

## CHAPTER IV.

### REGULATIONS CONCERNING THE OVERSTEPPING OF THE LEGAL LIMITS ON THE SABBATH, AND MEASUREMENTS OF THE SABBATH-DISTANCE.

MISHNA: If foes, or an evil spirit (a fit of insanity?), caused one to go beyond the Sabbath limit, he after recovering his freedom must not move further than four ells; if the foes or the fit have carried him back within the limit, it is as if he had not gone beyond it. If they have carried him into another town, or into a pen or a fold for cattle, he according to Rabbon Gamaliel and R. Eliezer ben Azariah, may go about throughout the entire extent (of the town, pen or fold). R. Joshua and R. Aqiba maintain, that he must not move further than four ells. It once happened that these four sages came together from Parendisim (Brundusium, or Brindisi) and their vessel was still at sea on the Sabbath. Rabbon Gamaliel and R. Eliezer ben Azariah walked about throughout the whole vessel; but R. Joshua and R. Aqiba did not move beyond four ells, as they wished to take upon themselves the rigid observance. Once these four sages were on board a vessel and did not enter the harbor until after dark (on the eve of Sabbath); so they inquired of Rabbon Gamaliel: "What are we to do as to descending from the vessel?" He answered them: Ye may descend; for I observed, that we had already entered the limits of the Sabbath-distance before dusk.

GEMARA: The Rabbis taught: "There are three things, which cause a man to commit deeds against his own will and against the will of his Creator, viz.: Idolatry, and evil spirits and stress of poverty." [For what purpose do the Rabbis tell us this? In order, that we may pray God to deliver us from those evils.]

Three persons will never come to Gehenna: He who suffers from extreme poverty, he who suffers with a diseased stomach and one who is oppressed by the government, and others add also the man who is afflicted with a bad wife. [Why was the

latter not mentioned in the first place? Because if one has a bad wife he should divorce her. Those however who declare that one who has a bad wife will not see Gehenna refer to those, who cannot afford to make a settlement upon their wives, or to those, who have children and cannot divorce their wives. For what purpose did the Rabbis tell us this? In order, that a man, who is subject to these misfortunes, should accept them with resignation.]

Three classes of human beings die in the possession of their power of speech, viz.: "A man who is suffering from a diseased stomach, a woman lying in and a man suffering with dropsy." [For what purpose are we taught to this effect? In order that shrouds may be prepared for such people.]

R. Na'hman said in the name of Samuel: If one went out beyond the Sabbath-limit and foes or an evil spirit brought him back within the limit, he must not move more than four ells from where he stands. Have we not learned this in our Mishna, which says, if foes or evil spirits carried him out and then brought him back it is as if he had never gone out at all; now is it not self-evident that if he went out of his own accord, he has only four ells of space in which to move? We might assume that the Mishna teaches us, if foes or evil spirits carried him out and he returned of his own accord, he has no more than four ells of space, but if he went out of his own accord and foes or evil spirits brought him back it would be as if he never went out at all, hence this teaching of Samuel.

Rabba was asked: "How is the law regarding one, who only had four ells to move in and was compelled to go out to obey nature's call?" and he answered: "Great is the honor of man, which supersedes even a biblical negative commandment."

The men of Neherdai said: If the man in question is prudent, he will enter the legal limits, perform his necessities and then go on.

Said R. Papa: "If fruit was carried beyond the legal limits and then even purposely brought back, the right to move it within the limits is not forfeited, because the fruit certainly did not go out beyond the limits of their own accord." R. Joseph bar Shmaya objected to this statement: "R. Nehemiah and R. Eliezer ben Jacob both said: The fruit which was carried out must not be handled when brought back unless this was done unintentionally, but if intentionally, they must not be handled?" Concerning this, there is a difference of opinion between Tanaim

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in a Boraitha elsewhere (and R. Papa holds with the Tana, who permits it).

