

## CHAPTER III.

REGULATIONS CONCERNING WHEREWITH AND WHERE AN ERUB MAY BE MADE. WHEREBY AN ERUB BECOMES INVALID. THE ERUB OF LIMITS, WITH ITS CONDITIONS. WHEN A FESTIVAL OR NEW YEAR PRECEDES THE SABBATH.

MISHNA: The Erub may be effected with all kinds of victuals excepting water and salt. All kinds of victuals may be bought with the proceeds of the second tithe except water and salt. One who has vowed to abstain from food, may partake of water and salt. The Erub maybe made for a Nazarite with wine and for an ordinary Israelite with heave-offering. Symmachus said: Unconsecrated things only may be used for the Erub of an ordinary Israelite. The Erub of a priest may be placed on a spot which had formerly been used as a cemetery. R. Jehudah said: It may even be placed in an actual burying-ground, since the priest may make a partition between himself and the burying-ground and then eat the Erub.

GEMARA: R. Johanan said: "We must not accept all the Mishnaoth that commence with a general rule as final, even such as are supplemented with an exception." Said Rabhina, according to another version R. Na'hman: We can infer this from our Mishna above. It is stated therein, that with all kinds of victuals an Erub may be effected, excepting water and salt, and there are certain mushrooms with which an Erub cannot be effected also. Consequently we may assume from this Mishna, that all those commencing with a general rule, even such as are supplemented with exceptions, need not be accepted as final.

"*All kinds of victuals,*" etc. One of the two sages, R. Eliezer or R. Jose bar R. Hanina, taught as follows: The Mishna means to state, that an Erub must not be made with either water or salt, but with the two together it is allowed," and one of them taught the same with reference to second tithes, viz.: With the proceeds of the second tithes salt or water must not be bought; but the two together maybe bought. The one who applies this opinion to second tithes does so even to a greater

degree in the case of the Erub; but the one who applies this to an Erub does not do so in the case of the second tithes; because some fruit must be bought therewith. When R. Itz'hak came from Palestine, he taught this to apply to second tithes also.

An objection was made: R. Jehudah ben Gadish testified in the presence of R. Eliezer, that his father's house used to buy fish-brine with the proceeds of the second tithes. Said R. Eliezer to him: "Perhaps thou didst not observe, that there were pieces of fish in the brine." Now, R. Jehudah ben Gadish himself testifies that fish-brine was bought and that is at least an article of food; but he certainly would not permit salt and water.

Said R. Joseph: "R. Itz'hak in permitting water and salt to be bought with the proceeds of second tithes refers to a case where the water also contained some oil." Said Abayi: "If such be the case, why does he say water and salt, it would be virtually buying the oil?" The answer is: "If the money was paid for the oil and incidentally also for the water and salt." Is it allowed to buy it indirectly? Yea; it is allowed, as we have learned: Ben Bagbag said: It is written [Deut. xiv. 26]: "And thou shalt lay out that money for whatsoever thy soul longeth after, for oxen, or for sheep, or for wine, or for strong drink, or for whatsoever thy soul asketh of thee." "For oxen" signifies for oxen together with the hide, "for sheep" with the wool, for wine "together with the barrel," or for strong drink even if it turned sour.

R. Johanan said. "The man who will explain to me the dictum of Ben Bagbag concerning the oxen, I will carry his clothes after him to the bath-house." Why is this so? Wherein does he find a difference between the oxen and the sheep? Because if we infer from the verse, that the sheep may be bought together with their wool, which can be shorn, it is self-evident that an ox must be bought with the hide, for how can it be bought otherwise? Hence the inference taken by Ben Bagbag from the oxen is superfluous.

Wherein do R. Jehudah ben Gadish, R. Eliezer, and the following Tanaim differ? R. Jehudah ben Gadish and R. Eliezer interpret an extension and a limitation thus: "Thou shalt lay out that money for whatsoever thy soul longeth" is an extension then; "or oxen, or for sheep, for wine or for strong drink" is a limitation; "or for whatever thy soul asketh of thee" is again an extension. Thus we have an extension, a limitation and another extension. What is the extension? "For every.

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thing." But what is the limitation? According to R. Eliezer, it is fish-brine, and according to R. Jehudah ben Gadish it is water and salt, and the other Tanaim do not refer to extension and limitation but to the effect of general and particular terms, as we have learned in a Boraitha: "Thou shalt lay out that money for whatsoever thy soul desireth" is a general term, "for oxen, for sheep, etc.," is a particular term, and again "or for whatsoever thy soul asketh of thee" is a general term; hence we have a general term, a particular term and another general term, and wherever there is a particular term in the midst of two general terms the particular term determines the rule. Thus the particular thing to be bought with the proceeds of second tithes is fruit of fruit (*i.e.*, a calf born of a cow or oil of olives) and everything generated above the ground; but salt and water or fish-brine is not included.

In another Boraitha however we were taught, that as the particular term refers to something born on or growing out of the ground, so does also the general term refer to subjects of this kind. What is the point of difference between the two Boraithas? Said Abayi: "Concerning fish." According to the Boraitha which holds, that the particular term refers to fruit of fruit and everything generated above the ground, fish is also included as it derives its sustenance from the earth; but according to the Boraitha which holds, that only something born on or growing out of the ground is meant, fish is excluded because it is generated in the waters.

Said R. Jehudah in the name of R. Samuel bar Shilas quoting Rabh: "An Erub may be made with lettuce, Halaglugoth (a certain edible plant) and clover but not with green rye-stalks and bad figs." How can he say that clover may be used? Have we not learned, that clover maybe eaten only by those who have many children but not by such as have none? Have we not learned that

for a Nazarite an Erub may be made with wine and for an ordinary Israelite with heave-offering? Although neither of these two are allowed to partake of those things, there are others who may do so and the same case can be applied to clover, while there are some who are not allowed to eat it, there are others who may; hence all may use it for the purpose of making an Erub.

With green rye-stalks it is not allowed? Did not R. Jehudah say in the name of Rabh, that hops and green rye-stalks may be used to make an Erub and the benediction to be pronounced

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over these is "Blessed be He, etc., who hath created the fruits of the earth"? This presents no difficulty; for Rabh said, that rye-stalks were not permitted to be used, before he came to Babylon, not knowing that it was used for food, but when he learned that such was the case, he allowed its use.

With bad figs it is not allowed? Have we not learned, that palm-tops may be bought with the proceeds of second tithes and that they are not subject to defilement incidental to eatables, and bad figs may also be bought with the proceeds of second tithes but they *are* subject to the defilement? R. Jehudah, however, said that palm-tops were considered the same as trees under all circumstances with the exception that they may be bought with the proceeds of second tithes and that bad figs are considered the same as other fruit except that they are not subject to tithing? Thou sayest, they are subject to defilement? That is a different matter. The reason of that is, as R. Johanan stated in another case, that they can be made good through cooking over a fire and therefore they are subject to defilement, but they must not be used for making an Erub.

The text states, that hops and green rye-stalks may be used for making an Erub, etc. What quantity of hops should be used? As R. Yechiel said elsewhere, that a handful is sufficient, so it is also in this case; a handful will suffice for two meals. What quantity of green rye-stalks must be used? Said Rabba bar Tuvia bar Itz'hak in the name of Rabh: A bundle of the same size as that made by the peasants.

R. Helkyah bar Tuvia said: An Erub may be made with a Kalia (a certain root as hard as a piece of dry wood). How is that possible? Can it be eaten? He means to say when the root is young and tender. What quantity should be used? Said R. Yechiel: "A handful."

R. Jeremiah went out into the villages and was asked whether an Erub may be made with bean-pods. He did not know what to answer. When he came back to the college, he was told, that R. Janai said, "It was allowed," and as to the quantity R. Yechiel said, "A handful."

R. Hamnuna said: "An Erub must not be made with raw mangold. Because R. Hisda said that raw mangold can kill a man." But we see, that some people do eat it and it does not harm them? Yea; but they eat marigold which is partially cooked and is not quite raw.

