ruling that the two are necessary’?
- (6) So MS. M. Cur. edd. have the sing. ‘courtyard’.
- (7) Lit., ‘here and here’.
- (8) V. supra p. 438, nn. 11-13.
- (9) Traklin, triclinium, ‘dining-room’. The reference is to a large room that was subdivided by partitions into separate compartments each being occupied by one of the companies and having a separate door to the courtyard into which doors of other houses also open.
- (10) Since each is deemed to occupy a separate domain.
- (11) That is prepared either for all the tenants of the courtyard or for the occupants of the hall alone.
- (12) Being regarded as living in one and the same domain (cf. Gemara infra).
- (13) If they join the tenants of the courtyard. Among themselves (cf. prev. n.) they need no ‘erub at all.
- (14) Beth Hillel.
- (15) On the ground floor.
- (16) All of which are completely separated from one another and from the hall, and have direct access to the courtyard.
- (17) In our Mishnah.
- (18) Mesifas, a low partition of stakes or pegs. Only in such a case do Beth Hillel regard the entire hall as One domain.
- (19) Separating the quarters of one company from another.

- (20) Even Beth Hillel.
- (21) I.e.. Beth Shammai maintain their view not only where the partitions were ten handbreadths high but even where they were low.
- (22) Lit., ‘on it’.
- (23) Between Beth Shammai and Beth Hillel.
- (24) Although they are ten handbreadths high.
- (25) Even Beth Shammai.

## Eruvin 72b

An objection was raised: R. Judah ha-Sabba<sup>1</sup> stated, Beth Shammai and Beth Hillel do not dispute the ruling that where partitions<sup>2</sup> reach the ceiling a separate contribution to the erub is required on the part of each company; they only differ<sup>3</sup> where the partitions do not reach the ceiling in which case Beth Shammai maintain that a separate contribution to the ‘erub must be made for each company, while Beth Hillel maintain that one contribution to the ‘erub suffices for all of them. Now, against him who stated that the dispute<sup>4</sup> related only to partitions that reached the ceiling this<sup>5</sup> presents an objection; in favor of him who stated that their dispute<sup>4</sup> related only to partitions that did not reach the ceiling this<sup>6</sup> provides support; while against that version according to which R. Nahman stated ‘the dispute relates only to partitions of stakes’<sup>7</sup> this<sup>8</sup> presents an objection. Does this,<sup>6</sup> however, present an objection also against that version according to which R. Nahman stated: ‘The dispute relates also to partitions of stakes’?<sup>9</sup>—

R. Nahman can answer you: They differ in the case of partitions<sup>10</sup> and this applies also to partitions of stakes, and the only reason why their difference of view was expressed in the case of partitions is in order to inform you to what extent Beth Hillel venture to apply their principle.<sup>11</sup> But why did they not express their difference of view in the case of partitions of stakes in order to inform you of the extent to which Beth Shammai, venture to apply their principle?<sup>12</sup> — Information on the extent of a permitted course<sup>13</sup> is preferable.<sup>14</sup>

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R. Nahman citing Rab stated: The halachah is in agreement with R. Judah ha-Sabbar.<sup>15</sup>

Said R. Nahman b. Isaac: All inference from the wording of our Mishnah also leads to the same conclusion. For it was stated: THEY AGREE, HOWEVER, THAT WHERE SOME OF THEM OCCUPY ROOMS OR UPPER CHAMBERS A SEPARATE CONTRIBUTION TO THE FRUIT MUST BE MADE FOR EACH COMPANY; now what was meant by ROOMS and what by UPPER CHAMBERS? If it be suggested that by the term ROOMS proper<sup>16</sup> rooms,<sup>17</sup> and by the term 'UPPER CHAMBERS' proper<sup>16</sup> upper chambers<sup>17</sup> were meant, is not the ruling<sup>18</sup> obvious?<sup>19</sup> The terms must consequently mean<sup>20</sup> compartments like rooms or upper chambers, namely,<sup>21</sup> compartments the partitions of which reach the Ceiling. This is conclusive.

A Tanna taught: This<sup>22</sup> applies only where their 'erub is carried into a place other [than the hall].<sup>23</sup> but if their 'erub is remaining<sup>24</sup> with them<sup>25</sup> all<sup>26</sup> agree that one contribution to the 'erub suffices for all of them.<sup>27</sup> Whose view is followed in what was taught:<sup>28</sup> If five residents who collected their 'erub desired to transfer it to another place.<sup>29</sup> one 'erub suffices for all of them?<sup>30</sup> — Whose view? That of Beth Hillel.<sup>31</sup>

Others read: This<sup>32</sup> applies only where the 'erub remained<sup>33</sup> with them,<sup>34</sup> but if they carried their 'erub to a place other [than their hall]<sup>35</sup> all<sup>36</sup> agree that a separate contribution to the 'erub is required for each company.<sup>37</sup> Whose view is followed in which was taught: If five residents who collected their contributions to an 'erub desired to transfer it<sup>38</sup> to another place<sup>39</sup> one 'erub suffices for all of them?<sup>40</sup> — Whose view? No one's.<sup>41</sup>

**MISHNAH.** BROTHERS<sup>42</sup> WHO WERE EATING AT THEIR FATHER'S TABLE BUT SLEPT IN THEIR OWN HOUSE<sup>43</sup> MUST EACH CONTRIBUTE A SHARE TO THE 'ERUB.<sup>44</sup>

HENCE, IF ANY ONE OF THEM FORGOT TO CONTRIBUTE TO THE 'ERUB HE MUST<sup>45</sup> RENOUNCE HIS RIGHT TO HIS SHARE IN THE COURTYARD. WHEN DOES THIS APPLY?<sup>46</sup> WHEN THEY CARRY THEIR 'ERUB INTO SOME OTHER PLACE<sup>47</sup> BUT IF THEIR 'ERUB IS DEPOSITED<sup>48</sup> WITH THEM<sup>49</sup> OR IF THERE ARE NO OTHER TENANTS WITH THEM IN THE COURTYARD THEY NEED NOT PREPARE ANY 'ERUB.

*GEMARA.* Does this<sup>50</sup> then imply that the night's lodgingplace<sup>51</sup> is the cause of the obligation of 'erub?<sup>52</sup> — Rab Judah citing flab replied: This was learnt only in respect of such as receive a maintenance allowance.<sup>53</sup>

Our Rabbis taught: A man who has in his neighbor's courtyard a gate-house, an exedra<sup>54</sup> or a balcony imposes no restrictions upon him.<sup>55</sup> [One, however, who has in it] a straw-magazine, a cattle-pen, a room for wood or a storehouse does impose restrictions upon him.

R. Judah ruled: Only a dwelling-house imposes restrictions. It once happened, R. Judah related, that Ben Nappaha<sup>56</sup> had five courtyards at Usha, and when the matter was submitted to the Sages they ruled: Only a dwelling-house imposes restrictions. 'A dwelling-house'! Is such a ruling imaginable? Rather say: A dwelling-place. What is meant by a 'dwelling-place'? — Rab explained:

- (1) 'The reasoner' or 'interpreter'. R. Han. and Alfasi read: 'ha-Sabbak', 'the net-weaver'. Others 'ha-Saddar', 'who arranges (Mishnahs) in order'.
- (2) Which subdivide a large hall into small compartments.
- (3) Lit., 'concerning what are they divided?'
- (4) Between Beth Shammai and Beth Hillel.
- (5) R. Judah's statement that they 'do not dispute... where partitions reach the ceiling'.
- (6) The statement of R. Judah that 'they only differ where the partitions do not reach the ceiling'.
- (7) But that 'where the partitions were ten handbreadths high' Beth Hillel agree that a 'separate contribution. . . must be made'.
- (8) R. Judah's assertion (cf. supra n. 5) according to which Beth Hillel require no separate

# ERUVIN – 53a-79a

contributions where the partitions, though ten handbreadths high, do not reach the ceiling.

(9) I.e., that Beth Shammai require separate contributions even where the partitions were so frail and low. Does R. Judah, it is asked (cf. supra n. 5), imply that Beth Shammai maintain this view, even where the partitions are so low, in agreement with this view of R. Nahman, or, do they limit their view to partitions that are of some considerable height though not as high as to reach the ceiling?

(10) Even where they do not reach the ceiling.

(11) I.e., they require no separate contributions from each company even where the partitions are of some considerable height.

(12) That even in the case of partitions of stakes Beth Shammai require each company to make a separate contribution.

(13) Lit., ‘the power of permissibility’, since it indicates conviction and certainty of opinion.

(14) The prohibition of a certain course may be an easy way out of a legal difficulty and the result of mere lack of knowledge or conviction as to whether it could or could not be permitted.

(15) That ‘where partitions reach the ceiling’ even Beth Hillel agree that ‘a separate contribution is required’.

(16) Or ‘actual’.

(17) I.e., such as have never formed parts of the large hall.

(18) That for each room a separate contribution must be made.

(19) What need then was there to state the obvious?

(20) Lit., ‘but, not?’

(21) Lit., ‘and what are they?’

(22) That Beth Shammai require each company to make a separate contribution to the ‘erub (v. our Mishnah).

(23) Sc. if it is deposited in one of the other houses of the courtyard.

(24) Lit., ‘was coming’.

(25) I.e., if the other tenants brought their contributions to the hall where the ‘erub is deposited.

(26) Even Beth Shammai.

(27) The point at issue between Beth Shammai and Beth Hillel being not that of the nature of the partitions but the question whether (a) one of a group who joined in an ‘erub may take that ‘erub with him to another group on behalf of all his associates or whether (b) each individual of the group must separately contribute his share. The hall in question, both according to Beth Shammai and Beth Hillel, combines the separate sections of each company into one domain and no ‘erub among themselves alone is necessary irrespective of whether the partitions were high or low, but Beth Shammai maintain that one of them cannot represent them all in the ‘erub of the courtyard

and each must consequently contribute his individual share, while Beth Hillel hold that one of them may well represent all the group and, therefore, only one contribution on behalf of all of them is sufficient.

(28) Lit., ‘like whom goes that which was taught’.

(29) I.e., to another courtyard, desiring to join in ‘erub with the residents of that courtyard.

(30) I.e., one of the group may take their ‘erub (or the prescribed quantity of bread of his own on behalf of all the group) to the place into which they desired their ‘erub to be transferred. Cf. supra 49b.

(31) Cf. supra p. 504, n. 16.

(32) That Beth Hillel hold that one contribution suffices for all the companies (v. our Mishnah).

(33) Lit., ‘was coming’.

(34) V. supra p. 504, n. 14.

(35) Sc. if it is deposited in one of the other houses of the courtyard.

(36) Even Beth Hillel.

(37) The point at issue being whether the several companies in the one hall, who are in the same position as that of a number of tenants who joined in one ‘erub, must contribute individually to the ‘erub even where it is deposited in their hall, Beth Shammai maintaining that they must while Beth Hillel hold that they need not.

(38) Lit., ‘when they carry their ‘erub’.

(39) V. supra n. 2.

(40) V. supra n. 3.

(41) Neither that of Beth Shammai nor that of Beth Hillel, since both agree that separate contributions are in this case required.

(42) The insertion in some ed., ‘who were partners’ is rejected by Rashi.

(43) Within the same courtyard as that of their father's house.

(44) If they wish to join with the other tenants in the ‘erub of that courtyard.

(45) If the movement of objects in the courtyard is to be unrestricted.

(46) Sc. that they must each contribute to the ‘erub.

(47) Sc. to a house of one of the other tenants. The reason is given in the Gemara.

(48) Lit., ‘was coming

(49) In their father's house.

(50) The ruling in our Mishnah that where the brothers SLEPT IN THEIR OWN HOUSES they are under the obligation to make separate contributions to the ‘erub, from which it is evident that if they slept in their father's house it is only he who must make a contribution to the ‘erub (if it is deposited in some other house) while they are exempt.

(51) And not the place where they have their meals.

(52) Apparently it does; how then could Rab maintain infra that one's obligation to a separate

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contribution to an 'erub is dependent on one's dining-place?

(53) From their father. They did not actually have their meals at his house.

(54) V. Glos.

(55) In respect of the movement of objects in his courtyard on the Sabbath.

(56) Or 'a locksmith'.

## Eruvin 73a

One's dining-place.<sup>1</sup> and Samuel explained: One's night's lodging place. An objection was raised: Shepherds, summer fruit attendants,<sup>2</sup> station house-keepers and fruit watchmen have<sup>3</sup> the same status as the townspeople<sup>4</sup> if they are in the habit of taking their night's rest in the town,<sup>5</sup> but if they are in the habit of spending the night in the fields<sup>6</sup> they are only entitled to walk a distance of two thousand cubits in all directions?<sup>7</sup> — In that cases<sup>8</sup> we are witnesses that they would have been more pleased if bread had been brought to them there.<sup>9</sup>

Said R. Joseph, 'I have never heard this tradition'.<sup>10</sup> 'You yourself', Abaye reminded him, 'have told it to us, and you said it in connection with the following: BROTHERS WHO WERE EATING AT THEIR FATHER'S TABLE BUT SLEPT IN THEIR OWN HOUSES MUST EACH CONTRIBUTE A SHARE TO THE 'ERUB, concerning which we asked you: Does this then imply that the night's lodging-place is the cause of the obligation of 'erub? And you, in reply to this question, told us: Rab Judah citing Rab replied: This was learnt only in respect of such as receive a maintenance allowance'.<sup>11</sup>

Our Rabbis taught: Where a man has five wives who are in receipt of a maintenance allowance from their husband<sup>12</sup> or five slaves who are in receipt of a maintenance allowance from their Master,<sup>12</sup> R. Judah b. Bathyra permits [unrestricted movement]<sup>13</sup> in the case of the wives<sup>14</sup> but forbids it in the case of the slaves,<sup>15</sup> while R. Judah b. Baba permits this in the case of slaves but forbids it in the case of the wives. Said Rab, what is R.

Judah b. Baba's reason? The fact that it is written in Scripture: But Daniel was in the gate of the king.<sup>16</sup> It is obvious that a son in relation to his father is subject to the ruling here enunciated.<sup>17</sup> [The Status of] a wife in relation to her husband and a slave in relation to his master is a point at issue between R. Judah b. Bathyra and R. Judah b. Baba.<sup>18</sup> What, however, [is the status of] a student in relation to his master?<sup>19</sup> —

Come and hear what Rab when at the school of R. Hiyya<sup>20</sup> stated: 'We need not prepare an 'erub since we virtually dine<sup>21</sup> at R. Hiyya's table'; and R. Hiyya, when he was at the school of Rabbi, stated: 'We need not prepare an 'erub since we virtually dine<sup>21</sup> at Rabbi's table.'

Abaye enquired of Rabbah: If five residents<sup>22</sup> collected their contributions to their 'erub<sup>23</sup> and desired to transfer it<sup>24</sup> to another place,<sup>25</sup> does one 'erub contribution suffice for all of them<sup>26</sup> or is it necessary for each one to make a separate contribution to the 'erub?<sup>27</sup> — He replied: One 'erub contribution suffices for all of them. But, surely, BROTHERS<sup>28</sup> are like residents who collected their contributions<sup>29</sup> and yet was it not stated: MUST EACH CONTRIBUTE A SHARE TO THE 'ERUB?<sup>30</sup> —

Here<sup>31</sup> we are dealing with a case where other tenants, for instance, lived with them,<sup>32</sup> so that [it may be said:] Since these<sup>33</sup> impose restrictions<sup>34</sup> those<sup>35</sup> also impose them.<sup>36</sup> This may also be supported by a process of reasoning. For it was stated: WHEN DOES THIS APPLY? WHEN THEY CARRY THEIR 'ERUB INTO SOME OTHER PLACE BUT IF THEIR 'ERUB IS DEPOSITED WITH THEM OR IF THERE ARE NO OTHER TENANTS WITH THEM IN THE COURTYARD<sup>37</sup> THEY NEED NOT PREPARE ANY 'ERUB. This is conclusive.