Said R. Na'hman in the name of Samuel: "If one went out and did not know the legal distance he could traverse, he may walk on for a distance of two thousand medium steps. This will constitute the lawful limit of the Sabbath." He said again quoting the same authority: If one took his Sabbath-rest in a valley, and Gentiles made an enclosure around the valley on the Sabbath, he may go two thousand ells, but he may throw things over the entire extent of the valley." R. Huna said: "He may go two thousand ells, but may carry only for a distance of four ells." The reason R. Huna prohibits throwing is in precaution, lest the man throw a thing outside of his two thousand ells and go after it.

Hyya bar Rabh, however, said: He may go two thousand ells and may carry things inside of that limit.

Said R. Na'hman to R. Huna: "Do not refute the dictum of Samuel; for we have learned in a Boraitha in support of Samuel."

R. Huna said: "If one measured the legal distance on a Sabbath and his measurement came to an end in one half of a court, he may avail himself of that half of the court only." Is this not self-evident? If he ended his measurement in one half of a court, why should he not avail himself of that half? We might assume, that if the one half is permitted he might be tempted to use the other half also, so we are told that this precaution is not necessary.

R. Na'hman said: "Huna agrees with me, that if in measuring the Sabbath-distance, the measurement end in the edge of a house, one may throw things into the house although he must not go into it himself, for the edge of the house is a fixed sign for him and will remind him, that he must not enter the house." Said R. Huna the son of R. Nathan: "The necessity for a precautionary measure to prevent the man from entering the house forms the subject of a discussion between Tanaim as follows: If foes or an evil spirit have carried the man into another town, or into a pen or a fold for cattle, he may, according to Rabbon Gamaliel and R. Elazar ben Azariah, go about throughout the entire extent (of such a place); R. Joshua and R. Aqiba, however, maintain, that he must not move further than four ells." Now, we must assume that those who permit the traversing of the entire extent of such places do so because

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they do not fear that the man will traverse the whole valley where those places are situated, and those who only allow four ells, do so, because they regard this precautionary measure necessary. The same argument applies also to throwing, viz.: Those who have no fear that the man will traverse the entire valley, permit throwing throughout the pen or fold where the man is ensconced and those who allow him only four ells hold the same precautionary measure necessary where throwing and going after it is concerned.

Rabh said: "The Halakha prevails according to R. Gamaliel. where a pen, fold or ship is concerned," but Samuel said: "Only as far as a ship is concerned, but not as regards a pen or a fold." Thus we see that, as to a ship, all agree the Halakha prevails according to R. Gamaliel. What is the reason therefor? Said Rabba: "Because already before the Sabbath set in, the man is within the confines of the ship and although the ship was involuntarily carried out beyond the legal limits, the man had prepared his Sabbath-rest there." R. Zera said, however: "The reason is: that the man on board of the ship did not have four ells to move in, for the ship moves more than four ells every time it lurches forward, consequently he does not come under the law of four ells and may go throughout the entire extent of the ship." Rabba rejoined: "Thou referrest to a man who entered the ship while in motion. Concerning this, there is no difference between any of the Tanaim; even R. Aqiba permits the traversing of the entire ship, but they differ concerning a man who entered the ship while it was anchored."

Said R. Na'hman bar Itz'hak: From the Mishna itself we may infer, that there was no difference concerning a ship while in motion, because it states, that R. Joshua and R. Aqiba did not move beyond four ells, as they wished to take upon themselves the rigid observance. Were it not permitted at all, why should it say, that they wished to take upon themselves the rigid observance, they would have to obey the law?

Said R. A'ha the son of Rabha to R. Ashi: "The Halakha prevails according to R. Gamaliel where a ship is concerned." Then, there must be some who maintain that the Halakha does not prevail according to R. Gamaliel. Yea, there are, as we have learned in the following Boraitha: Hananiah the son of R. Jehoshua's brother said: "The whole day that R. Gamaliel and R. Aqiba were on board the ship they disputed concerning this Halakha, and yesterday my uncle affirmed the Halakha to the

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effect, that as regards a ship at anchor it prevails according to R. Gamaliel and as for a pen or a fold it prevails according to R. Aqiba."

