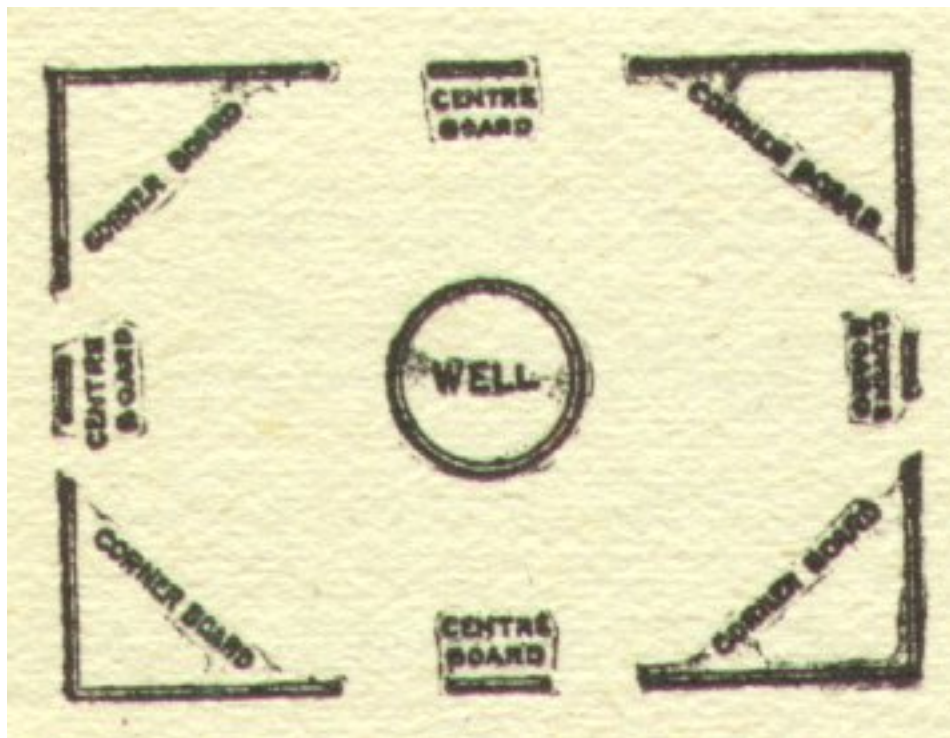


CHAPTER II.

REGULATIONS CONCERNING THE USE OF A WELL AND A GARDEN ON THE SABBATH.

MISHNA: Enclosures (partitions) must be made around wells. They must be made of four boards, placed at an angle (of forty-five degrees) at the corners of the well, so that the four boards appear like eight (see illustration). Such is the dictum of R. Jehudah; but R. Meir saith: Eight boards must be used which will appear as twelve, namely, four boards placed at an angle at the corners which appear as eight, and four boards placed between the corner boards. The height of the boards must be ten spans, the width six spans, and the thickness whatever it may be. The space between the two corner boards on the same side must not be wider than to permit of the passing through of two teams of cattle, each team of three animals abreast. Such is the decree of R. Meir. R. Jehudah, however, maintains, that each team may be of four animals abreast, meaning of cattle yoked together in a team, but not walking unyoked, so that one enters as the other passes out.



It is permitted to bring the enclosure quite close to the well, providing, that the head and greater part of the body of the animal be within the enclosure while it drinks. It may also be placed at some distance from the well, providing that more boards be used.

R. Jehudah said: The maximum distance from the well at which the enclosure may be placed is a

space large enough for the planting of two saah of grain, but the sages said to him: "This size (sufficient for the planting of two saah of grain) is only applicable to a garden or a wood-shed, but as regards a cattle-pen, a fold, a bleaching-ground (behind the house), or a courtyard (in front of the house), even though it be large enough to permit of the planting of five kur of grain therein, yea, or even of ten kur, it is lawful (to carry things therein on

p. 41

the Sabbath)." It is also permitted to place the enclosure at any convenient distance from the well, provided more boards be used.

GEMARA: Shall we assume, that our Mishna is not according to Hananiah, as we have learned in a Boraitha, viz.: "Boards may be put up at a well and *ropes* for a fence of a caravan, but Hananiah said, that ropes for a well are permitted but not boards"? Nay; we may say, that our Mishna agrees with Hananiah; but a well containing rain-water is one thing and one containing spring-water is another. Our Mishna treats of spring-water and Hananiah refers to rain-water. To make an enclosure around a well of rain-water is permitted only during the time of the pilgrimage to Jerusalem.

"*R. Jehudah said: The maximum distance,*" etc. We have learned in a Mishna (Damai i. I): R. Jehudah also said: "All bad (inferior) dates are not suspected of being Damai, with the exception of the fruit known as double-fruit ($\delta\iota\text{-}\omega\pi\omicron\rho\alpha$ {Greek *di-wpora*})." Said Ula: The tree bearing this fruit bears twice a year (and the ignorant people might object to acquit the legal dues thereof).

R. Jeremiah ben Elazar said: Adam the first (man) had a dual face, as it is written [Psalms cxxxix. 5]: "Behind and before hast thou hedged me in, and thou placest upon me thy hand."

It is written [Genesis ii. 22]: "And the Lord God formed the rib which he had taken from the man into a woman." Rabh and Samuel both comment upon this. One declares, that the Lord simply divided Adam, who had a dual head, while the other holds, that Adam had a tail and the Lord made the woman out of that tail. So according to the one the passage "Behind and before," etc., is correct, but, according to the other, how should it be explained? It may be explained as R. Ami said: "By 'behind' is meant that last of (behind) all was man created, and by 'before,' that before (first of) all others did he receive his punishment." The first part of this explanation is correct because man was created last of all on the eve of Sabbath, but the second part is not true; for was not the serpent cursed before Eve, and Eve before Adam? The punishment refers to the flood, concerning which it is written [Genesis vii. 23]: "And it swept off every living substance which was upon the face of the ground, both man, and cattle, etc.," and man is mentioned before all else. Further, it is written, that the Lord brought Eve to Adam, *i.e.*, that the Lord was sponsor

p. 42

to them. Whence we learn, that a man, be he ever so great, should not refuse to be sponsor to a lesser man.

