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CHAPTER XXIV.

REGULATIONS CONCERNING A MAN WHO IS OVERTAKEN BY DUSK ON THE EVE OF SABBATH WHILE TRAVELLING, AND CONCERNING FEEDING OF CATTLE.

MISHNA: One who (on the eve of Sabbath) is overtaken by the dusk on the road must give his purse to a Gentile (while it is yet day). If there is no Gentile with him, he must put it on the ass. As soon as he arrives at the outmost court (dwelling of the first town or village he reaches), he must take off all such things as may be handled on the Sabbath; and as for the things which must not be handled he must loosen the cords, so that they fall off themselves.

GEMARA: Why was it allowed for a man to give his purse to the Gentile accompanying him [he (the Gentile) acts for him]? Because it was known to the rabbis that a man is anxious about his money, and if it were not allowed, he might carry it himself in public ground. Said Rabha: "He may do this with his own purse; but if he found something, he must not have it carried for him." Is this not self-evident? Did we not learn in the Mishna, "his purse"? We might assume that the same would apply to something found, and the Mishna says only "his purse," because that is the usual occurrence; hence Rabha teaches us as mentioned. Even in the case of something which was found, the prohibition applies only if the man had not yet had it in his hand; but if he had, it is regarded the same as his purse.

"If there is no Gentile with him," etc. If there *is* a Gentile with him, he must give his purse to the Gentile. Why not put it on the ass in the first place? Because concerning the ass there is a commandment to let it rest, but no such commandment exists for a Gentile. How is the case if the man had accompanying him an ass, a deaf-mute, 1 an idiot, and a minor? To whom must he give his purse in that event? He must put it on

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the ass. Why so? Because the deaf-mute and the minor are human beings, and he might by accident give it to an Israelite who was not a deaf-mute or a minor. "How is it if he had with him a deaf-mute and an idiot only? He must give it to the idiot (because a deaf-mute has more sense than an idiot). How is it with an idiot and a minor? He must give it to the idiot. All this has been finally decided, but the question that presented itself to the schoolmen was, to whom the purse must be given if the man had with him a deaf-mute and a minor. Some say he should give it to the deaf-mute, and others, to the minor.

How is it if the man have nobody along, no Gentile, no ass, no deaf-mute, no idiot, and no minor? What should he do then? Said R. Itz'hak: "There was another mode of procedure, which the sages would not reveal." What was that? He should carry it less than four ells at a time (i.e., carry it a little less than four ells and stop, then start and carry it on again for less than four ells, and so on). Why would the sages not reveal this? Because it is written [Proverbs xxv. 2]: "It is

the honor of God to conceal a thing; but the honor of kings is to search out a matter." Where is the honor of God concerned in this matter? Perhaps the man will not stop, but go on and carry, it over four ells.

We have learned in a Boraitha: R. Eliezer said: "On the day when the eighteen precautionary measures were instituted in the attic of Hananiah ben Hizkyah ben Garon (this measure concerning the purse of the traveller was also instituted, viz., that he should not carry it but give it to the Gentile), and the measure of laws was made heaping full." R. Jehoshua, however, says, that the measure was smoothened in too great a degree, 1 and we have learned that R. Eliezer meant to say what his simile illustrates; viz.: There was a basket filled with cucumbers and beets to the brim; and if a man put in mustard-seed, there is an addition, without, however, forcing out anything else. Thus the measure was full, but not overflowing. R. Jehoshua, however, compares it as follows: There was a tub filled with honey, and nuts were thrown into it, in consequence of which the honey overflowed and some was spilled. (This means, that by the institution of those precautionary measures the Mosaic laws were undermined.)