R. Hananiah propounded a question: Is there such a thing as a legal limit above ten spans from the ground or not? Concerning a pillar ten spans high and four spans wide one side of which was outside of the legal limit there is no question; for it is equal to the ground itself, but concerning a pillar, that was ten spans high and less than four spans wide or a man who went on board of a ship, does the law of legal limits apply or not? R. Hosea answered: "Come and hear! It once happened that four sages came together from Parendisim, etc. (see Mishna). If we say, that the law of legal limits applies to objects higher than ten spans, then it can be understood why R. Joshua and R. Aqiba took upon themselves the rigid observance (for concerning a ship in motion they do not disagree with the other sages), viz.: on account of the law of legal limits, but if this law does not apply to a ship, what rigid observance could they have taken upon themselves?" Rejoined R. Hananiah: "It may be that their ship was passing through shallow water, as related elsewhere by Rabha, and was not over ten spans from the ground."

Come and hear! The seven Halakhas related on a Sabbath morn in the presence of R. Hisda at Sura were related on the same evening in the presence of Rabha at Pumbaditha. Who could have decreed them? No one, but Elijah? Hence we see, that there is no such thing as legal limits above ten spans from the ground? Nay. It may be that those Halakhas were transmitted from one school to the other by Joseph the evil One, who did not observe the Sabbath.

Come and hear! If one say: I wish to be a Nazarite at the coming of the Messiah, he may drink wine on a Sabbath or on a festival but must not do so during the week-days. (For Messiah is liable to come at any time.) The Boraitha would be correct if we assume, that there *is* a legal limit above ten spans from the ground, because Messiah will then not come on the Sabbath or on a festival, but if there is no legal limit above ten spans, the man should not drink wine even on those days, because the Messiah might come. In that case it is different: for it is written [Malachi iii. 23]: "Behold, I send unto you Elijah the prophet before the coming of the day of the Lord, the great and the dreadful." Hence, if Elijah did not come on the day preceding

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[paragraph continues] Sabbath, he may drink on the Sabbath. If this is so, then he may drink on a week-day also providing Elijah did not come on the preceding day. It might be assumed, however, that Elijah had already come and appeared before the high court and for that reason the man should not drink on any day, lest Elijah had already come, then this would apply also to the Sabbath? There is a tradition among Israelites that it is an assured fact, that Elijah will not come on the eve of a Sabbath or a festival. If that is so, why should the man not be permitted to drink wine on the eve of Sabbath? Because although Elijah will not come, the Messiah himself might come.

Thus it must be assumed, that if there *is* a legal limit above ten spans, a man who wishes to be a Nazarite on the day of the coming of the Messiah should be permitted to drink wine not only on Sabbath and the festivals but also on the day following Sabbath, because Elijah cannot come on the Sabbath? The sages who prohibited a man of that kind to drink wine on a weekday were themselves in doubt as to the validity of a legal limit above ten spans and only made it more rigid for the man on general principles.

"*And did not enter the harbor until after dark,*" etc. It was taught in a Boraitha, that R. Gamaliel had a telescope, through which he could see for a distance of two thousand ells on land and on sea. If a man wishes to measure the depth of a valley, he should use one of those telescopes and if he should wish to measure a tree, he should observe his shadow, measure himself and his shadow and the shadow of the tree and calculate the proportion.

Nehemiah the son of R. Hanilai was engrossed in thinking about a Halakha and inadvertently stepped out beyond the legal limits. Said R. Hisda to R. Na'hman: "Thy disciple Nehemiah is in trouble," and R. Na'hman answered: "Make him a partition with men and let him come back."