R. Hisda said: "Cooked mangold is good for the heart, for

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the eyes and above all for the stomach." Said Abayi: Such is the case if the mangold was cooked over the centre of a big fire so long that it sizzled.

Rabha said at one time: I feel, that I am at present in the same condition as Ben Azai was in the markets of Tiberias. [Ben Azai used to lecture in the markets of Tiberias and in his time was the most sagacious among all the sages, so that he once said: All the sages of Israel are as the peel of garlic compared to me except the bald-head (meaning R. Aqiba).] So one of the scholars came to Rabha and asked him, how many apples it would take to make an Erub? He answered: "Art thou then certain that an Erub may be made with apples?" With apples it is not allowed? Have we not learned in a Mishna, that a quantity of mixed eatables equal to two eggs is sufficient to make the body of a man incapable of touching heave-offerings? 1 If there is sufficient of those mixed eatables for two meals they maybe used for making an Erub. If there is a quantity of those mixed eatables equal to one egg, they arc subject to the defilement incidental to eatables. Why this question? 'Tis true that the Mishna mentions all eatables, but have we not learned, that wherever a general rule is laid down, even when supplemented with exceptions, it need not be accepted as final? Consequently apples may be excluded? This question is not based upon the statement that all eatables may be used, but upon the fact that a quantity of mixed eatables equal to two eggs may be used for an Erub, and if equal to one egg it is subject to defilement incidental to eatables. And if apples are subject to defilement, why should they not be used for an Erub? What should be the quantity of apples used? Said R. Na'hman: "A Kabh."

An objection was raised: R. Simeon b. Elazar said: A measure of spices, a litter of herbs, ten nuts, five *persicum* (apricots), two pomegranates, one citron. (This was a prescribed quantity for giving charity by the owner of a vineyard.) And Ghurseck bar Dori in the name of R. Menashiah bar Shegublick quoting Rabh said: The same quantity is sufficient for an Erub. Now why shall not apples also be equal to apricots and only five should be sufficient for an Erub? The *persicums* are more valuable, hence five are sufficient, but apples not being so valuable, therefore a Kabh is required.

Said R. Joseph: May the Lord forgive R. Menashiah bar Shegublick.

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[paragraph continues] I said this to him in reference to the following Mishna and he said this in reference to the above Boraitha. This is the Mishna (mentioned above). Nothing less than a half a Kabh of wheat and a Kabh of barley should be given to a poor man by the owner of a barn. R. Meir, however, says a half a Kabh of barley and one Kabh and a half of Kusmin, 1 a Kabh of three or the weight of a maneh 2 of pressed figs; R. Aqiba said a half of a maneh; and a half a lug of wine; R. Aqiba said a quarter of a lug; and a quarter of a lug of oil; R. Aqiba said an eighth of a lug. Concerning other fruits, however, said Abba Saul: A measure of fruit, the sale of which would realize sufficient for the purchase of two meals; and to this Mishna I added in the name of Rabh that the same quantities are needed for an Erub.

The text said: If there is sufficient of mixed eatables for two meals they may be used for an Erub. R. Joseph meant to say: "If there is enough of each kind for one meal." Said Rabba to him: "Nay; it is sufficient if there was enough of each kind for a half, a third or even a quarter of a meal."

Rabh said: "One may make an Erub with wine of the quantity of two quarters of a lug." Must we have so much? Did we not learn that R. Simon ben Elazar said: "With sufficient wine necessary for the eating of two meals," and by that he means boiled wine in which bread sufficient for two meals is soaked.

Rabh said again: "One may make an Erub with vinegar sufficient for the soaking of food for two meals." R. Gidel said in the name of Rabh: "By that is meant enough vinegar to soak herbs sufficient for two meals"; and according to others R. Gidel said in the name of Rabh (not two meals of herbs only but) sufficient wine to soak the herbs which are usually eaten in two meals.

R. Zera said in the name Of Samuel: "It is allowed to make an Erub with beer, but if three lugs of it be poured into a Mikvah, the Mikvah becomes invalid." How much beer is necessary for an Erub? R. Ahu the son of R. Joseph wished to

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state in the presence of his father, that two lugs were necessary, *i.e.*, one lug for each meal. Said R. Joseph: This is not so. There are men who drink only one goblet-full in the morning and another in the evening (a goblet-full is supposed to be a quarter of a lug); hence two goblets-full are sufficient for an Erub.

What is the quantity of dates sufficient for an Erub? Said R. Joseph: "One Kabh." What is the quantity of Sheshitha (a dish made of parched corn and honey)? Said R. A'ha bar Pinhas: Two spoons-full. What is the quantity of roasted ears (of corn)? Said Abaja: Two bunis (measures used in the city of Pumbaditha).

Abayi said again: "My mother told me, that roasted ears are good for the heart and drive away care." He said again: My mother told me, that one who has heart-disease should take the meat from the right shoulder of a ram, bring some willow branches, burn them, and roast the meat on the coals. Then he should eat the meat and drink wine thinned with water.

Said R. Jehudah in the name of Samuel: "Of all things that are eaten with bread it is sufficient to use a quantity eaten with bread at two meals; but of such things as are eaten by themselves sufficient for two meals must be used for an Erub. Of raw meat sufficient for two meals if eaten by itself must be used, but of cooked meat Rabba said it is sufficient to use as much as is eaten with bread at two meals, and R. Joseph said as much as is eaten at two meals by itself should be used, and he said: "Whence do I adduce this? Because I saw that the Persians eat roasted meat without bread." Rejoined Abayi: Are the Persians the majority of the whole world?

R. Hyya bar Ashi said in the name of Rabh: "An Erub may be made with raw meat." R. Simi bar Hyya said: "An Erub may be made with raw eggs." And how many should be used? Said R. Na'hman bar Itz'hak: "Sinai 1 said, two eggs should be used."

R. Huna in the name of Rabh said: If one vowed, that he would not eat this loaf of bread, an Erub may nevertheless be made for him with that loaf; because though he must not eat it, others may. If he says, however, that this loaf is on him, *i.e.*, he devotes this loaf of bread (in honor of the Lord), it must not be used for an Erub.

An objection was made: If one vowed concerning a certain loaf of bread, an Erub may nevertheless be made with it. Shall we not assume that he said: "This loaf of bread is on me"? (*i. e.*, he devoted that loaf of bread in honor of the Lord). Nay; he said: "I vow not to eat this loaf of bread," and such seems to be the case; because the latter part of the Boraitha states distinctly, that he said: "I vow not to taste any part of this loaf." What is the law, however, if the man said that the loaf is on him? It must not be used for an Erub? If that is so, why was it taught in the latter part of the Boraitha: "If he said the loaf is consecrated, an Erub must not be made with it, because it is not allowed to make an Erub with consecrated things." Why should this whole argument be repeated? Could it not be simply stated, that if the man vows not to eat the loaf an Erub may be made with it; but if he declares the loaf to be on him, an Erub must not be made with it? But as it does not say, that the loaf is on him in the first part of the Boraitha, there is a contradiction to R. Huna? R. Huna said the same thing as R. Eliezer said elsewhere. Did R. Eliezer indeed say so? Did we not learn, that R. Eliezer said: "If a man said: 'This loaf of bread is on me,' an Erub may be made with it, but if he said, 'This loaf is consecrated,' it must not be used for an Erub, because an Erub must not be made with consecrated things"? There are two Tanaim who report the dictum of R. Eliezer in different ways.

"*An Erub may be made for a Nazarite with wine.*" This Mishna is not in accordance with the opinion of Beth Shammai, as we have learned in the following Boraitha: An Erub must not be made for a Nazarite with wine, nor for an ordinary Israelite with heave-offering. So said Beth Shammai; Beth Hillel, however, said: "This may be done." Said Beth Hillel to Beth Shammai: "Will ye not admit, that an Erub may be made for a man who is obliged to fast on the Day of Atonement, although he must not eat it?" They answered: "Yea." "Then," rejoined Beth Hillel, "as we are permitted to make an Erub for a man fasting on the Day of Atonement, so may we also make an Erub for a Nazarite with wine, and for an ordinary Israelite with heave-offering." What reason have Beth Shammai for prohibiting this? They give as their reason the fact, that a man may eat the Erub while it is yet day (before the eve of the Day of Atonement); but a Nazarite must not at any time drink wine nor an ordinary Israelite eat heave-offering.