The Master said: "If there was no Gentile with him, he

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should put it on the ass?" How is it that he may do this? If he put it on the ass, he will be compelled to drive the ass, and surely this is also labor, which is prohibited on the Sabbath, as it is written [Exod. xx. 10]: "On it thou shalt not do any work." Said R. Ada bar Abha: The man must put the purse on the ass, while the latter is walking along; in that case, no transfer from one fixed point takes place (because while both are walking it cannot be said that the purse is resting in one particular place). It is, however, impossible that the ass should not rest at some place for a little while? When the ass rests, the man removes the purse; and when it commences to walk again, he puts it back. If that is so, it would be the same if he would transfer his purse to a fellow-Israelite while walking, and he would never be guilty of the act of transferring from one (fixed) place and depositing in another? Said R. Papa: An act which, if committed by one man unassisted, would make him liable for a sin-offering (*e.g.*, if he, while running or walking, should pick up something off the ground even without stopping, he would become liable for a sin-offering), he must not commit *with* the assistance of a companion; but if he did so, he is not liable for a sin-offering (*e.g.*, if he picked up a thing and placed it on his companion while the latter was walking, in that event neither is culpable, for the one did not deposit it in a fixed place, and the other did not remove it from a fixed place). Such acts, however, as must not be committed with the aid of a companion may be done with the assistance of an ass in the first place.

R. Ada bar Abha said again: "If a man has a bundle on his shoulders before dusk on the Sabbath while on the road, he may run with the burden until he reaches home, but he must not walk his usual gait." Why so? Because, if he walks in the usual manner, he might stop (and by stopping carry out the prohibited transfer from one fixed point and depositing in another). When he reaches home, however, he must stop for some time, and thus he would bring a thing from public ground into private ground? The remedy for this is, to throw the bundle from his shoulders backwards, and not in the usual manner.

Rabha the brother of R. Mari bar Rachel taught the following decree in the name of R. Johanan: "One who drives cattle on the Sabbath (even if they are burdened) is free." Why so? If he did so

unintentionally, he cannot be liable for a sin-offering, because Sabbath laws are identical with those of idolatry. In like manner, as a man cannot be guilty of idolatry unless he

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worship with his own body, so it is with the Sabbatical law. If he perform labor through the medium of his cattle, without doing any himself, he cannot be guilty. Even if he did it intentionally, he is also not guilty. Why so? Because we have learned in a Mishna (Tract Sanhedrin): "Among those who are subject to capital punishment (by stoning) is he who violates the Sabbath by an act which, if done intentionally, carries with it such punishment (stoning), and which, if done unintentionally, makes one liable for a sin-offering." Hence, if the unintentional performance of such an act does not carry with it liability to bring a sin-offering, its intentional performance cannot carry with it the punishment of stoning, nor the punishment of stripes; because, where the penalty for the violation of a negative commandment is death, stripes cannot be inflicted; and even according to the Tana who holds that stripes can be inflicted for such violation, in this case it could not be done, because, were the verse to be read, "Thou shalt not do any labor, nor thy cattle," it would be right; but the verse distinctly says, "Thou shalt not do any labor, neither thou, etc., nor thy cattle." Hence, when the work was not done jointly by the man and his cattle, he cannot be punished in any manner for a violation of the Sabbath.

"As soon as he arrives at the outmost court," etc. Said R. Huna: "If the ass was laden with glassware, he may bring cushions and place them on the ground, so that when he loosens the cords the glassware may fall on the cushions and escape being broken." We have learned, however, that such vessels as may be handled on the Sabbath may be removed from the ass; and why may not the glassware be handled? R. Huna refers to glassware which belongs to a surgeon, and being dirty (bloody) is unfit for use in a household. In that case, then, the man would render the cushions which he places on the ground to receive the falling glassware unfit for their proper use, and this is prohibited on the Sabbath? The cushions are only to be used in order to break the fall of the glassware, and after the glassware rolls off on to the ground, the cushions can be used as before.

We have learned in a Boraitha: R. Simeon ben Jochai said: "If a sheaf of grain (the tithes of which had not yet been separated) is on the back of the ass, the man may push it off with his head, so that it fall to the ground." The ass of R. Gamaliel was once laden with honey, and, the Sabbath having set in, R. Gamaliel would not allow the ass to be unloaded until the Sabbath

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was over. This proved too much for the animal and it dropped dead.

