

p. 1

TRACT ERUBIN.

CHAPTER I.

REGULATIONS CONCERNING THE WIDTH AND HEIGHT OF AN ERUB
CONSTRUCTED IN STREETS INHABITED SOLELY BY ISRAELITES, AND
REGULATIONS CONCERNING THE CONSTRUCTION OF AN ERUB BY A CARAVAN.

MISHNA: If an entry 1 be higher than twenty ells, it should be lowered. R. Jehudah said: "This is not necessary." If it be wider than ten ells, it should be made narrower, but if it have the appearance of a door, even though it be wider than ten ells, it need not be made narrower.

GEMARA: We have learned in a Mishna [Sukkah, I. a] that a booth which is higher than twenty ells is unfit for use, and R. Jehudah said, that it maybe used. Why does the Mishna in the case of an entry decree, that it should be remedied by lowering, while in the case of a booth it declares it unfit for use? Because in the case of a booth a number of other defects are mentioned in connection with the excessive height and each of those would require a special explanation as to how they were to be remedied, whereas in the case of an entry only two things are to be corrected, and the remedy for them is taught.

R. Jehudah said in the name of Rabh: The difference of opinion between the sages and R. Jehudah is based upon the door and the porch of pillars in the temple. We have learned in a Mishna, that the door of the Temple was twenty ells in height and ten ells in width and that the porch was forty ells in height and twenty ells in width. The sages compare the entry with the door and R. Jehudah compares it with the porch of the Temple, which was also more or less a door; and why does R. Jehudah say, that the porch is also a door, because it is written [Ezekiel

p. 2

xv. 48], "the porch of the house," and that is equivalent to the door of a house. Why do not the sages hold the porch to be a door? Because, were it written, "the door of the porch," the porch might also be considered a door; but as it is written, "the porch of the house," it means the porch which opens towards the house, but not a door to the house.

How can it be that R. Jehudah bases his dictum on the porch of the house? The porch was twenty ells in width, and when the Mishna decrees that if the entry be wider than ten ells it must be made narrower, he does not dissent? (Why did he not say, that it was not necessary to lessen its width?) Said Abayi: In the following Boraitha he does dissent as we have learned: "If the width of the entry exceed ten ells it should be made narrower, but R. Jehudah says, it is not necessary." Why is this omitted in the Mishna? He disputes with the sages concerning the height, hence it is evident that he also disputes as to the width.

Again: How can it be that R. Jehudah bases his dictum upon the porch of the house? Have we not learned in a Boraitha, that if an entry exceed twenty ells in height, it must be lowered? R. Jehudah, however, says, that it may be made even forty or fifty ells in height, and Bar Kappara taught, that it may be even one hundred ells high. As for Bar Kappara, it is assumed to be an exaggeration; but as for R. Jehudah it cannot be considered merely an exaggeration, because he bases his dictum upon the porch of the house, and that was only forty ells in height. Why does he say "or fifty"? Whence his basis for such an assertion? Said R. Hisda: Rabh erred on account of the following Boraitha: "We have learned, an entry which is higher than twenty ells, thus exceeding the height of the door of the Temple, should be lowered." Now Rabh assumed, that if the sages base their teaching upon the door of the Temple, R. Jehudah bases his dictum upon the porch of the Temple, but this is not so! R. Jehudah does not consider the Temple at all, but uses as a basis the palaces of kings, the doors of which attain excessive heights.

What is the law concerning an entry, the cross-beam of which was partly above twenty ells in height and partly below, and also concerning the covering of a booth, part of which was over twenty ells in height and the other part lower than twenty? Said Rabba: "An entry is made invalid by it but a booth is not affected." Why does he say that a booth is not affected by it?

p. 3

[paragraph continues] Because we assume that part of the covering of a booth, which is above twenty ells, to be so frail that it does not matter. Cannot the same thing be said concerning the cross-beam of an entry? If this were said with reference to a cross-beam, then it will seem as if there is no foundation for the cross-beam, and it is suspended in mid-air. Is this not the same with a booth? If it be said, that that part of the covering of the booth is so frail that it amounts to nothing, it cannot serve as protection against the sun and there will be more sunshine than shade, and this would make the booth invalid? But, as such is not the case and the frailty of the covering is as a matter of fact only imaginary, it does cause more shade than sunshine, and the booth is not made invalid, why should it not also be the same with the cross-beam, the frailty of which is also only imaginary while in reality it is as firm as if fastened with nails? Said Rabha of Parzekaia: "If such a defect occur in a booth, which is intended for the personal use (of a man), it will be remedied through the thoughtfulness of the man (who is bound to keep the commandment properly), but a cross-beam of an entry which is intended for public use will be neglected, because one man will rely upon another to remedy the defect, as the proverb goes, that a pot used in common is never warm nor cold" (one relies upon another to keep it in its proper condition). Rabhina said: The booth being a fulfilment of a biblical commandment needs no further safeguard, for it will be kept under any circumstances; but the entry being a purely rabbinical institution must not leave any loopholes, by which the entire law may eventually be circumvented.

What *is* the law, finally? Rabba bar R. Ula said, "Both are invalid," and Rabha said, "Both are valid," why? Because the twenty ells refer to the *space* between the ground and the crossbeam or covering, respectively, and even if part of either be above twenty ells, the space is not changed in volume. Said R. Papa to Rabha: I know of a Boraitha confirming this statement: "An entry which is more than twenty ells high and thus is higher than the door of the Temple should be lowered, and the space between the ground and the ceiling in the Temple itself was twenty ells high." R. Shimi bar R. Ashi objected to this: "We have learned further on, how should we remedy the defect in the entry? The cross-beam should be laid below the limit of the twenty

ells!" Do not learn in the Boraitha, "below" but "above" the limit of the twenty ells. The Boraitha, however,

p. 4

distinctly teaches "below"? This "below" refers to a booth which was less than ten spans high and which must be made higher so that the space between the ground and the ceiling should be no less than ten spans, in the same manner as it must not be higher than twenty ells.

Abayi said in the name of R. Na'hman: "The ell used at a booth and at an entry measures five spans, but the ell used at Kilaim is six spans." For what legal purpose does R. Na'hman relate this? This is taught for the purpose of determining the height of an entry and for measuring a breach in the wall of an entry. (If the breach be over ten ells wide, the entry is invalid, and the ell used for measurement is the one of five spans only.) Why is the width of a breach and the height of the entry *only* mentioned? There is also width to be considered in an entry, for did not R. Na'hman state, that an entry must not be less than four ells wide? What ells are these? If they are four ells of the lesser standard, R. Na'hman makes the ordinance more lenient? The ells in an entry, as a rule, are those of the lesser standard, but as for the width, those of the greater standard are used. Further, R. Na'hman said, that the ell used at a booth also measures five spans. For what purpose did he state this? For the measurement of the height of the booth and the crooked walls 1 of the booth. There is also the width of the booth to be considered, however, and that should be four ells? Will not the ordinance regarding the width be made more lenient thereby of twenty spans only? The ells of a booth generally are of five spans, but as for width the ells measuring six spans are used. What does R. Na'hman intend to specify, by stating that the ells used at Kilaim measure six spans? He refers to seeds planted in the superficies of a vineyard and to a barren spot in a vineyard (as explained in Tract Kilaim). But there is a vineyard in which the vines are planted at less intervals than four ells and the opinions of the sages differ as to whether such a vineyard is called a vineyard in a legal sense (and if the ells be measured according to the statement of Na'hman it is made more lenient? Because if the four ells be of the lesser standard the commandment of Kilaim is not applied.) The statement of R. Na'hman is made for a rule but did not include the above vineyard. The ells of a vineyard are generally used of six spans, but not for the width. But Rabha said in the name of R.

p. 5

[paragraph continues] Na'hman: All ells measure six spans, but in Kilaim are measured with long spans and in entry and booth with short spans to make it more rigorously.

R. Hyya bar Ashi in the name of Rabh said: The several prescribed quantities (as mentioned in Tract Sabbath), the Chatzitzah (intervention of articles at bathing), and the ordinance concerning the walls of an entry and of a booth are ordinances given by Moses at the Mount Sinai. How can it be said, that these are Sinaic laws, they are biblical laws? For it is written [Deutr. viii. 8]: "A land of wheat and barley, and of the vine, and the fig-tree and the pomegranate; a land of the olive and of honey." And R. Hanan said, that the whole verse refers to prescribed quantities: "By wheat is meant, what we have learned elsewhere in a Mishna [Negaim xiii. 9]: If a man clad in garments and shoes entered a house where leprosy was prevalent, he immediately becomes unclean, but his garments, shoes, etc., do not become unclean, until he remains there a length of time sufficient for the consumption of bread of the quantity of two eggs, wheaten bread but not barley-bread, and when eaten in a reclining position with some other dish. By barley is meant,

what we have learned elsewhere [Ohaloth ii. 3]: If a bone of a corpse is the size of a (grain of) barley, it makes a body unclean, when touched or carried, but it does not make unclean the contents of a tent, if found therein. By vine is meant: If a Nazarite drink a quarter of a lug of wine he ceases to be a Nazarite and must bring a sin-offering. By fig-tree is meant, that one is guilty of carrying on the Sabbath, if he carries anything of the size or quantity of a dried fig. By pomegranate is meant, what we have learned elsewhere [Khelim xvii. 1]: Any vessel belonging to a household, if it have a hole as large as a pomegranate, is not subject to defilement any more. By a land of the oil-olive is meant a land where all prescribed quantities are of the size of an olive. [All prescribed quantities? What about those just mentioned? Say, a land where the majority of the prescribed quantities are of the size of an olive.] By honey is meant, that if a man ate anything the size of a fresh date on the Day of Atonement, he is guilty."

How can the passage be understood in this manner? No prescribed quantities are mentioned in the passage? We must say, therefore, that those laws are Sinaic, but the passage is merely a mnemotechnical basis for them. And Chatzitzah, is that not also biblical law? It (as) is written [Leviticus xv. 16]:

p. 6

[paragraph continues] "Then shall he bathe all his flesh in water." By all his flesh is meant, that nothing should intervene between his flesh and the water? The Sinaic law was necessary in order to stipulate, that there should even be no intervention between the hair and the water (not only between the flesh and the water). As was said by Rabba bar R. Huna: "If there was a knot in a single hair, there was certainly an intervention; but if three hairs were tied in a knot, there was certainly no intervention; but if two were tied together, the matter is doubtful to me." But even the ordinance concerning the hair is also biblical? For we have learned in a Boraitha, that by "all his flesh" is meant all attached to the flesh, and that includes the hair. The Sinaic law was necessary in order to stipulate the ordinances concerning the greater and lesser part of the hair, one who is particular with his hair and one who is not, as was said by the dictum of R. Itz'hak: "According to biblical law Chatzitzah is constituted only if the greater part of his hair was encrusted with loam or blood, etc., and the man is particular about his hair, but if he is not, it does not constitute intervention." The rabbinical laws, however, ordained as a precautionary measure, that if the larger part of his hair be encrusted even though he be not particular, it would constitute Chatzitzah, lest one who is particular would not consider it so, and they also ordained, that if the smaller part of his hair was encrusted and he is particular about his hair, it would constitute Chatzitzah, as a precautionary measure, for the sake of the one who has the larger part of his hair encrusted and is also particular about his hair.