R. Na'hman bar Itz'hak sat behind Rabha who sat in the presence of R. Na'hman. Said R. Na'hman bar Itz'hak to Rabha: "How was the case when R. Hisda asked R. Na'hman concerning Nehemiah who had overstepped the legal limits? Shall we say, that there were sufficient men on hand who had made an Erub at the limits and could therefore go out to Nehemiah then the question was merely whether the Halakha prevailed according to R. Gamaliel, who said, that where there is a partition, even if a man had not declared his intention to rest there on the Sabbath,

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he may avail himself of it and traverse its entire extent, or that there were not sufficient men who had made an Erub who could reach Nehemiah and the question presented itself, whether the Halakha prevailed according to R. Eliezer, that if a man went out two ells beyond the limits he may return, and Nehemiah did not go out further than that." Is this not self-evident? For if there were sufficient men to reach Nehemiah, why did R. Hisda ask R. Na'hman? Rabh had already decided that the Halakha mentioned prevailed according to R. Gamaliel and for R. Hisda Rabh was the final authority? The question was merely then, whether R. Hisda could make a partition with men who had not made an Erub, at the end of two ells beyond the limit, which according to R. Eliezer was free to everybody, so that Nehemiah who had gone further than two ells beyond the limit could avail himself of that partition and return.

R. Na'hman bar Itz'hak objected to the above, addressing Rabha: "Have we not learned in a Boraitha: 'If the wall of a booth fell in on a festival, one must not use a man, or an animal or vessels or put up a bed and cover it with a sheet in order to fill in the gap, because a temporary tent must not be erected on a festival to commence with and so much less on a Sabbath?'" Answered Rabha: Thou quotest this Boraitha but I can quote another which states: "A man can make a wall of his comrade, that he may be able to eat a meal or drink or sleep in a booth (the wall of which had fallen in); he may also put up a bed and cover it with a sheet to keep the sun off from a corpse or from food."

These two Boraithas are contradictory to each other? This presents no difficulty. One of them is according to the opinion of R. Eliezer and the other according to the opinion of the sages.

It happened once, that some baldachin-makers brought in water through a partition formed by men. Samuel punished them, saying: "This was done in an emergency where a man had overstepped the legal limits accidentally but ye do this 'purposely.'"

It once happened that flasks of wine were thrown out of Rabha's house on the road in the city of Mehuzza. When Rabha came from his college, a number of men followed him as usual, and thus relying upon the partition formed by them, someone carried the flasks back into the house. Next Sabbath, the same thing happened, but Rabha would not permit the flasks to be carried back to the house, saying, that this time it might seem as

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if it were done on purpose. In like manner straw was brought into the house of Levi, hay to the house of Zera, and water into the house of R. Shimi bar Hyya.

MISHNA: One who is authorized to go beyond the prescribed limit on important business pertaining to public or private safety and is told, that "it is already done," is at liberty to go two thousand ells in any direction. If he was still within the prescribed limit, it is as if he had not gone out at all, for all those who go forth on an errand of safety, are permitted to return to their homes on Sabbath.

GEMARA: What is meant by "if he was still within the prescribed limit"? Said Rabha: "This means to impart to us, that if he had not gone out beyond the limit, it was as if he had not left his house. Is this not self-evident? I would say, that if he had gone out of his house he forfeits his right to go two thousand ells in any direction he chooses, and we are told, that such is not the case." R. Shimi bar Hyya however said: "This means to state, that if the man had already gone beyond the usual limit but had not yet gone out of the additional limit allowed him by the sages for the errand, it is regarded as if he had not overstepped his own ordinary limit." Upon what point do they differ? Upon the permissibility of one end of a limit including another established limited distance adjoining it. The latter holds, that this point may be depended upon, while the former holds that it cannot.