This whole Boraitha is not in accordance with the teachings of Hananiah, as we have learned in the following Boraitha: "Beth Shammai do not recognize an Erub unless a man carries out his bed and all the utensils he intends to use to the place where he proposes to make the Erub, so taught Hananiah."

According to whose opinion is the Boraitha which states, that a man who deposits his Erub while wearing a black garment must not go out on the morrow dressed in a white garment, and *vice versa*? Said R. Na'hman bar Itz'hak: This is in accordance with the opinion of Beth Shammai as interpreted by Hananiah.

"*Symmachus said: 'Unconsecrated things only may be used,'*" etc. Consequently Symmachus does not dissent as regards making an Erub for a Nazarite with wine, but does dissent as regards heave-offering for the Erub of an ordinary Israelite. Why is this so? Because a Nazarite may go to a sage and be declared free from his vows as a Nazarite. As regards heave-offering for the Erub of an ordinary Israelite, he holds with the Rabbis, who decreed, that all things which are prohibited by rabbinical law on account of the Sabbath-rest are also prohibited for the time of

twilight, and as regards heave-offering, an ordinary Israelite must not handle it on Sabbath on account of Sabbath-rest.

According to whose opinion is the following Mishna? There are sages who hold, that the prescribed quantities, which are dependent upon the size of a man, should be measured accordingly. And the two meals which must be constituted by the Erub, should be two meals sufficient for the man who deposits the Erub? Said R. Zera: "This is according to Symmachus, who holds, that an Erub must be according to the requirements of the man for whom it is made."

*"The Erub of a priest may be placed on a spot which had formerly been used as a cemetery."* R. Jehudah bar Ami said in the name of R. Jehudah, that a spot which had formerly been used as a cemetery becomes clean of itself if trodden down by people.

*"R. Jehudah said: 'It may be placed in an actual burying-ground.'"* It was taught: Because the priest can go there in a wagon; for R. Jehudah holds, that a temporary tent is sufficient to intervene between a man and uncleanness. Furthermore we have learned that for a ritually clean priest, clean heave-offering may be placed as an Erub even in a grave and for the same reason as above, in spite of the fact that the heave-offering becomes unclean and the priest is at no time allowed to eat it.

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MISHNA: For the Erub doubtful grain (Damai) (of which it is not known whether the legal dues like tithes, etc., have been acquitted) may be used; first tithes, from which the heave-offerings have been taken; and second tithes and consecrated things that have been redeemed. For priests, the first of the dough and heave-offerings may be used. It is not lawful however to use unseparated grain (from which it is certain that the legal dues have not been separated), or first tithes from which the heave-offering had not been taken, or second tithes and consecrated things which had not been redeemed.

GEMARA: [The reasons for the above Mishna and the discussions appear several times throughout the Talmud. We shall render them, however, but once and that in Tract Berachoth (benedictions), which contains the complete and identical version.]

MISHNA: Should a man send his Erub by the hand of a deaf and dumb person, an idiot, a minor or one who does not acknowledge the legal necessity of an Erub, it is not a valid Erub; if, however, he had commissioned another proper person to receive it from his messenger, it is a valid Erub.

If a man puts the Erub in a tree higher than ten spans above ground, it is not valid; but if he puts it lower than ten spans, it is. If he had put it into a pit, even though it be a hundred ells deep, the Erub is valid.

GEMARA: By the hand of a minor it would not be a valid Erub? Did not R. Huna say, that a minor may collect the Erub? This presents no difficulty. R. Huna's dictum refers to an Erub of courts (where only the meal is to be gathered in order to make common cause), but our Mishna refers to an Erub of limits (where a man must go and declare his intention of making that his resting-place for the Sabbath).

"*One who does not acknowledge the legal necessity of an Erub.*" Who is meant thereby? Said R. Hisda, a Samaritan.

"*If, however, he had commissioned another person,*" etc. Why! Perhaps the above messenger will not deliver it! As R. Hisda said elsewhere, that he should stand and see the messenger depart, so must he also do in this case. Still there is fear that the person commissioned to receive it from the messenger will not receive it? As R. Yechiel said elsewhere, that it is an established rule, that if a messenger has been intrusted with an errand, it is presumed that he will perform the errand and this must also be assumed in the case under consideration. Where did R. Hisda and R. Yechiel make these statements? Concerning

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the following Boraitha, which teaches, that if a man sent his Erub through a trained elephant or a trained monkey and they deposited the Erub, it is not valid, but if he had commissioned a person to receive it from them and deposit it, it is valid. The same question arose here which led to the statements of R. Hisda and R. Yechiel as stated above.

R. Na'hman said: The established rule, that a messenger will perform his errand, holds good where rabbinical laws are concerned, but not where biblical commandments are to be executed.

R. Shesheth, however, said: There is no difference. This rule holds good even where biblical commandments are concerned.

"*If a man put his Erub in a tree,*" etc. R. Hyya bar Abba, R. Assi and Rabha bar Nathan sat together, and R. Na'hman sat near them. They were deliberating upon the question of where the tree spoken of in the Mishna was situated. Should we assume that it was standing in private ground, what difference does it make whether the Erub was put lower or higher; for private ground reaches even to the sky? Should we assume, that the tree was in public ground, where was the man's intention to rest on this tree; if on the top, why was the Erub which was placed above ten spans not valid? The man and the Erub would be in one place? We must say, that the man's intention was to rest at the foot of the tree (and if the Erub was placed above ten spans from the ground it is not valid, because at that height the tree becomes private ground by virtue of its being over four spans wide, while the foot of the tree is still public ground and consequently, the man would have to carry his food from private into public ground on Sabbath and that is prohibited). Still, will he not make use of a tree on the Sabbath and that is also prohibited? We must therefore assume, that the Mishna means that the tree was standing in public ground and it is according to Rabbi, who holds, that all rabbinical ordinances enacted on account of the [Sabbath](#)-rest (Shvuth) have no significance during twilight (before or after the Sabbath). Said R. Na'hman: "I thank ye, for so also did Samuel say." And they rejoined: "Was it so difficult for you to understand the Mishna, that you thank us for our opinion. [Did they not themselves argue and discuss the matter? Nay; they spoke thus to R. Na'hman.] Would you insert our opinion in the Gemara explaining this Mishna?" He answered: "Yea."

Rabha said: All this refers to a tree, which was standing outside

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of the addition (of  $70 \frac{2}{3}$  ells square) to a town; but if the tree was standing inside of the addition to the town, it makes no difference where the Erub was placed on it, even at a height of over ten spans, because the atmosphere of a town pervades all the trees and it makes no difference where the man takes his rest.

Where is the opinion of Rabbi and the sages to be found concerning the twilight as mentioned above? In the following Boraitha.. If a man placed his Erub on a tree ten spans above the ground, the Erub is not valid. If placed lower than ten spans it is valid, but must not be taken down; if it was placed within three spans from the ground it is valid and may also be taken down. If the Erub, however, was placed in a basket and then hung on the tree even at a height of over ten spans it is valid; such is the dictum of Rabbi; the sages however say, that where an Erub must not be taken down, it is also not valid. (Hence the difference of opinion between Rabbi and the sages.) Concerning what part do they differ? Shall we say, that they differ concerning the last part (*i.e.*, where the Erub was placed in a basket and hung up on a tree at a height of over ten spans, and the sages say therefore, that such an Erub is invalid because the tree will have to be used on Sabbath and that is prohibited), can we say, that incidental use of the tree is also prohibited? (We know that is not so.) Shall we say, that they differ concerning the first part (*i.e.*, where the Erub was placed at a height of over ten spans and must not be taken down), we must first see what kind of a tree is under consideration. If it be a tree of less than four spans' width, it is a free place (not subject to jurisdiction), then why should the Erub not be taken down? If it be a tree that was four spans wide, it is regarded as private ground, then of what benefit is the basket which contains the Erub (it must also be taken down from private into public ground); said R. Jeremiah: "With a basket it is different. It need not be taken down at all, but can be bent over and the Erub may be removed." (Although the tree is private ground, when the basket is bent over so that it is below ten spans it is no longer in private ground.)