We have learned in the Mishna, that such things as *may* be handled on Sabbath may be removed from the animal; why was not the honey removed? The honey had become spoiled. If the honey was spoiled, why was it brought? It was intended to be used for the bruises on camels. Then the cords should have been loosened and the honey allowed to fall off? The honey, was in (inflated) skins, and would have burst if allowed to fall. Then cushions should have been placed on the ground to receive them? The cushions would have become soiled, and thus rendered unfit for use. Pity should have been taken on the animal, and it should not have been allowed to stand laden all day? Pity for animals is only a rabbinical institution according to R. Gamaliel, and thus he could not observe it lest he violate the Sabbath.

Abayi once saw Rabba playing with his little son, and setting him on the back of an ass, so he said to him: "Why! Does Master use an animal on Sabbath!" and Rabba answered: "This cannot be called using an animal in the regular manner, but just incidental use, and that was not prohibited by the rabbis."

Abayi objected: "Have we not learned that if two walls of a booth (to be used on the Feast of Tabernacles) were made by hand, and the third wall was already made by a tree, the booth might be used for ritual purposes; but it is not allowed to ascend to the roof of the booth on a festival, because the tree serves as a support to the roof, and by ascending the roof the tree would be used, which is prohibited? Hence we see that, although that would be incidental and not direct use, still it is prohibited?" Rabba answered: "In the case cited by thee, a tree is referred to, the branches of which were also part of the roof." The Mishna seems to have this meaning attributed to it by Rabba, for in a later clause it is stated, that should the tree (which partly supports the booth) be removed, and the booth can stand by itself, one may ascend it; hence the tree is regarded as an independent wall.

MISHNA: One may untie bundles of straw for cattle, also strew stalks for them, but one must not undo tied bundles of Zirin. 1 Herbs used as fodder, and carob-pods, must not be cut

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up for cattle, large or small. R. Jehudah permits the cutting up of carob-pods for small cattle.

GEMARA: Said R. Huna: "There is no difference between bundles of straw and stalks, except that the former are tied twice while the latter are trebly tied, and by Zirin is meant the young branches of a cedar-tree (which when young are still tender and are eaten by cattle); and the Mishna should be explained thus: One may untie bundles of straw for cattle, and also strew them, and the same may be done with stalks, but not with Zirin; the latter must neither be untied nor strewn." Said R. Hisda: "What reason has R. Huna for explaining the Mishna in this manner? He means to say, that on account of such things as are already proper fodder for cattle one may trouble himself on Sabbath, but on account of such as must first be prepared as fodder, one should not trouble himself." R. Jehudah, however, says, that bundles of straw and Zirin are identical, except that the former were tied twice and the latter trebly, but stalks signify cedar boughs; and he explains the Mishna thus: We may untie bundles of straw for cattle, but not strew them; stalks may also be strewn; the Zirin, however, may be untied, but not strewn." Said Rabha: "What is the reason for R. Jehudah's explanation? He holds, that we may prepare things for the use of cattle, but we must not trouble ourselves on account of such things as are already fit fodder for cattle."

An objection was made to the foregoing (based on the latter clause of the Mishna): "Herbs used for fodder and carob-pods must not be cut up for cattle." As herbs are mentioned in conjunction with carob-pods, we must assume, that as the herbs were soft, so were also the carob-pods; and, it being prohibited to cut them up, we see that with such things as are already proper fodder we must not trouble ourselves, and this is contrary to the dictum of R. Huna? R. Huna might say to the contrary, that as the carob-pods are hard, so also are the herbs. Where do we find that herbs should be cut up for cattle, they generally eat them as they are? This refers to young calves and mule-colts.

(Another objection was raised.) Come and bear: One may cut up pumpkins for cattle and carrion for dogs. Then we may say, that as carrion is soft, so also are the pumpkins; and hence we see, that we may trouble ourselves even with such articles as are already fit fodder for cattle, and this is contradictory to R. Jehudah's opinion? R. Jehudah might say to the contrary, that as the pumpkins were hard, so was also the carrion. How

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can that be? Supposing it was the carcass of an elephant, or the dogs were young and could not eat carrion without having it cut up for them.