R. Hiyya b. Abin enquired of R. Shesheth: in the case of students who have their meals<sup>38</sup> in the country, but come to spend their nights at the schoolhouse<sup>39</sup> do we measure their

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Sabbath limit from the Schoolhouse<sup>40</sup> or from their country quarters?<sup>41</sup> He replied: We measure it from the schoolhouse.<sup>40</sup> Behold, [the first objected], the case of the man who deposits his 'erub within two thousand cubits<sup>42</sup> and comes to take his night's rest at his house whose Sabbath limit is measured from his 'erub!<sup>43</sup> — In that case,<sup>44</sup> [the other replied,] we are witnesses, and in this case<sup>45</sup> also we are witnesses. In that case<sup>44</sup> we are witnesses' that if he could live there<sup>46</sup> he<sup>47</sup> would have preferred it,<sup>48</sup> and 'in this case<sup>45</sup> also we are witnesses that if their meals<sup>49</sup> had been brought to them at the schoolhouse they would have much preferred it.<sup>50</sup>

Rami b. Hama enquired of R. Hisda: Are a father and his son or a master and his disciple regarded<sup>51</sup> as many<sup>52</sup> or as one individual?<sup>53</sup> Do they<sup>54</sup> require an 'erub or not? Can the use of their alley<sup>55</sup> be permitted by means of a side-post or cross-beam<sup>56</sup> or not?<sup>57</sup> — He replied: You have learnt it: A father and his son or a master and his disciple, if no other tenants live with them,<sup>58</sup> are regarded as one individual,<sup>59</sup> they require no 'erub, and the use of their alley<sup>55</sup> may be rendered permissible by means of a side-post or cross-beam.<sup>56</sup>

**MISHNAH. IF FIVE COURTYARDS OPENED INTO EACH OTHER AND INTO AN ALLEY,<sup>60</sup> AND AN 'ERUB WAS PREPARED FOR THE COURTYARDS BUT NO SHITTUF WAS MADE FOR THE ALLEY, THE TENANTS ARE PERMITTED THE UNRESTRICTED USE OF THE COURTYARDS BUT FORBIDDEN THAT OF THE ALLEY.<sup>61</sup>**

- (1) Lit., 'place of bread'.
- (2) Or 'fruit pickers', 'watchmen for drying figs'.
- (3) Though they were in the field when the Sabbath began.
- (4) In whose vicinity they carry on their occupations. They, like the people of the town, are allowed to move in any part of the town and along distances of two thousand cubits in any of its directions.
- (5) Where they have their Sabbath meal.
- (6) Though they dine in town.

- (7) From their lodging-places. How then could Rab maintain that the meaning of 'dwelling-place' is 'one's dining-place'?
- (8) Spoken of in the Baraita just cited.
- (9) Into the field where they are spending the night. It is for this reason only that their dining-place in the town is disregarded.
- (10) Of Rab. R. Joseph having lost his memory after a serious illness was often making this remark.
- (11) Cf. supra p. 506, nn. 6ff.
- (12) And each one lives in a separate house in his courtyard.
- (13) Even if no 'erub had been prepared.
- (14) Since each one is deemed to be intimately associated with her husband's house.
- (15) Who are not so intimately connected with their master.
- (16) Dan. II, 49; implying that wherever Daniel (the king's servant) was he was regarded as being 'in the gate of the king' i.e., at the king's house; and the same applies to slaves in relation to their master,
- (17) Lit., 'as it has been said', of our Mishnah.
- (18) As has just been stated.
- (19) Where the former is in receipt of a maintenance grant from the latter and lives with him in the same courtyard but in a separate house.
- (20) From whom he was receiving a maintenance grant.
- (21) Lit., 'rely'. 'are supported'.
- (22) Of the same courtyard.
- (23) For the courtyard in which they lived.
- (24) Lit., 'when they carry their 'erub'.
- (25) I.e., to another courtyard with whose residents they wish to join in 'erub.
- (26) Sc. may one of them carry that 'erub (to which they had all contributed) or the prescribed quantity of food of his own (on behalf of all of them) to the courtyard with the tenants of which they desire to join?
- (27) Abaye must never have heard of the Baraita, supra 72b which deals with this very question; or, if he was acquainted with it, was desirous of ascertaining whether it represented the halachah, since, as was stated supra, it either agreed with none or only with Beth Hillel.
- (28) Who 'NEED NOT PREPARE ANY 'ERUB' where 'THERE ARE NO OTHER TENANTS WITH THEM IN THE COURTYARD'.
- (29) Who also need not prepare any other 'erub.
- (30) If they desired to join in 'erub with other tenants. How then could Rabbah maintain that one 'erub contribution, which only places the tenants in the same position as the brothers, is sufficient?
- (31) The ruling in our Mishnah concerning the brothers.
- (32) In the same courtyard.

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- (33) The tenants in the same courtyard.  
(34) Unless an 'erub is prepared.  
(35) In the other courtyard with whom they now desire to join.  
(36) Unless each brother makes an independent contribution to the new 'erub. In the case, however, of two courtyards for each of which an independent 'erub had been prepared by its tenants, or in that of two courtyards in one of which live a father and sons (who require no 'erub) and in the other an 'erub had been prepared by its tenants, so that the residents of each courtyard independently are permitted unrestricted movement within it, the principle of 'since these impose... those also impose' is obviously inapplicable (since no one imposes restrictions upon the others), and consequently one 'erub taken by one of the tenants to the other courtyard suffices for all the tenants of his own courtyard.  
(37) To impose restrictions upon them.  
(38) Lit., who eat bread'.  
(39) Which is in town, the distance between which and their dining quarters is not greater than two thousand cubits.  
(40) Because it is the place where their nights are spent, in agreement with the view of Samuel supra.  
(41) Where they have their meals, in agreement with Rab.  
(42) From his town.  
(43) And not from the place where his night is spent. How then could it be maintained that the students' Sabbath limit is measured from their schoolhouse because they spend their nights there?  
(44) That of the man who deposits his 'erub outside the town and spends the night within it.  
(45) Of the students under discussion.  
(46) Where his 'erub is deposited.  
(47) Since it is his intention to go on the Sabbath in that direction of the town.  
(48) In order that he might be nearer to his goal when he starts on his walk on the Sabbath day.  
(49) Lit., 'bread'.  
(50) Hence the ruling that their Sabbath limit is measured from the schoolhouse.  
(51) In the case of two courtyards one within the other where the tenants of the inner one have a right of way through the outer one.  
(52) So that if they resided in the inner one they impose restrictions on the use of the outer one even though the latter had prepared an 'erub among themselves (cf. infra 75a).  
(53) Who (cf. prev. n.) imposes no restrictions on the use of the outer courtyard.  
(54) If they are the only tenants.  
(55) Where one of them resided in one courtyard and the other in another courtyard in the same alley.

- (56) As if two courtyards opened out into it. No side-post or cross-beam is effective in an alley unless 'houses and courtyards' open into it.  
(57) The courtyards of a father and his son or a master and disciple being regarded as a single courtyard (cf. "prev. n. second clause).  
(58) In the same courtyard.  
(59) V. supra n. 10.  
(60) I.e., each had two doors one of which led to the other courtyards and the other opened direct into the alley.  
(61) Because an 'erub cannot serve the purposes of both 'erub and shittuf.

## Eruvin 73b

**IF, HOWEVER, SHITTUF WAS MADE FOR THE ALLEY, THEY ARE PERMITTED THE UNRESTRICTED USE OF BOT.<sup>1</sup> IF AN 'ERUB WAS PREPARED FOR THE COURTYARDS AND SHITTUF WAS MADE FOR THE ALLEY, THOUGH ONE OF THE TENANTS OF A COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB,<sup>2</sup> THEY ARE NEVERTHELESS PERMITTED THE UNRESTRICTED USE OF BOTH.<sup>3</sup> IF, HOWEVER, ONE OF THE RESIDENTS OF THE ALLEY FORGOT<sup>4</sup> TO CONTRIBUTE TO THE SHITTUF, THEY ARE PERMITTED THE UNRESTRICTED USE OF THE COURTYARDS BUT FORBIDDEN THAT OF THE ALLEY, SINCE AN ALLEY TO ITS COURTYARDS<sup>5</sup> IS AS A COURTYARD TO ITS HOUSES.<sup>6</sup>**

*GEMARA.* Whose view is this?<sup>7</sup> Apparently that of R. Meir who laid down that it is necessary to have both 'erub and shittuf. Read, however, the middle clause: **IF, HOWEVER, SHITTUF WAS MADE FOR THE ALLEY, THEY ARE PERMITTED THE UNRESTRICTED USE OF BOTH,** which represents, does it not, the view of the Rabbis who laid down that one of these is sufficient?<sup>9</sup> —

This is no difficulty. It<sup>10</sup> means: **IF, HOWEVER, SHITTUF also WAS MADE.<sup>11</sup> But read, then, the next clause: IF AN 'ERUB WAS PREPARED FOR THE COURTYARDS AND SHITTUF WAS MADE FOR THE ALLEY, THOUGH ONE OF THE TENANTS OF A COURTYARD**



# ERUVIN – 53a-79a

**FORGOT TO CONTRIBUTE TO THE ‘ERUB, THEY ARE NEVERTHELESS PERMITTED THE UNRESTRICTED USE OF BOTH.** Now how is one to understand this ruling? If [the tenant]<sup>12</sup> did not renounce his share,<sup>13</sup> why<sup>14</sup> should the others be permitted?<sup>15</sup> It is obvious then that he did renounce it.

Now read the final clause: **IF, HOWEVER, ONE OF THE RESIDENTS OF THE ALLEY FORGOT TO CONTRIBUTE TO THE SHITTUF, THEY ARE PERMITTED THE UNRESTRICTED USE OF THE COURTYARDS BUT FORBIDDEN THAT OF THE ALLEY;** now if this is a case where he<sup>16</sup> renounced his share,<sup>17</sup> why are they forbidden the unrestricted use of the alley? And should you reply that R. Meir is of the opinion that the law of renunciation of one's share is not applicable to an alley, surely it can be retorted, was it not taught: ‘Since... he<sup>18</sup> renounced his share<sup>17</sup> in your favor... so R. Meir’?<sup>19</sup> It is consequently obvious that [the tenant]’ did not renounce his share. And since the final clause deals with one who made no renunciation in the earlier clause<sup>20</sup> also must deal with one who made no renunciation.<sup>21</sup> Would then the first<sup>22</sup> and the last<sup>23</sup> clauses represent the view of R. Meir<sup>24</sup> and the middle one<sup>25</sup> that of the Rabbis?<sup>26</sup> —

All our Mishnah<sup>27</sup> represents the view of R. Meir; for the only reason why<sup>28</sup> R. Meir ruled that both ‘erub and shittuf were required is that the law of ‘erub should not be forgotten by the children, but in this case,<sup>29</sup> since most of the tenants did contribute to the ‘erub,<sup>30</sup> it would not be forgotten.<sup>31</sup> Rab Judah stated: Rab did not learn, **OPENED INTO EACH OTHER;**<sup>32</sup> and so stated R. Kahana: Rab did not learn, **OPENED INTO EACH OTHER.** Others say: R. Kahana himself did not learn, **OPENED INTO EACH OTHER.**

Abaye asked R. Joseph: What is the reason of him who does not learn, **OPENED INTO EACH OTHER?** — He is of the opinion that a shittuf contribution that is not carried in

and out<sup>33</sup> through the doors that opened into the alley<sup>34</sup> cannot be regarded as valid shittuf.<sup>35</sup> He raised an objection against him: If a householder was in partnership with his neighbors, with the one in wine and with the other in wine, they need not prepare an ‘erub?<sup>36</sup> — There it is a case where he carried it <sup>37</sup> in and out.<sup>38</sup> He raised another objection:<sup>39</sup> How is shittuf in an alley effected, etc.?<sup>40</sup> — There also It is a case where it <sup>41</sup> was carried in and out.<sup>42</sup>

Rabbah<sup>43</sup> b. Hanan <sup>44</sup> demurred: Now then, <sup>45</sup> would shittuf be equally invalid if one resident transferred to another the possession of some bread in his basket?<sup>46</sup> And should you reply that [the law] is so indeed, [it could be retorted:] Did not Rab Judah, in fact, state in the name of Rab: If numbers of a party were dining <sup>47</sup> when the sanctity of the Sabbath day overtook them, <sup>48</sup> they may rely upon the bread on the table to serve the purpose of ‘erub or, as others say, that of shittuf; and in connection with this Rabbah observed that there is really no difference of opinion between them,<sup>49</sup> since the former refers to a party dining<sup>47</sup> in a house <sup>50</sup> and the latter to one dining in a courtyard?<sup>51</sup> —

The fact is that Rab's reason<sup>52</sup> this:<sup>53</sup> he is of the opinion that unrestricted movement in an alley cannot be rendered permissible by means of a side-post or cross-beam unless houses and courtyards opened into it.<sup>54</sup> [To turn to] the main text: Rab laid down: Unrestricted movement in an alley cannot be rendered permissible by means of a side-post or cross-beam

- (1) Lit., ‘here and here’, the courtyards as well as the alley. This is discussed in the Gemara infra.
- (2) But contributed to the shittuf
- (3) V. supra n. 2.
- (4) Cf. MS.M. and marg. n. Wanting from cur. edd.
- (5) Although both possess characteristics of a public domain.
- (6) Though the latter are distinctly private domains while the former (cf. prev. n.) possess characteristics of a public domain. As it is forbidden to convey any objects from the houses to the courtyard unless an ‘erub had been

# ERUVIN – 53a-79a

prepared so it is forbidden to carry objects from the courtyards into the alley unless shittuf had been made.

- (7) The first clause of our Mishnah.
- (8) Either 'erub or shittuf.
- (9) Is it likely, however, that two adjacent clauses should represent two opposing views?
- (10) The middle clause.
- (11) In addition to 'erub, in agreement with R. Meir.
- (12) Who forgot to contribute to the 'erub of his courtyard.
- (13) In his courtyard, in favor of its other tenants.
- (14) Since R. Meir does not recognize shittuf as a substitute for 'erub.
- (15) The unrestricted use of that courtyard.
- (16) The occupant of a courtyard.
- (17) In the alley.
- (18) The Sadducee who occupied one of the courtyards in an alley in which Israelites lived.
- (19) Supra 68b.
- (20) Dealing with the case of a tenant who forgot to contribute to the 'erub of his courtyard.
- (21) In agreement with the Rabbis who recognize shittuf as valid for the purpose of 'erub also.
- (22) According to which an 'erub for the courtyards is of no value for the use of the alley unless shittuf also was effected.
- (23) Which forbids the unrestricted use of the alley, if one of the residents failed to contribute to the shittuf, though 'erub had been prepared.
- (24) Who requires both 'erub and shittuf.
- (25) Where the unrestricted use of both the courtyards and the alley is permitted although one of the tenants of a courtyard forgot to contribute to the 'erub.
- (26) Is it conceivable, however, that the view of the Rabbis would be inserted anonymously between the views of R. Meir?
- (27) Lit., 'all of it'.
- (28) Lit., 'and what is the reason?'
- (29) V. p. 512, n. 14.
- (30) Only one of them having failed to contribute his share.
- (31) Hence the validity of shittuf as a substitute for 'erub even according to R. Meir.
- (32) Sc. the 'erub spoken of in our Mishnah is not one that was prepared for the purpose of amalgamating a number of courtyards but for that of enabling tenants to have the unrestricted use of their own courtyard only.
- (33) Into the alley from each of the courtyards and out of it into the courtyard where it is to be deposited.
- (34) But through the other courtyards.
- (35) Because the direct connection between courtyards and alley must be clearly shown. As in the case of courtyards that open into each other as well as into the alley it may happen that the shittuf contributions should be carried from a courtyard

into the alley indirectly through the other courtyards, shittuf was entirely forbidden (cf. Rashi and Tosaf. a.l.). Since our Mishnah allows shittuf it must refer to courtyards that did not open into each other. Hence Rab's omission.

(36) Supra 71a. The wine in joint ownership is obviously kept in one of the courtyards and may never have passed the door of any other courtyard. How then could it be maintained that for shittuf to be valid the contributions must pass 'in and out through the doors that opened into the alley'?

(37) The cask containing the joint stock of wine.

(38) It was duly carried from each courtyard direct into the alley and finally taken into the courtyard in which it was deposited. This is a forced explanation contrary to the accepted law (cf. Rashi) and is later superseded by a more satisfactory explanation.

(39) This is deleted by Rashal and appears in parenthesis in cur. edd.

(40) Infra 79b where it is laid down that one of the residents may assign to each of his neighbors a share in his wine, and the shittuf is as valid as if each one had actually contributed a share. Now, though this wine has never passed the door of any of the other courtyards, the shittuf is valid. How then could it be maintained that contributions to shittuf must pass 'in and out, etc.'?

(41) V. p. 513, n. 10.

(42) V. p. 513, n. 11

(43) MS.M., 'Raba'.

(44) MS.M., 'R. Hanan'; Bah, 'R. Hanan'.

(45) Lit., 'but from now', since it is maintained that shittuf contributions must be carried 'in and out'.

(46) For the purpose of shittuf.

(47) Lit., 'reclining'.

(48) Sc. the Sabbath began while they were still at table and unable, therefore, to collect the necessary contributions for 'erub or shittuf.

(49) Those who react 'erub and those who read shittuf.

(50) An 'erub is deposited in a house (cf. infra 85b).

(51) Where a shittuf, but no 'erub may be deposited (infra I.e.). This shows that there is no necessity for the contributions to shittuf to pass 'in and out through the doors, etc.' How then could it be maintained that shittuf must pass 'in and out' through the doors of the courtyards that opened directly into the alley?