R. Papa sat in the college and repeated the above Halakha. Rabh bar Shva raised an objection: "We have learned in a following Mishna: "But how must this be done? One carries out the Erub, where he means to deposit it on the eve of the first day of rest and remains with it until dusk, when he carries it back with him." If thou sayest then, that it is sufficient if he

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hangs up a basket on the tree, because he can bend over the basket and bring it lower than ten spans, why should the Mishna quoted order, that the man must carry out the Erub, etc., and remain with it until dusk; it may just as well say, that as he can remain until dusk and carry it back, that it is sufficient, if he deposits it and carries it back with him at once.

Said R. Zera: This is only a precautionary measure for a case where a festival follows a Sabbath. (If it were said, that the man need not go out and deposit his Erub, wait until dusk and carry it back, then go out again on the next day and wait until dusk and eat the Erub, but that he may leave it there because he could have done as the Mishna states and the capability of performing an act is equivalent to its performance,--it would be wrong; for the day being Sabbath he would not have been permitted to carry it out again. Hence the precautionary measure was made to apply to all similar cases.)

"*If he had put it into a pit,*" etc. Where is the pit supposed to be situated? If in private ground it

is self-evident? For in the same manner as private ground has no limit as to height it also has none as to depth. If in public ground, the question arises, where the man intended to take his Sabbath-rest? If he intended to take it outside of the pit, he would be in one place and his Erub in another, and if he intended to take his rest inside of the pit, it is self-evident that he may deposit his Erub therein. We must say then, that the pit was situated in unclaimed ground (in a valley) where he intended to rest. The pit however being over ten spans deep is private ground, and as for carrying from private into unclaimed ground the opinion of Rabbi again prevails, that such acts as are prohibited on the Sabbath are not prohibited for twilight on account of the Sabbath-rest.

MISHNA: If the man should put the Erub on top of a cane or pole, that does not actually grow out of the ground, but is merely stuck in the ground, even though it be a hundred ells high, it is a valid Erub.

If one put it into a cupboard which he locked and then lost the key, the Erub is nevertheless valid. R. Eliezer said: If he does not know where the key is, the Erub is not valid.

GEMARA: R. Ada bar Massne propounded a contradictory question to Rabha: If the man should put his Erub on top of a cane, that does not actually grow out of the ground, it is valid; but if the cane were a growing one, the Erub would not be valid, because the tree would be handled thereby and that is not permitted;

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then this would be in accordance with the opinion of the sages; while the previous Mishnaoth were according to Rabbi's opinion? This was already asked by Rami bar Hama of R. Hisda and the latter answered, that the previous two Mishnaoth were in accordance with Rabbi's opinion, while this Mishna is in accordance with the opinion of the sages.

Rabhina, however, said, that this Mishna is also in accordance with Rabbi's opinion, but here the precautionary measure is enacted, lest the man might break down the cane if it grew out of the ground, while a tree is too stout to be broken down, and in this case Rabbi concurs with the sages.

One Friday, a military garrison came to Neherdai and occupied the city, so that there was no room for the college of R. Na'hman. Said R. Na'hman to his disciples: "Go out into the field and incline the growing bushes towards each other, so that we have room enough to study in tomorrow." So Rami bar Hama, according to another version, Uqba bar Ada objected: "Did we not learn in this Mishna, that an Erub must not be put on growing stalks or cane?" Answered R. Na'hman: The Mishna refers to brittle (withered) cane, but as for healthy (moist) bushes it is not prohibited.

*"If one put it into a cupboard, etc., and lost the key."* Why should the Erub be valid? The man is in one place and the Erub in another? He cannot even obtain it without a key. Rabh and Samuel both said, that the Erub is valid only when the cupboard is not firmly immured but is loosely built, so that the bricks maybe removed and the Erub taken out, and that the Mishna is according to R. Meir's opinion, who holds, that this may be done on a festival to commence with and that the Mishna refers to a festival only, and not on a Sabbath. If this be so, how will the following

clause of the Mishna be explained: "R. Eliezer said: If the key be lost in the city, the Erub is valid, but if lost in the field, it is not valid." If the Mishna refers to a festival, what difference does it make where the key was lost. Carrying is not prohibited on a festival? The Mishna is not complete and should read thus: If one put it into a cupboard, which he locked and then lost the key, the Erub is nevertheless valid, providing it was a festival. On Sabbath, however, it is not valid. If the key was subsequently found, whether in the city or in the field, the Erub is nevertheless not valid. R. Eliezer, however, said: If it was found in the city, the Erub is valid, because he holds to R. Simeon's opinion, who said, that

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all the courts and wood-sheds in the city are as one ground and the key could be brought through them; but if found in the field it could not be carried.

Rabba and R. Joseph both said: "Our Mishna treats of a wooden cupboard and the Tana who holds that if the key was lost, the Erub was valid, considers the cupboard the same as a vessel which may be taken apart on the Sabbath and the Erub taken out, while R. Eliezer considers the cupboard the same as a tent which must not be taken apart on the Sabbath." How can they differ as to its being a vessel or a tent? If it was large all agree, that it is a tent, and if it was small all agree, that it is a vessel? Therefore Abayi and Rabha both say, that the Mishna treats of a case where the key was tied to the lock by a string, which could not be undone by hand. The first Tana holds according to R. Jose, that all vessels may be handled on the Sabbath for any purposes whatever (hence a knife used for cutting bread may be used to cut the string), whereas R. Eliezer holds according to the opinion of R. Nehemiah, who decrees, that all vessels may be handled on Sabbath only for the purposes for which they are intended.

MISHNA: Should the Erub roll (or be moved) out of the limit of the Sabbath distance, should a heap of mould fall on it, or should it be burned, or if the heave-offering (used for the Erub) became unclean, and any or all of this take place while it is yet day (*i.e.*, before the Sabbath set in) the Erub is not valid. If it take place, however, after dusk (when it is already Sabbath) the Erub is valid. If the time when it took place is doubtful, R. Meir and R. Jehudah both say: This is (like driving) an ass and (leading) a camel (meaning, that a man is hemmed in on all sides). R. Jose and R. Simeon say: A doubtful Erub is valid? R. Jose further said: Abtolymus attested upon the authority of five elders, that a doubtful Erub is valid.

GEMARA: Said Rabha: (If the Erub rolled outside of the limit of the Sabbath distance) for a distance of over four ells it is not valid; but if it rolled for less than four ells, the man who deposited the Erub is allowed four ells to move in, outside of the limits, consequently the Erub is valid.

"*Should a heap of mould fall on it,*" etc. At a casual glance it was assumed, that the Erub could have been extracted from under the heap of mould by hand, and accordingly the Mishna was in conformity with the opinion of Rabbi, that at twilight such acts as are prohibited by rabbinical law on account of the

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[paragraph continues] Sabbath-rest may be performed; subsequently, however, the conclusion was

arrived at, that the Mishna is in accordance with Rabbi's opinion, and that the Erub in this instance could not be extracted by hand but by means of a hoe.

It was necessary to insert both clauses (concerning the rolling of the Erub and its being buried beneath a heap of mould) in the Mishna and for the reason; that, were the first clause only inserted, one might say: "If the Erub rolled out beyond the limits, it was no more in its place and hence it is invalid; but if it was simply buried beneath a heap of mould it is still in its proper place and why should it not be valid?" If the latter clause only had been inserted, one might say: "In this case the Erub was buried and could not be seen, hence it is invalid, but if it merely rolled out and can be seen, the same wind might bring it back, why should it not be valid?" For this reason it was necessary to mention both cases.