MISHNA: A camel must not be crammed (to fatten it), nor may it be forced to eat: but the food may be put into its mouth. Calves must not be crammed, but the food may be put into their mouths. Poultry may be fed and crammed; water may be poured on bran, but the bran must not be kneaded. One must not put water before bees, or before doves in a dove-cot; but one may put it before geese, before poultry, and before house-pigeons.

GEMARA: What is meant by "must not be crammed"? Said R. Jehudah. "By that is meant, that the stomach of the camel should not be turned into a feed-bag." Can such a thing be done? Said R. Jeremiah of Diphti: "Yea; I saw with my own eyes, that an itinerant merchant fed his camel a measure of grain, and when it had consumed that, he forced another measure down its throat."

"Calves must not be crammed, but the food may be put into their mouths," etc. What is the difference between cramming and putting food into the calf's mouth? R. Jehudah said, that cramming is accomplished when the food is stuffed down into the calf's mouth so that it cannot eject it, and putting food into its mouth is merely as is implied by the term; and R. Hisda said, that in both cases the food is forced down so far that the calf cannot eject it; but in cramming, some instrument is used, and the other is done by hand.

R. Joseph objected: We have learned in a Boraitha, that poultry may be crammed, and so much the more food may be given to the poultry a little at a time. The contrary is the case with doves. Food must not be given them even a little at a time, and much less may they be crammed. Now what is the difference between cramming and forcing them to eat a little at a time? Shall we assume that by cramming is meant, forcing the food down by hand, and by giving them food a little at a time is meant, throwing it to them? If so, why should doves not be fed in that manner? Is it then prohibited to throw them food? We must therefore say, that in both cases the food is given by hand, but in cramming the food is forced down so that it cannot be ejected, while in the other case it can be ejected. If this applies to poultry, then we must certainly assume that, as for calves, cramming is done by forcing the food down with an instrument,

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and this would be contradictory to R. Jehudah? R. Jehudah might say, that by feeding poultry is meant, throwing food to them; and the reason that one must not feed doves is because they do not belong to him, whereas poultry belongs to him and must be fed by him, as we have learned in a Boraitha, that one may give food to a dog but not to a pig; and the reason is, that a man is in duty bound to feed his dog, but a pig that he does not own he need not feed. Said R. Ashi: "This

we also learn from our Mishna: 'One must not put it before bees, or before doves in a dove-cot; but we may put it before geese, poultry, and house-pigeons.'" We must assume the reason of the Mishna to be because one is not obliged to take care of the bees and doves, but must take care of those which he owns. According to this, then, why is water only spoken of, why not wheat or barley? We must say, that water is easily obtainable, and hence there is no necessity to trouble one's self on that account.

R. Jonah taught at the door of Nassi: It is written [Proverbs xxix. 7]: "The righteous considereth the cause of the indigent." The righteous, synonymous with the Holy One, blessed be He, knoweth that a dog hath not much food, and hath thus ordained, that the food in his stomach remains undigested for three days, as we have learned in a Mishna: How long must the food (carrion) remain in the stomach, that it may still be considered unclean? In the stomach of a dog three days, but in the stomach of a bird or a fish only as long as it would take it to burn up if thrown into the fire.

Said R. Hamnuna: "From what was said above, it may be implied that one may throw food before a dog." How much? Said R. Mari: "A small piece, and the dog should immediately be driven off." This refers to a dog in the field, but within the city a strange dog should not be fed at all, lest he run after the man; however, a dog belonging to him may be fed.

Said R. Papa: "There is nothing poorer than a dog, and nothing richer than a pig (meaning that a dog is very fastidious about food, while a pig will eat anything)."

We have learned in a Boraitha, in support of the dictum of R. Jehudah: What is the difference between cramming and putting food into the mouth of a calf? Cramming is accomplished by laying the calf down, forcing open its mouth, and stuffing it with soaked grain; and putting food into its mouth is merely feeding and watering it separately, while the calf is standing.

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"*Poultry may be fed and crammed*," etc. Said Abayi: "I asked my master, with whose opinion was the Mishna in conformity, and he told me with that of R. Jose bar Jehudah, as we have learned: Water must not be poured on bran, said Rabbi, but R. Jose bar Jehudah said that it may be done."