(52) For omitting the phrase OPENED INTO EACH OTHER.

(53) Not the one previously suggested according to which shittuf must pass in and out, etc.

(54) Sc. no less than two courtyards must open into the alley and no less than two houses must open into each courtyard. As a number of

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courtyards that opened into each other are regarded as one courtyard, the unrestricted use of the alley spoken of in our Mishnah could not have been effected if the courtyards that opened into each other.

## Eruvin 74a

unless houses and courtyards opened into it;<sup>1</sup> but Samuel ruled: Even one house<sup>2</sup> and one courtyard<sup>3</sup> suffices; while R. Johanan maintained: Even a ruin<sup>4</sup> is sufficient.

Said Abaye to R. Joseph: Did R. Johanan maintain his view even in the case of a path between vineyards?<sup>5</sup> —

R. Johanan, the other replied, only spoke of a ruin since it may be used as a dwelling, but not of a path between vineyards which cannot be used as a dwelling.

Said R. Huna b. Hinena: R. Johanan<sup>6</sup> here follows a principle of his. For we learned: R. Simeon ruled: Roofs, karpafs and courtyards<sup>7</sup> are equally regarded as one domain in respect of carrying from one into the other objects that were kept within them when the Sabbath began, but not in respect of objects that were in the house when the Sabbath began;<sup>8</sup> and Rab stated: The halachah is in agreement with R. Simeon,<sup>9</sup> provided no 'erub<sup>10</sup> had been prepared,<sup>11</sup> but where an 'erub<sup>10</sup> had been prepared<sup>12</sup> a preventive measure had been enacted against the possibility of carrying objects from the houses of one courtyard into some other courtyard; but Samuel stated: Whether and 'erub<sup>13</sup> had, or had not been prepared;<sup>14</sup> and so also said R. Johanan: The halachah is in agreement with R. Simeon irrespective of whether all 'erub' had, or had not been prepared. Thus it is evident that<sup>15</sup> no preventive measure had been instituted against the possibility of carrying objects from the houses of one courtyard into some other courtyard, and so also here<sup>16</sup> no preventive measure had been instituted against the possibility of carrying objects from the courtyard<sup>17</sup> into the ruin.<sup>18</sup>

R. Berona was sitting at his studies and reporting this ruling<sup>19</sup> when R. Eleazar, a student of the college, asked him: 'Did Samuel say this?' —

'Yes', the other replied. 'Will you', the first asked, 'show me his lodgings?' When the other showed it to him he approached Samuel and asked him, 'Did the Master say this?' —

'Yes', the other replied. 'But', he objected, 'did not the Master state, in the laws of 'erub we can only be guided by the wording of our Mishnah, viz., 'that an alley to its courtyards<sup>20</sup> is as a courtyard to its houses?'<sup>20</sup> Whereupon the other remained silent. Did he,<sup>21</sup> or did he not accept it from him?<sup>22</sup> —

Come and hear of the case of a certain alley in which Eibuth b. Ihi lived and, when he furnished it with a side-post, Samuel allowed him its unrestricted use.

(1) Cf. prev. n.

(2) Without a courtyard (cf., however, Tosaf. a.l. and Rashi supra 12b).

(3) With a house in it.

(4) On one side of the alley on the other side of which was a courtyard with one house in it.

(5) That terminated on one side of the alley which had on the other side of it (cf. prev. in.) a courtyard with a house.

(6) In allowing the use of an alley to become unrestricted by means of a side-post or cross-beam if there was a ruin in that alley instead of a second courtyard with a house.

(7) Which cannot be regarded as dwellings and, consequently, require no 'erub.

(8) Such objects may not be moved from the houses to the courtyard or vice versa, or from one courtyard into another, unless an 'erub had been duly prepared.

(9) That it is permitted to carry objects from one courtyard into another even where the courtyards did not join in 'erub.

(10) For each courtyard.

(11) In such a case, since its tenants are forbidden to carry any objects from their houses into their courtyard, no objects that were in the houses which the Sabbath commenced could be found in the courtyard. Hence there is no need to provide against the possibility that the tenants might

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forgetfully carry any such objects into some other courtyard.

(12) So that the tenants of each courtyard were thereby allowed freely to carry objects into their courtyards from their houses.

(13) For each courtyard.

(14) The halachah is in either case in agreement with R. Simeon.

(15) In the opinion of R. Johanan.

(16) Where the alley contained a ruin.

(17) Through the alley.

(18) Though, belonging to some owner, the ruin constitutes a domain of its own into which no objects from the alley may be carried. (A ruin, since excluded from the category of dwelling-places, does not affect the use of an alley by the tenants of its courtyards and does not join in its *shittuf*).

(19) Of Samuel, *supra*, 'even one house and one courtyard suffices'.

(20) Emphasis on the plural form of the noun. How then could Samuel rule, 'even one... suffices'?

(21) Samuel.

(22) Sc. did Samuel eventually adopt Rab's view?

## Eruvin 74b

R. Anan subsequently<sup>1</sup> came and threw it<sup>2</sup> down<sup>3</sup> when he<sup>4</sup> exclaimed: I have been living undisturbed<sup>5</sup> in this alley<sup>6</sup> on the authority<sup>7</sup> of Samuel, why should R. Anan b. Rab now come and throw its side-post down!<sup>8</sup> May it not then be deduced from this that he<sup>9</sup> did not accept it from him?<sup>10</sup> —

As a matter of fact it may still be maintained that he<sup>9</sup> did accept it from him,<sup>11</sup> but<sup>12</sup> in this case<sup>13</sup> a Synagogue superintendent who was having his meals<sup>14</sup> in his own home<sup>15</sup> came<sup>16</sup> to spend his nights at the Synagogue.<sup>17</sup> Eibuth b. Ihi [however] thought that one's dining place is the cause [of *shittuf*],<sup>18</sup> while Samuel [in reality] was merely acting on his own principle he having laid down that one's night's lodging<sup>19</sup> — place is the cause.<sup>20</sup>

Rab Judah citing Rab ruled: For an alley whose one side<sup>21</sup> occupied by all idolater and its other side by an Israelite no 'erub may be prepared<sup>22</sup> through windows<sup>23</sup> render the movement of objects<sup>24</sup> permissible by way of the door<sup>25</sup> into the alley. Said Abaye to R.

Joseph: Did Rab give the same ruling even in respect of a courtyard?<sup>26</sup> —

Yes,<sup>27</sup> the other replied, for if he had not given it<sup>28</sup> I might<sup>29</sup> have presumed that Rab's reason for his ruling<sup>30</sup> was his opinion that the use of an alley cannot be rendered permissible by means of a side-post or cross-beam unless houses and courtyards opened into it;<sup>31</sup> and [as to the objection:] What need was there<sup>32</sup> for two [rulings<sup>33</sup> it could be replied that both were] necessary: For if all our information had to be derived from the former ruling<sup>34</sup>

(1) After Samuel's death.

(2) The side-post.

(3) Because the alley, beside the Synagogue (v. *infra*) contained only one courtyard and one house.

(4) Eibuth b. Ihi.

(5) Lit., 'and coming'.

(6) Sc. was permitted its unrestricted use on account of the side-post.

(7) Lit., 'from the name'. MS.M., 'since the time'.

(8) Lit., 'should throw it down from'; MS.M. 'from it'.

(9) Samuel.

(10) Apparently it may; for if he had accepted it he would not leave permitted the unrestricted use of the alley (cf. *supra* p. 516, n. 13).

(11) Samuel having eventually come round to the view of Rab.

(12) As to the objection why Samuel allowed the unrestricted use of the alley.

(13) Of the alley of Eibuth b. Ihi.

(14) Lit., 'eating bread'.

(15) Which was outside the alley in question.

(16) During Samuel's lifetime.

(17) Whose door opened into that alley. He was, therefore, regarded by Samuel as a resident. After Samuel's death, however, the superintendent discontinued that practice and the Synagogue was entirely unoccupied at night. Hence R. Anan's action.

(18) As the Synagogue superintendent only spent the night in the alley but dined elsewhere he could not, in the opinion of Eibuth b. Ihi, be regarded as one of its occupants. He, therefore, gained the impression that Samuel acknowledged the validity of his side-post on the ground that one house and one courtyard suffice to constitute an alley. Hence his remonstrance with R. Anan.

(19) Not dining.

(20) Of the obligation of *shittuf*. The Synagogue, since its superintendent lodged in it at night, could, therefore, be regarded as an inhabited

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courtyard, so that together with the courtyard of Eibuth b. Ihi the alley actually had two courtyards and its use could be made to be unrestricted by means of a side-post even according to Rab.

(21) Sc. the courtyard and house on that side.

(22) By the Israelite and his neighbors whose house doors open into a public domain.

(23) Or any other forms of opening that connected his and their houses.

(24) From the Israelites' houses into the alley.

(25) Of the Israelite who lived in the alley into whose house the objects could be brought by way of the windows.

(26) The house on one side of which was occupied by an idolater and the one on the other by an Israelite whose houses was connected by some form of opening with the houses of other Israelites.

(27) I.e., Rab forbade the preparation of 'erub in the case of the courtyard as in that of the alley.

(28) In the case of a courtyard.

(29) Lit., 'what would I'.

(30) In the case of the alley.

(31) Supra 73b. While in the case under discussion (an idolater's houses not being regarded as a valid dwelling) there was only one valid courtyard in the alley.

(32) Since both are based on the same principle.

(33) The one here and the one supra 73b (cf. n. 9).

(34) Lit., 'from that' the ruling supra 73 b.

## Eruvin 75a

I might have presumed that<sup>1</sup> an idolater's dwelling is regarded as a valid dwelling;<sup>2</sup> hence we were informed<sup>3</sup> that an idolater's dwelling is no valid dwelling. And if all our knowledge had to be derived from the latter ruling,<sup>4</sup> one would not have known the number of houses required;<sup>5</sup> hence we were informed<sup>6</sup> that there must be no less than two houses. Now, however, that Rab also stated that his ruling<sup>7</sup> applied even to a courtyard<sup>8</sup> [it follows that] Rab's reason is his opinion that one is forbidden to live alone with<sup>9</sup> an idolater.<sup>10</sup> If so,<sup>11</sup> observed R. Joseph, I can well understand<sup>12</sup> why I heard R. Tabla<sup>13</sup> mentioning 'idolater' twice<sup>14</sup> though at the time I did not understand what he meant.

**MISHNAH.** IF TWO COURTYARDS WERE ONE WITHIN THE OTHER<sup>15</sup> AND THE TENANTS OF THE INNER ONE PREPARED AN 'ERUB<sup>16</sup> 'WHILE THOSE OF THE OTHER ONE DID NOT PREPARE ONE, THE

UNRESTRICTED USE OF THE INNER ONE IS PERMITTED<sup>17</sup> BUT THAT OF THE OUTER ONE IS FORBIDDEN. IF THE TENANTS OF THE OUTER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN.<sup>18</sup> IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB FOR THEMSELVES, THE UNRESTRICTED USE OF EACH IS PERMITTED TO ITS OWN TENANTS.<sup>19</sup> R. AKIBA FORBIDS THE UNRESTRICTED USE OF THE OUTER ONE BECAUSE THE RIGHT OF WAY<sup>20</sup> IMPOSES RESTRICTIONS.<sup>21</sup> THE SAGES, HOWEVER, MAINTAIN THAT THE RIGHT OF WAY<sup>22</sup> IMPOSES NO RESTRICTIONS UPON IT.<sup>23</sup> IF ONE OF THE TENANTS OF THE OUTER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB.<sup>24</sup> THE UNRESTRICTED USE OF THE INNER COURTYARD IS PERMITTED BUT THAT OF THE OUTER ONE IS FORBIDDEN. IF A TENANT OF THE INNER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN.<sup>25</sup> IF THEY<sup>26</sup> DEPOSITED THEIR 'ERUB IN THE SAME PLACE<sup>27</sup> AND ONE TENANT, WHETHER OF THE INNER COURTYARD OR OF THE OUTER COURTYARD, FORGOT TO CONTRIBUTE TO THE ERUB, THE USE OF BOTH COURTYARDS IS FORBIDDEN.<sup>28</sup> IF THE COURTYARDS. HOWEVER, BELONGED TO SEPARATE INDIVIDUALS THESE NEED NOT PREPARE ANY 'ERUB.<sup>28</sup>

**GEMARA.** When R. Dimi came<sup>29</sup> he stated in the name of R. Jannai: This<sup>30</sup> is the opinion of R. Akiba who ruled: Even a foot<sup>31</sup> that is permitted<sup>32</sup> in its own place<sup>33</sup> imposes restrictions in a place to which it does not belong, but the Sages maintain: As a permitted foot<sup>32</sup> does not impose restrictions<sup>34</sup> so does not<sup>34</sup> a forbidden foot either.<sup>35</sup>

We learned: IF THE TENANTS OF THE OUTER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE, THE UNRESTRICTED USE OF BOTH

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**COURTYARDS IS FORBIDDEN.**<sup>36</sup> Now whose ruling is this? If it be suggested: That of R. Akiba, the difficulty would arise: What was the point in speaking of a forbidden foot seeing that<sup>37</sup> the same restrictions would also apply to a permitted one? Must it not then be a ruling of the Rabbis?<sup>38</sup> — It<sup>39</sup> may in fact be the ruling of R. Akiba,<sup>40</sup> but<sup>41</sup> the arrangement, it may be explained, is in the form of a climax.<sup>42</sup>

We learned: **IF THE TENANTS OF EACH COURTYARD PREPARED AN ‘ERUB FOR THEMSELVES, THE UNRESTRICTED USE OF EACH IS PERMITTED TO ITS OWN TENANTS.** The reason then<sup>43</sup> is because it<sup>44</sup> PREPARED AN ‘ERUB,<sup>45</sup> but if it had not prepared one,<sup>46</sup> the unrestricted use of both courtyards would have been forbidden.<sup>47</sup> This Tanna then holds that a permitted foot<sup>48</sup> imposes no restrictions<sup>49</sup> and that only a forbidden foot imposes restrictions.<sup>49</sup> Now who is it? if it be suggested that it is R. Akiba, the objection could be raised, did he not lay down that even a permitted foot imposes restrictions?<sup>50</sup> Must it not then be the Rabbis?<sup>51</sup> Furthermore: Since the clause following is the ruling of R. Akiba<sup>52</sup> is it not obvious that the earlier clause<sup>53</sup> does not represent the view of R. Akiba?<sup>54</sup> —

All the Mishnah represents the views of R. Akiba but<sup>55</sup> a clause is wanting<sup>56</sup> the correct reading being the following:<sup>57</sup> **IF THE TENANTS OF EACH COURTYARD PREPARED AN ‘ERUB FOR THEMSELVES. THE UNRESTRICTED USE OF EACH IS PERMITTED TO ITS OWN TENANTS.** This, however, applies only where it<sup>58</sup> made a barrier,<sup>59</sup> but if it made no such barrier the unrestricted use of the outer courtyard is forbidden; so R. Akiba, for **R. AKIBA FORBIDS THE UNRESTRICTED USE OF THE OUTER ONE BECAUSE THE RIGHT OF WAY IMPOSES RESTRICTIONS. THE SAGES, HOWEVER,**<sup>60</sup> MAINTAIN THAT THE RIGHT OF WAY IMPOSES NO RESTRICTIONS.