R. Meir said: Adam the First was very pious, for when he saw, that on his account the human race was made mortal, he fasted one hundred and thirty years, separated himself from woman,

and wore leaves of a fig-tree on his body for the same length of time.

R. Jeremiah ben Elazar said: If a man is to be praised to his face only a small part of the praise due him should be given him, but his entire share may be bestowed upon him in his absence, as it is written [Genesis vii. 1]: "For thee I have seen righteous before me in this generation," and [ibid. vi. 9]: "Noah was a just, perfect man in his generations." Thus we see that to his face the Lord merely called Noah righteous, whereas in his absence the verse called him "a just, perfect man."

The same said again: A house, where the words of the Law are also heard at night, shall never more be destroyed, as it is written [Job xxxv. 10]: "But man saith not, 'Where is God my maker, who bestoweth joyful songs even in the night,'" and the verse is explained thus: If man would have sung joyful songs even in the night, he would not have been compelled to ask: "Where is God my maker?"

The same said again: Since the destruction of the temple it is sufficient for man to use only two letters in place of the four forming the name of the Lord (*i.e.*, Yod and Heh instead of Yod, Heh, Vav, and Heh), as it is written [Psalms cl. 6]: "Let everything that hath breath praise Jah (the Lord). Hallelujah."

He said again: When Babylon was cursed, it was a curse to the neighbors also; but when Samaria was cursed, the neighbors rejoiced. Speaking of Babylon, it is written [Isaiah xiv. 23]: "I will also make it a possession for the hedgehog and pools of water," and speaking of Samaria, it is written [Micah i. 6]: "Therefore will I change Samaria into stone-heaps on the field, into vineyard plantations."

He said again: Come and see how the custom of the Holy One, blessed be He, differs from that of mortal man: When a man is about to be executed, a gag is placed in his mouth in order that he may not curse the king; but if a man transgresses against the Lord, the man is silenced, as it is written [Psalms lxxv. 2]: "For thee praise is waiting, O God, in Zion." Not only is the man who transgresses against the Lord silent (waiting) but he also praises him, and the punishment given man for

p. 43

the transgression is regarded by him as a sacrifice unto the Lord, as it is written, "and unto thee shall vows be paid" [ibid.].

This is similar to the saying of R. Jehoshua ben Levi as follows: It is written [Psalms lxxxiv. 7]: "Passing through the valley of weeping, they will change it into a spring; also the early rain covereth it with blessings." "Passing" refers to the man who has trespassed against the will of the Holy One, blessed be He, "the valley" refers to hell which is made deeper, "weeping" signifies that they are weeping and shedding tears equal to the spring of Shitin, and "the early rain covereth it with blessings" denotes that the trespassers themselves bless the Lord, saying: "Creator of the Universe, Thou hast judged rightly, finding the righteous just and the wicked full of iniquity, (and blessed be Thou) that Thou hast ordained hell for the wicked and paradise for the righteous."

Is this statement not contradictory to the saying of Resh Lakish to the effect that the fires of hell cannot gain access to the bodies of the sinners in Israel, which is derived from the *a fortiori* conclusion that inasmuch as the gold which was only of the thickness of one golden dinar covering the ark of the covenant, was not touched by the perpetual light, although but one commandment was being fulfilled, so much more will the sinner in Israel who has fulfilled as many commandments as a pomegranate has seeds escape the fires of hell (as it is written [Solomon's Song vi]: "Like the half of the pomegranate is the upper part of thy cheek," etc. And Resh Lakish said: Do not read "the upper part of thy cheek," but read "thy vain, wicked men" [1](#)). Nay; even Resh Lakish admits that the sinners descend into hell; but our father Abraham, seeing that they are circumcised, rescues them.

R. Jeremiah ben Elazar said again. "Hell has three gates: One in the desert, one in the sea, and one in Jerusalem." "In the desert," as it is written [Numbers xvi. 33]: "And they went down, they, and all they that appertained to them, alive into the pit (Sheol-Gehenna)." "In the sea," as it is written [Jonah ii. 3]: "Out of the depth of the grave have I cried, and thou hast heard my voice." "And one in Jerusalem," as it is written [Isaiah xxxi. 9]: "Who hath a fire in Zion, and a furnace in Jerusalem." And the disciples of R. Ishmael taught, that by a

p. 44

fire in Zion is meant Gehenna, and by the furnace in Jerusalem is meant the gate of Gehenna.

R. Jehoshua, ben Levi said, that hell has seven names, viz.: Sheol, Abadon, Baar Shachath, Bor Sheon, Tit Hayavon, Tzalmoveth, and Eretz Hathachthith. [1](#)

Where is the gate of Paradise? Said Resh Lakish: "If the gate of Paradise is in the land of Israel it is in the city of Beth Sheon. If it is in Araby it is in the city of Beth Gerem, and if it is between the rivers it is in Damaskanun."

In Babylon, Abayi would praise the fruit growing on the other side of the Euphrates and Rabha would praise the fruit of the city of Harphania (so it may be that the gate of Paradise is situated in one of these two places).

"*Cattle yoked together in a team, but not walking unyoked.*" Why does the Mishna say "yoked together but not unyoked"? It is self-evident, that if they must be yoked they cannot be unyoked? We might assume, that if it said only "yoked together" we might think that apparently yoked would be sufficient, so it is repeated in order to make it more emphatic.

"*So that one enters as the other passes out.*" That means, that one team can enter while another passes out. This was taught in a Boraitha.