*"Or should it be burned, or if the heave-offering (used as an Erub) became unclean,"* etc. The ordinance referring to an Erub which was burned up is taught in order to show the firmness of R. Jose, who declares, that (if a doubt existed whether the Erub was burned before or after dusk) although the Erub is no longer in existence, it is still valid, and the ordinance referring to heave-offering which became unclean was taught to show the firmness of R. Meir, who maintains that although the heave-offering was still there and only a doubt existed as to whether it became unclean before or after dusk, the Erub is nevertheless invalid. Is it possible, that R. Meir holds a doubtful case based upon rabbinical law to necessitate the more rigorous decision? R. Meir holds, that the law pertaining to Sabbath-limits is biblical. Does R. Meir indeed hold thus? Have we not learned in a Mishna further on (Chapter V., Mishna 3), that R. Meir maintains, when measurements are made to determine the Sabbath-limit and mountains are encountered that it is permitted to cut straight through the mountains (in an imaginary sense or figuratively speaking), and such subterfuges are certainly not allowed where biblical laws are concerned?

The latter opinion while credited to R. Meir is not in reality his own, but the opinion of his teacher, while the former is his own conviction and the proof is, that the Mishna quoted states distinctly: R. Dostai ben Janai said: I have *upon the authority* of R. Meir, etc.

We have learned in a Boraitha: How should the dictum of

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R. Jose to the effect, that "a doubtful Erub is valid" be explained? Thus: If an Erub was made with heave-offering concerning which there was a doubt whether it became unclean while it was yet day, or after dusk, or with fruit concerning which there was a doubt whether the tithes had been acquitted while it was yet day or after dusk, it constitutes a doubtful Erub, which is nevertheless valid; if, however, the Erub was effected with heave-offering concerning which there was a doubt whether it was clean or unclean to commence with, or with fruit concerning which there was a doubt whether tithes had been acquitted at all, it does not constitute a doubtful Erub, which *is* valid.

Let us see! Why is it said, that heave-offering, concerning which there was a doubt whether it became unclean before or after dusk, would constitute a doubtful Erub which was nevertheless valid, because the heave-offering is presumed to be in its original condition and that was certainly clean, why should not the same case apply to the fruit concerning which there was a doubt, whether tithes had been acquitted thereof or not, let the fruit also be presumed to be in its

original condition and that is unseparated (of which tithes had *not* been acquitted)? Do not say, therefore, that the fruit was doubtful as to its having been separated but say: there was a doubt whether it had not subsequently been mixed with other (unseparated) fruit before or after dusk.

R. Samuel bar R. Itz'hak asked of R. Huna: If there were two loaves of bread before a man, one of which was clean and the other unclean and he said: "Make an Erub for me with the clean loaf wherever it may be"; but did not know which was which. [If both loaves which were heave-offerings, were used in making the Erub; for if they were ordinary and even (ritually) unclean they may be eaten by an ordinary Israelite], what is the law according to the diverse opinions? According to R. Meir, who pronounced a doubtful Erub invalid in a case where the entire Erub would have been unclean, it may be said, that in this case, where one of the loaves was positively clean, he may hold the Erub to be valid; or according to R. Jose, who pronounces a doubtful Erub valid in a case where if it *is* clean, he can distinguish it, it may be said, that in this case the Erub, would in his opinion be invalid because although part of it is clean, he cannot distinguish it from the unclean?

R. Huna answered: According to both R. Meir and R. Jose, when the Erub is deposited (while it is yet day) it must be

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fit to eat and in this case it could not be eaten to commence with, because, the clean could not be distinguished from the unclean, how then could an Erub be made therewith?

Rabha asked of R. Na'hman: If a man say: "This loaf of bread is to-day ordinary but to-morrow it shall be consecrated. Nevertheless make me an Erub therewith." What is the law? (Does it become consecrated at twilight and, as it is not permitted to make an Erub with consecrated things, it is not valid as an Erub, or does it become consecrated after twilight?) "The Erub is valid," was the answer. What is the law, however, if the man say: "To-day this loaf is consecrated, but tomorrow it shall be ordinary (*i.e.*, it shall be redeemed by a sum of money representing its value); nevertheless make me an Erub therewith?" "The Erub is not valid," was the answer. What is the difference between the two cases? Said R. Na'hman to Rabha: "If thou wilt measure a whole Kur of salt and present me with it, 1 I shall tell thee the answer: If the loaf of bread was ordinary when it was deposited as an Erub, the fact, that at twilight it becomes doubtful, whether it is consecrated or not, does not destroy its validity as a legal Erub, but if the loaf of bread was deposited while yet consecrated, the doubt existing at twilight whether it had already become ordinary does not nullify its sanctity as a consecrated object, and as a consecrated object cannot be deposited as an Erub, the validity of the Erub, is impaired."

MISHNA: A man may make his Erub, conditional and say: If foes come from the east, my Erub shall be valid for the west; should they come from the west, my Erub shall be good for the east; should they come from both sides, I am at liberty to go in what direction I please; should they not come from either side, I am like the rest of my townsmen. Should a sage come from the east, my Erub shall be valid for the east; should one come from the west, my Erub shall be valid for the west; should one come from each side, I am at liberty to go in which direction I please; should none come from either side, I am like the rest of my townsmen. R. Jehudah. said: If one of the two sages (should they come at the same time) had been the man's teacher, he must go to meet his teacher; if both had been his teachers, he may go in which direction he pleases.

GEMARA: "*R. Jehudah said: 'If one of the two sages,'*" etc. What is the reason of the dissension of the sages from R. Jehudah's opinion? Because it frequently happens, that a man has a greater fondness for his colleague than for his teacher.

Rabh said: This part of the Mishna (wherein R. Jehudah states, that "if both sages had been the man's teachers, he may go in whichever direction he pleases") does not hold good, because Ayo taught: R. Jehudah said: "A man cannot make an object conditional upon two contingencies and in this case of the Erub he may make it conditional upon the arrival of a sage from either the west or the east, but not upon sages arriving from opposite directions." Why can he not make it conditional upon the arrival of sages from opposite directions? Because R. Jehudah does not admit of the theory of premeditated choice (*i.e.*, he does not consent to a man deciding upon a certain thing on one day and declaring that it had been his intention to decide in that manner since the day before), hence if two sages come from opposite directions, the man cannot say, that he had intended to meet the sage towards whom he went at the time he deposited the Erub, *i.e.*, on the day before.

If R. Jehudah does not hold to the theory of premeditated choice why does he consent to a man making an Erub and saying: "If the sage come from the east, my Erub shall be good for the east, and if from the west, for the west." His choice is certainly dependent upon two conditions; first the condition, that the sage will come from either one of two directions, and second, that he may not come at all, in which case his Erub is of no account. If the sage arrived on the morrow, and the man will go forward to meet him, he (the man) will be compelled to claim a premeditated choice saying, that he had intended when depositing his Erub to go in that direction and that would be incorrect; for it may be, that at the time the Erub was made, the sage himself did not know from which direction he would come.

Said R. Johanan: The statement of Ayo in the name of R. Jehudah, that a man may make his Erub conditional upon the arrival of a sage from the east or west holds good, only if the sage had already started on his way and was no more than four thousand ells away from the man [*i.e.*, if he or his Erub was at the time when the man deposited his Erub already within the legal limit established through the deposition of his (the sage's) own Erub]. Hence it was not a premeditated choice on the

part of the man dependent upon the two conditions cited, for the sage was already on his way and his coming from a certain direction was an accomplished fact.

Why does Rabh say, that the Mishna does not hold good because of Ayo's statement? Let him say on the contrary, that Ayo's statement does not hold good, because the Mishna opposes it? Nay; it would not be proper; for we have learned elsewhere, that R. Jehudah does not hold to the theory of premeditated choice. Ula, however, declares, that Ayo's statement should be discountenanced on account of the Mishna (and as for the report, that R. Jehudah discards the theory of premeditated choice, Ula declares, that on the contrary, he holds it to be good).