R. Bebai b. Abaye raised an objection: **IF THE COURTYARDS, HOWEVER, BELONGED TO SEPARATE INDIVIDUALS THESE NEED NOT PREPARE ANY ‘ERUB;** from which it follows that if they belonged to several persons an ‘erub must be prepared. Is it not thus obvious that a foot permitted in its own place imposes no restrictions and that a foot forbidden imposes restrictions?<sup>61</sup>

Rabina, furthermore, raised the following objections: **IF ONE OF THE TENANTS OF THE OUTER COURTYARD FORGOT TO CONTRIBUTE TO THE ‘ERUB THE UNRESTRICTED USE OF THE INNER COURTYARD IS PERMITTED BUT THAT OF THE OUTER ONE IS FORBIDDEN. IF A TENANT OF THE INNER COURTYARD FORGOT TO CONTRIBUTE TO THE ‘ERUB, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN.** The reason<sup>62</sup> accordingly is that a tenant<sup>63</sup> forgot, but if he had not forgotten, the use of both courtyards would have been unrestricted. Is it not thus obvious that a foot permitted imposes no restrictions and one forbidden does?<sup>64</sup> —

The fact is, Rabin when he came<sup>65</sup> stated in the name of R. Jannai that three different views have been expressed on this question: The first Tanna holds that a permitted foot imposes no restrictions and a forbidden one does; R. Akiba holds that even a permitted foot imposes restrictions; while the latter Rabbis<sup>66</sup> hold that as a permitted foot does not impose restrictions so does not one that is forbidden. **IF THEY DEPOSITED THEIR ‘ERUB IN THE SAME PLACE AND ONE TENANT, WHETHER OF THE INNER COURTYARD... FORGOT,** etc. What is meant by **THE SAME PLACE?**<sup>67</sup> —

Rab Judah citing Rab explained: The other courtyard.<sup>68</sup> But why is it described as **‘THE SAME**<sup>69</sup> **PLACE?’** Because it is a place designated<sup>70</sup> for the use of the tenants of both courtyards.<sup>71</sup>

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- (1) Since the house of an idolater was not at all mentioned.
- (2) V. supra 62a.
- (3) In the ruling here.
- (4) Lit., 'from here', the ruling supra 74b.
- (5) Lit., 'I would have said: I do not know how many houses' constitute a courtyard. The number of courtyards required to constitute an alley might have been inferred from the statement that no 'erub may be prepared where one of the two courtyards in the alley was occupied by an idolater, from which it follows that if it was occupied by an Israelite, so that the alley had two valid courtyards, the alley also is valid.
- (6) In Rab's first ruling (supra 73a) where 'houses' (in the plural) were mentioned.
- (7) Concerning the alley.
- (8) Thereby showing that all possible restrictions have been imposed upon an Israelite who, either in the same alley or in the same courtyard, lives alone with an idolater.
- (9) Lit., 'it is forbidden to act (carry on as) an individual in the place of'.
- (10) From whom one might learn undesirable habits and beliefs.
- (11) That (a) Rab's reason is the one just given, or (b) that Rab gave two rulings one concerning an alley and the other concerning a courtyard.
- (12) Lit., 'that is it'.
- (13) When he was discoursing on Rab's rulings.
- (14) He (cf. supra n. 4) must have been giving Rab's ruling as well as his reason: (a) 'For an alley whose one side is occupied by an idolater... no 'erub may be prepared... because one is forbidden to live alone with an idolater'; or (b) was referring first to an alley and then to a courtyard.
- (15) The inner one opening into the outer which opened into public domain and through which the tenants of the inner one had right of way.
- (16) For themselves alone, to enable them to have the unrestricted use of their own courtyard.
- (17) To its tenants.
- (18) The reason is discussed infra.
- (19) Lit., 'for itself'.
- (20) Lit., 'the treading of the foot', of each of the tenants of the inner courtyard through the outer one in the 'erub of which he had not joined.
- (21) Despite the fact that each of the inner tenants is permitted the unrestricted use of his own courtyard.
- (22) V. p. 519, n. 13.
- (23) The reason is discussed infra.
- (24) Of his courtyard.
- (25) As the tenants of the inner courtyard are forbidden the unrestricted use of their own courtyard they impose restrictions on the use of the outer one on account of their right of way.
- (26) The tenants of the two courtyards who joined in one 'erub.
- (27) Sc. (as will be explained infra) in the outer courtyard.
- (28) Since the single owner of the inner courtyard is permitted its unrestricted use he, in agreement with the view of the Rabbis, cannot impose restrictions in the use of the outer one though he has a right of way through it.
- (29) From Palestine to Babylon.
- (30) The first clauses of our Mishnah.
- (31) Synecdoche for 'person' or 'persons'.
- (32) Sc. (cf. prev. n.) who is (or are) permitted the unrestricted use.
- (33) The courtyard in which the person (or persons) lives.
- (34) In a courtyard in which that tenant (or tenants) does not live, though he has a right of way through it.
- (35) Though it is (a) forbidden in its own courtyard and (b) has a right of way through the other courtyard.
- (36) From which it follows that if the tenants of the inner one also prepared an 'erub the unrestricted use of both courtyards is permitted; obviously because 'a foot that is permitted in its own place' imposes no restrictions 'in a place to which it does not belong'.
- (37) According to R. Akiba's specific ruling in our Mishnah.
- (38) An objection against R. Dimi.
- (39) The first clauses of our Mishnah.
- (40) Who maintains that a 'permitted foot' also imposes restrictions, and the inference supra n. 1 cannot consequently be drawn.
- (41) In answer to the objection; If no inference is to be drawn from it, what need was there to state a ruling which may be deduced from R. Akiba's specifically expressed ruling that followed it.
- (42) Lit., 'and not this but also that was taught', i.e., R. Akiba first laid down the ruling under discussion ('forbidden foot') and then he added in effect: Not only does a 'forbidden foot' (IF THE TENANTS OF THE OUTER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE) impose restrictions on the use of the outer courtyard but even a 'permitted foot' (IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB) also imposes the same restrictions.
- (43) Why THE UNRESTRICTED USE OF EACH IS PERMITTED.
- (44) 'The inner courtyard.
- (45) In consequences of which its tenants have the status of a 'permitted foot'.
- (46) So that its tenants would have had the status of a 'forbidden foot'.
- (47) Apparently because a 'forbidden foot' imposes restrictions in the place through which it has right of way.
- (48) In its own place.
- (49) In a place through which it has right of way.

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(50) Of course he did, as has been pointed out supra.

(51) Apparently it must.

(52) His name being expressly mentioned (v. our Mishnah).

(53) Which R. Akiba in fact opposes.

(54) Of course it does not. How then could R. Dimi maintain his view?

(55) As to the difficulties raised.

(56) From our Mishnah.

(57) Lit., ‘and thus he learned’.

(58) The inner courtyard.

(59) Which shut it off from the outer courtyard and thus deprived itself of its right of way through the outer courtyard.

(60) Differing from R. Akiba both in the case where **THE TENANTS OF EACH COURTYARD PREPARED AN ‘ERUB FOR THEMSELVES** as well as where **THE TENANTS OF THE OTHER ONE PREPARED AN ‘ERUB BUT NOT THOSE OF THE INNER ONE.**

(61) An objection against R. Dimi.

(62) Why the unrestricted use of both courtyards is forbidden.

(63) Of the inner courtyard.

(64) Of course it is. Now this cannot be a ruling of R. Akiba since he explicitly restricts the use of the outer courtyard even where both courtyards had prepared ‘erubs. It must consequently be that of the Rabbis who accordingly impose restrictions where **A TENANT OF THE INNER COURTYARD FORGOT TO CONTRIBUTE TO THE ‘ERUB.** How then could R. Dimi maintain that according to the Rabbis even a forbidden foot imposes no restrictions?

(65) From Palestine to Babylon.

(66) To whom R. Dimi referred.

(67) The following mnemonic is here entered in brackets: The external itself in a lonely house, Rabina who does not forget within. It embodies striking words or ideas contained in the previous discussion on our Mishnah occasioned by R. Dimi's tradition supra.

(68) The use of the inner one is in such a case forbidden (even where only one of the outer tenants failed to join in the ‘erub) since its tenants, on account of their ‘erub that lay in the outer courtyard, cannot shut up their door and separate themselves from the latter; and the use of the outer one is equally forbidden (even where only an inner tenant failed to join in ‘erub) on account of the ‘forbidden foot’ of the inner one that imposes restrictions on it. Where, however, the ‘erub was deposited in the inner courtyard it is only the forgetfulness of one of its own tenants that causes the restriction of the outer one on account of its ‘forbidden foot’. The forgetfulness of all outer tenant, however, imposes no restrictions on the tenants of the inner one since they can well shut up their door and, by separating themselves from

the outer one, have the free use of their own courtyard.

(69) ד"א.

(70) מ"ק rt. ד"ז which is analogous to that of ד"ח.

(71) The inner one having a right of way through it.

## Eruvin 75b

So<sup>1</sup> it was also taught: If they deposited their ‘erub in the outer courtyard and one tenant, whether of the outer, or of the inner courtyard, forgot to contribute to the ‘erub, the unrestricted use of both courtyards is forbidden. If they deposited their ‘erub in the inner one and a tenant of the inner one forgot to contribute to the ‘erub, the unrestricted use of both courtyards is forbidden. If a tenant of the outer courtyard forgot to contribute to the ‘erub the unrestricted use of both courtyards is forbidden. This is the view of R. Akiba.

The Sages, however, ruled: In this case<sup>2</sup> the unrestricted use of the inner one is permitted<sup>3</sup> through that of the outer one is forbidden.<sup>1</sup>

Said Rabbah b. Hanan to Abaye: Why did the Rabbis make a distinction<sup>4</sup> when they laid down that<sup>5</sup> the unrestricted use of the inner courtyard is permitted? Obviously because its tenants can shut its door and so use it. Why then should they not shut its door, according to R. Akiba also, and so use it? —

The other replied: The ‘erub<sup>6</sup> causes them to be associated. Does not the ‘erub cause them to be so associated according to the Rabbis also? — The tenants<sup>7</sup> call say: ‘We have associated with you in order to improve our position but not to make it worse’. Why could they not, according to R. Akiba, also say: ‘We have associated with you in order to improve our position but not to make it worse’? — Because the others<sup>8</sup> can reply: ‘We will renounce our rights of entry<sup>9</sup> in your favour’.<sup>10</sup> And the Rabbis?<sup>11</sup> —

The tenants of one courtyard cannot renounce their rights in favor of those of



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another.<sup>12</sup> Must it be assumed that Samuel and R. Johanan<sup>13</sup> differ on the same principle<sup>14</sup> as that on which the Rabbis and R. Akiba differ, Samuel holding the same view as the Rabbis and R. Johanan holding that of R. Akiba?<sup>15</sup> —

Samuel can answer you: I may maintain my view even according to R. Akiba, for it is only here,<sup>16</sup> where two courtyards, one within the other, impose<sup>17</sup> restrictions upon each other, that R. Akiba upheld his view,<sup>18</sup> but not there where<sup>19</sup> they do not<sup>20</sup> impose restrictions upon each other.<sup>21</sup>

Johanan also can answer you: I may maintain my view even according to the Rabbis,<sup>22</sup> for it is only here that the Rabbis maintain their view, since the tenants of the inner courtyard can say to those of the outer one, ‘Until you make renunciation in our favor you are imposing restrictions upon us’<sup>23</sup> but not there where<sup>19</sup> one courtyard does not impose restrictions upon the other.<sup>24</sup>

**IF THE COURTYARDS, HOWEVER, BELONGED, TO SEPARATE INDIVIDUALS, etc.** R. Joseph stated: Rabbi learned: If they<sup>25</sup> were three they are forbidden.<sup>26</sup>

Said R. Bebai to them: ‘Do not listen to him.<sup>27</sup> It was I who first reported it,<sup>28</sup> and I did so in the name of R. Adda b. Ahabah,<sup>29</sup> giving the following as a reason: Since I might describe them<sup>30</sup> as many residents<sup>31</sup> in the outer courtyard’.<sup>32</sup> ‘God of Abraham’, exclaimed R. Joseph. ‘I must have mistaken<sup>33</sup> Rabbin<sup>31</sup> for Rabbi’.<sup>34</sup>

Samuel, however, ruled: The unrestricted use of both courtyards is always permitted except where two persons occupied the inner courtyard and one person the outer one.

R. Eleazar ruled: A gentile<sup>35</sup> is regarded<sup>36</sup> as many Israelites.<sup>37</sup> But wherein does an Israelite,<sup>35</sup> who imposes no restrictions,<sup>38</sup> essentially differ in this respect?<sup>39</sup> Obviously in this: That he who knows<sup>40</sup> is fully aware of

the circumstances,<sup>41</sup> and he who does not know<sup>40</sup> presumes that an ‘erub had been duly prepared.<sup>42</sup> Why then should it not be said in the case of a gentile also: He who knows<sup>43</sup> is fully aware of the circumstances<sup>44</sup> and he who does not know<sup>43</sup> presumes that the gentile has duly let his right of way? — The average gentile, if ever he lets his right,<sup>45</sup> makes a noise about it.<sup>46</sup>

Rab Judah citing Samuel ruled: If there were ten houses one within the other,<sup>47</sup> the innermost one<sup>48</sup> contributes the ‘erub,<sup>49</sup> and this is sufficient.<sup>50</sup>

R. Johanan, however, ruled: Even the outer one must contribute to it. ‘The outer one’!<sup>51</sup> Is it not like a gate-house?<sup>52</sup> — The outer house of the innermost ones<sup>53</sup> was meant. On what principle do they<sup>54</sup> differ? —

One Master<sup>55</sup> holds the view that the gate-house of one individual<sup>56</sup> is regarded as a proper gate-house<sup>57</sup> while the other Master<sup>58</sup> holds the view that<sup>59</sup> it is not regarded as a proper gate-house.<sup>60</sup>

R. Nahman citing Rabbah b. Abbuha who had it front Rab ruled: If there were two courtyards between which there were three houses,<sup>61</sup> one tenant<sup>62</sup> may come through the one outer house<sup>63</sup> and deposit his ‘erub in the middle one, and another tenant<sup>64</sup> may come through the outer house<sup>63</sup> and deposit his ‘erub in the middle one.

- (1) In agreement with Rab Judah that by the ‘SAME PLACE’ the outer courtyard was meant.
- (2) The last mentioned case where an outer tenant forgot to join in the ‘erub.
- (3) Since, as explained supra, it can shut up its door, etc.
- (4) Between an ‘erub deposited in the inner, and one deposited in the outer courtyard.
- (5) In the former case.
- (6) In which both courtyards joined.
- (7) Of the inner courtyard.
- (8) The tenants of the outer courtyard.
- (9) ‘Into the inner courtyard to which we are entitled by virtue of our joint ‘erub’.
- (10) ‘So that our association in the ‘erub would involve you in no disadvantage’. R. Akiba's prohibition of the

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unrestricted use of the inner courtyard is limited to the period prior to such renunciation.

(11) If by renunciation the tenants of the inner courtyard regain their full rights, how could they object to their association with the other on the ground mentioned?

(12) Lit., 'there is no renunciation of rights from one courtyard to another'. As those of the outer courtyard cannot consequently renounce this right in the inner one in favor of its tenants the latter might well plead against the disadvantage resulting from their join 'erub', 'We have associated with you in order to improve, etc.'

(13) Who offered (supra 66b, 68a) on the permissibility of renunciation by the tenants of one courtyard in favor of those of another, where a door led from one courtyard into the other.

(14) As has just been explained.

(15) But if the principle is the same, why should it be discussed twice?

(16) Lit., 'until here'.

(17) If they joined in an 'erub.

(18) As restrictions are imposed renunciation also was permitted.

(19) Not having joined in a common 'erub.

(20) Lit., 'do they'.

(21) Cf. supra n. 7. mut. mut.

(22) Who in fact do allow renunciation where two courtyards are involved.

(23) Since by accepting the advantage of the one they must also accept the disadvantage of the other they might well decline to accept either. Hence the Rabbis' prohibition of renunciation.

(24) As in that case renunciation is purely advantageous, involving no disability whatever, the Rabbis may well have allowed it.

(25) The occupiers of the two courtyards.

(26) The unrestricted use of the courtyards, unless they prepared an 'erub. For if two persons occupied the inner courtyard they impose restrictions upon each other and, as a 'forbidden foot' and on account of their right of way, on the occupiers of the other courtyard also; and if one person only occupied the inner courtyard he also imposes the same restrictions as a preventive measure against the possible relaxation of the law where two occupied it.

(27) Sc. R. Joseph's statement that the ruling he cited had the authority of a Mishnah taught by Rabbi was incorrect.

(28) The ruling cited by R. Joseph.

(29) Not in the name of Rabbi or R. Judah I.

(30) The three occupiers all of whom have a right of way through the outer courtyard.

(31) 'Rabbim', a word which a listener might mistake for 'Rabbi'.

(32) Though the inner courtyard is occupied by one person only the same restrictions apply, as a preventive measure (cf. supra n. 1). The rendering

and interpretation here follow partly the exposition of R. Han.

(33) Lit., 'exchanged'.

(34) R. Joseph, as a result of a serious illness, lost his memory; and faintly recollecting the word 'rabbit' ('many') assumed it to represent the name of 'Rabbi'.

(35) Who occupied the inner courtyards

(36) According to Samuel's ruling (cf. Rashi).

(37) Sc. he imposes the same restrictions on the occupiers of the outer courtyard unless his right of way had been rented from him.

(38) On the occupiers of the outer courtyard.

(39) From a gentile.

(40) That the Israelite is the only occupant, and that a 'permitted foot' imposes no restrictions.

(41) Lit., 'knows' why no restrictions are imposed. Hence no preventive measure was called for.

(42) By the occupants of the inner courtyard if their number was two or more.

(43) That the occupant of the inner courtyard was a gentile.

(44) v. p. 526, n. 16.

(45) In connection with Sabbath.