The ordinances concerning the walls of a booth and an entry are also biblical? For the master said: "It is written, that the ark was nine spans high and the cover was one span thick, so the ark and cover combined were ten spans high, and this serves as a prescribed height for all walls." The Sinaic laws are necessary for the stipulation of the ordinances concerning Gud, [1](#) Lavud, [2](#) and crooked walls.

If the entry was higher than twenty ells and is to be lowered,

p. 7

how much lower should it be made? How much lower? As much as is necessary. The question here is, how much of the space below the cross-beam must be diminished in order to make the space only twenty ells high. R. Joseph said: "One span underneath the cross-beam is sufficient"; but Abayi said, four spans, and they differ merely as to the precautionary measure involved; the latter claiming, that one span may be impaired through stepping upon it, while the former holds that there is no danger of such a thing happening.

How is it if the entry was less than ten spans high and sufficient ground had to be excavated in order to make it the prescribed height? How much ground should be excavated? How much? As much as is necessary? The question, therefore, is not as to how much must be excavated in height, but in the width of the entry. R. Joseph said: "For the width of four spans," and Abayi said, "For four ells." (The reason R. Joseph says four spans in this case, while only requiring one span in the above case, is because in the first instance a wall for the entry already existed, and merely the space had to be diminished, but in this instance, if the wall is less than ten spans high, it cannot be considered a wall and by excavating the ground the wall will be made; hence four spans at least must be excavated in order to constitute such a wall, the wall of an entry. Abayi, however, holds that in this case four spans would be insufficient, and at least four ells are necessary, because an entry is not considered such, unless it is four ells wide.)

Said Abayi: "Whence do I know that four ells are required? From the statement of Rami bar Hama in the name of R. Huna, that if a beam protrude from one of the walls of the entry for a distance of less than four ells, it may serve as the side-beam of such entry and be valid, although it was not intended to serve for that purpose. If such a beam protrude for a distance of four ells or more, it is considered as part of the wall and cannot serve as a side-beam, but a new side-beam must be made in order to make the entry valid." (If a beam protrude from a wall of an entry and was even not intended to serve as a side-beam, it may be ever so small, it is considered as a side-beam for the entry and is valid. If it protrude, however, for a distance of four ells or more, and was not originally intended for a side-beam, it cannot serve the purpose, because the entire width of the entry is only supposed to be four ells and for that reason the protruding beam is considered part of the wall. Hence in order to make the entry

p. 8

valid, another side-beam must be constructed. From this it may be seen, that Abayi bases his opinion concerning the width of the entry upon the dictum of Rami bar Hama, that an entry must be four ells wide.) R. Joseph, however, declares, that the decree of Rami bar Hama does not conflict with his own decision; for it is true that a beam, if it be four ells wide is not considered a side-beam, because it has not the appearance of a side-beam; still the reason for this is not because the width of the entry itself should be four ells, but because the side-beam is too large, and, as for the entry itself, it is sufficient, if it be only four spans wide.

Again, Rami bar Hama said, that if the beam be four ells wide, another side-beam is necessary. Where should the latter be put? Should he add the side-beam to the original beam, the size will be increased (and it will not look anything like a side-beam)? Said R. Papa.: "It can be put on the other side of the entry." R. Huna bar R. Jehoshua, however, said, that the side-beam may be added to the original beam, but it should be made either higher or lower than the original beam (in order that it may appear as if it were added). The same R. Huna said also: "All this is said in a case of where the entry was eight ells in width (so that the protruding beam and the entry arc of equal width), but if the entry was only seven ells wide and thus the width of the entry is less

than the protruding beam, even according to Rami bar Hama, the entry is valid without the addition of another beam, because the entry being narrower than the beam is considered the same as a door." This ordinance is made lenient from an inference of a rigorous ordinance, 1 viz.: the ordinance concerning a court: If in a court one of the walls is entirely destroyed, nothing! may be carried therein on the Sabbath, and neither a cross-beam nor a side-beam placed at the remaining walls alters its character. However, if the wall destroyed was only partially ruined and the remaining portion is larger than the breach, things may be carried therein. Hence in the case of an entry where a side or cross beam suffices for the entire wall, if the wall is wider than the space of the entry proper, in so much

p. 9

greater a degree is the entry valid for all purposes. R. Ashi, however, says, that even if the entry was eight ells wide, no additional side-beam is necessary, no matter in which way the case is assumed: If it be assumed that the closed part of the entry is wider than the entry itself (through some inaccuracy in construction), then the entry is valid because of that fact, and if it be assumed that the space of the entry is wider, then the closed part which is constituted by the beam may be regarded as a legal side-beam and then the entry is certainly valid; but it might be assumed, that both the closed part and the space were exactly equal; in that event it would constitute a doubtful case based on a rabbinical law, and such a case is always decided with leniency.

Said R. Hanin bar Rabha in the name of Rabh: "If the wall of an entry was broken for a distance of less than ten ells at the side the entry is valid; but if the front of the wall was broken for four ells (assuming that the entry was originally twenty ells wide and in order to make it valid, ten ells had been closed up, and of the ten ells of the new wall, four had been broken) the entry is not valid." Why is the entry valid if the wall was broken for a distance of ten ells on the side, because the breach can be regarded as a door? Why should not the same case apply to the breach in the front? Say that can also be regarded as a door? Said R. Huna bar R. Jehoshua: "In this case the breach is supposed to be in the corner, and a door is not generally made in the corner." R. Huna, however, said, that the same distance applies to both the side and the front of wall. In either case if the breach exceeds four ells, the entry is not valid. And thus said R. Huna to R. Hanan bar Rabha. "Do not dispute with me, for it happened that Rabh came to the city of Damharia and he acted there in accordance with my decree." R. Hanan bar Rabha answered: "This is not sufficient evidence for me, because in that case Rabh acted in a manner that precluded the possibility of doing wrong (*i.e.*, the people there were ignorant and had he given them a liberal interpretation of the ordinance, they would have taken advantage of it and disregarded the law in the future)."

Said R. Na'hman bar Itz'hak: "It seems to me that R. Huna was correct in his opinion from the following: It was taught: An entry made in the form of a right angle should, according to Rabh, be considered as an ordinary entry which is open on both sides and requires an apparent door on one side and

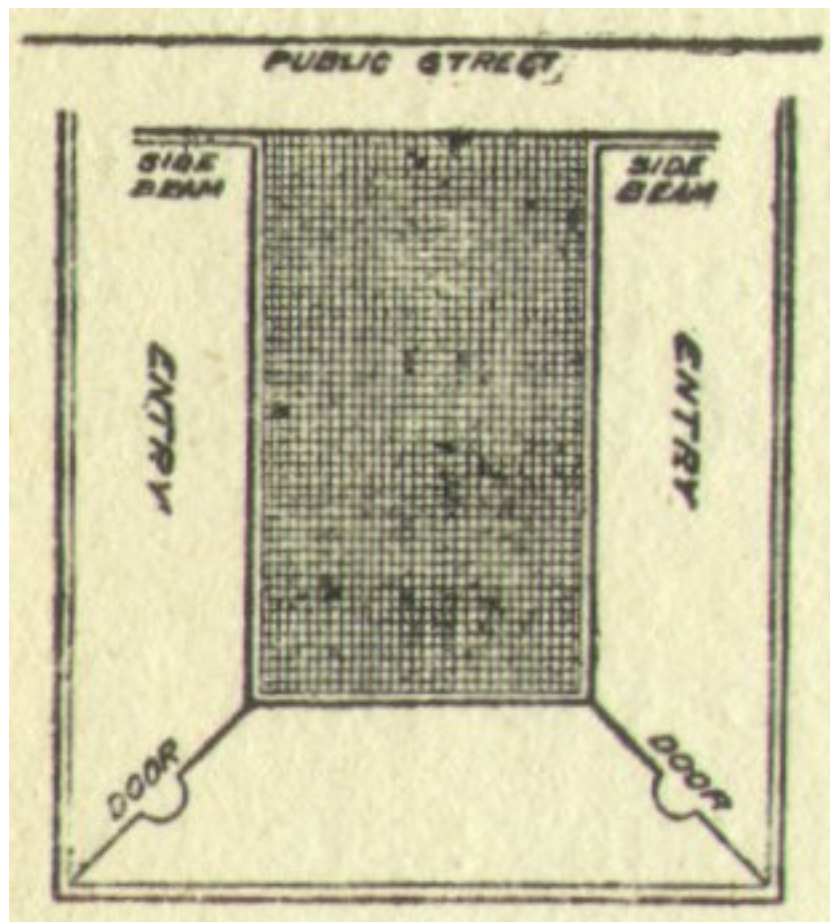
p. 10

a cross or side beam on the other side, but according to Samuel it must be considered as a closed entry (and at both sides needs only a side-beam). Now, let us see! Shall we assume, that even if the entry was wider than ten ells, Samuel still regards it as a closed entry, and only requires a

side-beam at each side; (and this being impossible, therefore we must rather assume, that the entry was only ten ells wide, and still Rabh regards it as an open entry and declares, that it requires an apparent door; hence we see that the breach on the side of the wall must also not exceed four ells in order that it may be regarded as a door. (According to Rabh then, not even ten ells in front can be regarded as a door until an apparent door is added. How can it be said that if a breach measure ten ells at the side it is regarded as a door?) What rejoinder will R. Hanan bar Rabha make? R. Hanan will claim, that an entry made in the form of a right angle is used so much, that it appears like public ground (hence an apparent door must be made, but as for a court, which is not used as a thoroughfare, even ten ells may appear like a door).

The Rabbis taught: How are entries facing public ground combined by an Erub,? On one side an apparent door should be made and on the other a cross and side beam should be put up. Said Hananiah: The school of Shammai said, that doors should be made at both entries where they face the street, and when going out or entering, the man should close the door. The school of Hillel, however, said, that at one side a side and a cross beam should be made and at the other a door should be made. Commenting upon this, Rabh said, that the Halakha prevails according to the first Tana, and Samuel said, that it prevails according to Hananiah.

The schoolmen propounded a question: "Is a man, according to the opinion of Hananiah, quoting the school of Hillel, obliged to close the door or not?" Come and hear. R. Jehudah said in the name of Samuel, that he is not obliged to close the door. R. Mathna added: I was placed in that position at one time and Samuel said to me, that it must not be closed.