The Rabbis taught: How much (in size) must the larger part of a cow be reckoned? Two ells. What is the breadth of a cow? One and two-thirds of an ell. Thus six cows abreast will measure about ten ells. So said R. Meir, but R. Jehudah said: "About thirteen or fourteen ells." Why does R. Meir say "about ten ells"? It is exactly ten ells? Because he must teach later "about thirteen ells," so he also approximates it in this case, and says "about ten ells." Now, why does R. Jehudah say "about thirteen ells"? According to his opinion it should be more? Because he wishes to say "about fourteen" he generalizes it and says "about thirteen or fourteen." How can

he say about fourteen? It is less than fourteen? Said R. Papa: "He means to say more than thirteen and less than fourteen" (*i.e.*, the measure of two teams of four cows each abreast is more than thirteen and less than fourteen ells),

R. Papa said: For a well that measures not more than eight

p. 45

ells in circumference, all agree, that no centre-boards are necessary. For a well of twelve ells in circumference, all agree that they are necessary. Where they differ is concerning a well that is between eight and twelve ells in circumference. According to R. Meir centre-boards are necessary, and according to R. Jehudah they are not. What would R. Papa inform us? We have learned this in our Mishna; for R. Jehudah says two teams of four animals each and R. Meir two teams of three each, so the difference is the size of two animals but not the size of one. R. Papa did not know of the Boraitha stating the size of a cow, so he came to teach us the measure.

Abayi asked Rabba: "What is the law if a man make the enclosures wider; must, according to R. Meir, centre-boards be put up nevertheless or not?" and Rabba answered: "This was taught us in the Mishna, 'providing that more boards be used.' Can we not assume that centre-boards are necessary?" Rejoined Abayi: "Nay! it may mean that the corner-boards should be increased in length." It seems to us that the opinion of the latter is the intention of the Mishna. This decides the argument.

Abayi asked Rabba again: "What is the law according to R. Jehudah if the space between the corner-boards on the same side exceeded thirteen and one-third ells? What should a man do then? Should he increase the length of the corner-boards or put up centre-boards?" Answered Rabba: This was taught us in a Boraitha as follows: What is meant by "they are near each other"? If they are only apart a space as large as the greater part of a cow. What would be called "they are far away from each other"? If the space between them is so large that a kur or even two kurs of grain can be planted therein. R. Jehudah, however, said, that only a space large enough to permit of the planting of two saahs of grain is permitted, but no more. The sages said to R. Jehudah: "Dost thou not admit that a cattle-pen or a fold, a bleaching-ground or a courtyard, even though they be large enough to accommodate five or even ten kurs of grain, are permitted?" R. Jehudah answered: "Here the case is different; for here we have partitions, while in the case of a well we have only enclosures." Now, if the length of the corner-boards should be increased, then R. Jehudah would say that the boards around a well also constitute a partition. Rejoined Abayi: Around a cattle-pen or a fold, a bleaching-ground or a courtyard, according to R. Jehudah, the law of a

p. 46

partition is applied and that must not contain a space larger than ten ells, and it matters not whether that space have a capacity large enough to permit of planting one or five kur of grain; but the space between the corner-boards was fixed at thirteen and one-third ells because the law of enclosures is applied, hence it should not have a capacity larger than would permit of the planting of two saahs of grain, even if the length of the boards be increased.

Abayi asked Rabba again: "Can a sandheap four ells wide and sloping up to a height of ten

spans take the place of the corner-boards at a well?" Answered Rabba: "This is taught in a Tosephta: 'R. Simeon ben Elazar said: If there was a square rock standing at the corner of a well, which if divided would form an angle, each side of which would be one ell, it may take the place of corner-boards, otherwise it cannot.'" R. Ishmael the son of R. Johanan ben Berokah said: "Even if the rock was round and when made square and divided would form an angle each side of which would be one ell, it may also take the place of the corner-boards." On what point do they differ? According to the former Tana there is only one supposition allowed regarding the rock, whereas according to the latter, even two suppositions concerning the rock are permitted.

He asked him again: "May a bush take the place of corner-boards?" and Rabba answered: "We have learned this in a Boraitha: If there was a fence, a tree, or a number of cane-laths on the spot, they may serve as corner-boards." What is meant by cane-laths? In all probability a bush. Nay; we might assume, that they were really cane-laths and less than three spans apart? Then, by application of the law of "lavud" it would be a fence, and the Boraitha mentions a fence in the first place; why should the repetition be made? If it is a bush, it is the same as a tree; why the repetition in this instance? It might be said, then, that two kinds of a tree are mentioned; why should not two kinds of fences be mentioned?

Abayi asked him again: May things be carried from a courtyard opening into the enclosure around a well and *vice versa*? Rabba answered: "They may." "How is it if there were two adjoining courtyards opening into the enclosure?" "Then one must not carry from the courtyards into the enclosure." Said R. Huna: "If there were two courtyards, even an Erub will not make it lawful to carry things from the courtyards into the enclosure as a precaution, lest it be said, that the law of Erub

p. 47

applies also to enclosures." Rabba, however, said: "If an Erub was made, it is lawful." Said Abayi: "I know of a Boraitha, which supporteth thy opinion, viz.: If a courtyard opened into an enclosure around a well, things may be carried to and from the courtyard and the enclosure, but if two courtyards opened into the enclosure, this is not allowed, provided an Erub was not made. If an Erub *was* made, it is lawful."

Abayi asked Rabba again: "What is the law concerning the enclosures of a well which had gone dry on Sabbath?" and he answered: "Were not the enclosures made merely for the sake of the water? If the water gave out, the enclosures are void." Now asked Rabin of Abayi: "What is the law if the well went dry on the Sabbath and was filled again on the same day?" Answered Abayi: Concerning the law of a well that had gone dry I asked Master and he told me that the enclosures were void; hence if the well filled up again on the same day the enclosure must be regarded as one constructed on the Sabbath and it was decided that [in Tract Sabbath, page 200] a partition constructed on the Sabbath is valid.