The rabbis taught: "When water is poured on parched corn the corn must not be kneaded on Sabbath, but others say that it may be kneaded." Who is meant by "others"? Said R. Hisda: "R. Jose bar Jehudah." Such is the case, however, only when it is done differently than on a week-day. How can it be done differently? By kneading a little at a time and not in a lump. All agree, however, that Sthitha 1 may be kneaded on the Sabbath, and that Egyptian beer may be drunk. Was it not said, that kneading was not allowed on Sabbath? This presents no difficulty. Fine corn may be kneaded, but coarse must not; and even then it must be kneaded differently than on a week-day. How can this be done? On week-days the vinegar is first put in and then the Sthitha, and on Sabbath the latter should be put in first.

Levi the son of R. Huna bar Hyya once found the herder of his father's cattle pouring water on bran and giving it to the cattle. He scolded him. Afterwards R. Huna met his son, and said to him: Thus said the father of thy mother in the name of Rabh (meaning R. Jeremiah bar Aba): "It

is allowed to pour water on bran but not to put the mixed bran into the mouth of the cattle (but young cattle, that cannot eat themselves, may be fed by hand)." And this may be done, providing it is done differently than on a week-day. How should that be done? The bran should only be stirred once lengthwise and once crosswise. It will not mix well, however, in this manner. Said R. Jehudah: "Then it should be poured into another vessel."

We found in the diary of Zera: "I asked of my Master R. Hyya, whether kneading was permitted on the Sabbath, and he said, 'No.' I asked him whether transferring from one vessel to another was permitted, and he said it was." Said R. Menasseh: "It is allowed to give one animal a measure of grain, and two measures for two animals, but one must not give three measures for two animals." R. Joseph, however, said that a whole Kabh, or even two Kabhs, may be given for one or two or three animals, and Ula said that even a Kur or more may be given.

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It was written in the diary of Levi: "I related in the presence of my master, who was Rabbi the Holy (Jehudah Hanassi), that in Babylon they were kneading Sthitha on Sabbath and Rabbi protested against it; but no one paid attention to it, and he had no power to prohibit it, because R. Jose bar Jehudah once permitted it (as mentioned previously)."

It was written in the diary of R. Jehoshua ben Levi: "One who is born on the first day of the week will be a man, and not one thing will be in him." What does that mean? That there will not be any one good thing in him? Did not R. Assi say that he was born on the first day of the week? Shall we say, that not one bad thing will be in him? R. Assi said: "I and Dimi bar Kakusta were both born on the first day of the week, and, behold! I am a prince and he is a leader of robbers!" What, then, is meant by "not one thing will be in him"? This means, that he will be either wholly bad or wholly good. "A man who was born on the second day of the week will be a man of violent passion." Why so? Because on the second day the water was separated. "A man born on the third day will be rich and lascivious." Why so? Because grass was created on the third day. "A man born on the fourth day will be wise and have a good memory." Why so? Because on the fourth day the lights were created. "A man born on the Fifth day will be a charitable man." Why so? Because on that day the fishes and fowls were created. "A man born on the sixth day will be a very devout man." [R. Na'hman bar Itz'hak said: "He will be zealous in the fulfilment of commandments."] "A man born on the Sabbath will also die on the Sabbath, because on his account the great day of Sabbath was violated." Said Rabba bar R. Shila: "He will, however, be called a great and pious man."

Said R. Hanina to the men who related what was written in the diary above: "Go and tell the son of Levi, that the fortune of a man does not depend upon the day, but upon the hour he was born in. One who is born in the hour of sunrise will be a bright man; he will eat and drink of his own, but he will not be able to keep secrets and will not be successful in stealing. One who is born under Venus will be a rich man, but will be lascivious, because fire is generated under Venus. One who is born under Mercury will be bright and wise, because that star is the scribe of the Sun. One who is born under the Moon will be sickly or troubled. He will build and demolish, will not eat and

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drink his own, but will keep secrets, and will be successful in stealing. One who is born under

Saturn will have all his thoughts and aims come to naught; and others say, to the contrary, all aims against him will come to naught. One who is born under Jupiter will be a righteous man, and R. Na'hman bar Itz'hak said he will be very devout. One who is born under Mars will be a man who will shed blood. He will either be a surgeon or a robber, a butcher or a circumciser, said R. Ashi. Rabba said that he was born under Mars. Said Abayi to him: "Thou, Master, reprovest men, and whom thou reprovest, he dieth; hence thou, also, sheddest blood."