There was an entry (as shown in the illustration) at the city of Neherdai, to which the rigorous

ordinances of both Samuel and Rabh were applied and doors were ordered to be made. The rigorous ordinance of Rabh is the one pertaining to an entry which was made in the form of a right angle, and was

p. 11

declared by him to be regarded as an open entry and in this case there were two openings towards the street. [Did not Rabh say above that the Halakha prevails as the first Tana? In this case the rigorous ordinance of Samuel was applied, who said, that the Halakha prevails according to Hananiah. But did not Samuel say, that an entry made in the form of a right angle is to be considered as a closed entry, and requires only side-beams? In this instance again the rigorous ordinance of Rabh was applied and it was regarded as an open entry, and at an open entry, according to Hananiah, quoting the school of Hillel, doors are also required.]

May, then, the rigorous ordinances of two Tanaim be applied to one case? Have we not learned in a Boraitha, that at all times the Halakha prevails according to the school of Hillel, but he who wishes to act in accordance with the school of Shamai, may follow that school exclusively both in the lenient and the rigorous ordinances, and he who wishes to act in accordance with the school of Hillel may follow that school exclusively in both lenient and rigorous ordinances. He who only follows the more lenient ordinances of both schools is a sinner, and he who follows only the more rigorous ordinances of both schools is referred to by the passage [Ecclesiastes ii. 14] as "the fool walketh in darkness."

Said R. Na'hman bar Itz'hak: The entry made in Neherdai was made in accordance with the decision of Rabh solely, but did not Rabh say, that the Halakha prevails according to the first Tana? R. Huna said in the name of Rabh, that the Halakha in theory remains according to the first Tana, but it should not be carried out in practice. But according to R. Ada bar Ahabha, who said in the name of Rabh, that the Halakha prevails according to the first Tana and should be carried out accordingly, was not the entry in Neherdai made according to the more rigorous decisions of both schools of Shamai and Hillel? Said R. Shezbi: It is not allowed to act in accordance with too rigorous ordinances of two schools only when they conflict with one another (*e.g.*, the ordinances concerning the back and the head as will be explained in Chulin). Wherever they do not conflict, however, they may be applied in one and the same case.

R. Joseph was sitting in the presence of R. Huna, and said: "R. Jehudah said in the name of Rabh, that the first Tana and R. Hananiah differed only when the entry faced a market on both sides; but if on one side there was public ground and on

p. 12

the other was a valley which was considered unclaimed ground, all agree that an apparent door should be made on one side and a cross or side beam on the other side." R. Joseph then continued in the name of R. Jehudah alone and stated, that if the entry opened on one side into a vacant yard which in turn opened into public ground, nothing need be made at either end of the entry.

Said Abayi to R. Joseph: What R. Jehudah is supposed to have said himself was in reality a decree of Samuel, because were it a decree of Rabh, he would contradict himself in either of two

instances; for R. Jeremiah bar Abba said in the name of Rabh: "If the wall of an entry opening into a courtyard be entirely destroyed, and the wall between the courtyard and the street was broken only for a distance of less than ten ells, the courtyard is not invalidated but the entry is." Why! Say rather that the entry in this case is equal to one that faces a vacant yard, and, according to R. Jehudah, needs nothing at either end. (Where the contradiction in either of the two instances occurs is as follows: If R. Jehudah means to state, that the entry needs nothing at either end because it is an open entry, that would contradict Rabh in one instance, as R. Jeremiah bar Abba relates, that the entry is invalidated because it is made an open entry. If we assume, however, that R. Jehudah holds an entry, opening into a vacant place, to be valid even if nothing is made at either end, because the place was vacant and there were no inhabitants who could invalidate the entry by refusing to combine in an Erub, but, if there were inhabitants in that place, the entry would have been invalid unless provided with the necessary appliances. Here, however, Rabh, according to R. Jeremiah bar Abba, invalidates the entry because it is an open entry and not because of the inhabitants, and hence there would be contradiction in the other instance.)

Said R. Joseph to Abayi: "I know not whose decree R. Jehudah cited, but it happened in the village of a shepherd, that there was an entry which opened into a vacant yard and R. Jehudah was asked whether it was necessary to provide the entry with an apparent door or beams, and R. Jehudah answered that it was not. If this is contradictory to the opinion of Rabh, then let it be attributed not to him but to Samuel, and there will be no contradiction." Now what R. Shesheth said to R. Samuel bar Abba or, according to another version, to R. Joseph bar Abba, namely: I will explain to you, that the decree of

p. 13

Rabh is not permanent. There are times when Rabh himself holds that the entry is valid, and this occurs, if the inhabitants of the courtyard and the entry made a joint Erub (common cause); but when such was not the case, he holds the entry to be invalidated, which proves to us, that the decree of R. Jehudah concerning the entry in the village of the shepherd may have also been in conformity with the opinion of Rabh, because the vacant yard had no inhabitants with whom the inhabitants of the entry could have made an Erub; for the decree of R. Jeremiah bar Abba in the name of Rabh does not invalidate the entry because it is made an open entry, but because there were no inhabitants in the vacant place with whom the inhabitants of the entry could combine in an Erub.

R. Joseph said: "When R. Jehudah declared, that an entry which opens into a vacant yard is valid even when nothing had been made at either end, he intended to state, that such was the case if the entry opened into the centre of the vacant yard, but if it opened into one side of the yard it is not valid." Said Rabba: "Even if the entry opened into the *centre* of the vacant yard, it is only then valid, provided it is not exactly opposite the opening of the yard into the street; if it is directly opposite, however, the entry is invalid. Said R. Mesharshia: "Even if the entry is not opposite the opening of the vacant place into the street, it is valid only if the vacant place was public property, but, if belonging to an individual (who might build on it and rent it to others), it will become equal to an entry which faces the sides of a vacant place and is not valid. Whence do you know, that there is a difference between public property and individual property? This is known from the narrative of Rabhin bar Ada concerning an entry which faced the sea (see Chapter X., Mishna 4).

There was another entry made in the form of a right angle and a mat was placed at the angle. R. Hisda said in reference to this: "This is neither in accordance with Rabh nor with Samuel. According to Rabh, who considers an entry of this kind as an open entry, an apparent door would be necessary, and according to Samuel, who considers it as an entry closed at one end, a side-beam would be necessary; and this mat is neither one nor the other, because it might be blown away by the wind and would leave nothing behind." If, however, the mat was fastened with a nail so that it could not be blown away, it is sufficient.

p. 14

It was taught: An entry made in the form of a centipede (*i.e.*, an entry containing a number of smaller entries which on one side faced a street and the principal entry also faced a street) should, according to Abayi, be provided with an apparent door, and the smaller ones should be provided with a side and cross beam where they face the street. Said Rabha to Abayi: "According to whose opinion is this? According to Samuel's, who holds, that such an entry is to be regarded as a closed entry; then why is an apparent door necessary? Secondly, we know that in the case of the entry made in the form of a right angle at Neherdai, the decision of Rabh was also respected." Therefore the decree of Rabha is, that apparent doors should be made at the smaller entries where they face the large entry, and the sides facing the street only need a side or cross beam. [1](#)

Said R. Kahana bar Tachlipha in the name of R. Kahana bar Minyumi in the name of R. Kahana bar Malchiyu, quoting R. Kahana the master of Rabh [according to others, R. Kahana bar Malchiyu himself was the master of Rabh]: "An entry, one side of which was wide and the other narrow, should, if the wider side be less than four ells, be provided with a cross-beam laid obliquely, but if it measured fully four ells, the cross-beam should be laid on the narrow side." Rabha, however, said, that in either case, the cross-beam should be placed on the narrow side. "And," he continues, "I will state the reason for my opinion, and the reason for the previous opinion: In my opinion a cross-beam is necessary merely to serve as a sign, and if laid obliquely it cannot be seen and thus would not be a sign. According to the opinion of the previous teachers, the crossbeam serves as a wall, and if such is the case, a wall can be a wall even if placed obliquely." Said R. Kahana: "This being a decree by Kahanim, being myself a Kahan I will also venture to say something: The cross-beam must be placed obliquely if the oblique part does not measure more than ten ells." If it was more than ten ells, however, all agree that it must be placed on the narrow side only.

The schoolmen propounded a question: "May the space underneath the cross-beam be used?" Rabh, R. Hyya, and R. Johanan said, that it may be used. Samuel, R. Simeon ben Rabbi, and Resh Lakish said, that it must not be used. Said

p. 15

[paragraph continues] R. Hisda: All agree that if a side-beam is used, the space opposite [1](#) the side-beam must on no account be used.

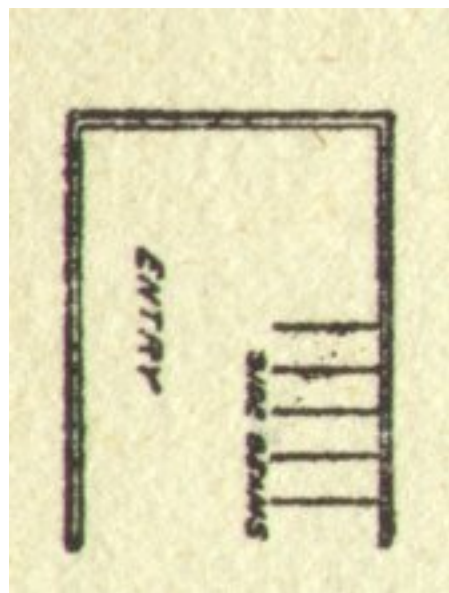
Rami bar Hama asked R. Hisda: "If one drove two posts on the outside of an entry and placed a cross-beam on top of them, how is the law concerning the entry?" He answered: According to those who hold that the space underneath the cross-beam may be used, the entry is invalid, but

according to those who hold, that the space underneath the cross-beam must not be used, the entry is valid (*i.e.*, those who hold that the space underneath the cross-beam must not be used regard the inside edge of the cross-beam as if it made a solid wall to the entry; hence the entry is valid because it is considered a closed entry, and if the posts and cross-beams are on the outside, the entry is nevertheless closed and valid; but those who hold that the space underneath the cross-beam must not be used, regard the outside edge of the cross-beam as the closing wall of the entry; hence there will be an open space between the entry and the outside posts and cross-beam, and the entry is made invalid). Rabha, however, said that even according to the opinion of those who hold that the space underneath the crossbeam must not be used, the entry is invalid because the crossbeam must be recumbent upon the entry proper and not upon the outside.

R. Zakai taught in the presence of R. Johanan: The space underneath the cross-beams and alongside of the side-beams is considered unclaimed ground (*i.e.*, that one must not carry things in that space on Sabbath). Said R. Johanan to him: "Go and teach such things outside of the college." Said Abayi: "It seems to me. that R. Johanan's opposition to R. Zakai was only as far as the space underneath the cross-beam is concerned, but alongside of the side-beams it is prohibited to carry." Rabha, however, said: Even alongside of the side. beams it is also allowed to carry.