(46) It is possible, therefore, for a person who was unaware that the inner courtyard was occupied by one gentile only to assume that it was occupied by more than one, and that the reason why they imposed no restrictions was not because they let their right of way to the Israelite (for had they done so they would have made a noise about it) but because (a) right of way imposes no restrictions or because (b) an 'erub prepared by the Israelite tenants of the two courtyards is effective even though the gentile tenant did not let them his right of way. Hence the necessity for R. Eleazar's preventive measure.

(47) Only the door of the outermost house opening into a courtyard into which doors of the houses of other tenants also opened.

(48) Since its tenant has the right of way through all the other nine houses each of which is in consequence regarded as his 'gate-house' (cf. supra 72b, infra 85b).

(49) For the other tenants (cf. supra n. 5) of the courtyard.

(50) None of the other nine tenants need make any contribution to the 'erub.

(51) This is at present presumed to refer to the outermost house that opens directly into the courtyard.

(52) For all the nine tenants whose only way to the courtyard lies through it.

(53) Sc. the last house but one, or the ninth from the courtyard, which is used as a passage by the innermost tenant only. All the other houses, however, since they are used as thoroughfares for two or more tenants definitely assume the status of gate-houses which do not contribute to the 'erub of the courtyard.

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(54) Samuel and R. Johanan.

(55) Samuel.

(56) As is the ninth house which serves as a gate-house for the single occupier of the tenth house only.

(57) Hence his ruling that none of the nine houses need contribute to the 'erub.

(58) R. Johanan.

(59) Since only one man uses it as his thoroughfare.

(60) Its occupier must, therefore, contribute to the 'erub as does the occupier of the house within it.

(61) The two outer ones opening into the two courtyards respectively and the middle house having a door leading into each of the two houses.

(62) Lit., 'this', a tenant of the one courtyard other than those who respectively occupied the three houses.

(63) That has a door into his courtyard.

(64) Of the other courtyard, who is not one of those occupying one of the three houses.

## Eruvin 76a

The one [outer house] thereby becomes<sup>1</sup> a gate-house to the one [courtyard]<sup>2</sup> and the other [outer house] becomes<sup>1</sup> a gate-house to the other [courtyard]<sup>2</sup> while the middle house, being the house in which the 'erub is deposited, need not contribute any bread to the 'erub.

Rehaba tested the Rabbis: If there were two courtyards and between them two houses<sup>3</sup> and a tenant<sup>4</sup> of the one [courtyard] came through the one [house] and deposited his 'erub in the other<sup>5</sup> while a tenant<sup>6</sup> of the other [courtyard] came through the latter [house] and deposited his 'erub in the former, do they<sup>7</sup> thereby acquire the privileges of 'erubs<sup>8</sup> or not? Do we regard each house in relation to the one [courtyard]<sup>9</sup> as a house and in relation to the other [courtyard]<sup>10</sup> as a gate-house?<sup>11</sup> —

Both,<sup>12</sup> they replied, do not acquire the privileges of 'erub. For, whatever you assume, [this must be the result]. If you regard either house as a gate-house, 'an 'erub deposited in a gate-house, exedra or balcony is not a valid 'erub';<sup>13</sup> and if you regard either as a proper house, the tenants would be carrying objects into a house which was

not covered by their 'erub.<sup>14</sup> But why should this ruling be different from that of Raba,<sup>15</sup> who laid down: If two persons said to a third party, 'Go and prepare an 'erub on our behalf' and, after he had prepared an 'erub for the one while it was yet day<sup>16</sup> and for the other at twilight,<sup>16</sup> the 'erub of the man for whom it was prepared while it was yet day was eaten up at twilight while the 'erub of the man for whom it was prepared at twilight was eaten up after dusk, both<sup>17</sup> acquire the privileges<sup>18</sup> of 'erub?<sup>19</sup> —

What a comparison!<sup>20</sup> There<sup>21</sup> it is doubtful whether twilight is day-time or night-time, a point that cannot be definitely determined;<sup>22</sup> but, in this case, if a house is to be regarded as a proper house in relation to the former it must be so regarded in relation to the latter also, and if it is regarded in relation to the latter as a gate-house it must also be so regarded in relation to the former.<sup>23</sup>

## CHAPTER VII

*MISHNAH.* IF BETWEEN TWO COURTYARDS<sup>24</sup> THERE WAS A WINDOW OF FOUR HANDBREADTHS BY FOUR, WITHIN TEN HANDBREADTHS FROM THE GROUND, THE TENANTS MAY PREPARE TWO 'ERUBS<sup>25</sup> OR, IF THEY PREFER, THEY MAY PREPARE ONE.<sup>26</sup> IF [THE SIZE OF THE WINDOW WAS] LESS THAN FOUR HANDBREADTHS BY FOUR<sup>27</sup> OR HIGHER THAN TEN HANDBREADTHS FROM THE GROUND,<sup>28</sup> TWO 'ERUBS MAY BE PREPARED<sup>25</sup> BUT NOT ONE.<sup>29</sup>

*GEMARA.* Must it be assumed that we have here learnt<sup>30</sup> an anonymous Mishnah in a agreement with R. Simeon b. Gamaliel who ruled<sup>31</sup> that wherever a gap is less than four handbreadths it is regarded as labud?<sup>32</sup> — It may be said to agree even with the Rabbis; for the Rabbis differed from R. Simeon b. Gamaliel only in regard to the laws of labud. As regards an opening, however, even they may agree that only if its size is four handbreadths by four is it regarded as a valid

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opening but otherwise it cannot be so regarded.

**LESS THAN FOUR, etc.** Is not this obvious? For, since it was said that the window must be<sup>33</sup> **FOUR HANDBREADTHS BY FOUR, WITHIN TEN HANDBREADTHS**, would I not naturally understand that if it was less than four and higher than ten It is not valid opening? — It is this that we were informed:<sup>34</sup> The reason<sup>35</sup> is because all of it was higher than ten handbreadths from the ground, but if a part of it was within ten handbreadths from the ground, **THE TENANTS MAY PREPARE TWO ‘ERUBS OR, IF THEY PREFER, THEY MAY PREPARE ONE.**<sup>36</sup>

Thus we have learnt in a Mishnah what the Rabbis taught elsewhere: ‘If [almost] all the window was higher than ten handbreadths from the ground but a part of it was within ten handbreadths from it, or if [almost] all of it was within ten handbreadths and a part of it was higher than ten handbreadths, the tenants may prepare two ‘erubs or, if they prefer, they may prepare one’. Now then, where ‘[almost] all the window was higher than ten handbreadths from the ground but a part of it was within ten handbreadths’ you ruled that ‘the tenants may prepare two ‘erubs or, if they prefer, they may prepare one was it also necessary to mention the case where ‘[almost] all of it was within ten handbreadths and a part of it was higher than ten handbreadths’?<sup>37</sup> — This is a case of anticlimax: This,<sup>38</sup> and there is no need to say that.<sup>39</sup>

**R. Johanan ruled:** A round window<sup>33</sup> must have a circumference of twenty-four handbreadths, two and a fraction of which<sup>40</sup> must be within ten handbreadths from the ground, so that, when it<sup>41</sup> is squared,<sup>42</sup> a fraction remains within the ten handbreadths from the ground.<sup>43</sup> Consider: Any object that has a circumference of three handbreadths is approximately one handbreadth in diameter: should not then twelve handbreadths<sup>44</sup> suffice?<sup>45</sup> —

- (1) In relation to the middle one.
- (2) Into which that house has a door. As a gate-house is exempt from ‘erub neither of the outer houses need contribute to the ‘erub of either courtyard.
- (3) Cf. supra n. 1 mut. mut.
- (4) Cf. supra n. 2 mut. mut.
- (5) That opened into the other courtyard.
- (6) Cf. supra n. 4.
- (7) The tenants of the respective courtyards who have no desire that their courtyards should be joined by one ‘erub.
- (8) Each group of tenants in its own courtyard.
- (9) Into which it had no door and from which it is separated by the other house.
- (10) Into which its door opens.
- (11) And both ‘erubs are consequently valid. If both houses had been regarded as gate-houses neither ‘erub (cf. infra 85b) would have been valid, and even if both houses had been regarded as proper houses neither ‘erub would have been valid since in the case of each house the other that was not covered by the ‘erub intervened between it and the courtyard for which the ‘erub had been prepared.
- (12) The tenants of both courtyards.
- (13) Infra 85b; consequently neither ‘erub is valid.
- (14) Since a house cannot be regarded as both a gate-house and a proper house at the same time both ‘erubs must be deemed invalid.
- (15) MS.M. and Asheri, ‘Rabbah’.
- (16) Of the Sabbath eve.
- (17) Since it is uncertain whether twilight is to be regarded as day or as night.
- (18) In the former case it is assumed that twilight is night and, since the ‘erub was in existence before twilight when the Sabbath commenced, the ‘erub is valid. In the latter case it is assumed that twilight is still day and, since the ‘erub was prepared before twilight and was still in existence when the Sabbath commenced, the ‘erub is valid. Now why, it is asked, if twilight is here assumed to be day for one individual and night for another could not a house also be assumed to be a gate-house for one and a proper house for another?
- (19) Shab. 34a.
- (20) Lit., ‘thus now’.
- (21) The case dealt with by Raba.
- (22) As ‘erub is only a Rabbinical institution the more lenient course may be followed in favor of each individual.
- (23) Were the same house at the same time to be regarded as both a gate-house and a proper house the whole law of ‘erub would become a farce.
- (24) In the wall that divided one from the other.
- (25) One for each courtyard, to enable the respective tenants to have the unrestricted use of their courtyard. The movement of objects from

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one courtyard into the other, however, remains forbidden.

(26) Jointly. The tenants of one courtyard deposit their 'erub in the other and, by thus joining together, both groups of tenants are permitted the unrestricted use of both courtyards.

(27) A size that cannot be regarded as a valid opening.

(28) So that a portion of the dividing wall to a height of ten handbreadths contained no valid opening through which the tenants could gain access from one courtyard into the other.

(29) Since the wall (cf. prev. n.) constitutes a solid partition between the courtyards. It is consequently forbidden to move objects between the courtyards either over the wall or through any small apertures or cracks in it.

(30) In the ruling that if A WINDOW WAS LESS THAN FOUR HANDBREADTHS square it is deemed to be nonexistent (v. our Mishnah).

(31) Supra 9a.

(32) v. Glos. Is it likely, however, that an anonymous Mishnah, which usually represents the accepted halachah, would agree with an individual opinion against that of the majority?

(33) If it is to be regarded as a valid opening that enables the tenants of both courtyards to join in a single 'erub.

(34) By the apparently superfluous ruling.

(35) Why the window is regarded as an invalid opening.

(36) This could not have been inferred from the first clause of our Mishnah which might have been taken to imply that the entire window must be within ten handbreadths from the ground; and since 'HIGHER THAN TEN HANDBREADTHS' has to be stated, it incidentally states also 'LESS THAN FOUR, etc.'

(37) Apparently not, since the latter may be deduced from the former a minori ad majus.

(38) The first case where a window was only partly within ten handbreadths from the ground.

(39) The second case where almost all of it was within the ten handbreadths.

(40) Measured from the lowest point of the circumference along the diameter joining this point to the highest one opposite (cf. Tosaf.).

(41) The window whose diameter (being approx. a third of its circumference) is equal to  $(24/3 =)$  eight handbreadths approx.

(42) And thus reduced on each side of the square by two handbreadths, leaving a square window of the size of  $8 - (2 + 2)$  by  $8 - (2 + 2) = 4 \times 4$  handbreadths. He assumed that the area of a square constructed within a circle is half the area of the circle itself, v. infra.

(43) This fraction being the only part of the square window within the prescribed distance from the ground.

(44) A third of twelve being four.

(45) For the purpose of obtaining a square of four handbreadths by four within the circumference. Why then did R. Johanan require a minimum circumference of twenty-four?

## Eruvin 76b

This<sup>1</sup> applies only to a circle, but where a square<sup>2</sup> is to be inscribed within it a greater circumference is required.<sup>3</sup> But observe: By how much does the perimeter of a square exceed that of a circle? By a quarter approximately; should not then a circumference of sixteen handbreadths<sup>4</sup> suffice?<sup>5</sup> —

This<sup>6</sup> applies only to a circle that is inscribed within<sup>7</sup> the square, but where a square is to be inscribed within a circle it is necessary [for the circumference of the latter] to be much bigger.<sup>8</sup> What is the reason? In order [to allow<sup>9</sup> space for] the projections of the corners.<sup>10</sup> Consider, however, this: Every cubit in [the side of] a square [corresponds to], one and two fifths cubits in its diagonal; [should not then<sup>11</sup> a circumference] of sixteen and four fifths handbreadths<sup>12</sup> suffice?<sup>13</sup> —

R. Johanan holds the same view as the judges of Caesarea or, as others say, as that of the Rabbis of Caesarea who maintain [that the area of] a circle that is inscribed within a square is [less than the latter by] a quarter<sup>14</sup> [while that of] the square that is inscribed within that circle<sup>15</sup> [is less than the outer square by] a half.<sup>16</sup>

IF THE SIZE OF THE WINDOW WAS LESS THAN FOUR HANDBREADTHS BY FOUR, etc. R. Nahman explained: This<sup>17</sup> was learnt only in respect of a window between two courtyards but in the case of a window between two houses, even though it was higher than ten handbreadths from the ground, the residents may, if they wish, prepare one 'erub jointly. What is the reason? — A house is regarded as filled.<sup>18</sup>

Raba raised an objection against R. Nahman: A window, irrespective of whether<sup>19</sup> it was between two courtyards, between two houses,

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between two upper rooms, between two roofs,<sup>20</sup> or between two rooms, must be of the size of<sup>21</sup> four handbreadths by four within ten handbreadths from the ground? — The interpretation is [that the limitation<sup>22</sup> applies] to the courtyards.<sup>23</sup> But was it not stated: ‘irrespective of whether’?<sup>24</sup> — The interpretation is that this refers to the prescribed four handbreadths by four’.

R. Abba<sup>25</sup> enquired of R. Nahman: If an aperture<sup>26</sup> led from a room to an upper room,<sup>27</sup> is a permanent ladder<sup>28</sup> necessary for the purpose of allowing the movement of objects<sup>29</sup> or not? Do we apply the principle, that ‘a house is regarded as filled’ only when the aperture<sup>30</sup> is at the side but not when it is in the middle<sup>31</sup> or is it possible that there is no difference? — The other replied: It is not necessary. He<sup>32</sup> understood him<sup>33</sup> to mean that only a permanent ladder is not necessary but that a temporary one is necessary. It was, however, stated: R. Joseph<sup>34</sup> b. Minyomi citing R. Nahman laid down: Neither a permanent, nor a temporary ladder is necessary.

**MISHNAH.** IF A WAIL BETWEEN TWO COURTYARDS WAS TEN HANDBREADTHS HIGH AND FOUR HANDBREADTHS THICK, TWO ‘ERUBS MAY BE PREPARED<sup>35</sup> BUT NOT ONE.<sup>36</sup> IF THERE WAS FRUIT ON THE TOP OF IT,<sup>37</sup> THE TENANTS ON EITHER SIDE MAY CLIMB UP AND EAT THEM PROVIDED<sup>38</sup> THEY DO NOT CARRY THEM DOWN. IF A BREACH TO THE EXTENT OF TEN CUBITS WAS MADE IN THE WALL, THE TENANTS MAY PREPARE TWO ‘ERUBS<sup>35</sup> OR, IF THEY PREFER, ONLY ONE,<sup>39</sup> BECAUSE IT<sup>40</sup> IS LIKE A DOORWAY. IF THE BREACH WAS BIGGER, ONLY ONE ‘ERUB AND NOT TWO MAY BE PREPARED.<sup>41</sup>

**GEMARA.** What is the ruling where it<sup>42</sup> was not FOUR HANDBREADTHS wide? — Rab replied: The air of two domains<sup>43</sup> prevails upon it and<sup>44</sup> no object on it may be moved even as far as a hair’s breadth.

(1) That a figure with a perimeter of twelve handbreadths has a diameter of four handbreadths approx.

(2) Of given dimension, as in this case one of four handbreadths by four.

(3) As the window under discussion must be four handbreadths square the diameter of the circle in which such a square can be inscribed must have, as laid down by R. Johanan, a minimum circumference of twenty-four hand breadths.

(4) Since sixteen exceeds twelve by a quarter of the former figure.

(5) For the window under discussion.

(6) That the perimeter of a square exceeds the circumference of a circle by one quarter.

(7) Lit., ‘that goes out from’.

(8) Than three quarters of the given square. Hence R. Johanan's requirement that the circumference of the window must be no less than twenty-four handbreadths.

(9) Within the circle.

(10) Of the square. A circular window with a circumference that is less than twenty-four handbreadths would not contain the area that is required.

(11) Since the diameter of the circle forms the diagonal of the inscribed square.