It was taught: R. Hanina said: "One who is born under a lucky star may be either rich or wise, and the same thing applies to Israelites also." R. Johanan said: "An Israelite does not come under this fate"; and R. Johanan says this in accordance with his dictum elsewhere; viz.: Whence do we know that the Israelites are not subject to fate? Because it is written [Jeremiah x. 2]: "Thus hath said the Lord, Do not habituate yourselves in the way of the nations, and at the of the heavens be ye not dismayed, although the nations should be dismayed at them." So the nations may be dismayed at the signs of the heavens, but not the Israelites; and Rabh holds likewise, that the Israelites are not subject to fate. R. Jehudah said in the name of Rabh: Whence do we know that the Israelites are not subject to fate? Because it is written [Genesis xv. 5]: "And he brought him forth abroad." Abraham said before the Holy One, blessed be He: "Creator of the Universe, lo, one born in my house will be my heir"; and the Lord answered: "He that shall come forth out of thy own bowels shall be thy heir" [Gen. xv. 4]. And Abraham said again: "Creator of the Universe! I have consulted my horoscope, and have found that I am not capable of having a son"; so the Lord said to him: "Away with thy horoscope! An Israelite hath no fate!"

Of Samuel it is also known, that he thought the Israelites had no destiny, for Samuel and Ablat were once sitting together, and some men went past a meadow. Ablat (who was an astrologer) said to Samuel, pointing to one of the men: "That man will not return. A snake will bite him, and he will die." Said Samuel: "If he is an Israelite, he will come back." While they were talking, the man came back; so Ablat arose and examined him, and he found a snake cut in on the man's clothes.

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[paragraph continues] Said Samuel to the man: "What didst thou do to-day, that thou hast escaped death?" The man answered: "It is our custom, when going out with a party of men, that we all contribute our share of victuals, and then have our meal in common. I knew that one of our party had no (bread) victuals, and not wishing to make him ashamed, I secured the basket to gather the food; and when coming up to him I pretended to put in his share, but in reality put in mine, and thus he was not ashamed." "Then thou hast committed an act of charity," said Samuel; and when he went out he preached that charity maybe the cause of saving a man's life, and not only from a violent death, but also from death which otherwise would have overtaken a man naturally.

Of R. Aqiba it is also known, that he did not believe the Israelites to be subject to fate, for R. Aqiba had a daughter, and the soothsayers predicted that on the day on which she should enter the garden a snake would bite her and she would die. He was very much troubled on that account. One day his daughter took off her headdress in the garden, and the needle protruding from it stuck on the side of the fence where a snake happened to be, and piercing the eye of the snake, the latter was killed. When R. Aqiba's daughter went back to the house the snake dragged after her. Asked R. Aqiba: "What didst thou do today, to escape death?" and she answered: "At dawn a man came to the door begging bread. Everybody, however, was at the table, and no one heard him but myself. I took my own meal, that thou gavest me, and gave it to him." Said R.

Aqiba: "Thou didst an act of charity, and this saved thee from death." He then went forth and preached, that charity may be the cause of saving a man's life, and not only from a violent death, but also from one that was to have come naturally.

R. Na'hman bar Itz'hak is also known to discountenance the theory of the Israelites being subject to fate; for the mother of R. Na'hman was told by astrologers that her son would turn out to be a thief, so she would not let him go out bare-headed, saying: "Always keep thy head covered, that thou mayest fear the Lord, and pray to Him for mercy"; and he did not know why she always told him this. One day he sat underneath a tree studying, when his head-wear fell off, and looking up, he saw the tree filled with delicious dates. He was very much tempted to take some of the fruit, although the tree did not belong to him, and accordingly climbed the tree, and bit off a branch with his teeth.