Said R. Huna bar R. Jehoshua to Rabha: "Thou dost not think, that it is prohibited to carry things alongside of the side-beams?" Did not Rabba bar bar Hana say in the name of R.

p. 16



[paragraph continues] Johanan, that an entry which was provided with a number of side-beams the space between each of which did not measure four spans, causes a difference of opinion between R. Simeon ben Gamaliel and the sages. According to R. Simeon, an object becomes "lavud" (attached) to another object even when the distance between them is four spans, but according to the sages, the distance must not exceed three spans. Hence in the case just mentioned (see illustration) according to R. Simeon all the beams are regarded as one by virtue of their being "lavud" to each other, and a man must not carry anything beyond the space alongside of the inside edge of the beam farthest from the opening of the entry, while, according to the sages, who regard only the beam nearest the opening of the entry essential and the others

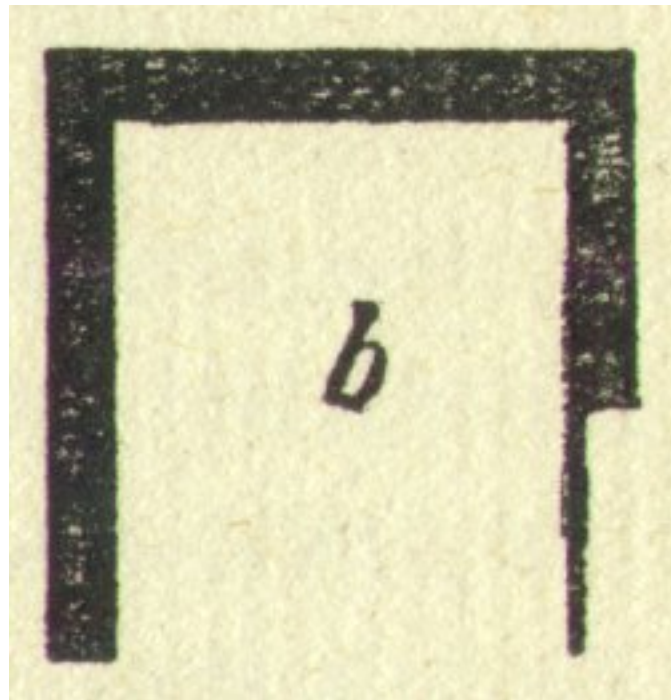
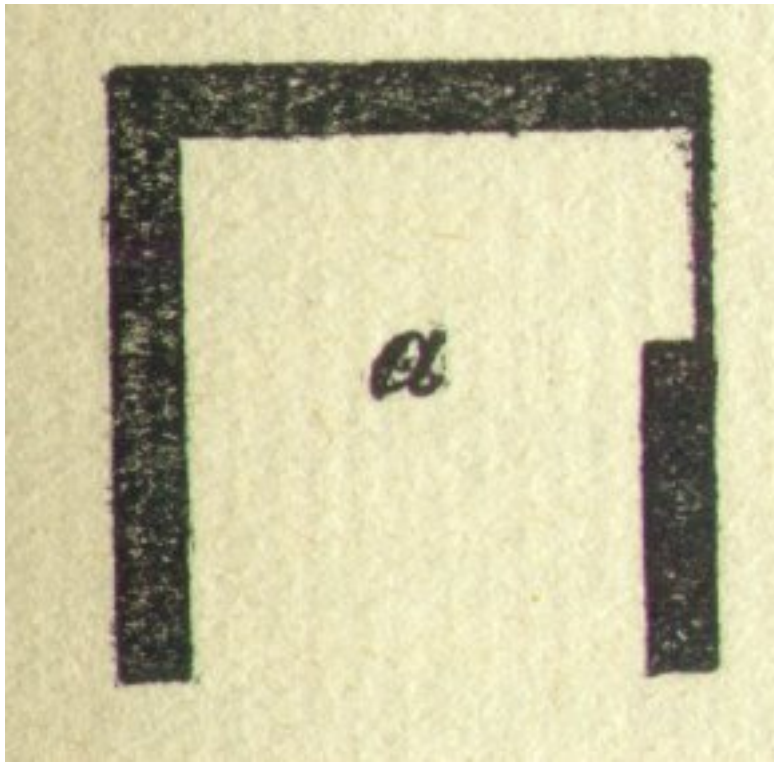
unnecessary, a man may carry things as far as the space alongside of the inside edge of the beam nearest the opening of the entry. In the space between the side-beams all agree that it is prohibited to carry. Now, if R. Johanan permitted the carrying of things alongside of the side-beams, how could he state the difference of opinion between R. Simeon and the sages in this case? For whether all the beams were considered as one or each separately, what difference would it make as long as things may be carried in the space between them? Hence we must say, that R. Johanan does not permit the carrying of things alongside of the beams? In this instance, Rabha might declare, that the entry is presumed to be one that opens into unclaimed ground. How would the case be if the entry opened into public ground? Would it be allowed according to R. Johanan to carry things between the side-beams? Shall the native remain on earth and the stranger be lifted up to the highest heaven? 1 Yea; objects of like character assimilate, *i.e.*, the space between the side-beams being unclaimed ground and the entry opening into unclaimed ground, the two are virtually combined, and as carrying in unclaimed ground is not allowed to commence with, it is also not allowed in the space between the beams.

R. Ashi said, however: The case referred to, viz., the entry containing many side-beams, is assumed to be one where the side-beams were erected for a distance of four ells and were less

p. 17

than four spans apart. If, according to R. Simeon, the beams are all "lavud" to each other, they would constitute a separate entry ill the principal entry, and in order to carry things in the space between the beams another side-beam would have to be erected for the newly made entry; but according to the sages, who do not consider the beams "lavud" to each other, another side-beam is not necessary. (This means to say: R. Johanan holds, that under any circumstances the space between the side-beams may be utilized (for carrying) and the difference caused by such an entry between R. Simeon ben Gamaliel and the sages is not as to whether things may be carried in the space between the beams or not, as stated before, but whether another side-beam is required in addition to those already erected or not.)

It was taught: If a side-beam was made to an entry which on the inside of the entry could be plainly seen but on the outside seemed to be on a par with the wall and hence not recognizable, it is regarded as a proper side-beam, but if it could be plainly seen on the outside, but on the inside it seemed to be part of the wall and could not be distinguished from the wall, it gives rise to a difference of opinion between R. Hyya and R. Simeon the son of Rabbi. One holds, that it may be regarded as a proper side-beam, and the other, that it cannot be so regarded.



It is correctly ascertained that R. Hyya is the one who holds that it may be regarded as a proper side-beam, from his decision as follows: "If one of the walls of an entry was partially removed (see illustration a), so that the lacking portion could be perceived from the inside of the entry but not from the outside of same, or if part of the wall was missing (see illustration b), so that it could be readily perceived on the outside of the entry but not on the inside, in either case the impaired wall is regarded as a side-beam."

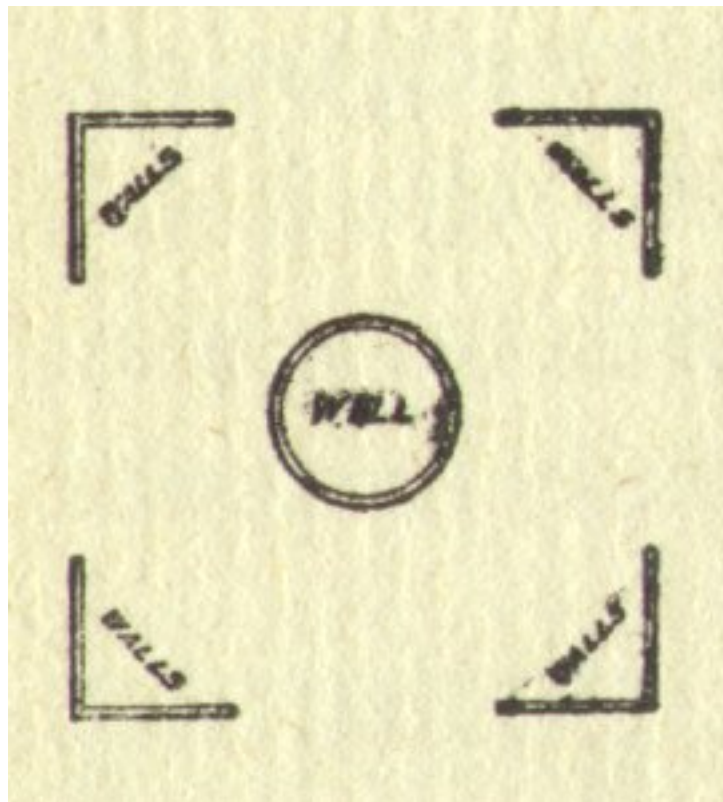
Rabba bar R. Huna taught the same: "If a side-beam was recognized on the outside of an entry but could not be distinguished on the inside it is nevertheless regarded as a side-beam." Said R. Joseph to him: "I never heard such an ordinance proclaimed by thy father." Said Abayi to R. Joseph: "Didst thou not thyself teach this ordinance when we learned the following: Rami bar

Abba said in the name of R. Huna, that a side-beam, which was affixed to the end of a wall so that it could

p. 115

be seen from the outside but seemed to be a continuation of the wall from the inside, is regarded as a side-beam, if measuring less than four ells and the entry may be used from the inside edge of such beam, but if the side-beam measured four ells, it is regarded as a separate entry, and thus the entry proper, not having any side-beam, is made invalid. Thou didst comment upon this and say, that from this teaching we may adduce three things. Firstly, that the space alongside of a side-beam must not be used; secondly, that four ells is the minimum measure of an entry; and, thirdly, that if a side-beam can be recognized on the outside but not on the inside of the entry, it is a proper side-beam." Finally, the Halakha concerning a side-beam recognizable from without but not within the entry prevails: that the side-beam is valid because such was the decision of R. Hyya, as is mentioned above.

"Should it be wider than ten ells, it must be made narrower." Said Abayi: We have learned in a Boraitha concerning this teaching, that R. Jehudah regarded this as unnecessary.



How much narrower should it be made? R. A'ha wished to state, in the presence of R. Joseph, that if the entry measured twenty ells, it should be reduced to thirteen and a third ells. He wished to infer this lenient measure from the more rigorous in the case of a well. The wells were built as illustrated, and the distance between the two enclosures on the same side was thirteen and a third ells; *i.e.*, large enough to permit of the entrance and exit at the same time of two teams of oxen and was larger than the space occupied by the enclosures on the same side. Now, if in that case it was permitted to have the space larger than the space occupied by the enclosures, and thirteen and a third ells only were allotted to such space, an entry where the space must not be more than

the enclosure should certainly not be over thirteen and a third ells wide? How can the two be compared? Perhaps the reason, that no more than thirteen and a third ells were allowed for the space of the wells was because a concession had already been made in permitting the space to be larger than the walled part and no further leniency was expedient. In the case of the entry, however, where no concession had as yet been made, let it be allowed to increase the width of the space beyond thirteen and a third ells (because it serves the purpose of a door)? Or on the contrary! A concession having been made in the case of the

p. 19

well, but no concession having been made concerning an entry, let the law of the entry be enforced without any concession and make the prescribed width ten ells only. (Thus the question remains undecided.)