R. Elazar said: "If one throw something (from public ground) within the enclosures around a well, he is culpable." Is this not self-evident? If the enclosures were not regarded as a partition, how would it be allowed to draw water from the well on Sabbath? R. Elazar means to tell us, that if such enclosures were erected in public ground without having a well, it also makes one culpable to throw a thing within the enclosures. Is this not self-evident? If such enclosures were not regarded as a partition elsewhere, how could they be thus considered when erected around a well? He lets us know, that even if the space surrounded by the enclosures is used as a public

thoroughfare, it is nevertheless regarded as private ground. Then he means to tell us, that the public who pass through the enclosures do not nullify the validity of the enclosures? This we have also been taught [in Tract Sabbath, page 10]. The ordinance there is derived from his dictum above.

"*It is permitted to place the enclosures quite close to the well.*" We have learned in a Mishna [Sabbath, xi.]: A man must not, standing in private ground, drink in public ground, nor, standing in public ground, drink in private ground, unless he place his head and the greater part of his body within the place in which he drinks. Such is likewise the law regarding a vine-press. Shall we assume, that it is sufficient for a man to have his head and

the greater part of his body in the place in which he drinks, but does this also apply to cattle or not? If the man hold the vessel from which the cattle drink and holds also the cattle (so that they cannot turn around), there is no question but that it is sufficient if they have their heads and the larger part of their bodies within the enclosures; but if the man hold the vessel only, and not the cattle, what is the law? Replied one of the schoolmen to the questioner: We have learned this in our Mishna, viz. "Providing the head and the greater part of the body of the animal be within the enclosure while it drinks." Must we not assume, that in this case the man holds only the vessel and not the animal? Nay; he holds both the vessel and the animal and the law seems to apply to the latter instances; for had he not held the animal also, how could this be allowed? Did we not learn in a Boraitha: A man must not fill a vessel with water to give to his cattle, but he may fill up the vessel and let his cattle drink of their own accord. (This was taught concerning the enclosures around the well.) Now, then, if we should say, that this Boraitha applies to a man who holds both the vessel *and* the cattle, why should he not water the cattle out of the vessel? We must therefore assume, that he did not hold the cattle, and consequently it is obvious that one must hold both the vessel and the cattle.

Have we not learned, that Abayi explains the mentioned Boraitha as follows: The case was, where a crib, ten spans high and four spans wide (forming in itself a private ground), and opening into the enclosures surrounding the well, stood in public ground and the animal stood in private ground? The Boraitha ordains, that the man should not fill a vessel with water and carry it to the animal, but pour it into the crib, *i.e.*, he should not lift the vessel with water over the crib and carry it through public ground to the animal, lest he notice that the crib is broken and he will carry the crib into the place where the animal stands to mend it, thus carrying a thing from public into private ground?

Even if he did so, can the man be held culpable? Did not R. Saphra say, in the name of R. Ami, quoting R. Johanan: "If one moved a certain thing from one corner into another in private ground and then carried it into public ground, he is not culpable, because his original intention was not to carry it into public ground?" Abayi means to state, that the man might mend the crib where it was standing and then carry it into private ground.

p. 49

Come and hear (another objection): "A camel, whose head and greater part of the body was within the enclosures around a well, may be crammed." Now, in such a case, the man certainly holds the animal and the vessel, and still it is necessary that the head and larger part of the body of the animal be within the enclosures? Said R. A'ha bar R. Huna in the name of R. Shesheth: "With a camel it is different; the neck of a camel being very long, if the camel turned its head

around it would be in public ground."

We have learned also in a Boraitha, that R. Eliezer also prohibits this to be done with a camel, because its neck is very long.

R. Itz'hak bar Ada said: "The enclosures around wells are not permitted to be used by any but the pilgrims while going to Jerusalem for the festivals." Did we not learn in a Boraitha that the enclosures are allowed only for cattle? By cattle is meant the cattle of the pilgrims, but what should a man who wishes to drink do? He should hold on to the walls of the well and drink there. [This is not so! Did not R. Itz'hak in the name of R. Jehudah quoting Samuel say, that the enclosures are permitted to be made only around wells containing spring-water but not rain-water? If the wells were only allowed for cattle, why should this distinction be made? The water must be fit for human use also (because the enclosures are erected for the sake of the water, the latter should be good water).] If the walls of the well were very wide and a man could not climb over them, he may draw water from the well and drink it.

R. Jeremiah bar Abba said in the name of Rabh: The laws of a road that had huts built on it at seventy ells apart and of enclosures around wells do not hold good in Babylon or anywhere outside of Palestine. The first law does not apply to Babylon on account of the frequent floods and to other lands on account of thieves who would steal the huts, and the second law does not apply to Babylon because of the abundance of water and to other lands because there are no colleges of learning.

Said R. Hisda to Mari the son of R. Huna the son of Jeremiah bar Abba: "I have heard, that ye, men of Barnash, go to the synagogue of Daniel on the Sabbath, a distance of three miles. Upon what grounds do ye do this? Do ye depend upon the law of huts? Was it not said by thy grandfather in the name of Rabh, that this law does not apply to Babylon?" R. Hisda was shown by Mari demolished buildings scattered over

p. 50

the entire road, at about seventy ells apart, which at one time formed part of the city itself.

Said R. Hisda: Mari bar Mar related: It is written [Jeremiah xxiv. 1]: "The Lord caused me to see, and, behold, there were two baskets of figs placed before the temple of the Lord," etc., and [ibid. 2]: "The one basket had very good figs, like the figs that are first ripe; and the other basket had very bad figs, which could not be eaten, from being so bad." The good figs represent the strictly righteous and the bad figs the grossly wicked, but if you mean to say, that for the grossly wicked there is no more hope, therefore it is written [Solomon's Song vii. 14]:

The mandrakes 1 give forth their smell."

Rabha preached: "By the passage 'The mandrakes give forth their smell' is meant the young men of Israel who have not yet tasted of the fruit of sin, and by 'at our doors are all manners of precious fruits' is meant the virgins of Israel who are modest before their marriage, and by the passage 'new and also old, O my friend! these have I laid up for thee' is meant what the congregation of Israel said to the Holy One, blessed be He, namely: 'Creator of the Universe! Even more than thou hast ordained for us, have we ordained for ourselves and have faithfully

observed."