Said Rabha to R. Na'hman: Who is the Tana, who holds, that the sages also discountenance the

theory of premeditated choice? For we have learned as follows: If one man said to five others: "I will make an Erub for any one of you whom I may choose, and if I desire, he shall be permitted to go within its limits, and if not, he must not do so." If he made his decision, while it was yet day (before the Sabbath set in) his Erub is valid; but if he made his decision after dark, his Erub is not valid, (because it was not known at twilight which man he had chosen). R. Na'hman was silent and did not answer.

Should he have said, that this was according to the school of Ayo? He had not heard of Ayo's decree. Said R. Joseph: Wouldst thou ignore the other Tanaim? There are other Tanaim who dispute the above decision, as we have learned: If a man said: "I will make an Erub for all the Sabbaths of the ensuing year. If I then choose to go, I shall do so, and if not, I shall not." If he made his decision while it was yet day on the day preceding Sabbath, he may go, but if he made his decision after dusk, R. Simeon says, his Erub is still valid, and the sages say, it is not. (Hence there are sages who do not hold to the theory of premeditated choice.)

Have we not heard elsewhere, that R. Simeon does not hold to the theory of premeditated choice? This would be a contradiction made by R. Simeon to himself? Therefore learn to the contrary: (R. Simeon says, the Erub is not valid, and the sages say it is.) Why this question? Can it not be, that R. Simeon does not hold the theory of premeditated choice to be good where biblical laws are concerned but does hold the theory good for rabbinical laws? R. Joseph maintains, that one who admits

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of the theory of premeditated choice does so for both biblical and rabbinical laws, and one who discountenances the theory does so for *both* kinds of laws.

MISHNA: R. Eliezer said: When a festival precedes or succeeds a Sabbath (by one day), a man should prepare two Erubin and say: My first Erub is to be valid for the east and my second for the west; or my first for the west and the second for the east. My Erub is valid for the first day and the second day I am like the rest of my townsmen, or my Erub is good for the second day and the first day I am like my townsmen. The sages however hold, that one may prepare his Erub for one direction only; otherwise it is not valid at all; also that he must prepare his Erub for both days, or it is not valid at all. But how must this be done? One carries out the Erub to the place, where he means to deposit it on the eve of the first day of rest and remains with it until dusk, when he carries it back with him. He then brings the Erub out again on the second day, remains with it till dark and then eats it and goes away. It is obvious, that in this manner he gains his walk beyond the Sabbatical limit and he gains by eating his Erub. Should his Erub have been eaten on the first day, it is a legal Erub for the first day only; but not for the second day. R. Eliezer said to them: "Thus ye acknowledge to me that they are two distinct holidays (*i. e.*, that the sanctification of one day is not equal to that of the other)."

GEMARA: What do the sages mean to tell us: If a man prepares his Erub for one direction, it is good for both days and if he prepares it for both days it is good for one direction? What need is there of this repetition, is it not one and the same thing? Nay; the sages mean to say to R. Eliezer: "Wilt thou not acknowledge, that it is not permitted to make two Erubin for one day, one of which shall be good for the South for one half of the day and the other be good for the North for the other half of the day?" and he answered: "Yea." "Then," rejoined the sages, "in the same manner as *this* is not permitted, it is also not allowed to make Erubin good for both days,

which should in addition be also good on one day for the east and on the other for the west." [What answer could R. Eliezer make to this? He might say, that in the case of the two Erubin for one day, the sanctification of that one day continues throughout the entire time of the validity of the Erub, whereas in the case of the Erubin for both days, the sanctification of the one day (Sabbath) is not the same as that of the other day (the festival);

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therefore a separate Erub may be made for each sanctification in a different direction.] Said R. Eliezer to the sages again: "Let us suppose now, that a man did not make an Erub, but on the eve of the first day went to the place, where he should have made it, personally and declared that he would take his Sabbath-rest there. Would this hold good also for the second day? Nay, he would have to return on the following day and again declare his intention of resting there the next day, and then it would be lawful? The same theory applies to an Erub. If he deposited it on the eve of the first day, and it had been eaten when deposited, he would have to make another Erub for the second day?" and they answered, "Yea." "Now will ye not acknowledge that the two days have each a separate degree of sanctification?"

[What reply can the sages make to this? They may declare that the fact of there being a distinct degree of sanctification for each day is rather doubtful to them and for that reason they desire to enforce the more rigorous interpretation of the ordinance both ways, namely, that an Erub must not be made for each of the two directions, lest there be but one degree of sanctification for both days and that one Erub cannot serve for both days, lest there be a different degree of sanctification for each day.]

Again the sages said to R. Eliezer: "How is it, if no Erub at all was made on the eve of the first day? Thou wilt acknowledge that a man cannot go and make an Erub on the eve of the second day?" and he answered, "Yea." "Then," rejoined the sages, "thou thereby dost admit, that there is but one degree of sanctification for both days." [What will R. Eliezer say to this? He will say, on the contrary, that there *are* two degrees of sanctification and just for that reason one must not make the Erub on the eve of the second day, because one must not prepare for a festival on the Sabbath or *vice versa*.]

The Rabbis taught: "If one made an Erub on the eve of the first day by means of his feet (*i.e.*, by standing at the place where he intends to rest) he must do so again on the eve of the second day. If he made an Erub (of victuals) on the eve of the first day and the Erub was consumed, it does not hold good for the second day. Such is the dictum of Rabbi. R. Jehudah, however, said. "This is like driving an ass and leading a camel" (*i.e.*, R. Jehudah means to say this: If the two days have but one degree of sanctification and the Erub was made for both days,

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the maker loses the two thousand ells in the opposite direction from that towards which his Erub was made, and merely gains two thousand ells in the one direction towards which his Erub was made. If the two days have different degrees of sanctification and hence the Erub is valid only for one day, the maker of the Erub should on the second day be on a par with the rest of his townsmen, but in reality he only has two thousand ells on the way back to the town and no more). R. Simeon ben Gamaliel and R. Ishmael the son of R. Johanan ben Berokah, however, both say, that if a man made an Erub with his feet on the eve of the first day it suffices for the



second day and if he made an Erub (of victuals) on the eve of the first day and it was consumed, he is exempt from making it on the eve of the second day. Said Rabh: "The Halakha prevails according to the opinion of the four old sages and in conformity with R. Eliezer, who says, that the two days have different degrees of sanctification; and the four old sages are: R. Simeon ben Gamaliel, R. Ishmael the son of R. Johanan ben Berokah, R. Elazar ben R. Simeon and R. Jose ben R. Jehudah. The last of these is generally quoted by Rabbi [anonymously](#) wherever his opinion seems to be justifiable and according to another version, one of the four sages is R. Elazar ben Samua instead of R. Jose ben R. Jehudah. Rabh's information on this point was derived from a tradition, which was to the effect, that those four sages held in accordance with R. Eliezer concerning the two degrees of sanctification for both days.

R. Jehudah said: If one made an Erub on the eve of the first day with his feet, he must do likewise on the eve of the second day, and if he made an Erub on the eve of the first day with bread, he must make it in like manner on the eve of the second day. If he made an Erub on the eve of the first day with bread which was lost, he may make it on the eve of the second day with his feet, but if he made it with his feet in the first instance he must not make it with bread in the second instance, because making an Erub with bread to commence with on Sabbath or on a festival would be an infraction of the law prohibiting the preparing on a Sabbath for a festival or *vice versa*. If a man made an Erub with bread on the eve of the first day, he must make it with bread on the eve of the second day also and, according to Samuel, he should use the same bread in both cases (for if he uses new bread in the second instance it will be a case of preparing on a Sabbath for a festival). Said R. Ashi: We can adduce

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this also from our Mishna, which teaches: "But how must this be done? One carries out the Erub to the place, where he means to deposit it on the eve of the first day of rest and remains with it until dusk, when he carries it back with him; he then brings the Erub out again on the second day, remains with it until dusk, then eats it and goes away." (The fact that it says, "he carries it back with him and then brings it out again," is proof that it must be the same Erub.) The sages that differ with Samuel and assert that new bread may be used on the eve of the second day maintain, that the Mishna merely administers good advice and tells us, that we need not trouble ourselves to make a new Erub in case the first one is lost.