*"For all those who go forth on an errand of safety,"* etc. Even such as go beyond four thousand ells? In the first part of the Mishna it is stated that they only have two thousand ells in each direction? What question is this? This is a case of where a man goes forth on an errand of safety, and on such an errand it may be permitted to go beyond four thousand ells. If there is a question it can be made upon the following Mishna: "Those who go to assist others in case of conflagration, or of an attack of robbers, or of flood, or of rescuing people from the ruins of a falling building are considered for the time being as inhabitants of that place, and may go thence on the Sabbath, two thousand ells in every direction." Thus here it is stated, that they may go only two thousand ells and our Mishna does not limit the distance? Said R. Jehudah in the name of Rabh: Our Mishna means to imply, that they may even return to their homes with all their implements of war, as we have learned in a Boraita: In former times, they used to deposit their arms in a house nearest

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to the fortifications of the city. Once it happened, however, that the enemy was informed of the fact, that the Israelites had stored their arms, so they pursued them and in endeavoring to enter the house to gain possession of their arms, the Israelites trampled more of their own to death than were killed by the enemy. Since that time it was ordered to carry their arms back to their homes.

R. Na'hman bar Itz'hak however said: This presents no difficulty: If the Israelites are victorious, they have only two thousand ells in which they may go in every direction, but if they are defeated, they may escape as far as possible.

R. Jehudah said in the name of Rabh: If enemies besieged cities inhabited by Israelites, the latter must not go outside of the cities with their arms and must not violate the Sabbath, providing the enemies were there on account of money-matters; but if they were there for the purpose of slaughter, the Sabbath may be violated and arms be carried on Sabbath. If a city near the boundary of the country is besieged even on account of a trivial business matter such as straw or hay, arms may be carried and the Sabbath may be violated. Said R. Joseph bar Minyumi in the name of R. Na'hman: "Babylon is considered as a city near the boundary," and this dictum was explained to mean the city of Neherdai (which was surrounded on one side by Gentile neighbors and on the other side by Israelites).

MISHNA: If a man sit down by the road-side (towards dark on the eve of Sabbath), then gets up and observes, that he is near a town, he must not enter the town; for it had not been his intention to do this. Such is the dictum of R. Meir; but R. Jehudah permits him to enter. R. Jehudah said: "It once happened that R. Tarphon entered a town although it was not his intention to do so."

One who falls asleep on the eve of Sabbath while on the road and thus knows not that night has set in, is permitted (upon awaking) to go two thousand ells in any direction. Such is the decree of R. Johanan ben Nouri; but the sages hold, that he has only the right to move four ells. R. Eliezer said: "And he himself forms the centre of the four ells." R. Jehudah however said: He can go four ells in whichever direction he pleases. Still R. Jehudah admitted, that if the man had made his choice (which direction to take) he must not afterwards (change his mind and) go in another direction. Should there be two persons so situated (*i.e.*, form the centre of the four ells they are allowed to

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move in), and part of the four ells permitted to one is within the limits of the other, they may meet and take their meals together in the centre of their joint space, provided that neither exceed his own limits by going into those of his neighbor. If there are three persons so situated and part of the four ells occupied by the middle one forms part of the space belonging to each of the other two, the one situated in the middle is at liberty to meet each of the others, or each of the others may meet him; but the two on each side of him must not meet each other. Said R. Simeon: What can this be compared to? Three courts opening into each other and also opening into public ground. If the two outer courts have combined in an Erub with the middle one, one is at liberty to carry things between the middle court and each of the outer ones, but between the two outer courts one must not carry or convey anything.

GEMARA: We have learned in a Boraita: R. Jehudah said: It once happened that R. Tarphon while on the road was overtaken by dusk on the eve of Sabbath and stayed outside of the town over night. In the morning the cattle-herders met him and said: "Rabbi, the town is not far distant. Enter." So he entered the town, went into the college and lectured all day. Said R. Aqiba to R. Jehudah: Wouldst thou cite this as an example? Perhaps it had been the intention of R. Tarphon to enter the town previously (*i.e.*, he was within two thousand ells of it) or the college was included with the legal limits allowed R. Tarphon.