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MISHNA: Pumpkins may be cut up for cattle, and carrion for dogs. R. Jehudah saith: "If the carrion was not yet carrion (if the beast had not yet died) before the Sabbath, it must not be cut up; because, in that case, it is not part of what had been provided (for consumption on Sabbath)."

GEMARA: It was taught: Ula said, the Halakha prevails according to R. Jehudah, and of Rabh it is also known that he agrees with R. Jehudah, as may be seen from his decree concerning covers of a vessel (on page [29](#)). Levi also admits, that the Halakha prevails according to R. Jehudah; for when a carcass was brought to him for decision as to its fitness for use, or unfitness, on a festival, he would not inspect it unless it had lain in the dirt; because, should he hold it to be fit, it would forthwith become carrion and not even be fit for dogs, by reason of its turning into carrion on the festival (and thus not having been provided on the day before for consumption on the festival).

Samuel, however, said, that the Halakha prevails according to R. Simeon, as also does Zera, because a Mishna elsewhere, which teaches, that if an animal died (on Sabbath or on a festival) it must not be removed, was explained by Zera to refer only to such an animal as was designated for a sacrifice and which must not be made use of at all; but any ordinary carcass may be removed. R. Johanan also said, that the Halakha according to R. Simeon prevails.

Is it possible that R. Johanan said this? Have we not learned that R. Johanan always holds Halakhas to be in accordance with the abstract decrees of the Mishna, and in another Mishna we have learned that the wood of a beam that had been broken on a festival must not be used on the festival? R. Johanan claims, that the Mishna above was taught in the name of R. Jose bar Jehudah.

Come and hear (another objection): "It is permitted to commence taking from a heap of straw on a festival for use as fuel, but not from wood designated for another purpose." This is also taught abstractly (and is certainly contrary to the opinion of R. Simeon). This above teaching refers to cedar beams intended for building purposes, and being very expensive should not be used as fuel, even according to R. Simeon.

Come and hear (another objection based upon another abstract Mishna): "It is not permitted to water or to slaughter animals living in their wild natural state, but it is allowed as regards

domestic animals." (This is also contrary to R. Simeon?)

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[paragraph continues] R. Johanan, however, found an abstract Mishna that was in accord with R. Simeon; viz.: That Mishna concerning bones and husks which may be removed from the table (page 326), and R. Johanan holds as R. Na'hman (did later), that all decisions rendered by the school of Shamai are in accordance with the opinion of R. Jehudah, while those rendered by the school of Hillel agree with those of R. Simeon.

It is related of R. A'ha and Rabhina, that one said that all laws pertaining to Sabbath remain as decreed by R. Simeon, with the exception of one thing, that had been set aside on account of causing disgust, namely, an old candlestick that had become soiled with the dripping tallow; and the other said, that even in this instance the Halakha prevails according to R. Simeon, but the one thing that does not remain as decreed by R. Simeon is the case of a candlestick which had been used on the same Sabbath. (Both admit, however,) that as for the theory of designation where expensive articles are concerned, R. Simeon accepts it in that case, and declares, that they may not be used on Sabbath, as we have learned in a Mishna (page 268) concerning the large wood-saw and the ploughshare, which, according to R. Simeon, also must not be handled, because they are expensive (and being used only by mechanics should not be handled by others).

MISHNA: A man may annul vows (of his wife or daughter) 1 on the Sabbath, and consult (a sage) as to vows (relating to objects) required for the Sabbath. Window-light may be shut out by blinds; a piece of stuff may be measured, and also a Mikvah (plunge-bath), to ascertain whether it be of legal size. It happened in the days of R. Zadock's father, and in the days of Abba Saul ben Botnith, that they closed a window with an earthen jar, and then tied another vessel to a pole with papyrus, in order to ascertain whether, in a covered vessel, there was an opening one span high or not. From them we learn, that (in certain cases) it may be permitted to close, to measure, and to tie on the Sabbath.