MISHNA: R. Jehudah said: "If a man apprehend that the new year will be celebrated two days, he must prepare two Erubin." He then says: My Erub of the first day shall be valid for the east and of the second day for the west; or of the first day for the west and of the second day for the east. My Erub shall be valid for the first day, and on the second I am like my townsmen; or my Erub shall be valid for the second day and on the first I am like my townsmen. The sages however did not coincide with him.

R. Jehudah further said: "A man may conditionally separate (the heave-offering from) a basket of fruit on the first day of the new year and eat it on the second day; likewise an egg which is laid on the first day of the festival may be eaten on the second. The sages however do not coincide with him.

R. Dosa ben Harchinas said: He who stands before the pulpit to pray on the first day of the new year must say: Strengthen us, O Lord our God, on this day of the new moon, whether to-day or

to-morrow (be the true day). And on the morrow he says the same prayer with the variation "whether this day or yesterday be the true one." The sages, however, do not agree with him.

GEMARA: Who are the sages, that do not coincide with R. Jehudah? Said Rabb: That is R. Jose, as we have learned in a Boraitha: The sages agree with R. Eliezer that "if a man apprehend that the new year will be celebrated two days, 1 he

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should prepare two Erubin. He then says: My Erub of the first day shall be valid for the east and of the second day for the west; or of the first day for the west and of the second day for the east. My Erub shall be valid for the first day and on the second I am like my townsmen; or my Erub shall be valid for the second day and on the first I am like my townsmen." R. Jose, however, does not consent to this. (He holds that if the witnesses come before the high court in the afternoon of the first day that had been kept holy and declare that the next day is New Year, both days are nevertheless holy and are of one degree of sanctification.)

We have learned in a Boraitha: How does R. Jehudah explain his dictum, that "a man may conditionally separate (the heave-offering from) a basket of fruit on the first day of the New Year and eat it on the second?" Thus: If there were two baskets of unseparated fruit before a man on the first day of the New Year he may say: "If to-day is the ordinary day and to-morrow is the holy day, let the heave-offering separated from this basket of fruit also serve for the other, and if to-day is the holy day and to-morrow the ordinary, then I have said nothing." He then designates the fruit which he calls heave-offering and lets it remain. On the morrow again he may say: If to-day is an ordinary day, let the heave-offering of this basket also serve for the other, but if to-day be a holy day I have said nothing. He may then designate part of the fruit in the one basket and call it heave-offering and eat the remainder in both baskets. R. Jose however prohibits this not only for the two days of the new year but for the two days of every other festival, which is celebrated in exile. 1

It happened that a stag was caught on the first day of a holiday (in exile) at the house of the Exilarch and on the second day it was slaughtered. R. Na'hman and R. Hisda partook of the stag, but R. Shesheth would not do so. Said R. Na'hman: "What shall we do with R. Shesheth who does not eat venison?" Rejoined R. Shesheth: "How can I eat this venison; for did not Issi teach in a Boraitha [or a Boraitha taught, that Issi said],

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that R. Jose would not permit this to be done even during the two days of a holiday in exile?"

Once R. Shesheth met Rabba bar Samuel and asked him: "Did master teach anything regarding the sanctification of the holidays?" Answered Rabba: "Yea, I taught in a Boraitha, that R. Jose coincides with the sages, as far as the two days of a holiday in exile are concerned." Rejoined R. Shesheth: "If thou shouldst meet any of the Exilarch's household, say nothing to them about this Boraitha."

It once happened that herbs were brought to the city of Mehuzza on a festival. Rabha went out and noticed, that the herbs were somewhat withered. He permitted the herbs to be bought,

saying: "It is obvious, that these herbs were not gathered on this day, and the only objection that might be made to their being purchased can be, that they were brought from beyond the techoom (legal limits)." The law, however, ordains, that if things are brought for one Israelite from without the techoom, another Israelite may use them, and in this case, where the herbs were brought even for the Gentile inhabitants they can in so much greater a degree be used by Israelites. Subsequently, however, he observed, that herbs were brought in large quantities, so he prohibited the purchase of them on a festival.

The men whose occupation was to prepare baldachins for marriages once cut off branches of myrtle on the second day of a holiday in exile. The moment it became dark, Rabhina permitted the people to smell the myrtle. Said Rabha bar Tachlipha to Rabhina: Master should have prohibited this, for these people are ignorant (and if thou wilt permit this, they may ignore the second day of the festival entirely). R. Shmaya opposed this: "Thou sayest, because they are ignorant, and even were they intelligent men, would it be allowed? Is it not necessary to allow sufficient time after the Sabbath to expire until the branches can be cut off afresh?" They finally went and asked Rabha and he decided that it was necessary to allow sufficient time to expire until the branches could be cut anew.

"*R. Dosa ben Harchinas said,*" etc. Said Rabba: When we were in the college of R. Huna, a question was propounded by us as follows: "Must the reference to the day of the new moon be added to the prayers recited on the day of the New Year?" Shall we assume, that because there are separate additional sacrifices for each, that the reference to the day of the new moon shall be

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added to the prayers of the New Year, or because the New Year is mentioned in the prayer as the "day of Remembrance" such mention will suffice for both occasions? R. Huna answered us by quoting the Mishna: R. Dosa ben Harchinas said: He who stands before the pulpit to pray on the first day of the New Year must say: "Strengthen us, O Lord our God, on this day of the new moon, etc." Does not R. Dosa state this in order to demonstrate that the day of the new moon must be explicitly mentioned? Nay, he simply means to make the prayer conditional but not because special mention must be made of the day of the new moon. It seems to us, that such is truly the case, because further on the Boraitha states, that so did R. Dosa act on all the days of the new moon throughout the year; but the sages did not coincide with him.

Now, if it be said, that the prayer was made conditional it is correct, (because there was a doubt concerning the exact day at each recurring new moon) but if it be said, that the new moon must be mentioned in the prayer *especially*, why should the sages not agree with him?

An objection was made: When New Year falls on a Sabbath, Beth Shammai say, ten benedictions are to be recited during the prayer and Beth Hillel say "only nine." [The first three are benedictions of praise, the last three benedictions of thanks; the Sabbath benediction, and the three pertaining to New Year, viz., the one in which God is proclaimed King (Malkiioth), the one referring to God's remembrance of his creatures (Zikhronoth) and the one referring to the sounding of the cornet (Shophroth), but according to Beth Hillel the Sabbath benediction is included in those pertaining to the New Year, hence there are only nine.] Now if we say, that the benediction for the new moon must be especially mentioned in the Musaph (additional prayer) then according to Beth Shammai, there should be eleven benedictions in all.

Said R. Zera: "With the benediction of the new moon it is different; because if the new moon fall on a Sabbath no separate benediction is made, but it is included in the Sabbath benediction at the morning and evening prayer; the benediction of the, new moon is also mentioned in the Musaph-prayer in conjunction with the new year benediction." Do Beth Shammai indeed maintain, that if the new moon fall on a Sabbath the benediction pertaining to it is included in that of Sabbath? Have we not learned, that if the new moon fall on Sabbath, Beth Shammai

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hold, that eight benedictions must be recited in the prayer and Beth Hillel only seven? This question is not decided.

Rabba said: "When I was at the college of R. Huna the question arose, whether the benediction of the time 1 should be recited in the New Year and Day of Atonement prayers. Shall we say, that because these holy days only come from time to time, the benediction of time should be made, or, because the Bible does not classify them as festivals, no such benediction need be made? R. Huna could not answer the question but when I subsequently came to R. Jehudah's college, the latter said he made such a benediction even over a new pumpkin. I then said to him, that I did not question the right to pronounce this benediction over anything whatever, but I wished to know whether it was compulsory to do this on the New Year and the Day of Atonement. He then answered: Rabh and Samuel both said, that the benediction of time must be recited only for each of the three festivals."