Levi taught a Boraitha as follows: "In an entry which is twenty ells wide it is sufficient if a stick be placed in the centre of such entry." He himself however decreed, that the Halakha does not prevail according to the Boraitha. What then should be done? Samuel said in the name of Levi: "A pole should be erected in the centre of the entry ten spans high and four ells wide, and a cross-beam placed on top of it parallel with the walls of the entry, which would then serve as a partition in the centre." Or it should be done as R. Jehudah declared: In an entry fifteen ells wide a pole should be erected two ells from one of the walls and a cross-beam extending three ells into the centre of the entry should be placed on top of the pole. (Thus the width will be lessened five ells, the two between the wall and the pole being regarded as a closed door. In the case of an entry twenty ells wide this may be done on both sides of the entry, or the pole maybe erected four ells from the wall and the cross-beam extended six ells.) If the people who make use of the entry, however, should use the space of two ells between the wall and the pole in preference to the wider opening of the entry, will not the principal entry be invalidated by the lack of a side-beam? Said R. Ada bar Mattue: It is an established fact that people will not use the smaller entrance in preference to the larger. Why is this case different from the one taught by R. Ami and R. Assi, for we have learned in a Boraitha: If there was a breach in the side of a wall close to the entry, it was taught in the name of R. Ami and R. Assi (page 5a in the original text), that if the strip of wall left was four ells wide, it matters not if the breach was ten ells; but if the strip is less than four ells, the breach must not exceed three ells, otherwise the entry is invalid. (Now if the strip is four ells, and the breach ten, the breach is regarded as a door, and it might be used in preference to the main entrance. In the former case, only such as will be nearer the side entrance will use it, but in this case, the main entrance will be used exclusively, because one will not unnecessarily go in a roundabout way.)

"But if it have the appearance of a door, even though it be wider than ten ells it need not be made narrower."

Now we see that an apparent door may be used where the

p. 20

entry is too wide and a cross-beam if it be too high, what would be the law if the reverse were made? Come and hear: We have learned: "If an entry be higher than twenty ells, it should be reduced, but if it have the appearance of a door, this is not necessary." What is the law concerning a cross-beam when the width of the entry was excessive? Come and hear: We have

learned: "If an entry be higher than twenty ells it should be lowered and if it be wider than ten ells it should be reduced, but if it have an appearance of a door it is not necessary and if it have a cross-beam it is also not necessary." Could we not assume, that the cross-beam refers to the latter clause of that teaching (the excessive width of the entry)? Nay; it refers to the first clause of the teaching (the height).

R. Jehudah taught Hyya the son of Rabh in the presence of Rabh: "It is not necessary to reduce (the width of an entry if it have a cross-beam)." Said Rabh to R. Jehudah: "Teach him, that it should be reduced." Said R. Joseph: From this teaching of our Master we can learn, that a courtyard, of which the greater part of the walls consists of doors and windows and one of the walls contained a breach of over ten ells, the appearance of a door would not make it valid (*i.e.*, things could not be carried in the courtyard on Sabbath). Why so? Because we see, that width exceeding ten ells makes an entry invalid, and space in excess of that occupied by the walls makes a courtyard invalid; now, we compare an entry which is wider than ten ells and is held by our Master to be invalid even if it have the appearance of a door, to a court which has a breach exceeding ten ells, and is also not made valid by an apparent door.

R. Johanan also holds in accordance with the teaching of Rabh, for Rabhin bar R. Ada in the name of R. Itz'hak said: It happened that a man of the valley of Beth Hurtan placed four piles in the four corners of his field and connected the four piles with branches at the top for the purpose of circumvening the law of Kilaim. When this was told to the sages, they allowed him to do so for the purpose intimated (*i.e.*, the field was regarded as if surrounded by a wall, and he could sow other seeds on the outside of the seeming wall), and Resh Lakish said: "In the same manner as the sages permitted the man to do this for the purpose of circumvening the law of Kilaim, so also did they allow him to do it for the purpose of the Sabbath law. R. Johanan, however, said, that this was allowed only for Kilaim purposes but not for Sabbath." (Whence we see that R.

p. 21

[paragraph continues] Johanan holds with Rabh that an entry over ten ells in width is not remedied by a seeming door.)

R. Hisda said: "If a man made a seeming door in the side of a wall, it counts for nothing." And he said again: "A seeming door must be firm enough to be able to contain an actual door, even though it be only a door of straw."

Resh Lakish said in the name of R. Janai, that an apparent door must have a place fit for the attachment of hinges. What is meant by a place fit for the attachment of hinges? Said R. Ivia: A receptacle for same.

R. A'ha the son of R. Ivia found once the disciples of R. Ashi, and he asked them: "Did the master say anything about apparent doors?" and they answered him: "Nay; he said nothing."

A Boraitha stated: "By an apparent door is meant simply two poles set up perpendicularly one on each side and a pole across the top of the two." Must the pole above be attached to the two perpendicular poles, or is it sufficient if it is suspended above them? R. Na'hman said, they need *not* be attached, but R. Shesheth said they must be. R. Na'hman did in accordance with his own decision at the house of the Exilarch (R. Na'hman was a son-in-law of the Exilarch). Said R.

Shesheth to his servant, R. Gada: "Go, take it down and put it away." He went, took it down, and put it away. The servants of the Exilarch found him doing so and arrested him for it. Then R. Shesheth went and stood on the outside of the prison and called out: "Gada, come out!" Gada came out and went with R. Shesheth.

R. Shesheth met Rabba the son of Samuel on the street; and he asked him: "Did the master teach anything concerning an apparent door?" Rabba answered: "Yea! We have learned concerning an arch, R. Meir decreed, that a Mezuzah (sign on the door-post) must be fastened to it, but the sages say, that it is not necessary." (The reason the sages say, that a Mezuzah is not necessary is because the zenith of the arch is not four spans wide, and no door is properly a door that is not at least four spans wide.) All agree, however, that if the arch is ten spans wide at its base (*i.e.*, before the curve commences, then it is certain that for at least ten spans upwards the arch has a width of four spans), a Mezuzah is necessary, and Abayi said: "All agree, that if the arch is ten spans high and the base is less than three spans wide, or if the base is three spans wide but the arch is less than ten spans high, no Mezuzah is necessary (because a door cannot be

p. 22

less than ten spans high), but wherein do they differ? In a case where the base of the arch was less than four spans wide, and the arch itself ten spans high, but at the top of the arch the width could, by hollowing out the wall, be increased to four spans' width, R. Meir holds that a Mezuzah is necessary, because the possibility of increasing its width renders it equivalent to having been increased, but the sages hold that a Mezuzah is not necessary, because it had not yet been increased in width." (Thence we see that R. Meir holds that the possibility of accomplishing an act renders it equivalent to having been performed, and, in consequence, he holds that if a pole was merely suspended above two poles it is the same as if it were placed on top of the poles.) Said R. Shesheth to him: "If thou shouldst meet the members of the house of the Exilarch, tell them nothing of the Boraitha concerning the arch."

MISHNA: To legalize (the carrying within) an entry, Beth Shammai hold that a side and cross beam are required, but Beth Hillel hold, that either a post or a beam is sufficient. R. Eliezer said, "Two side-beams are necessary." In the name of R. Ishmael, a disciple stated before R. Aqiba: "Beth Shammai and Beth Hillel do not differ as to an entry less than four ells in width, for both agree, that such an entry becomes legalized either through a cross-beam or a side-beam." Wherein do they differ? Concerning entries of more than four and up to ten ells in width. Regarding these, Beth Shammai hold, that both a side and cross beam are necessary, and Beth Hillel hold, that either a side or a cross beam is sufficient. R. Aqiba, however, said: "They (the two schools) differ in both instances."

GEMARA: According to whose opinion is the Mishna? It is neither according to the opinion of the first Tana nor to that of Hananiah (see page [10](#)). Said R. Jehudah: The Mishna means to state the following: "To legalize a closed entry (one enclosed on three sides) Beth Shammai hold that a side and cross beam are necessary, while Beth Hillel hold, that either one is sufficient." Shall we assume that in order to constitute a private ground from a biblical point of view, according to Beth Shammai, four walls are necessary (because the entry by the addition of a side and cross beam would be turned into a seeming wall)? Nay; throwing to or from public ground in ground enclosed by three walls, makes one culpable from a biblical point of view, but carrying is permitted only in ground enclosed by four walls by the rabbinical law, according to Beth Shammai.

[paragraph continues] Shall we assume that Beth Hillel hold, that three walls, according to biblical law, are necessary? Nay; from a biblical point of view, throwing to or from public ground in ground enclosed by two walls makes one culpable, but carrying is not permitted in ground unless enclosed by three walls by rabbinical law, according to Beth Hillel.

"*R. Eliezer said, 'Two side-beams are necessary.'*" The schoolmen propounded a question: "Did R. Eliezer mean to state, that two side-beams *and* a cross-beam are necessary or two side-beams alone?" Come and hear: It happened that R. Eliezer was going to R. Jose ben Preida, his disciple, in the city of Ublin, and he found him sitting in an entry provided with only one side-beam. Said R. Eliezer to him: 'My son, erect another side-beam.' Said his disciple to him: 'Must I then close the entry?' and he answered: 'Close it; what matters it if it be closed?' Now, from the words of the disciple, "Must I then close it?" we can infer, that it was already provided with a cross-beam, and, therefore, the disciple asked what more he must do, close it entirely? Then, if we assume that there was only a side-beam, why should the disciple have said, "Must I close it entirely?" Nay; the disciple may have simply meant to ask, must he close it up entirely with side-beams; and it may be, that there was no cross-beam there at all.

(In the same Tosephta) we are taught so: R. Simeon ben Gamaliel said: "Beth Shammai and Beth Hillel do not differ as to an entry that was less than four ells in width." According to both schools, for such an entry nothing at all need be provided. Wherein they do differ is an entry that is more than four ells wide and up to ten; Beth Shammai hold, that a side and cross beam both are necessary, and Beth Hillel hold, that either is sufficient. Did not our Mishna state that a disciple in the name of R. Ishmael stated before R. Aqiba: "Beth Shammai and Beth Hillel do not differ as to an entry less than four ells in width, for both agree, that such an entry becomes legalized either through a cross-beam or a side-beam"? Said R. Ashi: "R. Simeon ben Gamaliel means to state, that a side *and* cross beam are not necessary according to the opinion of Beth Shammai, nor two side-beams according to the opinion of R. Eliezer, but one of the two, either a side or cross beam according to the opinion of Beth Hillel" (*i.e.*, by saying that for such an entry nothing need be, provided, R. Simeon ben Gamaliel means to state, that nothing *added* by Beth Shammai or R. Eliezer need be provided).

[paragraph continues] An entry of how much less than four ells in width? Said R. A'hlai, according to another version R. Ye'hie: "An entry of less than four spans need have nothing (and from four spans up to four ells, the side or cross beam is necessary)."