(12) Which has a diameter of  $(16 \frac{4}{5})/3 = 84/(3 \times 5) = 28/5$  handbreadths approximately and in which a square each side of which is equal to  $(5/7$  of its diagonal or  $28/5 \times 5/7 =$ ) four handbreadths, may be inscribed.

(13) Why then did R. Johanan require a circumference of twenty-four handbreadths?

(14) Of that square.

(15) That was inscribed in the other square.

(16) Cf. Rashi, Tosaf., R. Han. and Rashal one or other of whom the interpretation here partly follows. While the rule laid down in Caesarea seems to bear on the area of the circle and the squares, R. Johanan applied it also to the circumference of the circle and thus required a much bigger circumference than is actually necessary for an inscribed square of four handbreadths by four.

(17) That the window must not be higher than TEN HANDBREADTHS from the ground.

(18) The window is consequently within the prescribed ten handbreadths.

(19) Lit., ‘one to me’.

(20) According to the Rabbis who ruled that as the residents are divided in their domains below so are they divided on their roofs above and, consequently, no movement of objects from one person's roof to that of another is permitted unless a proper ‘erub is prepared.

(21) Lit., ‘all of them’.

(22) ‘Within ten handbreadths’.

(23) Not to the houses.

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(24) Which implies that houses are subject to the same restrictions as the courtyards mentioned in the same context.

(25) MS.M. 'Raba'.

(26) In the roof of a lower room which is the floor of the upper one.

(27) Jast., 'a small room opening (leading) from the ground floor to the upper room', the two rooms having been occupied by two residents respectively.

(28) Leading from the lower to the upper room through the aperture.

(29) Between the two rooms.

(30) As in the case of the window spoken of by R. Nahman.

(31) Hence no 'erub is valid unless a ladder (cf. supra 59b) joined the lower and the upper rooms.

(32) R. Abba.

(33) R. Nahman.

(34) Var. lec., 'Rab Judah in the name of R. Joseph' (Asheri).

(35) Separate ones for each courtyard.

(36) Sc. the two courtyards are not allowed to prepare a joint 'erub on account of the wall that intervened between them. The prescribed thickness of four handbreadths, which has no bearing on this restriction since it applies to all walls whatever their thickness, was mentioned on account of the ruling that follows which is applicable only where the thickness of the wall was no less than four handbreadths. A lesser thickness does not constitute a separate domain.

(37) The wall of the prescribed thickness (cf. prev. n.).

(38) Since it is forbidden to carry from one domain into another (cf. prev. two notes).

(39) Jointly.

(40) A gap that is not bigger than ten cubits.

(41) A gap so great converts the two courtyards into one; and the tenants, like those of the same courtyard, may not break up into two parties for 'erub. If they do they impose restrictions of movement upon each other.

(42) The WALL.

(43) That of the two courtyards between which it is situated.

(44) Since it constitutes no independent domain and every fraction of its space is dominated (cf. prev. n.) by two domains.

this that was meant: If the top consists of an area of four handbreadths by four they MAY CLIMB UP but may not carry up, and if it consists of less than four by four they may also carry up.

R. Johanan<sup>3</sup> follows a principle of his.<sup>4</sup> For when R. Dimi came<sup>5</sup> he stated in the name of R. Johanan: On a place<sup>6</sup> whose area is less than four handbreadths by four<sup>7</sup> it is permissible both for the people of the public domain and for those of the private domain to rearrange their burdens,<sup>8</sup> provided they do not exchange them.<sup>9</sup> Does not Rab,<sup>10</sup> however, uphold the tradition of R. Dimi?<sup>11</sup> — If it were a case of Pentateuchal domains<sup>12</sup> the law would have been so indeed,<sup>13</sup> but here we are dealing with Rabbinical domains,<sup>14</sup> and the Sages<sup>15</sup> have applied to their enactments<sup>16</sup> higher restrictions than to those of the Torah.<sup>17</sup>

Rabbah son of R. Huna<sup>18</sup> citing<sup>19</sup> R. Nahman ruled: A wall between two courtyards, one of whose sides was ten handbreadths high<sup>20</sup> and the other one of which was on a level with the ground,<sup>21</sup> is assigned to that courtyard with the floor of which it is level,<sup>22</sup> because the use of it is convenient to the latter but inconvenient to the former, and any place the use of which is convenient to one and inconvenient to another, is to be assigned to the one to whom its use is convenient.

R. Shezbi laid down in the name of R. Nahman: A trench between two courtyards, whose one side was ten handbreadths deep<sup>23</sup> and whose other side was on a level with<sup>24</sup> the floor,<sup>25</sup> is assigned to that courtyard with whose floor it is on a level,<sup>26</sup> because its use is convenient to the latter but inconvenient to the former, etc.<sup>27</sup> And [the enunciation of] both cases<sup>28</sup> was required. For if we had been informed only of the law of the wall<sup>29</sup> it might have been assumed to apply to it alone, because people make use of a raised structure, but not to a trench, since people do not make use of a depression in the ground.<sup>30</sup> And if we had been informed of the law of the trench only<sup>31</sup> it might have been assumed to

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R. Johanan, however, ruled: The tenants on either side may carry up their food and eat it there.<sup>1</sup> We learned, THE TENANTS ON EITHER SIDE MAY CLIMB UP AND EAT THERE. Does not this imply that they may only CLIMB UP but not 'carry up'?<sup>2</sup> — It is

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apply to it alone, because its use involves no anxiety<sup>32</sup> but not to a wall the use of which involves anxiety.<sup>33</sup>

Hence the enunciation of both<sup>28</sup> was necessary. If the height of the wall was reduced,<sup>34</sup> it is permitted to use all the wall if the reduction extended<sup>35</sup> to four handbreadths;<sup>36</sup> otherwise, one may use only that part<sup>37</sup> that was parallel to the reduction. What, however, is your view?<sup>38</sup> If it is that the reduction is effective,<sup>39</sup> one should be permitted to have the use of all the wall, and if it is not effective,<sup>40</sup> even the use of the part that was parallel to the reduction should not be permitted!<sup>41</sup> —

Rabina replied: This is a case, for instance,<sup>42</sup> where a section of its<sup>43</sup> top has been pulled down.<sup>44</sup> R. Yehiel ruled: If a bowl is inverted<sup>45</sup> a valid reduction is thereby effected.<sup>46</sup> But why? Is not the bowl an object that may be moved away on the Sabbath and that as such<sup>47</sup> causes no reduction?<sup>48</sup> —

This<sup>49</sup> is was required only in a case where the bowl was attached to the ground.<sup>50</sup> But what matters it even if it was attached to the ground, seeing that it was taught: An unripe fruit that had been put into straw<sup>51</sup> or a cake that had been put among coals<sup>52</sup> may be taken out on the Sabbath if a part of it remained uncovered?<sup>53</sup> —

Here<sup>49</sup> we are dealing with a case, for instance, where the bowl had rims.<sup>54</sup> But what matters it even if it had rims, seeing that we learned: If a man buried<sup>55</sup> turnips or radishes under a vine, leaving<sup>56</sup>

(1) And similarly they may also carry it down. The top of the wall is in his opinion a 'free' domain and may, therefore, be regarded as merged with the one courtyard or the other to suit the convenience of the respective tenants.

(2) How then could R. Johanan maintain that it is also permissible to 'carry up'?

(3) In the ruling he gave here, according to which the top of the wall is regarded as a 'free' domain.

(4) Enunciated elsewhere.

(5) From Palestine into Babylon.

(6) Situated between a private and a public domain.

(7) Though it is raised three handbreadths from the ground and, had its area been no less than four handbreadths by four, would have constituted a karmelith from which it is forbidden to move objects either into a public or into a private domain.

(8) Although by so doing they are moving them from the public or the private domain into that place.

(9) And thus carry indirectly from a private domain into a public one, or vice versa, which is a form of transfer that is Rabbinically forbidden. Pentateuchally only direct transfer from one into the other of the domains mentioned is forbidden, since there must be 'lifting' from the one and direct 'putting down' in the other while in the case under discussion before the object was finally put down it was temporarily put down in, and lifted up from the free domain (v. supra go). At any rate it follows that it Johanan, by permitting the people of either domain 'to rearrange their burdens' on a place having the area he mentioned, upholds the principle of the existence of a free domain.

(10) Whose view differs from that of R. Johanan (supra 76b ad fin.).

(11) Which is in fact based on a principle in a Mishnah (Shab. 6a) which Rab could not very well oppose.

(12) Sc. a proper public or private domain.

(13) As R. Dimi reported in the name of R. Johanan.

(14) Courtyards which are Pentateuchally private domains but were Rabbinically subjected to some of the restrictions of a public domain.

(15) Sc. the Rabbis.

(16) As a safeguard against laxity.

(17) Which, being universally respected, required no such safeguards.

(18) V. Marginal gloss. Cur. edd. read in parenthesis, 'Raba said that R. Huna said'.

(19) MS.M., 'Rabbah b. Bar Hana in the name of'.

(20) Above the floor level of the courtyard adjacent to it.

(21) Of the other courtyard whose floor was on a higher level than that of the former, and was within tell handbreadths from the top of the wall. By 'level with the ground' a height of less than ten handbreadths is to be understood.

(22) Sc. only the tenants of that courtyard are allowed to carry their objects up to, and down from, the top of the wall. To the tenants of the other courtyard this is forbidden.

(23) I.e., the level of the floor of the courtyard adjacent to it was ten handbreadths higher than the level of the bed of the trench.

(24) Sc. 'not lower than ten handbreadths from',

(25) Of the courtyard adjacent to it whose level was lower than that of the former.



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- (26) Cf. supra n. 2. mut. mut.  
(27) To be concluded as in the previous discussion of the wall.  
(28) Those of 'wall' and 'trench'.  
(29) Permitting the use of the top of the wall.  
(30) And its use is, therefore, despite its comparatively low altitude, forbidden to the tenants of both courtyards.  
(31) Cf. supra n. 9 mut. mut.  
(32) Since any object put into it remains safely in its position.  
(33) The objects might fall off  
(34) Lit., 'if he came to reduce it'. This, it is now assumed, implies the raising of the floor level of the courtyard by means of a mound or a bench close to the wall and within ten handbreadths from the top of it.  
(35) Along the base of the wall.  
(36) An eminence of such dimensions is regarded as a kind of doorway to the top of the wall since it facilitates approach between the top and the courtyard.  
(37) Of the top.  
(38) Lit., 'what is your desire', sc. whatever the assumption a difficulty arises.  
(39) I.e., that it is regarded as a valid doorway.  
(40) So that it represents no doorway at all.  
(41) Lit., 'also not'.  
(42) Not as has been previously assumed that the floor of the courtyard had been raised.  
(43) The wall's.  
(44) If the gap resulting was four handbreadths wide it may well be regarded as a valid doorway through which all the top of the wall may be freely used. if, however, it was smaller it cannot be regarded as a doorway to the wall but the space in the gap may be freely used since the wall below it is within ten handbreadths from the courtyard floor level and cannot be regarded as a separate domain.  
(45) And placed at the side of a wall that intervened between two courtyards.  
(46) If the wall rises to less than ten handbreadths above the back of the inverted bowl.  
(47) Lit., 'and a thing that may be taken on the Sabbath'.  
(48) An objection against R. Yehiel.  
(49) R. Yehiel's ruling.  
(50) in which case it may not be moved from its place throughout the Sabbath.  
(51) To ripen. Straw that had been set aside for the manufacture of bricks or similar purpose may not be moved from its place on the Sabbath on account mukzeh v. Glos.  
(52) That were aglow when the Sabbath began but were extinguished now. Such coals may not be moved on the Sabbath. Burning coals are subject to greater restrictions (cf. Ker. 20a).  
(53) Shab. 123a. As a part of the bowl also remains uncovered by the ground its removal on the

Sabbath is equally permitted. How then could R. Yehiel regard a bowl in such a condition as an effective reduction.

(54) That were buried in the ground. A bowl in such a condition may not be removed from its place on the Sabbath, since its removal would inevitably disturb the earth under which its rim is buried, and the person removing it would be guilty of performing an act that resembled the forbidden work of digging.

(55) For storage purposes.

(56) Lit., 'in the time'.

## Eruvin 77b

some of the leaves uncovered,<sup>1</sup> he2 need not fear the possible transgression of the laws of kil'ayim<sup>3</sup> or of tithing or of the Sabbatical year,<sup>4</sup> and they may be removed on the Sabbath?<sup>5</sup> — This<sup>6</sup> was required in that case only where a hoe or pickaxe is necessary.<sup>7</sup> An Egyptian ladder<sup>8</sup> effects no reduction<sup>9</sup> but a Tyrian ladder<sup>10</sup> does. What is to be understood by an 'Egyptian ladder'? — At the school of R. Jannai it was explained: One that has less than four rungs.

R. Aha son of Raba asked R. Ashi: What is the reason why an Egyptian ladder<sup>8</sup> effects no reduction? — Did you not hear, the other replied, what R. Aha b. Adda stated in the name of R. Hamnuna who had it from Rab: Because it is an object that may be moved about on the Sabbath and which, like all such objects,<sup>11</sup> causes no reduction? — If so, should not the same ruling apply to a Tyrian ladder also?<sup>12</sup> — In the latter case<sup>13</sup> it is its weight that imparts to it a permanency of position.<sup>14</sup>

Abaye ruled: If a wall between two courtyards was ten handbreadths high, and one ladder four handbreadths wide was placed on the one side<sup>15</sup> and another of the same width was placed on the other side,<sup>16</sup> and there is less than a distance of three handbreadths between them,<sup>17</sup> a valid reduction is effected,<sup>18</sup> but if there was a distance of three handbreadths between them,<sup>19</sup> no valid reduction is affected. This, however, applies only where the wall was less than four handbreadths thick but if it was

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four handbreadths thick<sup>20</sup> the reduction is valid<sup>21</sup> even if the ladders were far removed from one another.<sup>22</sup>

**R. Bebai b. Abaye ruled:** If<sup>23</sup> one balcony was built<sup>24</sup> above another balcony a valid reduction is thereby effected if either the lower one had an area<sup>25</sup> of four handbreadths [by four handbreadths]<sup>26</sup> or, where it was smaller,<sup>27</sup> if the upper one had an area of four handbreadths and there was no space of three handbreadths between them.<sup>28</sup> Similarly<sup>29</sup> **R. Nahman citing Rabbah b. Abbuha ruled:** A step-ladder<sup>30</sup> effects<sup>31</sup> a reduction if the length of the lower rung was four handbreadths or, where it was shorter, if the upper one was four handbreadths long and there was no space of three handbreadths between them.

**R. Nahman further stated in the name of Rabbah b. Abbuha:**

- (1) If they had been covered the vegetables would not have been allowed to be moved on the Sabbath (cf. infra).
- (2) Since the vegetables did not take root in the ground.
- (3) V. Glos., if they were buried in a vineyard.
- (4) If this happened in the course of such a year.
- (5) Kil. 1, 9: Shab. 50a. Now, as the vegetables mentioned may be removed on the Sabbath, though they were buried in the ground, so would the bowl spoken of by R. Yehiel be allowed to be removed on the Sabbath. How then could the bowl be regarded as an effective reduction.
- (6) R. Yehiel's ruling.
- (7) For the removal of the bowl. As removal in such circumstances would involve work that is definitely forbidden on the Sabbath the bowl would have to remain in its position throughout the Sabbath day, and consequently may also be regarded as 'a valid reduction'.
- (8) Which is very small. Aliter: 'A ladder of rushes or twigs'.
- (9) On account of the smallness of its size or the frailty of its structure which makes it easily portable.
- (10) Which is heavier and not easily movable.
- (11) Lit., 'and anything that may be taken on the Sabbath'.
- (12) Since the latter too may be moved on the Sabbath.
- (13) Lit., 'there'.

(14) Though it is permitted to be moved it may be expected to remain in position throughout the Sabbath on account of its weight.

(15) Of the wall, in one of the courtyards. Lit., 'from here'.

(16) In the other courtyard.

(17) Lit., 'and (there was) not between this and that'.

(18) Since, despite the fact that the ladders are not exactly facing each other, it is fairly easy to ascend to the top of the wall by means of the one ladder, to stride over the top and to descend into the next courtyard by means of the other ladder. The two ladders may, therefore, be regarded as a valid opening between the courtyards.

(19) Sc. that it would not be very easy to gain access from one courtyard into the other.

(20) In consequence of which it is quite convenient to walk along the top of the wall.

(21) Since it is possible to ascend to the top of the wall by means of the one ladder and to walk along the thickness of the wall to the other ladder.

(22) Lit., 'separated more'.

(23) In order to reduce the length of a wall between two courtyards.

(24) Into the side of the wall.

(25) So according to Tosaf. Aliter: A length along the wall (Rashi).