Said R. Hisda to one of the scholars who read legendary matter before him: "Hast thou not heard what is meant by new and also old' (in the passage quoted)?" He answered: "'The old' refers to biblical ordinances and the 'new' to rabbinical."

Rabha preached: "It is written [Ecclesiastes xii. 12]: 'But more than all these, my son, take warning for thyself: the making of many books would have no end; and much preaching is a weariness of the flesh.' This means: 'My son, be careful in the observance of the rabbinical commandments (even more than in the biblical); for while the biblical commandments are for the most part positive and negative (*i.e.*, not always involving the death-penalty if violated), the rabbinical commandments, if infringed, would involve capital punishment. Lest one might say, that if such be the case, why were not the rabbinical commandments written down, the answer is provided, 'The making of many books would have no end.' The end of the passage

p. 51

[paragraph continues] 'Much preaching is a weariness of the flesh,' signifies, that one who devotes much thought and reflection to the rabbinical commandments, acquires a taste as if he had eaten an excess of meat."

The Rabbis taught: It happened that when R. Aqiba was in prison R. Jehoshua of Garsi served him every day. Water was given R. Aqiba in a measure. One day the warden of the prison said to R. Jehoshua: "To-day thy measure of water is too large. Perhaps it is thy intention to undermine the prison." So he poured out half the water and returned the remainder. When R. Jehoshua came to R. Aqiba the latter said to him: "Dost thou not know, that I am an old man and that my life is dependent upon thee?" R. Jehoshua then related what had happened. Said R. Aqiba: "Give me the water and I will wash my hands prior to eating," and he answered: "There is hardly enough water to drink, and thou wouldst use it to wash thy hands?" Rejoined R. Aqiba: "What can I do? I must follow the rabbinical commandment, which if violated would involve capital punishment. It were better for me that I die of hunger, than to act contrary to the opinion of my colleagues." And it was said that R. Aqiba would not taste anything until water was brought to him to wash his hands. When the sages heard of this, they said: If he was so careful in his old age how was he in his youth, and if he was so particular in prison how was he when at liberty!

R. Jehudah said in the name of Samuel: In the time that Solomon the king ordained the law of Erubin and that of washing the hands (before meals) a heavenly voice was heard, which said [Proverbs xxiii. 15]: "My son, if thy heart be wise, my heart shall rejoice, even mine," and [ibid. xxvii. ii]: "Become wise, my son, and cause my heart to rejoice, that I may give an answer to him that reproacheth me."

Rabha preached again: It is written [Solomon's Song vii. 12-13]: "Come, my friend! let us go forth into the field; let us spend the night in the villages; let us get up early to the vineyards; let us see if the vine have blossomed, whether the young grape have opened to the view, whether the pomegranates have budded: there will I give my caresses unto thee." "Come, my friend! let us go into the field." Thus said the community of Israel before the Holy One, blessed be He: "Creator of the Universe! judge us not by the inhabitants of the large cities; for there is robbery,

rapine, false-swearing, and swearing in vain

p. 52

among them. Come into the field and we will show Thee many scholars who study the Law although they are in poor circumstances." "Let us spend the night in the villages." ¹ This means: Come with us and we will show Thee so many, to whom Thou hast shown so much mercy and still they deny Thee. "Let us go up early into the vineyards," refers to the synagogues and the houses of learning. "Let us see if the vine have blossomed," refers to those who study the Holy Writ. "Whether the young grape have opened to the view," refers to those who study the Mishna. "Whether the pomegranates have budded," refers to those who study the Gemara. "There will I give my caresses unto thee," signifies: We will show Thee our children who honor and revere us by studying the Law and walking in Thy ways.

Said R. Hamnuna: It is written [I Kings v. 12]: "And he spoke three thousand proverbs and his songs were a thousand and five." From this it is inferred, that Solomon said three thousand proverbs for every one of the biblical commandments and gave one thousand and five reasons for each of the rabbinical commandments.

Rabha preached: It is written [Ecclesiastes xii. 9]: "And in addition to this that Koheleth was wise, he continually also taught the people knowledge, and he probed, and searched out, and composed many proverbs." "He continually also taught the people knowledge" signifies, that he supplied the Holy Writ with the Massoretic text and explained the different passages with parables and proverbs. "And composed many proverbs." Ula said in the name of R. Eliezer, that prior to the time of Solomon the Scriptures were like a basket without handles, that could not be grasped, and when Solomon came, he provided the Holy Writ with all the precautionary measures necessary for its preservation.

R. Hisda said in the name of Mar Uqba: "It is written: 'His head is bright as the finest gold, his locks are like waving foliage, and black as a raven.'" (Locks are expressed by the Hebrew word "Taltalim," also meaning heaps.) The inference can be made from this passage, that upon every letter contained in the Scriptures a heap of ordinances can be based, and further, that the one wishing to find all the beauties contained in the

p. 53

[paragraph continues] Holy Writ must devote himself to its study until he becomes black as a raven." Rabha said not "until he becomes black as a raven," but until he becomes as hard-hearted towards his family as a raven is towards its young.

As it happened that R. Ada bar Mattna wished to go and seclude himself in the house of learning and his wife said to him: "What shall I do with thy little ones?" and he answered: "There are still herbs in the field."

It is written [Deuteronomy vii. 10]: "And repayeth those that hate him to their face, to destroy them. He will not delay, to him that hateth him he will repay him to his face." Said R. Jehoshua ben Levi: "Were it not for this passage, it would be impossible to make such an assertion; for this is like a mortal who would rid himself of a burden which had become too heavy to carry." ¹

The last part of the passage implies, that while punishment is not delayed to the wicked, the reward to the strictly righteous is delayed. So said R. Aila and it is similar to the dictum of R. Jehoshua ben Levi: "It is written [ibid. ii.]: 'The ordinances which I command thee this day, to do them,'" and signifies, that the commandments are to be fulfilled this day, but the reward for so doing is put off for a future day, *i.e.*, will be given in the world to come."