Said R. Assi in the name of R. Johanan: "A courtyard must have two enclosures." Said R. Zera to R. Assi: "Did R. Johanan indeed say so. Didst thou not thyself state in the name of R. Johanan, that the enclosures of a courtyard must measure at least four ells? And if thou wouldst explain R. Johanan's dictum to signify, that the enclosures would have to be four ells on each side of the angle, did not R. Ada bar Abhimi state before R. Hanina or before R. Hanina bar Papa, that a small courtyard need only have enclosures to the extent of ten ells all around and a large courtyard to the extent of eleven ells." (Now, if eleven ells are divided by four, that would make each of the four enclosures only two and three-quarter ells?) When R. Zera came from his sea-voyage he explained this in the following manner: If an enclosure was made straight on one

side it must be four ells wide, but if made at an angle in the corner it is sufficient if ever so small a part be on each side. As for Ada's bar Abhimi statement above, it is in accordance with the decree of Rabbi (and not R. Johanan), who holds in accordance with R. Jose (that every side-beam must be three spans wide), as will be seen further on.

R. Joseph said in the name of R. Jehudah, quoting Samuel: "A courtyard need have but one enclosure." Said Abayi to him: "Did Samuel indeed say this? We know that Samuel said to R. Hananiah bar Shila: 'Thou shalt not perform any work in a courtyard that has not the larger part of a wall or two enclosures!'" Said R. Joseph: "I do not know whether Samuel said so or not, but I do know, that it happened in the village of the shepherds, that an arm of the sea flowed into a courtyard, and when R. Jehudah was asked what the law was concerning that courtyard, he replied: 'Only one enclosure is necessary.' Then Abayi rejoined: "Thou speakest of an arm of the sea; that is altogether different! The sages were very lenient with all things pertaining to water, as R. Tabla asked Rabh: 'What is the law concerning a ruin that had one suspended partition? May things be carried within it on Sabbath or not?' and Rabh answered: 'A hanging partition legalizes a place only where water reaches, because the sages were very lenient with all things pertaining to water.'"

p. 25

In any event this would be a contradiction to R. Jehudah's statement in the name of Samuel, and to Samuel's statement to Hananiah. When R. Papa and R. Huna the son of R. Jehoshua came from college, they explained Samuel's decree thus: "On one side the enclosure must be at least four ells, but when made on a corner, ever so small a part of the enclosures on each side of the angle is sufficient." (Thus both statements may be correct. R. Jehudah's one enclosure refers to a straight enclosure and Samuel's two refer to an enclosure at each corner.)

The Rabbis taught: From an arm of the sea, which enters a courtyard, water must not be taken on Sabbath unless a partition has been made at the entrance at least ten spans in height. This is the case if the breach in the wall (where the sea entered) is more than ten ells in width, but if it was only ten ells, no partition is necessary.

Thus, you say, that water must not be taken from the arm of the sea, but things may be carried within the courtyard? Did not the breach in the wall open into ground that would invalidate the courtyard (*i.e.*, unclaimed ground)? In this case fragments of the wall were left beyond the breach and they were inundated by the sea (but were originally ten spans high).

It was taught: R. Jehudah said: "An open entry which is not suitable for the purpose of combining in an Erub, if it was provided with a side-beam, anyone throwing a thing into it from public ground is culpable, but if the entry was provided at one end with a cross-beam, one who throws a thing into it from public ground is not culpable." (R. Jehudah holds, that from a biblical point of view three partitions are necessary to enclose a private ground, and a side-beam at the end of an entry is equivalent to a partition.) Hence R. Jehudah holds, that a side-beam is equivalent to a partition, and a cross-beam is only put up for appearance's sake. So is also the opinion of Rabba; but Rabha said that both are erected only for appearance's sake.

R. Jacob bar Abba made an objection to Rabha based on the following Boraitha: "If one throw a thing into an entry he is culpable, if the entry is provided with a side-beam, but if it is not

provided with a side-beam, he is not culpable." This is explained thus: If the entry (was a closed one and) needs only a side-beam (for appearance's sake) one is culpable if he throws a thing into it; but if a side-beam alone would not legalize the entry, and something more is necessary, the thrower is not culpable.

p. 26

Said R. Jehudah in the name of Rabh: "An entry that was equal in length and width cannot be legalized by a side-beam of small proportions," and R. Hyya bar Ashi in the name of Rabh said, that an entry as wide as it is long cannot be legalized with a cross-beam measuring only one span. Said R. Zera: "How well the decisions of the old sages agree! The reason for the above decision is, that an entry of equal length and breadth is not regarded as an entry at all, but is in reality a courtyard, and a courtyard cannot be legalized by a side or cross beam but must have a partition of at least four ells." Said R. Zera again: "If there is a difficulty in this decision the following would be the difficulty: Why do they not consider a side-beam a partition of *some* extent, and thus make it a medium of legalization?" It evidently slipped the memory of R. Zera, that R. Assi said in the name of R. Johanan: "The enclosures of a court must not be less than four ells."

Said R. Na'hman.. "There is a tradition to the following effect: Which is the entry that can be legalized by a side or cross beam? One, the length of which exceeds its width, and houses and courts open into it. Which is the court that cannot be legalized with a side or cross beam, but must have an enclosure which is not less than four ells? One that is square." Only if it be square, but if round is it not a court? He means to state this: If the length exceeded the width, although it be a court, it should not be considered such but must be regarded as an entry, and as such may be legalized with a side or cross beam. If the length, however, did not exceed the width? Then, no matter what its appearance was, it must be considered as a court. By how much must the length exceed the width? Samuel intended to state, that the length should be double the width. Said Rabh to him: "So said my uncle, 'Even if the length exceeded the width by a trifle.'"

R. Aqiba said: "They differ in both."

What does R. Aqiba teach us hereby? Is it not the same as the teaching of the first Tana? The difference between them is as stated by R. A'hli, according to another version R. Yekhiel, viz.: An entry of less than four spans need have nothing. But they did not specify who was of R. A'hli's opinion and who was not.

We have learned in a Boraitha: R. Aqiba said: "R. Ishmael never made such a statement, but the disciple said this upon his own authority and the Halakha prevails according to the disciple."

p. 27

[paragraph continues] Is this not a contradictory assertion? First, he says, that R. Ishmael could not have made such a statement, *i.e.*, that the Halakha is not so, and then that the Halakha prevails according to the disciple? Said R. Jehudah in the name of Samuel: "R. Aqiba said this only in order to encourage his disciples, that they may pronounce decrees upon their own authority." R. Na'hman bar Itz'hak said: "R. Aqiba really said that R. Ishmael made no such statement, but the decree of the disciple was correct and should stand."

It was taught: R. Jehoshua ben Levi said: "In every case, where it is stated that a disciple said in the name of R. Ishmael before R. Aqiba, that disciple is R. Meir, who was a disciple of both R. Ishmael and R. Aqiba."

R. A'ha bar Hanina said: It is known to Him, Who said one word and the world was created, that in the generation of R. Meir there was not one who was his equal; but why do not the Halakhas prevail according to his decisions? Because his colleagues could never arrive at the conclusion of his decrees. If he decided that a thing which was unclean was clean, he proved it to them by a reason, and *vice versa*. We have learned in a Boraitha, that his name was not Meir but Neherai. Why was he called Meir? Because he *enlightened* ¹ the eyes of his colleagues in Halakhas. Where the name R. Neherai is mentioned, it refers to R. Nehemiah or to R. Eliezer ben Arach. Why do they call them Neherai? Because they *clarified* the vision of their colleagues in the Law.

Rabbi (according to some it was Rabh) said: Why am I more sagacious than my colleagues? Because I once saw the back of R. Meir, and if I could look upon his face I would be more sagacious still, as it is written [Isaiah xxx. 20]: "But thy eyes shall see thy teachers."

Said R. Abbahu in the name of R. Johanan: "R. Meir had one disciple, and his name was Symniachos, who could give forty-eight reasons for the uncleanness of unclean things and the same number of reasons for the cleanness of clean things."

Said R. Abba in the name of Samuel: Three years the school of Shammai and the school of Hillel disputed. One school said that the Halakhas prevail according to their opinion,

p. 28

and the other claimed that their decrees should stand. Finally a heavenly voice was heard to the effect that both schools disputed as to the words of the living God, but the Halakhas prevail according to the school of Hillel.

Now if it be true that both schools dispute as to the words of the living God, why should the school of Hillel be thus favored? Because the members of the school of Hillel were modest and patient, and would always repeat the words of the school of Shammai. Not alone this; but they also always gave the school of Shammai precedence when citing their teachings, as we have learned (in Tract Sukkah): Said Beth Hillel to Beth Shammai: "Did it not happen, that the eldest of the school of Shammai and of the school of Hillel went together to visit R. Johanan the son of Hachoranis, etc. (whence we see that the eldest of the school of Shammai were given precedence over those of the school of Hillel)." Thence thou canst learn, that everyone who maketh himself humble is raised up by the Holy One, blessed be He, and one who is arrogant is humbled by the Holy One, blessed be He. He who pursueth greatness, the greatness escapeth him, and he who avoideth greatness is sought by greatness. He who forceth time (*i.e.*, he who perforce would become rich though fortune be against him), time oppreseth him, while he, who awaiteth his time, is assisted by time.

The Rabbis taught: Two years and a half Beth Shammai and Beth Hillel disputed amongst themselves. One school declared, it were better that man had not been created as he was, while the other declared it was better that man had been created as he was, than not to be created at all.

Finally they came to the conclusion, that it were better had man not been created, but since that had happened, a man should always examine his actions, and according to another version, a man should always consider the deeds he is about to perform.

MISHNA: The cross-beam in question must be wide enough to hold a half of a brick, three spans in length and in width. It is, however, sufficient, if the cross-beam be only one span wide, so as to hold the half of a brick lengthwise. The crossbeam must be wide enough to hold a half of a brick and sound enough to bear it. R. Jehudah saith: It must be wide enough, even if it be not sound enough.

If the cross-beam be of straw or reed, it is (legally) regarded as if it were of metal; if it be crooked, it is (legally) regarded as straight; if it be cylindrical, it is (legally) regarded as square.

p. 29

[paragraph continues] Anything (measuring) three spans in circumference, is one hand width.

GEMARA: Why does the Mishna say, that it is sufficient if the cross-beam be only one span wide; it should be one and a half, which is the width of a half brick? Because if the crossbeam be one span wide the other half span which it should measure, can be added by the addition of a little loam on each side.

Said Rabba bar R. Huna: The cross-beam alone must be sound enough to bear a half brick, but the supports upon which it rests need not be sound enough to bear both the cross-beam and the half brick (*i.e.*, if the cross-beam was put up on sticks, the sticks need not be sound enough to support both the crossbeam and a half brick; for the cross-beam being the sign of the entry, it is only essential that it be sound enough to *support* a half brick, although in reality it never serves the purpose, while the sticks are not part of the sign and need not be put to such a test). R. Hisda, however, states, that the cross-beam must be sound enough to bear half a brick, and its supports must be sound enough to bear both the cross-beam and the half brick.