"Such is the decree of R. Johanan ben Nouri." Rabba propounded a question: What is the intent of R. Johanan's decree? Does he hold that things having no particular owner, if situated at a certain place on the Sabbath, acquire the right to their resting-place (*i.e.*, may be carried for a distance of two thousand ells in any direction)? And the Mishna should have commenced by citing an instance of this kind. Why does it give the instance of a man who had fallen asleep, whom the sages consider the same as a thing having no particular owner? In order to show the firmness of the sages, who, though agreeing that the man when awake, is entitled to two thousand ells in each direction, whence we might assume that he is entitled to the same privilege when asleep, we are told that such is not the case; or, in order to show that R. Johanan ben Nouri does not hold, that a thing having no particular owner acquires the right to be carried for a distance of two thousand ells in every direction, but

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that a man when *asleep* is entitled to this privilege, merely because he is entitled to it when awake.

Said R. Joseph: "Come and hear: We have learned that if rain had fallen on the eve of a festival, the rain-water acquires the right of (being carried) two thousand ells in every direction; but if rain had fallen *on* a biblical festival, the rain-water has the same right (of being carried for the same distance) as the inhabitants of the place where it had fallen (have the right of walking)." Now, if we say, that R. Johanan holds, that a thing having no particular owner, if situated at a certain place on Sabbath, acquires the right of (being carried) two thousand ells in every direction, then the Boraitha is in conformity with his opinion; but if we say, that he does not hold to that effect, according to whose opinion is the Boraitha, certainly not according to that of the sages?

Said R. Jacob bar Idi in the name of R. Jehoshua ben Levi: "The Halakha prevails according to R. Johanan ben Nouri." Said R. Zera to R. Jacob: "Didst thou hear R. Jehoshua himself declare this, or dost thou merely infer this from another ruling made by him?" And he answered: "I heard him declare it." What ruling could R. Zera have referred to, which R. Jehoshua ben Levi had made? The ruling made by R. Jehoshua ben Levi elsewhere, that the Halakha always prevails according to the Tana, who makes the laws regarding Erubin more lenient. Why was it necessary for R. Jehoshua to make both statements? Said R. Zera: It was necessary; for had he said merely, that the Halakha prevails according to R. Johanan ben Nouri, we might assume that it always prevails thus, whether it be more lenient or more rigorous than another; hence we are told, that the Halakha prevails according to the one who is the more lenient regarding the laws of Erubin.

Let him say then, that the Halakha prevails according to the one who is the more lenient with the laws of Erubin, and that will cover the case of R. Johanan who is more lenient. Nay; it was also necessary to make the statement regarding R. Johanan exclusively; because it might be assumed that the Halakha prevails according to the more lenient interpretation where one opinion is opposed by the opinion of another individual, or where the opinion of a number (of sages) is opposed by the opinion of another number (of sages), but if the opinion of one is opposed by that of a number, the latter opinion prevails whether it be lenient or rigorous; hence we are told that the opinion of R.



[paragraph continues] Johanan ben Nouri prevailed although opposed by a number of sages, and from this the rule is adduced that as far as the laws of Erubin are concerned the more lenient Halakha prevails even if the opinion of one is opposed by a number (of sages).

R. Papa, however, said: "Both statements made by R. Jehoshua ben Levi are necessary, because, had he simply stated, that the Halakha of the more lenient Tana only prevails, we might have assumed that he referred only to Erubin of courts and not to Erubin of legal limits; therefore he also stated the case of R. Johanan ben Nouri in order to demonstrate that he referred also to Erubin of legal limits."

R. Ashi said: "Both statements made by R. Jehoshua ben Levi are necessary because, had he only made the statement concerning the Halakha of the more lenient Tana, it might have been assumed that he referred to an Erub that had been made for a number of Sabbaths and had gradually dwindled, but not to such Erubin as had been made afresh; hence he also made the statement concerning R. Johanan ben Nouri in order to emphasize the fact that the more lenient Halakhoth prevail even in the instances of newly made Erubin." [1](#)