"R. Jehudah said: *The maximum distance*," etc. The schoolmen propounded a question: Does R. Jehudah mean to exclude the space occupied by the well in the maximum distance or does it refer to the enclosures plus the space between the enclosures and the well? Come and hear: We have learned: What is meant by "the enclosure may be quite close to the well"? That the head and greater part of the body of the animal be within the enclosures, and what is meant by "it may be placed at some distance from the well"? That the space between the well and the enclosure may be of sufficient size to permit of the planting of one or even two saahs of grain therein. R. Jehudah, however, says, that it may be only of two saahs' capacity, but not more. The sages said to him: Wilt thou not grant us that as regards a cattle-pen, fold, bleaching-ground, or a courtyard, a capacity of five or even ten kur is permissible? He answered them: "Yea; but in the latter cases we have a

p. 54

partition whereas in the case of a well there are only enclosures." R. Simeon ben Elazar, however, said, that in the case of a well, the square of a space sufficient for the planting of two saahs of grain is allowed, and by "it (the enclosure) may be placed at some distance from the well" is meant such a square plus the two ells necessary for the accommodation of the head and larger part of the body of the animal. Now, then, if R. Simeon ben Elazar means to permit the two ells in addition to the square space permitted, it is evident, that R. Jehudah, who differs with him, means to include them in that space.

Nay; this is not so, after all! R. Jehudah also means to allow the two ells in addition to the permitted space, but he differs with R. Simeon ben Elazar in the measurement of the space. The latter holds, that the space should be square, *i.e.*, if it be one hundred ells long it must be one hundred ells wide, whereas according to R. Jehudah it may be one hundred ells long and only fifty ells wide (for such was the measure of the court of the tabernacle). [The end of the Boraitha is.] A rule was laid down by R. Simeon ben Elazar: Every space used for a dwelling of any description, *e.g.*, a pen, a fold, a bleaching-ground, or a courtyard, may be of a size large enough to permit even of the planting of ten kurs of grain therein; but a roofed dwelling such as the huts in a field must not exceed two saahs' capacity.

MISHNA: R. Jehudah said: If a public thoroughfare passes through the enclosure, it must be closed up with boards at the sides facing the thoroughfare; but the sages hold, that it is not necessary.

GEMARA: Said R. Itz'hak bar Joseph in the name of R. Johanan: "There is no such a thing as public ground in Palestine." 1 R. Dimi sitting in his college repeated this Halakha. Said Abayi to him: "What is the reason of this assertion? Shall I assume, that it is because the rocks of the mount Tyre surround Palestine on one side and a canal on another side? Does not the river Euphrates on the one side and the river Diglat on the other side surround Babylon and in like manner the ocean surrounds the world, then there should be no public ground at all. Perhaps R. Johanan meant to say, that the path ascending the mountain and the other descending from the

mountain is not public ground?" Answered R. Dimi: I see

p. 55

thou hast a wise head, and it seems to me as if thou wert among the pillars of R. Johanan's college, when he pronounced this Halakha.

When Rabhin came from Palestine, he said in the name of R. Johanan, and according to another version in the name of R. Abbahu quoting R. Johanan: The paths by which the mountains in Palestine are ascended and descended do not come under the head of public ground, because they were not encountered on the journey through the wilderness (the pillar of cloud removing all hills and mountains from the path of the children of Israel).

MISHNA: Be it a public cistern, a public well, or a private well, such an enclosure of boards must be made for it; to a private cistern, however, a partition ten hands high must be made. Such is the dictum of R. Aqiba; but R. Jehudah. ben Babah said: An enclosure of boards must be made only for a public well; for all others it is sufficient to make a rope fence ten hands high.

GEMARA: Said R. Joseph in the name of R. Jehudah quoting Samuel: "The Halakha prevails according to R. Jehudah ben Babah." And he said again in the name of the same authority: "It is allowed only to make an enclosure around a well containing spring-water." The reason this latter saying of R. Jehudah ben Babah is quoted is, because in the Mishna he states, that an enclosure must be made only for a public well and we might assume that even if the well contained rain-water, providing it be only a public well, an enclosure may be made around it: therefore we are taught, that even though it be a public well it must contain spring-water.

MISHNA: Furthermore, R. Jehudah. ben Babah said: "In a garden or wood-shed over seventy ells square and encompassed by a wall ten hands high, it is lawful to carry things, provided there is a watch-box or dwelling of some kind (within the garden or shed), or they are close to town." R. Jehudah, however, said: Even though there be nothing else within them than a cistern, a reservoir, or a cave, it is lawful to carry things (in the garden or shed). R. Aqiba said: Even if the garden or wood-shed contain none of these objects mentioned, one may carry things within them (on Sabbath), provided they do not measure much over seventy ells square. R. Eliezer said: "If the length of such a garden or wood-shed exceed its width by even one ell, it is not permitted to carry things therein." R. Jose, however, said: Even if its length be twice its width, it is lawful to carry things therein.

p. 56

R. Ilai said: I heard from R. Eliezer, that even though the garden or wood-shed be large enough to permit of a whole kur of grain being planted within it, it is permitted to carry things therein on Sabbath. I also heard from him, that if one of the householders of a court had forgotten and not combined in the erub, he must not carry anything out of or into his house, but the other inmates of the court may do so. Furthermore, I heard from him, that a man can fully acquit himself of the duty (of eating bitter herbs) on the Passover by using hart's-tongue (scolopendrium). I inquired among all his disciples seeking a colleague who had also heard him pronounce these opinions, but I could not find one.