R. Shesheth said: If one put up a cross-beam over an entry, and hung a mat upon it, and this mat was distant from the ground three spans or more, it is considered, that there is neither a cross-beam nor a partition at the entry; no cross-beam, because it is covered up, and no partition, because goats can go through it.

The Rabbis taught: If a cross-beam was put up over an entry, but did not reach the opposite wall, or if two cross-beams were put opposite each other, but did not meet, should the distance between the cross-beam and the wall in the first instance, or between the two cross-beams in the second instance, be three spans or over, another cross-beam must be erected. If it be less than three spans no other cross-beam is necessary. R. Simeon ben Gamaliel, however, said, "If the distance be less than four spans, another cross-beam is not necessary, but if it be four spans or more, another cross-beam must be erected."

The same is the case with two cross-beams that were laid parallel, neither one of which was sound enough to bear a half brick: If both together measured one span in width, which is sufficient to bear a half brick, another cross-beam is not necessary, but if the two together measured less, another cross-beam must be erected. R. Simeon ben Gamaliel, however, said,

that if the two cross-beams were sound enough for the length of

p. 30

three spans to bear a half brick, another cross-beam is not necessary; otherwise, it is necessary.

"If two cross-beams were put up across an entry, one of which was higher than the other, they are regarded as being on a level, provided the higher beam is not over twenty ells above ground and the lower one not less than ten spans above ground." Thus said R. Jose bar R. Jehudah. Said Abayi: "R. Jose bar R. Jehudah holds with his father in one instance only, that the two beams are regarded as being on a level, but he differs with him in the other, namely: that the higher beam must not be over twenty ells above the ground; for R. Jehudah declared in a previous Mishna, that even if it were over twenty ells in height, the entry is valid."

"R. Jehudah saith: It must be wide enough, even if it be not sound enough." R. Jehudah taught Hyya bar Rabh in the presence of Rabh: "It is sufficient, if the cross-beam be wide enough even if it be not sound enough." Said Rabh to him: "Teach him: 'It should be wide and strong enough.'" Did not, however, R. Ilai say in the name of Rabh: "It is sufficient, if it was four spans wide, even if it be not sound enough"? Four spans' width makes a difference.

"If the cross-beam be of straw or reed," etc. What does the Mishna mean to teach us by this decree? That we regard certain things in a different light? This has already been taught us previously. In the former teachings, however, one certain kind of cross-beams was dealt with, namely, of wood; hence we might assume, that with straw or reed it might be different. For this reason we are given to understand that straw or reed may be regarded as metal.

"If it be crooked, it is regarded as straight." Is this not self-evident? The Mishna wishes to impart to us the teaching of R. Zera as follows: "If the cross-beam was crooked only outside of the entry across which it was laid, or was crooked above twenty ells from the ground; or again, if the cross-beam was ten spans above the ground and the crooked part of it below the ten spans, the validity of the entry depends upon whether, if the crooked part of the cross-beam were removed, the straight part left would be distant three spans from the wall. If the distance is less than three spans the entry is valid, but if it be over three spans another cross-beam must be erected." Is this teaching also not self-evident? Nay; it is necessary that we be instructed to this effect, lest we presume that the crooked

p. 31

part on the outside of the entry carry with it the straight part on the inside and thus the entry is invalidated; hence we are given to understand, that such is not the case.

"If it be cylindrical, it is regarded as square." For what purpose was it necessary to add this? This was taught us on account of the last clause in the Mishna, which states, that anything, measuring three spans in circumference is one hand in width.

MISHNA: The side-beams in question must be ten spans high, be their breadth and thickness whatever they may. R. Jose saith: "They must be three spans wide."

GEMARA: Shall we assume that the Mishna, which is rendered anonymously, is in accordance with the opinion of R. Eliezer, who holds that two side-beams are necessary? Nay; the side-beams in question refer to side-beams necessary for all entries. If this be the case, why did not the previous Mishna state cross-beams instead of "the cross-beam"? The above Mishna means to state, that the side-beams concerning which there is a difference of opinion between the sages and R. Eliezer should be ten spans high, be their breadth and thickness whatever it may. How much is meant by "whatever it may"? R. Hyya taught: Even the breadth and thickness of a thread of a Saraball." [1](#)

A Boraitha states: "If one made a side-beam in one half of an entry, he has only a half of an entry." Is this not self-evident? We might presume that because one must not use the whole entry, hence the half must also not be used, and we are taught, that the half may be used.

Rabha said: "If one made a side-beam for an entry and it was three spans distant from the ground or three spans away from the wall, it does not count; and even according to R. Simeon ben Gamaliel who holds an object to be 'lavud' (attached) although four spans distant, the side-beam is of no use, because R. Simeon ben Gamaliel's opinion applies to an object which is four spans distant at the top; but at the bottom, where goats can pass through, a trifle less than three spans is the maximum distance."

"*R. Jose saith: 'They must be three spans wide.'*" Said R. Jehudah the son of R. Samuel bar Shila in the name of Rabh: "The Halakha does not prevail according to R. Jose either where brine is concerned [2](#) or where a side-beam is in question."

p. 32

[[paragraph continues](#)] Said the schoolmen to him: "Dost thou confidently assert this?" and R. Jehudah answered: "Nay." Said Rabha: "By the Lord! He said this of a certainty, and we accepted it from him." Why then did he say "nay"? Because, we have learned elsewhere, that wherever R. Jose made an assertion, he always had good reason for it (and R. Jehudah did not wish to dispute with R. Jose).

Said Rabha bar R. Hana to Abayi: "According to whom, however, does the Halakha prevail concerning the side-beams?" He answered: "Go and observe the custom of the people" (which is as much as saying, that the breadth and thickness of a side-beam can be whatever it may).

It was taught: A side-beam, that was standing of itself, *i.e.*, that had not been especially erected, is, according to Abayi, valid, and, according to Rabha, not valid. If the side-beam was not depended upon to serve the purpose on the preceding day (before Sabbath), all agree, that it is not valid; but if it was depended upon for that purpose, Abayi declares, that it may be utilized, because it was depended upon on the preceding day, while Rabha holds that not having been erected for that purpose it must not be used. As for a partition, standing of itself, there is no difference of opinion, and all agree that even if it was not intended to serve as a partition, it may be used, and the reason they differ in the case of a side-beam is because each holds to his own theory: Abayi regards a side-beam as a partition, and a partition may be utilized under any circumstances, while Rabha regards a side-beam merely as a sign, and as such it must be especially prepared for the purpose before it may be used.

An objection was made: "Come and hear: If stones protruded from the fence around an entry and they were less than three spans apart, another side-beam for the entry is not necessary; but if they were three spans apart, another side-beam must be erected." Here the case is also, if the stones were so arranged purposely to commence with. If such be the case, is this not self-evident? We might assume that the stones were arranged in that manner with the intention of adding more to them, hence we are given to understand that this may be done.

Another objection was made: Come and hear: Rabh was sitting in a certain entry and R. Huna was sitting before him. Said Rabh to his servant: "Go and bring me a pitcher of water." Before his servant returned, the side-beam at the entry fell, and Rabh motioned to his servant to remain where he was.

p. 33

[paragraph continues] Said R. Huna to him: "Did not Master hold, that the tree standing in the entry may be regarded as a side-beam?" and Rabh answered: "That scholar is as a man who never understood a Halakha. Did we depend upon that tree to serve as a side-beam yesterday?" Now, we see, that according to Rabh, had the tree been depended upon on the preceding day to serve as a side-beam, it would have been valid. Shall we assume, that Abayi and Rabha differ concerning a side-beam standing of itself even if it was not depended upon on the preceding day, but if depended upon, both agree that it may be used. Nay; we cannot say this; because there was a pillar in the house of Bar Habo concerning which Abayi and Rabha differed all of their lives. (This is one of the six Halakhas that prevail according to Abayi, for generally Rabha is given precedence, as will be seen in the maxims of the Talmud.)

MISHNA: Side-beams may be made out of anything, even of such as are possessed of life. The latter, however, is prohibited by R. Meir. A living animal tied to the mouth of a grave in order to close it up communicates uncleanness (even after it has been removed). R. Meir, however, declares the animal clean. A letter of divorce for a woman may be written on a living animal, but R. Jose, the Galilean, pronounces the letter of divorce null and void (not legal). [1](#)

If a caravan encamp in a valley and a fence be made around the camp out of the cattle's gear, it is permitted to carry things inside of the fence (on Sabbath), providing the fence be ten spans high and the open spaces therein do not exceed in extent the fence proper. Every open space which is ten spans wide is permitted (to be used as an entry), for it is considered as a door, but such open spaces as are more than ten spans wide must not be used.

GEMARA: It was taught: If the open spaces of the fence equalled in extent the fence proper, R. Papa said: "The fence is valid." R. Huna bar R. Jehoshua however said, "It is not valid." R. Papa held it to be valid because so was Moses taught by the Merciful One: "The *larger* part (of a partition) must not be broken." R. Huna bar R. Jehoshua held it *not* to be valid because the Merciful One taught Moses thus: "The *larger* part must be *fenced* in."

p. 34

An objection was made: Our Mishna states that "the open spaces must not exceed in extent the fence proper" but if the space was equal in extent to the fence it should be valid. This question remains.

Another objection was made. Come and hear: "If a caravan encamped in a valley and a fence was made with camels, with saddles, with the baggage, or with sticks, or with bundles of herbs, things may be carried inside the fence, providing the space between each camel does not exceed the size of another camel or the space between each saddle does not exceed the size of another saddle, etc." (Whence we see that if the space equals in extent the actual fence, the fence is not valid.) Here the case is, that the space between two camels should be large enough for a camel to go in and out, but not the exact size of a camel.

Another objection was made: "Walls of which the greater part consists of windows and doors are valid, providing the wall proper is larger in extent than the space." If, however, the space and walls are equal, the walls are not valid; this would be contradictory to R. Papa's opinion. It is contradictory, but the Halakha remains according to R. Papa. How can it be, that there should be a contradiction and still the Halakha should prevail according to R. Papa? It is possible, because our Mishna states, that the open space should not exceed the fence proper, hence if space and fence are *equal*, the fence is valid. Consequently the Halakha prevails according to R. Papa.

MISHNA: A fence may also be constructed with three ropes, one above the other; providing the space between each rope be less than three spans, and the measure (width or thickness) of the three ropes together exceed one span, so that the entire (fence) attain (the height of) ten spans.

A fence may also be made of cane-laths, providing the space between the canes be less than three spans. All these regulations apply to a caravan only. So saith R. Jehudah, but the sages maintain, that the caravan (in the preceding Mishna) is particularly spoken of in order to adduce therefrom that which is generally done. Any partition which is not constructed on the principle of warp and shoot is not a (lawful) partition. Such is the dictum of R. Jose bar Jehudah; but the sages hold, that constructing it according to either one of the two principles is sufficient.