GEMARA: The schoolmen propounded a question: Does the term, "required for the Sabbath," in connection with vows, apply to both clauses of that sentence; and if it does not, neither may be done on the Sabbath, whence we shall learn, that the time in which a man may annul the vow of his wife

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or daughter does not expire with the day, but continues for twenty-four hours; because, if the vows do not relate to the Sabbath and neither of the above two clauses may be executed, the man can annul the vow at night after the Sabbath; or shall we say that the term, "required for the Sabbath," applies only to the latter clause, that of consulting as to vows, and not to the first clause, that of annulling the vow, which would establish the fact that the time for annulment expires with the day and does not continue for twenty-four hours? Come and hear: R. Zoti, one of the disciples of R. Papi, taught, that only such vows as relate to the Sabbath may be annulled on the Sabbath; thence we may learn, that the time for annulment of vows does not expire for twenty-four hours? Said R. Ashi: "Did we not learn (in a Mishna of Tract Nedarim), that the time for annulment of vows continues for one day only?" Concerning this, there is a difference of opinion among the Tanaim (as will be explained in Tract Nedarim).

"*And consult as to vows,*" etc. The schoolmen propounded a question: "Does this mean to say, that the man had not time before Sabbath (*i.e.*, that he made the vow on the Sabbath), or even if he had time before Sabbath, but wishes to be released from his vow at once?" Come and hear: The rabbis complied with the wish of R. Zutra the son of R. Zera, and released him from his vow on a Sabbath, although he had plenty of time to have this done before Sabbath. [1](#)

R. Jose wished to state, that, as to vows, a man may consult on Sabbath only a man who is a competent authority (Chacham), but he must not consult three ordinary men, because that would appear as a judgment on business affairs. Abayi said to him: "Whereas three men may be consulted standing, or even if they are of kin, or even at night, it will not appear as an ordinary judgment."

When a man wishes to annul the vow of his wife on the Sabbath, he must not say to her, as on a week-day: "Thy vow is annulled," or, "I release thee from thy vow"; but merely: "Go and eat," or, "Go and drink," and this releases her from her vow. Said R. Johanan: "The man must, however, think at the time that he is annulling her vow."

We have learned in a Boraitha: The school of Shamai said:

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[paragraph continues] "On Sabbath a man must annul the vow in his mind only, but on a week-day he must proclaim it by word of mouth." The school of Hillel said, however, that be it Sabbath or a week-day, it is sufficient if the man annul the vow in his mind without proclaiming it.

"*They closed a window with an earthen jar,*" etc. Said R. Jehudah in the name of Rabh: "There was a small bridge between two houses, and underneath the bridge lay a part of a corpse, and a cracked tub stood on top of the two houses; but it was not known whether the crack in the tub was large enough to admit of the penetration of the uncleanness arising from the corpse. So, first of all, all holes which were in the walls of the two houses were stopped up with towels; then another vessel (a small jar) was tied with papyrus to a pole and laid on the tub, in order to see whether the crack was one span deep or not." [1](#)

"*From them we learn that (in certain cases) one may close, measure,*" etc. Ula once came into the house of the Exilarch on Sabbath, and saw Rabba bar R. Huna sitting in a tub of water and measuring it. Said Ula to him: "The rabbis only permitted the measuring of a plunge-bath for ritual purposes; but did they permit it to be done for no purpose?" Rabba bar R. Huna answered: "I am doing this merely to while away the time (I have nothing else to do, and must not think of the Law while bathing, so it makes no difference)."

END OF TRACT SABBATH.

Footnotes

[363:1](#) A deaf-mute is exempt by law from keeping any commandments.

[364:1](#) See Appendix.

[367:1](#) This term will be explained in the Gemara farther on.

[371:1](#) Shthitha is the name of a dish prepared from parched corn.

[376:1](#) See Numbers xxx. 2.

[377:1](#) All this is originally part of Tract Nedarim. We have in consequence omitted it, but a part of that passage being necessary for the elucidation of the above text, we have incorporated it in the Tract Sabbath.

[378:1](#) This explanation is taken from Rashi. The other commentary by Tospath differs with Rashi, but the explanation is even more complicated than the above. Hence we have chosen the former.

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