GEMARA: "*R. Aqiba said: Even if the garden,*" etc. Is this not the same as was said by the first Tana? There is a difference in a trifling matter between the two, as we have learned in the following Boraitha: "There is a trifle over the seventy ells and something, which the sages failed to specify, and that is the difference between the space of two saahs' capacity (which is 100 by 50 ells) and the square of seventy ells and something (two saahs' capacity is equal to 100 by 50 ells, or 5,000 square ells, and $7 \frac{2}{3}$ by $70 \frac{2}{3}$ ells is equal to $4,994 \frac{2}{3}$ square ells, hence the difference, $5 \frac{7}{9}$ square ells). Whence do we adduce this? Said R. Jehudah: "It is written [Exodus xxvii. 18]: 'The length of the court shall be one hundred cubits and the breadth fifty-by-fifty.' This means to say, that the fifty cubits of length exceeding the breadth should be apportioned to the breadth, so as to make the whole seventy cubits and four spans square." ¹ What is the correct interpretation of the passage? How can one hundred ells in length by fifty by fifty in breadth be understood? Said Abayi: "The passage implies that the tabernacle must be placed immediately beyond where the court is fifty ells in length, and being itself thirty ells long and ten wide, it will have a frontage of fifty ells and twenty ells on each remaining side."

"*R. Eliezer said: 'If the length,'*" etc. Did we not learn in a Boraitha: R. Eliezer said: "If the length exceeded double the width of the garden or wood-shed by one ell, things must not be carried in them"? Said R. Bibhi bar Abayi: Our Mishna must also be read *not* "if the length exceed the width,"

p. 57

but "if the length exceed *double* the width." If such be the case, then is this not the same as said by R. Jose? The difference between them is the one square ell which R. Eliezer adds as a proviso but which R. Jose does not incorporate in his dictum, for the former says (according to the above Boraitha): "Even if the length exceed double the width by one ell," while the latter says, "even if the length be double the width (exactly)."

"*R. Jose, however, said,*" etc. It was taught: R. Joseph in the name of R. Jehudah, quoting Samuel, said: The Halakha prevails according to R. Jose's dictum in that a square is not essential. R. Bibhi, also, in the name of R. Jehudah, quoting Samuel, said: "The Halakha prevails according to R. Aqiba, who says, that the garden or wood-shed need not contain any of those objects." Samuel found it necessary to make both statements in order to make the ordinance more lenient, *i.e.*, that neither was it essential that the garden or wood-shed be square nor that it contain a watch-box, dwelling, etc.

If a wood-shed of more than two saahs' capacity was fenced in for a dwelling, and the larger part of it was used to sow grain therein, it is like a garden and things must not be moved therein, because the fact that it was used for the purpose of sowing grain nullifies the original intention to use it for a dwelling. If, however, trees were planted in the greater part of it, things may be carried therein, because it is considered as a yard or court adjacent to a house. What is the law, however, if only in the smaller part of such a wood-shed grain was sown? Said R. Huna the son of R. Jehoshua: If the wood-shed was of two saahs' capacity, it is allowed to carry things therein under those circumstances, but if it was of a larger capacity, it is not allowed (to carry things therein). This will be in accordance with R. Simeon, whose opinion will be cited later (Chapter IX., Mishna i.). If trees were planted in the wood-shed: according to R. Jehudah in the name of Abhimi, things may be carried only if benches were made between the trees, but according to R. Na'hman, this is not necessary, and R. Huna the son of Jehudah is of the same opinion as R. Na'hman.

Said R. Na'hman in the name of Samuel: A wood-shed of over two saahs' capacity, which was not fenced in for a dwelling, stood near a house which was subsequently built adjoining it. What is to be done in order to make it lawful for the occupants of the house to carry things to and from the wood-shed and the

p. 58

house on the Sabbath? First, a breach of more than ten ells should be made in the wall of the wood-shed (thereby rendering the walls useless); then the breach should be filled up so as to make it ten ells only. This will be regarded as a door, and will make it lawful to carry things between the house and the' wood-shed.

The schoolmen asked: "How is it, if the man tore down and rebuilt the walls of the wood-shed piecemeal, *i.e.*, ell by ell until more than ten ells were torn down and then by rebuilding just ten ells of the breach were left. (Must over ten ells be demolished at once in order to render the wall useless or does it suffice if eventually such a breach was made even if it was done ell by ell)?" The answer was: Is this not the same as we have learned in a Mishna (in Tract Kelim), that the vessels of householders which contain a hole larger than a pomegranate are not subject to defilement; and Hezkyah asked, what the law was if a hole the size of an olive was made in the vessel and stopped up and this was repeated until the hole became the size of a pomegranate. R. Johanan answered him and related that Rabbi taught this in another Mishna concerning a sandal, one ear of which had become torn and was mended when the other became tom and was also mended, the sandal after the second mending is not subject to defilement. Rabbi was asked why he had ordained thus, for after the second mending, the same condition existed in the sandal as after the first. He answered: Nay; when the other ear was broken off the sandal was virtually destroyed and after it had been mended it assumed a different appearance. This statement can also be applied to the wall, which with each successive breach of one ell assumed a different appearance. The answer was: Such explanations are superhuman (and can only be made by an angel). According to another version, the answer was: "This is a man (who has knowledge)." [1](#)

Said R. Kahana: "In a bleaching-ground (behind a house) things must not be carried except for a distance of four ells." Said R. Na'hman: "If a door was erected in the bleaching-ground, things may be carried over its entire extent; because the door renders this lawful."

If a wood-shed of over two saahs' capacity which had been

p. 59

intended for a dwelling was filled with water it is considered as if planted with trees, and things may be carried over its entire extent. Said Ameimar: Provided the water was fit to drink; but if not fit for drinking purposes, things must not be carried within the wood-shed.

There was a bleaching-ground in the city of Pumnahara, one side of which opened into the city and the other side into a path leading to a vineyard, which in turn opened into the banks of a lake. Said Rabha: A side-beam should be erected on the side of the bleaching-ground facing the city, and if this is of use as an entry to the city, it will also be a valid entry for the bleaching-ground. This makes it lawful to carry things both in the entry and in the bleaching-ground; but

as for carrying from the entry into the bleaching-ground or *vice versa*, there is a difference of opinion between R. Aha and Rabhina. One permits this because the bleaching-ground is uninhabited. The other prohibits this, lest the bleaching-ground become at some time inhabited and things will be carried to and fro nevertheless.