GEMARA: Said R. Hamnuna in the name of Rabh: "It

p. 35

was said, that the solid part of the partition must exceed the space of the partition when constructed on the principle of the shoot in order to make it valid; the question, however, arises by me concerning a partition constructed on the principle of the warp. What is the law?" Said Abayi to him: "Come and hear: Our Mishna states, that the width or thickness of the three ropes together must exceed one span in order to make the entire fence ten spans. If it were the same with a fence constructed on the principle of the warp as with one constructed on the order of the shoot, why does the Mishna specify one which, including all the ropes, will bring the total up to ten spans." How can such an assertion be made? Where should the space of four spans be placed? Should it be placed at the bottom, *i.e.*, between the ground and the first rope, then the space will be large enough to permit of goats passing through and the fence will be of no use. Should it be placed at the top, *i.e.*, between the second and third rope, then the space between the two ropes, together with the space above the third rope, will nullify the third rope entirely, because the third rope will have no connection whatever with the two lower. Should it be placed in the center, *i.e.*, between the first and second rope, then there will be only a quasi-solid partition at the bottom and the same at the top, but between the two there will be virtually an empty space of four spans; should it be assumed that such a partition can also be accounted lawful where the solid parts are disconnected, and an empty space exists between them? (This

question is not decided.)

"*Cane-laths*." How can R. Jehudah say, that all these regulations apply to a caravan only, and not to individuals? Have we not learned elsewhere, that R. Jehudah said: "It is not allowed for an individual to construct a partition for the Sabbath around a piece of ground, wherein more than two saahs of grain could be planted." Hence if the piece of ground is only so large that two saahs of grain can be planted therein, he may make the partition. (How then can he say in the Mishna, that these regulations apply only to a caravan?) This can be explained in the same manner as R. Na'hman, and according to others R. Bibhi bar Abayi, explained the last clause of our Mishna, viz.: "Any partition, which is not constructed on the principle of warp and shoot, is not a (lawful) partition. Such is the dictum of R. Jose bar Jehudah." The question was made, whether such could be the dictum of R. Jose bar Jehudah.

p. 36

[paragraph continues] Did we not learn in a Boraitha, that "no difference is made as far as a fence constructed with ropes is concerned between a caravan and an individual except that the space enclosed by the fence must not for one man or even for two exceed that in which two saahs of grain could be planted. For three men, however, who are regarded as a caravan, a space in which six saahs of grain can be planted is allowed. So said R. Jose bar Jehudah; but the sages maintain, that there is absolutely no difference made between a caravan and an individual, and that they may enclose all the space they require, providing they do not enclose superfluous ground to the extent that two saahs of grain could be planted in such an empty space." How can R. Jose bar Jehudah state that a fence must be constructed according to the principles of warp and shoot; does he not allow a fence made with ropes, which is only on the principle of the warp? And R. Na'hman, according to others R. Bibhi bar Abayi, answered and said, that R. Jose bar Jehudah requires a partition to be constructed on both principles only in order to allow even an individual all the space necessary. Now, the same can be said in answer to the question made concerning the contradictory statements of R. Jehudah.

R. Na'hman related in the name of our master Samuel: "An individual or even two men are allowed to enclose as much space as would permit of the planting of two saahs of grain therein, but three men, who are regarded as a caravan, may have all the space necessary." How is this? The first part of this teaching is in accordance with R. Jose bar R. Jehudah, and the last according to the sages? Yea; Abbahu is also of the same opinion.

R. Gidel in the name of Rabh said: "There are instances when three men must not occupy space so large that five saahs of grain can be planted therein, and again, there are instances when they may occupy space in which even seven saahs of grain maybe planted." (The instances were not quoted, however.) "Is it possible that Rabh should have said this?" queried the sages, and R. Gidel answered: "I swear by the Law of Moses and by the prophets, and by the Hagiographa, that Rabh said this." Said R. Ashi: "What difficulty is there in this? Let us suppose, that the three men needed a space of six saahs' capacity, and enclosed one so large, that seven saahs could be accommodated. (Then only a space is empty where one saah of grain could be planted.) Hence they may use the entire

p. 37

space. But supposing, that they needed only a space large enough to accommodate but five saahs

of grain, and enclosed one large enough for seven, (then a space large enough for the planting of two saahs is vacant) and they must not use even the space large enough for five saahs." Did not the same Boraitha teach us, however, that a space large enough for the planting of two saahs must not be vacant, and thereby meant to state, that each man should be allowed a space large enough for two saahs, and then if a space for two saahs is vacant the entire space must not be used; hence, when there are three men, they should not be allowed the use of a space large enough for the planting of eight saahs, but one accommodating only seven should be allowed them? Nay; the Boraitha meant to state, that the space allowed to the men should be only as much as they need for the accommodation of all their belongings.

"But the sages hold that constructing it according to either one of the two principles is sufficient." Is this not a repetition of what the first Tana stated in opposition to R. Jose's bar R. Jehudah dictum? There is a difference of opinion concerning an individual between the first and second sages as regards an inhabited place (and not the desert).. According to the first sages who maintain that the regulations apply not only to a caravan but to all individuals in general, this refers to individuals who are on the road, but when in inhabited places the regulations do not apply to them, while the second sages who oppose R. Jose bar Jehudah hold, that it makes absolutely no difference, be it caravan or an individual, in an inhabited place or in the desert.

MISHNA: Four privileges have been granted to warriors in camp: They may bring wood from any place (without respecting the rights of ownership); they need not wash their hands before meals; they may eat of Damai (grain of which it is not certain that the legal dues, tithes, etc., have been set aside); and they are exempt from the obligation of making an Erub.

GEMARA: The rabbis taught: If an ordinary war is in progress, it is permitted for the warriors to appropriate dry wood without respecting the rights of ownership. R. Jehudah ben Thima said: "They may also encamp wherever they choose,

p. 38

and wherever one is killed there may he also be buried, although the ground does not belong to him."

"They are permitted to appropriate dry wood." This has also been ordained even by Joshua! Joshua ordained, that wood may be cut and appropriated by the warriors, but later even cut and dry wood was allowed to be taken.

"Where one is killed, there may he also be buried." Is this not self-evident? The killed were strangers and had no one to secure a burying ground for them. The law also states, that whenever a man dies without leaving sufficient means for the acquirement of a place of burial, he may be interred in the place where he dies. This case refers to warriors who even left sufficient means to secure a burying ground.

"They need not wash their hands before meals." Said Abayi: "This refers only to washing the hands before meals, but after meals it is even then necessary, because R. Hyya bar Ashi said: 'Why did the sages ordain the washing of hands after meals? Because among the salt used at the table there may be salt of Sodom, and when a hand which had touched salt of Sodom comes in contact with the eyes it blinds them.' There is only one grain of salt of Sodom in a whole kur of

ordinary salt," said Abayi.

Said R. A'ha the son of Rabba to R. Ashi: "How is the law, concerning one who had measured salt?" and he answered: "So much the more must he wash his hands."

"*They may eat of Damai.*" As we have learned in another Mishna: "Beth Hillel said, that a poor man and a warrior may partake of Damai."

"*They are exempt from the obligation of making an Erub.*" The disciples of R. Janai said: They are exempt from the obligation of making an Erub as far as courts and entries are concerned, but not where the limit of the distance of two thousand ells (techoom) is concerned, because R. Hyya taught: "One who is guilty of transgressing the law of techoom should be punished with stripes as for any other biblical negative commandment." R. Jonathan opposed this: "Can a man be punished with stripes for a negative commandment which commences with the word *Al*?" [1](#) This was again opposed by R.

p. 39

[[paragraph continues](#)] A'ha bar Jacob: "According to thy theory then the man who transgresses the commandment in [Leviticus xix. 31], 'Turn not unto them that have familiar spirits and unto wizards' (which also commences with '*Al*'), should also not be punished with stripes?" R. Jonathan puts his question in the following sense: The violation of a commandment which involves the death penalty when committed intentionally cannot be punished with stripes at all, and the violation of the Sabbath is certainly a capital offence (how then can R. Hyya hold that it can be punished with stripes?). Answered R. Ashi: It is written [Exod. xvi. 29], "Let no man go out of his place on the seventh day," but it does not state, that a man should not carry things on that day. (Consequently the transgressing of the law of techoom is not a capital offence, and is on a par with all other negative commandments.)

Footnotes

[1:1](#) For explanation of this term, see Introduction

[4:1](#) The crooked walls will be explained in Tract Sukkah.

[6:1](#) In many places of the Talmud the expression *Gud* is used to signify, that where a wall or a curtain is supposed to reach the ground or to reach the ceiling, and comes within three spans of doing so in either case, they are considered as if they were on a level with the ground or with the ceiling, the expression for the former being *Gud Achith* and for the latter *Gud Assik*; literally, "consider it bound down" and "consider it bound up," respectively.

[6:2](#) *Lavud*, attached. See note §, page 12, Vol. I.

[8:1](#) This is a case of where the peculiar Talmudical expression of *Kal Vochoomer* appears in the

text. The literal translation is "light and heavy," *i.e.*, from the lighter to the heavier or from minor to major. In the "Introduction to the Talmud" by Prof. Dr. Mielziner an entire chapter is devoted to the explanation of this term (pp. 130-141). However, no general term can be found to express its meaning, and the expression must be varied according to the demand of the text.

[14:1](#) According to another version the apparent doors should be made where the entries face the street, but we cite the opinion of Rashi as usual.

[15:1](#) In the text is written "Bain," "between" the side-beams. Rashi, however, declares that here it does not mean *between* the side-beams, but *opposite*, as between the side-beams cannot be possible, because every entry must have only one side-beam, and Rashi says the reason that the text states "between" is, that the text mentions the side-beams in plural, meaning many entries, and the word Neced in Hebrew, which means "opposite," cannot be said in plural.

[16:1](#) An expression used to signify astonishment at an unnecessary or superfluous question, the answer to which is self-evident.

[27:1](#) Meir in Hebrew means, He makes light. Nehorah in Chaldaic is the same as our (light) in Hebrew; consequently Neherai in Chaldaic is the same as Meir in Hebrew.

[31:1](#) A Saraball was an article of apparel similar to the modern Turkish trousers.

[31:2](#) See Tract Sabbath, Chapter XIV., Mishna 2.

[33:1](#) The Gemara pertaining to this Mishna will be found in Tract Gittin, as it does not belong to or treat of Erubin.

[37:1](#) By an ordinary war is meant a war carried on by the people without the direct commandment of God as distinct from the wars carried on by Joshua by divine commandment.

[38:1](#) Al and Lo both mean "not" in Hebrew, and R. Jonathan means to say, that only such negative commandments as commence with "Lo" involve, if transgressed, the punishment of stripes, but not such as commence with "Al."

[Next: Chapter II: Use of Wells and Gardens on the Sabbath](#)