An objection was made: It is written [Ecclesiastes xi. 2]: "Give a portion to seven, and also to eight." R. Eliezer said that by "seven" is meant the seven days of the creation and by "eight" is meant the eight days of the circumcision. R. Jehoshua said: "By 'seven' is meant the seven days of Passover, by 'eight' is meant the eight days of the feast of Tabernacles and by 'also' is meant Pentecost, New Year and the Day of Atonement." May we not assume, that by this is meant, that the benediction of time must be pronounced on all these festivals? Nay; this simply means to state, that benedictions should be recited but no special benedictions are specified. It seems to us, that this is the correct explanation; for the benediction of time is certainly not recited on every one of the days of the festivals but only the first day. This is not the question, because the benediction of time must be recited in the course of the festival; if not on the first day, on the second and so on. At any event this benediction must be made over a goblet (of wine)? Shall we assume, however, that the above is in support of the dictum of R. Na'hman, who holds that the benediction of time may be recited even in the market and without a goblet? This is not the question either; for if a man does not recite this benediction

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on one day, he may do so on the next when he might come across a goblet. This would be feasible where the three (main) festivals and New Year are concerned, but how would it be with the Day of Atonement? What should the man do? Should he pronounce the benediction over the goblet on the day preceding the Day of Atonement before dusk, he would then and there usher in the Day of Atonement, and as is well known, he must not eat or drink on that day. Should he pronounce the benediction and let the goblet stand until after the Day of Atonement? Have we not learned that one must drink the contents of the goblet immediately after pronouncing the benediction; otherwise he must not make the benediction at all? Should he pronounce the benediction and then give the goblet to a child? In that case, there would be fear, lest the child

be accustomed to drinking on that day, and will continue to do so when grown and therefore the Halakha according to R. A'ha does not prevail. How, then, does the Halakha concerning the benediction of time on the New Year and the Day of Atonement prevail? The Rabbis sent the elder R. Yeimar to R. Hisda with instructions to observe how the latter proceeded on the eve of the New Year, and then to return and report what he had seen. When R. Hisda saw R. Yeimar (and upon questioning him as to his mission was told that he just called to see him) he said: If a wet piece of wood is lifted, it is obvious, that either the wood or its space is needed. (If thou camest thou certainly didst so with an object.) At about that time a goblet of wine was brought to R. Hisda and he pronounced the benediction of the day and also that of the time over it.

The Halakha prevails, that the benediction of time must be recited on the New Year and on the Day of Atonement and the Halakha also prevails that if a man forgot to recite it and was reminded of his negligence even in the market, he may recite it then and there.

Rabba said again: "When I was at the college of R. Huna, the question arose whether a young scholar, who fasted on the day preceding Sabbath must fast until night or in honor of the Sabbath break his fast earlier. R. Huna could not answer the question. I went to R. Jehudah and he could not answer this either." Said Rabba: "Let us see if we cannot decide this question ourselves from what we have learned in the following Boraitha: If the fast-day of the ninth of Abh fall on a Friday, bread may be brought to a man just before twilight of the size

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of an egg, and he should eat it, in order that he may not enter upon the observance of the Sabbath while still in pain."

We have learned in a Boraitha: R. Jehudah said: It once happened that we were sitting before R. Aqiba on the fast of the ninth of Abh, which fell on a Friday, and just before dusk a soft-boiled egg was brought to him which he swallowed without even salting it, and not because he desired to eat it in that manner; but because he wished to show his disciples how the Halakha was carried out. R. Jose, however, said, that a man must fast through the entire day until dusk.

R. Jose said to the sages: "Will ye not admit, that if the ninth of Abh fall on the day after Sabbath, a man must stop eating while it is yet day on Sabbath?" and they answered "Yea." "What difference is there then between entering in upon the observance of the Sabbath while still in pain and finishing the Sabbath under the same conditions?" asked R. Jose. They answered: "In the first instance he fasted all day; but in this instance he had been eating and drinking all day and was surely not in pain." Finally, however, Ula said that the Halakha prevailed according to R. Jose.

Do we then act according to the opinion of R. Jose? Have we not learned, (concerning the Boraitha in Tract Taanith which teaches) that Rabbon Gamaliel said: "On a Friday the fast need not be completed," that upon the death of Rabbon Gamaliel, R. Jehoshua came and sought to nullify his decree and R. Johanan ben Nouri arose and declared: "We see that the body always follows the head. As long as Rabbon Gamaliel lived, we abided by his decisions. Now that he is dead, thou wouldst abolish them. Jehoshua! We will not listen to thee. The Halakha prevailed according to R. Gamaliel and so must it remain," and there was none to contradict R. Johanan ben Nouri. (Thus we see, that the decree of R. Gamaliel was accepted and not that of R. Jose.)

(This is no question!) In the generation of R. Gamaliel his decree was followed and in the generation of R. Jose, R. Jose's opinion prevailed.

And did they really act in accordance with R. Gamaliel's opinion during his generation? Have we not learned that R. Elazar ben Zadoc (who was certainly of R. Gamaliel's day) said: I am a descendant of Sanab of the tribe of Benjamin and it once happened that the ninth of Abh fell on a Sabbath, so we postponed it until the following day and we did not complete the fast because it was our holiday. Thus we see, that the fast was not

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completed because the tenth of Abh was a holiday and besides the fast-day was a postponed one. Had the ninth of Abh however fallen on a week-day, which for them would have been the eve of a festival, they would have completed the fast nevertheless and this is not in conformity with the decree of R. Gamaliel? Said Rabhina: How can ye compare that festival to our festivals. Their festival was not biblical and on a festival which is not biblical one may fast for three or four hours if he chooses. On a biblical festival, however, it is not allowed to complete the fast.

R. Joseph said: "I did not hear of this Halakha." Said Abayi: Thou didst relate this to us thyself, in reference to the Boraita, that a fast-day must not be ordered on the days of the first of the month. (The occasion when R. Joseph related this is mentioned in Tract Taanith.) Mar Zutra related in the name of R. Huna: The Halakha prevails, that one may complete the fast until dusk.

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## Footnotes

[66:1](#) Vide appendix to Tract Sabbath, Part II.

[67:1](#) There is a difference of opinion between the commentators of the Mishnas. Some maintain that it is a species of pease and is used as fodder for cattle, and some maintain that it is a species of grain. See Maimonides' commentary on the Mishna Sabbath, Chap. XX. See also Hamashbir, Vol. V., Note cxxiii.

[67:2](#) Weight mentioned in Bible, I Kings, chap. x. 17, and is equal to 100 drachms.

[68:1](#) Sinai is another name for R. Joseph, who was well versed in Mishnas and Boraitas.

[79:1](#) This expression is generally used in a joking sense when the question is a difficult one to answer.

[85:1](#) The Israelites living in exile were dependent for their information concerning the date of the New Year entirely upon the messengers sent out by the high court in Palestine, which in turn fixed the date upon the testimony of witnesses who would announce when the new moon appeared (as explained in Tract Rosh Hashana). Thus the exiled people did not know whether the 30th or 31st day from the first day of [p. 86](#) Elul would be proclaimed the first day of Tishri

(the New Year), and both were kept holy in consequence. For this reason the Mishna cites the ordinances referring to such as apprehend that the New Year will last two days.

[86:1](#) In exile the Israelites celebrated two days each for the holidays of Passover, Tabernacles, and Pentecost, besides the New Year, and these are called the holidays in exile.

[89:1](#) The full text of this benediction reads: "Blessed art Thou, Lord our God, King of the Universe, who hast allowed us to live and hast preserved us and hast allowed us to reach this time."

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[Next: Chapter IV: Sabbath Travel](#)