A wood-shed of over two saahs' capacity which was not fenced in for a dwelling and was made smaller by planting trees therein, is not considered diminished in size. If, however, a pillar was erected within it, ten spans high and four wide, it is considered diminished. If the pillar was less than three spans wide, all agree, that it is of no account; but if it be over three spans and less than four, Rabha said, that the wood-shed is thereby diminished because a thing which is over three spans wide does not come within the law of "lavud" (attachment), and is hence considered an independent subject; Rabha, however, maintains that it is not diminished, for a subject which is less than four spans is of no account.

If a partition was made in the wood-shed four spans distant from the wall, things may be carried over the entire wood-shed. If the partition was less than three spans from the wall, all agree that this would be unlawful. If over three and less than four, Rabba said it is lawful, and Rabha said it is not. R. Shimi, however, taught this ordinance in a more lenient form, namely: If the partition was over three and less than four spans from the wall, all agree, that it is lawful; but if it was less than three then there is a difference of opinion.

Rabba bar bar Hana propounded a question: "If the bottom part of a partition was swallowed up by the earth and the top part remained, can it be accounted a lawful partition or

p. 60

not?" What was the object of this question? If it refers to a partition which was erected on the estate of a deceased proselyte, then this question is identical with that of Jeremiah of Bira, which is decided in Tract Baba Bathra; and if it refers to the Sabbath-law, *i.e.*, if a partition was made on Sabbath, then the question has already been decided previously (page [47](#)).

Concerning a wood-shed of three saahs' capacity which was provided with a roof of only one saah capacity Rabha said: The atmosphere of the unroofed portion of the wood-shed nullifies the roof which has been erected and things must not be carried within it. R. Zera, however, said: The atmosphere of the unroofed portion does not interfere with the roof which is considered as attached to the part of one saah's capacity and things may be carried within the roofed part with impunity. I admit, however, that if a wall of the wood-shed facing a courtyard was entirely demolished, the atmosphere of the adjoining courtyard renders the remaining walls void and makes the woodshed one of over two saahs' capacity.

There was a garden on the estate of the Exilarch containing a pavilion. On a Friday R. Huna bar Hinana was told to go out there and make the pavilion suitable so that things could be carried and meals taken within it on the morrow. He went and placed some sticks of less than three spans in height in the ground around the pavilion. Rabha then went out and tore down the sticks. R. Papa and R. Huna the son of R. Jehoshua even went and hid the sticks so that R. Huna bar Hinana could not obtain them again (because all three held, that the sticks would have been of no account whatever). So the Exilarch applied to them the verse [Jeremiah iv. 22]: "Wise are they to do evil, but how to do good they do not know."

"R. Ilai said: I have heard from R. Eliezer, that even though a garden or wood-shed be large enough to permit of the planting of a whole kur," etc. This Mishna is not in accordance with the opinion of Hananiah, who said, that even if they have a capacity of forty saahs, as a parade ground for soldiers in front of the king's palace, things may be carried within them, so it was taught in a Boraitha. Said R. Johanan: Both R. Eliezer and Hananiah adduced their opinions from the same passage, viz. [II Kings xx. 4]: "And it came to pass, before Isaiah was gone out into the middle court," etc., while subsequently city is mentioned and hence the inference that a parade ground be it even as large as a medium-sized town is still called a court provided

p. 61

it be in front of the king's palace. Their point of difference is, that one holds a medium-sized town to have a capacity of one kur while the other holds that it has a capacity of forty saahs.

"I also heard from him," etc. Did we not learn in another Mishna, that neither the householder himself nor the other inmates of the court (yard) may carry anything to and from his house? Said R. Huna the son of R. Jehoshua in the name of R. Shesheth: This presents no difficulty. The Mishna is in accordance with R. Eliezer, who holds, that if one had resigned his right to the use of the court he also resigned his privilege of the use of his house, but according to the opinion of the rabbis it may be said that, if he had resigned his right to the court, he did not thereby resign his privilege of the use of his house. Is this not self-evident? (Why should we say, it may be said?) They cannot differ on any other point. Said Rahabha (Rabha): I and R. Huna bar Hinana have explained this as follows: The case was, where there were five inmates of one court, and one of them forgot to combine in the erub; according to R. Eliezer, at the time that he resigns his right to the use of the court in favor of all the other inmates he need not do so to each one individually also, and he at the same time resigns the privilege of using his house to the other inmates, while according to the Rabbis, he must do so to each one of the inmates individually and must also bear in mind to resign his privilege of using his house.

Footnotes

[43:1](#) "The upper part of thy cheek" is expressed in Hebrew by "Rakothech," and Resh Lakish reads instead "Rikothech," which signifies "thy vain or wicked men."

[44:1](#) These names can be found in the following passages: Jonah ii. 3; Psalms lxxxviii. 12; *ibid.* xvi. 10; *ibid.* xi. 2; *ibid.* cvii. 10; the last name is traditional and not mentioned in the Scriptures.

[50:1](#) The Hebrew term used for baskets and for mandrakes in both passages is "Dudaim," hence the inference by analogy.

[52:1](#) The Hebrew term for "in the villages" is "bakphorim," and if read "bakophrim" through transposition of the vowel would signify: "Among the infidels."

[53:1](#) This expression is rendered in Hebrew by the term a literal translation for which cannot be

found. The implied meaning of the term, however, is: When speaking of God, the assumption is made, that if He were a concrete body, this or that could be said of Him.

[54:1](#) *Vide* Introduction to Vol. I., p. xxviii, § iv.

[56:1](#) These figures are approximate and the correct figures depend upon whether the cubit measured 5 or 6 spans.

[58:1](#) The Gemara has evidently omitted the names of the different sages who carried on the above argument.

[Next: Chapter III: Location of Erubin and Limits on Sabbath Travel.](#)