(26) And was built within three handbreadths from the ground and within ten handbreadths from the top of the wall. In this case the upper balcony may be completely disregarded.

(27) Lit., 'also there is lot in the lower one four'.

(28) So that the two may be regarded as supplementary to each other and as a single unit effect the required reduction. If a greater distance than three handbreadths, however, separated them from each other they cannot be regarded as one unit and the reduction is invalid.

(29) Lit., 'and'.

(30) Lit., 'a ladder whose rungs fly', opposite to the steps of a staircase that are solidly built upon one another.

(31) For notes on this paragraph cf. notes on the case of balconies in the prev. one mut. mut.

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If on a molding of an area of four handbreadths by four handbreadths that projected from a wall<sup>1</sup> a ladder of the smallest size<sup>2</sup> was rested<sup>3</sup> a valid reduction is thereby effected.<sup>4</sup> This, however, applies only where the ladder was resting on it,<sup>5</sup> but if it was placed at the sides<sup>6</sup> of its the latter is thereby merely extended.<sup>7</sup>

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R. Nahman further stated in the name of Rabbah b. Abbuha: A wall that was nineteen handbreadths high requires only one projection<sup>9</sup> to enable it to be used as a means of access,<sup>10</sup> but a wall twenty handbreadths high requires for the purpose two projections.<sup>11</sup>

R. Hisda observed: This,<sup>12</sup> however, applies only where they are not situated exactly one above the other.<sup>13</sup>

R. Huna ruled: If in a public domain there was a post ten handbreadths high and four handbreadths wide<sup>14</sup> and a peg of the smallest size had been inserted on it,<sup>15</sup> a valid reduction is thereby effected.<sup>16</sup>

R. Adda b. Ahabah observed: Provided the peg was three handbreadths high.<sup>17</sup>

Both Abaye and Raba, however, maintain: Even if it<sup>18</sup> was not three handbreadths high. What is their reason? — Because it<sup>19</sup> is no longer suitable for use.<sup>20</sup>

R. Ashi ruled:<sup>21</sup> Even if it<sup>18</sup> was three handbreadths high. What is the reason? — It is possible to suspend some object from it.<sup>22</sup>

R. Aha son of Raba asked R. Ashi, ‘What is the ruling where it<sup>19</sup> was completely covered with pegs?’<sup>23</sup> — ‘Did you not hear’, the other replied: ‘the following ruling of R. Johanan:<sup>24</sup> A pit and the bank around it<sup>25</sup> combine to constitute a depth of ten handbreadths?<sup>26</sup> Now seeing that [the bank] cannot be used<sup>27</sup> why [should it be regarded as a private domain]? What then can you say in reply? That some object<sup>28</sup> might be placed over it and thereby it is made available for use. Well then, here also<sup>29</sup> some object<sup>30</sup> might be placed [over them]<sup>31</sup> and thereby it is made available for use’.<sup>32</sup>

Rab Judah citing Samuel ruled: A wall<sup>33</sup> ten handbreadths high requires a ladder of fourteen handbreadths in length<sup>34</sup> to render it permissible for use.<sup>35</sup>

R. Joseph ruled: Even [a ladder] of thirteen handbreadths<sup>36</sup> and a fraction [is sufficient].<sup>37</sup>

Abaye ruled: Even one of eleven handbreadths<sup>38</sup> and a fraction suffices.<sup>39</sup>

R. Huna son of R. Joshua ruled: Even one of seven handbreadths and a fraction suffices.<sup>40</sup>

Rab stated: That a ladder in a vertical position effects a reduction is a tradition but I do not know the reason for it.<sup>41</sup> ‘Does not Abba’,<sup>42</sup> Samuel said to him,<sup>43</sup> ‘know the reason for this ruling? The case is in fact similar to that of a balcony above a balcony’.<sup>44</sup>

Rabbah citing R. Hiyya said: The palm-trees of Babylon<sup>45</sup> need not be fixed to the ground.<sup>46</sup> What is the reason? Their heaviness imparts permanency of position to them.<sup>47</sup>

R. Joseph, however, citing R. Oshaia, ruled: The ladders in Babylon<sup>48</sup> need not be fixed in position.<sup>46</sup> What is the reason? Their heaviness imparts permanency of position to them. He<sup>49</sup> who spoke of ladders would a fortiori apply the same ruling to palm-trees.<sup>50</sup> He,<sup>51</sup> however, who spoke of palm-trees does not apply the same ruling to ladders.<sup>52</sup>

R. Joseph enquired of Rabbah: What is the ruling where two ladders<sup>53</sup> were held together by straw links between them?<sup>54</sup> The sole of the foot, the other replied, cannot ascend upon them.<sup>55</sup> What is your ruling if the ladder<sup>56</sup> was in the middle and the straw links were on each side?<sup>57</sup> — Behold, the other replied, the sole of the foot does ascend upon them.<sup>58</sup>

(1) Between two courtyards.

(2) Sc. even one whose width was less than four handbreadths, but whose rungs were fixed within three handbreadths from one another, and the lowest one was within three handbreadths from the ground.

# ERUVIN – 53a-79a

- (3) So that the molding formed a kind of platform which the ladder resting on it joined with the courtyard floor below.
- (4) Because the platform above is of the prescribed size and, together with the ladder, constitutes a valid means of access between the courtyards.
- (5) The molding.
- (6) The top of the ladder resting on the wall itself'.
- (7) But as the ladder now forms no connection between it and the ground it is, on account of the distance of the latter from it, no valid reduction.
- (8) Between two courtyards.
- (9) In the middle of its height on which the top of a ladder may be supported.
- (10) Between the courtyards. Lit., 'to make it permitted'. A projection in the middle point of a height of nineteen handbreadths leaves a distance of less than ten handbreadths both below and above it.
- (11) One below the lower ten handbreadths of the height of the wall and the other within ten handbreadths from the top.
- (12) That the two projections form, valid reduction.
- (13) So that it is possible to connect the two to each other by means of a second ladder.
- (14) Sc. four by four. A post of such dimensions constitutes a private domain from which into the public domain and from the public domain into which the movement of objects on the Sabbath is forbidden.
- (15) In its surface on the top so that uppermost area was reduced to one of less than four handbreadths.
- (16) The post loses the status of a private domain.
- (17) if it was smaller it is regarded as part of the surface of the top of the post.
- (18) The peg.
- (19) The top of the post.
- (20) Since the peg, however low it may be, breaks up the top's surface.
- (21) The post is still regarded as a private domain.
- (22) And since the post can still be used as a private domain for this purpose, the peg cannot effect any valid reduction in the surface of its top which, consequently, remains a private domain.
- (23) In consequence of which it cannot be use' at all. Is its size in this case deemed to be reduced and the post, therefore, loses its status as a private domain or is the law in the case of many pegs the same as in that of one peg?
- (24) Lit., 'that which... said'.
- (25) Lit., 'and its segment', Sc. a segment of the earth excavated from the pit and placed around its rim.
- (26) The prescribed minimum of depth constituting a private domain. The thickness of the bank similarly combines with the hole of the pit to constitute the prescribed minimum of four handbreadths by four (cf. Shab, 99a).
- (27) Since a part of the prescribed minimum is the hole (cf. prev. n.).
- (28) A board or a flat stone.
- (29) Where the top of a post is covered with pegs.
- (30) Having a surface of four handbreadths by four.
- (31) Over the Pegs.
- (32) The post the top of which is completely covered with pegs is, therefore, regarded as a private domain.
- (33) Between two courtyards.
- (34) Placed in a slanting position at a distance of ten handbreadths from the wall with its top resting on the top edge of the wall (v. foll. n.).
- (35) Sc. to allow free movement of objects between the courtyards. As the ladder, the wall, and the part of the courtyard floor between the latter and the foot of the former represent respectively the hypotenuse and the two sides of an isosceles right-angled triangle, and since the wall is ten handbreadths high and the distance between the foot of the ladder and the wall is also (cf. prev. n.) ten handbreadths, the length, or height of the ladder must be  $(10 + 10 \times \frac{2}{5} \text{ approx.} = 10 + 4 =) 14$  handbreadths approx. (cf. Tosaf. a.l.).
- (36) A handbreadth less than the length required by Rab Judah.
- (37) In his opinion it is either not necessary (cf. Supra n. 5) to remove the foot of the ladder as much as ten handbreadths from the wall, or it suffices if its top reaches only to within one handbreadth from the top of the wall (cf. R. Han.).
- (38) Three handbreadths less than the length required by Rab Judah.
- (39) Since a distance of three handbreadths may be disregarded in accordance with the principle of labud, it suffices for the ladder to reach the wall at a height of seven handbreadths and a fraction (cf. supra n. 7 mut. mut.).
- (40) He maintains that a ladder in a vertical position effects the same permissibility as one in a slanting position. By putting the ladder close to the wall in a vertical position its top reaching a point within three handbreadths from the top of the wall, on the principle of labud (cf. prev. n.) this point may be regarded as the top of the wall.
- (41) Sc. why should a ladder in such a position, in which one can hardly climb upon it, effect a reduction?
- (42) Sc. Rab. His proper name was Abba while Rab ('Master') was a title of distinction he earned as the foremost Master of his time.
- (43) Samuel was merely explaining the tradition. He himself, as stated supra by Rab Judah, requires a standing ladder of fourteen handbreadths.
- (44) Supra 77b, where reduction is effected though the balconies are exactly one above the other and one can hardly climb from the one into the other.

# ERUVIN – 53a-79a

(45) If their cut trunks were placed beside a wall that intervened between two courtyards.

(46) Sc. they effect reduction, though, being suitable as seats, they have the status of articles that may be moved from their places on the Sabbath.

(47) Since no one would be likely to shift them from their place during the Sabbath.

(48) Cf. *Supra* n. 2 *mut. mut.*

(49) R. Oshaia.

(50) If ladders that are not so heavy as the palm-trees effect reduction how much more so the latter.

(51) R. Hiyya.

(52) Cf. *supra* n. 7 *mut. mut.*

(53) Each less than two handbreadths wide.

(54) That formed rungs similar to those of the ladders and supplemented their width to the prescribed minimum of four handbreadths. Lit., 'a ladder from here and a ladder from here and straws in the middle'.

(55) The straw links. Since it is the middle of the ladder, on which one's foot is usually put when ascending, and since that middle part consists of straw links that are unsuitable for the purpose, the ladder cannot effect any reduction.

(56) Whose width was less than the prescribed minimum of four handbreadths.

(57) Lit., 'straws from here and straws from here and a ladder in the middle'.

(58) The rungs of the ladder. When ascending on these which are in the middle, one uses the straw links on either side as supports for one's hands. The entire structure may, therefore, be regarded as a unit of the prescribed size and reduction may thereby be effected.

## Eruvin 78b

If grooves<sup>1</sup> to supplement the width of the ladder,<sup>2</sup> were cut in the wall,<sup>3</sup> up to what height must this be carried?<sup>4</sup> — To ten handbreadths,<sup>5</sup> the other replied. If, he again asked him, all the ladder was cut<sup>6</sup> in the wall,<sup>7</sup> up to what height must this be carried? — Up to its<sup>8</sup> full height, the other replied. Wherein, however, lies the difference?<sup>9</sup> In the former case<sup>10</sup> the other replied, one can easily ascend<sup>11</sup> [to the top of the wall], while in the latter case<sup>12</sup> this cannot be done.<sup>13</sup>

R. Joseph enquired of Rabbah: What is the ruling if a tree was set aside as a ladder?<sup>14</sup> The enquiry is made with reference to the view of Rabbi<sup>15</sup> and it is also made with reference to that of the Rabbis.<sup>16</sup> It is made

with reference to the view of Rabbi' since It is possible that Rabbi applied the principle that 'any act that is forbidden as shebuth<sup>17</sup> is not subject to that prohibition during twilight'<sup>18</sup> only there<sup>19</sup> where the crucial moment<sup>20</sup> is at twilight,<sup>21</sup> but [not where]<sup>22</sup> the entire day [is involved];<sup>23</sup> or is it possible that even according to the Rabbis the tree may have the status of a doorway,<sup>24</sup> except that it is one at the side of which a lion crouches?<sup>25</sup> What again<sup>26</sup> is the ruling where an Asherah<sup>27</sup> was set aside to serve as a ladder? The enquiry is made with reference to the view of R. Judah<sup>28</sup> and it is also made with reference to that of the Rabbis.<sup>29</sup> It 'is made with reference to the view of R. Judah' since it is possible that R. Judah applied the principle that a house may be bought with objects the benefit from which is forbidden, only there,<sup>30</sup> because after the 'erub had enabled hint to acquire<sup>31</sup> the place<sup>32</sup> its owner derives no further satisfaction<sup>33</sup> from its preservation;<sup>34</sup> or is it possible that even according to the Rabbis an Asherah<sup>35</sup> has the status of a doorway,<sup>36</sup> except that a lion crouches at its side?<sup>37</sup> —

A tree, the other replied, is permitted<sup>38</sup> but an Asherah is forbidden.<sup>39</sup> R. Hisda demurred: On the contrary! A tree the restriction on the use of which is due to the incidence of the Sabbath should<sup>40</sup> be forbidden, while an Asherah the restrictions on which are due to an external<sup>41</sup> cause should not be forbidden. So<sup>42</sup> it was also stated:<sup>43</sup> When Rabin came<sup>44</sup> he reported in the name of R. Eleazar or, as others say: R. Abbahu reported in the name of R. Johanan: Any object the restriction of the use of which is due to the incidence of the Sabbath is forbidden, while in object the restriction on which is due to an external<sup>41</sup> cause is permitted.<sup>45</sup> R. Nahman b. Isaac taught thus: [The permissibility of] a tree is a question at issue between Rabbi and the Rabbis and that of an Asherah is a question at issue between R. Judah and the Rabbis.

*MISHNAH.* IF A TRENCH<sup>46</sup> BETWEEN TWO COURTYARDS WAS TEN HANDBREADTHS

# ERUVIN – 53a-79a

DEEP AND FOUR HANDBREADTHS WIDE, TWO 'ERUBS<sup>47</sup> MAY BE PREPARED BUT NOT ONE,<sup>48</sup> EVEN IF IT WAS FULL OF STUBBLE OR STRAW.<sup>49</sup> IF, HOWEVER, IT WAS FULL OF EARTH OR GRAVEL,<sup>50</sup> ONLY ONE 'ERUB MAY BE PREPARED, BUT NOT TWO.<sup>51</sup> IF A BOARD FOUR HANDBREADTHS WIDE WAS PLACED<sup>52</sup> ACROSS IT,<sup>53</sup> AND SO ALSO WHERE TWO BALCONIES<sup>54</sup> WERE OPPOSITE ONE ANOTHER,<sup>55</sup> THE TENANTS MAY PREPARE TWO 'ERUBS<sup>56</sup> OR, IF THEY PREFER, ONLY ONE. IF THE BOARD WAS OF A LESSER WIDTH TWO 'ERUBS<sup>56</sup> MAY BE PREPARED, BUT NOT ONE.

**GEMARA.** But does not straw constitute a proper filling seeing that we have learnt: If a heap of straw between two courtyards was ten handbreadths high two 'erubs may be prepared<sup>56</sup> but not one?<sup>57</sup> —

Abaye replied: As regards the formation of a partition no one disputes the ruling that straw is regarded as a valid partition;<sup>58</sup> with regard, however, to its serving as a valid filling<sup>59</sup> it is only in the case where one completely abandoned it<sup>60</sup> that it constitutes a valid filling, but not otherwise.

IF, HOWEVER, IT WAS FULL OF EARTH. This<sup>61</sup> then applies<sup>62</sup> even where one's intention<sup>63</sup> was not known. But have we not learnt: If a house was filled with straw or gravel and the owner announced his intention to abandon it,<sup>64</sup> it is duly abandoned,<sup>65</sup> from which it follows, does it not, that only if the owner expressly abandoned it is it regarded as abandoned<sup>66</sup>

- (1) On either side of the rungs of the ladder.
- (2) To the prescribed minimum of four handbreadths.
- (3) Between two court yards, on which the ladder was leaning.
- (4) Lit., 'he cut to supplement in a wall, by how much'.
- (5) From the ground. Whatever the height of the wall, valid steps on a width of four handbreadths and a height often handbreadths are regarded as a valid doorway between the courtyards (Rashi). Aliter: The grooves must be cut to a height within

ten handbreadths from the top of the wall (R. Tam.).

- (6) Lit., 'he cut it all'.
- (7) Sc. instead of a movable ladder, grooves were cut in the wall on a width of four handbreadths.
- (8) The wall's.
- (9) Between the last two cases. Sc. why is a height of ten handbreadths sufficient in the former case while in the latter the grooves are required to reach to the very top of the wall?
- (10) Where the ladder reached the top of the wall and the grooves were only supplementary to its width.
- (11) By means of the ladder itself. As ascent is easy it is sufficient for the supplementary grooves to reach to a height of ten handbreadths only.
- (12) Where there was no ladder at all.
- (13) Unless grooves are cut to the full height of the wall.
- (14) For a wall that intervened between two courtyards whose tenants desired to have free access to each other.
- (15) Who laid down (supra 32b) that an 'erub of Sabbath limits deposited in a tree is valid.
- (16) Who regard such an 'erub as invalid.
- (17) V. Gos.
- (18) So MS.M.
- (19) The case of 'erub of Sabbath limits.
- (20) The time the 'erub must take effect.
- (21) Provided an 'erub of Sabbath limits was valid and effective at that moment its subsequent consumption or loss does not in any way deprive its owner of any of the privileges the 'erub had conferred upon him. Since the prohibition against the use of a tree is only Rabbinical, and since such a prohibition may be suspended at twilight, Rabbi may well have maintained that the 'erub was valid.
- (22) As in the case of 'erub of courtyards under discussion.
- (23) Since access through a closed door is obviously impossible the doorway between the two courtyards must remain open and be available for use throughout the day if the 'erub is to retain its validity until the termination of the Sabbath. Now since the use of a tree is forbidden on the Sabbath the tree appointed cannot possibly serve as a virtual 'doorway' even according to Rabbi.
- (24) And if one is appointed to serve as a ladder access between the courtyards is thereby permitted.
- (25) Metaphor. The tree may be a valid 'doorway' that cannot be used on account of a Rabbinical prohibition as an ordinary open door that cannot be used on account of a lion that crouched beside it. As in the latter case, though debarred from the use of the doorway itself, the tenants are nevertheless permitted access to one another through any holes or crevices in the intervening

# ERUVIN – 53a-79a

wall so are they permitted in the former case even according to the Rabbis.

(26) If in the last case the ruling is that a tree may be regarded as a proper ladder and valid ‘doorway’.

(27) A tree or grove devoted to idol worship from which no benefit may be derived.

(28) Who laid down (supra 31a) that an ‘erub deposited on a grove is valid though one may derive no benefit from a grove.

(29) Who, contrary to the view of R. Judah, consider an ‘erub on a grove as invalid.

(30) In the case of ‘erub of Sabbath limits whose validity is determined at the moment the Sabbath begins.

(31) As his Sabbath abode.

(32) In which it was deposited.

(33) Throughout the Sabbath.

(34) He derives, therefore, no benefit from the grove. The benefit he may seem to derive at twilight, when the ‘erub acquires validity, is in fact no benefit in the material sense, since an erub of Sabbath limits is allowed only for the purpose of enabling one to perform a religious act the benefit from which is purely spiritual. In the case of an ‘erub of courtyards, however, which does serve the tenants’ material benefits, and a doorway between courtyards the benefit of which is enjoyed throughout the Sabbath, R. Judah may well agree that an Asherah as a ‘doorway’ is invalid.

(35) Since the tenants do not use the Sabbath itself.

(36) By means of which the tenants of both courtyards are enabled to merge their two domains into one.

(37) Cf. supra p. 546, n. 4 mut. mut.

(38) To be assigned as a ladder and to assume the status of a valid doorway.

(39) Cf. prev. n. mut. mut.

(40) Since it is desired to use it for the purpose of relaxing a Sabbath law.

(41) Lit., ‘another’, one not connected with the Sabbath but with idolatry.

(42) In agreement with R. Hisda’s submission.

(43) By Amoras.

(44) From Palestine to Babylon.

(45) To be assigned as a ladder and to assume the status of a valid doorway.

(46) Separating them completely from each other.

(47) On for each courtyard.

(48) Jointly for the two courtyards. A trench of such dimensions is regarded as a complete separation between the two courtyards. One that was narrower than four handbreadths, since it is easy to step across it, is disregarded and the tenants of the two courtyards may join in one ‘erub.

(49) Since these were not intended to remain there permanently.

(50) So that there was no substantial break between the courtyards.

(51) Because, by so doing, the tenants of the one courtyard would impose restrictions on those of the other who (cf. prev. n.) ‘virtually occupied the same courtyard.

(52) To form a sort of bridge between the courtyards.

(53) The trench.

(54) Belonging to two different owners.

(55) And a board of the width mentioned connected them. [According to Rashi, the two balconies, it appears, were on the same side of the street, v. Strashun, a.l.].

(56) One for each courtyard.

(57) Infra 79a; which proves that straw, though not intended to remain permanently in its position, constitutes nevertheless a valid partition. Why then does it not equally constitute a valid filling?

(58) So long as it remains in its place; as is the case with other movable objects which (cf. supra 15b) constitute a valid partition.

(59) Sc. to be treated as a part of the ground.

(60) By announcing his intention to leave it permanently in the trench.

(61) The ruling that ONLY ONE ‘ERUB MAY BE PREPARED because, obviously, the two courtyards are regarded as one.

(62) Since no qualifying conditions were specified.

(63) To keep the gravel permanently in the trench.

(64) The straw or the gravel,

(65) And the house is regarded as filled in respect of the laws of ohel. (Cf. Ohal. XV, 7 the contents of which is here quoted in a summarized form).

(66) Lit., ‘yes’.

## Eruvin 79a

but not if he did not expressly do so?<sup>1</sup> — R. Huna replied: Who is it that taught Ohaloth? R. Jose.<sup>2</sup> But how could it be the view of<sup>3</sup> R. Jose seeing that he was heard to give a reverse ruling, for it was taught: R. Jose ruled, straw<sup>4</sup> that was not likely to be removed<sup>5</sup> is on a par with ordinary earth<sup>6</sup> and is deemed to be abandoned; earth<sup>4</sup> that is likely to be removed is on a par with ordinary stubbles<sup>6</sup> and is not deemed to be abandoned?<sup>7</sup> —

Rather, said R. Assi, who is it that taught ‘Erubin?<sup>8</sup> It is R. Jose.<sup>9</sup> R. Huna son of R. Joshua replied:<sup>10</sup> You are pointing out an incongruity between a law concerning levitical uncleanness and one concerning

# ERUVIN – 53a-79a

Sabbath; leave alone the restrictions of the Sabbath since on it a person abandons even his purse.<sup>11</sup>

R. Ashi replied:<sup>10</sup> You are pointing out an incongruity between a ruling concerning a house and one concerning a trench; a trench might well be expected to be filled up,<sup>12</sup> but is a house also expected<sup>13</sup> to be filled up?<sup>14</sup>

**IF A BOARD FOUR HANDBREADTHS WIDE WAS PLACED ACROSS IT.** Raba explained: This<sup>15</sup> was taught only in the case where it was laid across the width of it<sup>16</sup> but if it was laid lengthwise<sup>17</sup> even a board of the minutest width<sup>18</sup> also suffices,<sup>19</sup> since the width of the trench is thereby reduced to less than four handbreadths.<sup>20</sup>

**AND SO ALSO WHERE TWO BALCONIES WERE OPPOSITE ONE ANOTHER.** Raba explained: With reference to what we learned,<sup>21</sup> **AND<sup>22</sup> SO ALSO WHERE TWO BALCONIES,** etc. the ruling<sup>23</sup> applies only to such as are<sup>24</sup> opposite each other but not to such as are not opposite each other or to such as are above each other: and even in the case of such as are above each other the ruling<sup>25</sup> applies only where there was a distance of three handbreadths between them<sup>26</sup> but if there was no such distance between them they may both be regarded as one crooked balcony.

**MISHNAH.** IF A HEAP OF STRAW BETWEEN TWO COURTYARDS YARDS WAS TEN HANDBREADTHS HIGH,<sup>27</sup> TWO ‘ERUBS<sup>28</sup> MAY BE PREPARED BUT NOT ONE.<sup>29</sup> THE TENANTS OF THE ONE COURTYARD MAY FEED THEIR CATTLE AT THEIR SIDE<sup>30</sup> AND THOSE OF THE OTHER COURTYARD MAY FEED THEIRS ON THE OTHER SIDE.<sup>31</sup> IF THE HEIGHT OF THE STRAW HEAP WAS REDUCED<sup>32</sup> TO LESS THAN TEN HANDBREADTHS, ONE ‘ERUB MAY BE PREPARED<sup>33</sup> BUT NOT TWO.<sup>28</sup>

**GEMARA.** R. Huna observed:<sup>34</sup> Provided no tenant puts any straw<sup>35</sup> into his basket and feeds his cattle.<sup>36</sup> It is then permitted to put

cattle<sup>37</sup> there;<sup>38</sup> but did not R. Huna lay down in the name of R. Hanina: A man may put his beast on a stretch of grass<sup>39</sup> on the Sabbath day<sup>40</sup> but not upon mukzeh?<sup>41</sup> —

He only stands<sup>42</sup> near the beast<sup>43</sup> which itself goes and eats.<sup>44</sup> ‘Provided no tenant puts any straw into his basket’. But was it not taught: If a house<sup>45</sup> was between two courtyards and was filled with straw, two ‘erubs may be prepared<sup>46</sup> but not one,<sup>47</sup> and each tenant may put some straw<sup>48</sup> into his basket and feed his cattle therewith. If the height of the straw was reduced to less than ten handbreadths, both<sup>49</sup> are forbidden.<sup>50</sup> How is one to proceed?<sup>51</sup> One of the tenants locks his house<sup>52</sup> and renounces his right to his share, and thereby he<sup>53</sup> remains under restrictions<sup>54</sup> but his friend is permitted.<sup>55</sup> And the same law<sup>56</sup> applies to a pit<sup>57</sup> of straw between two Sabbath limits.<sup>58</sup> At any rate, was it not here stated: ‘each’ tenant may put some straw into his basket and feed his cattle therewith’?<sup>59</sup> —

I might reply: In the case of a house, since it has<sup>60</sup> a ceiling, the reduction in the straw is quite noticeable,<sup>61</sup> but here<sup>62</sup> the diminution is not noticeable.<sup>63</sup> ‘If the height of the straw was reduced to less than ten handbreadths both are forbidden’. But, it follows, if it was ten handbreadths high this is permitted even though the ceiling was much higher. May it not then be inferred that partitions that do not reach the ceiling are regarded as valid ones?<sup>64</sup> —

Abaye replied: We are here dealing with the case of a house that was thirteen handbreadths minus a fraction in height and that of the straw was ten handbreadths in height.<sup>65</sup> R. Huna son of R. Joshua, however, replied: It may even refer to a house that was ten handbreadths high

- (1) How then is this to be reconciled with the implication of our Mishnah according to which even where a person's intention was not known his gravel is deemed to be abandoned?
- (2) Whose view differs from that of our Mishnah.
- (3) Lit., ‘if’.



# ERUVIN – 53a-79a

- (4) With which a house was filled.
- (5) concerning which it is known that its owner does not require it though he himself made no announcement to this effect.
- (6) About which its owners intention is not known at all.
- (7) Tosef. Ohal. XV; which shows that, according to R. Jose, earth is deemed to be abandoned even if no declaration to this effect has been made by its owner. How then could R. Huna maintain that the Mishnah of Ohal. cited represents R. Jose's view?
- (8) Sc. the law of 'erub in our Mishnah from which it follows that earth is deemed to be abandoned even where its owner did not declare his intention to leave it in its place.
- (9) Whose view here is in full agreement with the view he expressed in the last Baraitha cited.
- (10) To the apparent contradiction between our Mishnah and that of Ohal. (v. supra 78b ad fin.).
- (11) Because he is forbidden to handle it on that day. For the same reason one is assumed to abandon earth which also may not be moved on that day. Hence the lenient view in our Mishnah in the case of earth and gravel in a trench. As straw and stubble, however, may be handled on the Sabbath, since they are used for feeding the cattle, they cannot be regarded as abandoned unless the owner had explicitly indicated his intention to do so. In the case of levitical uncleanness, however, where the prohibition against the removal of either straw or gravel does not apply, neither can be regarded as abandoned unless the owner has made a definite announcement to that effect.
- (12) Any earth or gravel in it might consequently be regarded as abandoned even where the owner's intention was not known.
- (13) Lit., 'stands'.
- (14) Of course not. Earth or gravel in a house cannot, therefore, be regarded as abandoned unless the owner had specifically expressed his intention to leave it there.
- (15) That the board must be four handbreadths wide.
- (16) The trench.
- (17) He fixed the length of the board to one side of the trench in the form of a ledge so that the length of the board and of the trench run parallel to each other, the length of the former being no less than four handbreadths, the prescribed minimum for the width of a 'doorway'.
- (18) Provided it was wide enough to reduce the width of the trench on a length of four handbreadths (cf. prev. n.) to less than four handbreadths.
- (19) To eliminate the trench.
- (20) And only a trench that is four handbreadths wide (cf. our Mishnah) constitutes a break between two courtyards.
- (21) So Bah. Cur. edd., 'which thou saidest'.
- (22) The reading that follows is an emendation by Bah. of the reading of cur. edd. Cf. also MS.M.
- (23) That the tenants of the two balconies may join in a single 'erub.
- (24) Lit., 'yes'.
- (25) That the two balconies may not prepare an 'erub jointly.
- (26) The two balconies.
- (27) And running all the length of the junction between the courtyards.
- (28) One for each courtyard.
- (29) For both courtyards, since the heap of straw forms a separation between the one courtyard and the other.
- (30) Lit., 'these may feed from here'.
- (31) Though the straw is thereby diminished and might conceivably be reduced to a height of less than ten handbreadths when the two courtyards would virtually become one and, in consequence of which, the tenants of the one courtyard would impose restrictions upon those of the other. As only a reduction in height that extended along more than ten cubits of the junction would cause the courtyards to be merged into one (since a lesser width might be regarded as a doorway) and as cattle are not likely to eat so much in one day, the possibility mentioned need not be provided against.
- (32) Along all, or ten cubits of the junction.
- (33) For both courtyards, if the reduction took place on a week-day.
- (34) With reference to the ruling that THE TENANTS... MAY FEED THEIR CATTLE.
- (35) Which, forming as it does the partition between the courtyards, is mukzeh (v. Glos.).
- (36) The cattle must eat direct from the heap.
- (37) Cf. prev. n.
- (38) Though the straw is mukzeh and there is the possibility of forgetting and picking it up with the hands which is forbidden.
- (39) Lit., 'grasses'.
- (40) And, since a man is careful in the observance of Sabbath prohibitions, there is no need to provide against the possibility of his plucking the grass forgetfully on the Sabbath.
- (41) Shab. 122a. Since the law of mukzeh, being only Rabbinical, is one of a minor character the man might lightly forget it and so pick the mukzeh up with his own hands on the Sabbath, an act which is forbidden. Now since R. Huna forbids the putting of a beast upon mukzeh, how could he, according to his interpretation of our Mishnah, allow a beast to be put immediately in front of the straw heap which is definitely mukzeh?
- (42) In the case spoken of in our Mishnah.
- (43) To prevent it from straying.
- (44) As the man does not stand at the side of his beast no provision was deemed necessary against the possibility of his handling of the mukzeh.

# ERUVIN – 53a-79a

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- (45) Into which a house from each courtyard opened.
- (46) One by the tenants of each courtyard, since the straw forms a separation between them.
- (47) For the two courtyards jointly.
- (48) From his side of the straw.
- (49) The tenants of either courtyard.
- (50) To move any objects from their respective houses into their respective courtyards.
- (51) If it is desired to enable at least one of the tenants to use his courtyard.
- (52) That opened into the house between the courtyards.
- (53) Since he renounced his right and his courtyard is no more his.
- (54) He may not move any objects from his house to his courtyard and vice versa.
- (55) Cf. prev. n. mut. mut.
- (56) That (on a festival day) the residents on one side may use the straw from their side and those on the other side may use from the other side.
- (5\_) Or 'bundles'.
- (58) Of two towns, where half of the pit was within the Sabbath limit of the one town and the other half was within that of the other. The people on either side may use the straw on their side, no preventive measure having been instituted against the possibility of their using the straw from the other side.
- (59) How then could R. Huna maintain that no tenant may put any straw into his basket?
- (60) Cur. edd. in parenthesis, 'walls and'.
- (61) Since the lower the straw the bigger the space between it and the ceiling. As its diminution to a height of less than ten handbreadths would be clearly noticeable the use of the straw would cease as soon as that height was reached. Above that height the straw does not serve the purpose of a wall and is not, therefore, subject to the restrictions of mukzeh.
- (62) Where the heap is in the open.
- (63) And one might erroneously continue to use the straw even after it had been reduced in height to less than ten handbreadths when the restrictions of mukzeh prevent its use. Hence R. Huna's ruling that no straw may be put into a tenant's basket for feeding his cattle.
- (64) But is not this contradictory to a ruling (supra 72a) in respect of five companies who kept the Sabbath in the same room.
- (65) On the principle of labud the walls are deemed to reach to the ceiling.