R. Jacob and R. Zreika both said: "In all instances where R. Aqiba differs with an individual the Halakha prevails according to R. Aqiba. In all instances where R. Jose differs even with a number of sages the Halakha prevails according to R. Jose, and in all instances where Rabbi differs with an individual, the Halakha prevails according to Rabbi." For what purpose is this statement made? Shall we act accordingly or is this merely a vague statement? R. Assi said: "Yea; we must act accordingly. Where R. Aqiba differs with an individual we must act in accordance with R. Aqiba's opinion; where R. Jose differs with a number of sages we must act in conformity with R. Jose's opinion." R. Hyya bar Abba, however, said: R. Jacob and R. Zreika, did not mean to establish the rule, that the Halakha prevails according to the opinions of R. Aqiba, R. Jose and Rabbi, but that they should be given preference wherever possible over their opponents (*i.e.*, if, for instance, a man asks

concerning a decree of R. Jose, it may be declared valid, but it should not be taught as a rule in the colleges that when a number of sages decide against R. Jose the Halakha nevertheless prevails according to his opinion). R. Jose bar R. Hanina, however, said: (Not even this should be done.) R. Jacob and R. Zreika, merely assert, that it seems to them that the Halakhas should prevail as stated, but not that this should be maintained as a general rule (and if one inclined to their opinion, he cannot be accounted wrong).

In the same manner as there is a divergence of opinions concerning the statement of R. Jacob and R. Zreika, so is there also a dispute concerning the following statement of R. Jacob bar Idi in the name of R. Johanan: In all instances where R. Meir and R. Jehudah differ, the Halakha prevails according to R. Jehudah, wherever R. Jehudah and R. Jose differ the Halakha prevails according to R. Jose, and so much more when R. Meir and R. Jose differ the Halakha prevails according to R. Jose, for if R. Jehudah is given preference over R. Meir, and R. Jose over R. Jehudah, then certainly R. Jose has preference over R. Meir.

Said R. Assi: "From this I can infer, that where R. Jose and R. Simeon differ, the Halakha prevails according to R. Jose, for R. Abba said in the name of R. Johanan, that wherever R. Simeon and R. Jehudah differ, the opinion of R. Jehudah prevails." As a matter of course if R. Jehudah is given preference over R. Simeon, R. Jose is certainly more competent authority than R. Simeon.

The schoolmen propounded a question: "How is it, when R. Meir and R. Simeon differ?" This question is not decided. [1](#)

R. Mesharshia said: All these rules are of no account (*i.e.*, decisions should be made according to the dictates of one's own understanding); for Rabh never acted according to such rules. [2](#)

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[paragraph continues] R. Jehudah. said in the name of Samuel: "Things belonging to non-Israelites, if situated at a certain place on the Sabbath, do not acquire the right to their resting-place." According to whose opinion is this statement? Shall we say, according to the opinion of the sages? This is self-evident; for they hold, that even things having no particular owner do not acquire the right to their resting-place, and so much more things belonging to a Gentile, which accordingly possess an owner. Hence we must say, that this is even in accordance with the opinion of R. Johanan ben Nouri, who says, that things having no particular owner do acquire the right to their resting-place (but those, which have an owner, unless he be an Israelite, do not).

An objection was made: R. Simeon ben Elazar said: "Vessels which an Israelite borrows from a Gentile on a festival, or which he has lent to a Gentile and receives in return on a festival, also vessels and treasures which were within the legal limits on the eve of Sabbath, may be carried two thousand ells in every direction; but if a Gentile brought fruit on a Sabbath from beyond the legal limits, it must not be moved from its place." Now if it be said, that R. Johanan ben Nouri holds, that things belonging to a Gentile acquire a right to their resting-place, then R. Simeon ben Elazar's statement is in accordance with the opinion of this R. Johanan; but if the latter holds, that things belonging to a Gentile do *not* acquire a right to their resting-place, according to whose opinion is the statement of R. Simeon; not according to that of R. Johanan nor to that of the sages? Nay; R. Johanan may hold, that things belonging to a Gentile do acquire the right to their resting-place and still Samuel quoted the opinion of the sages; but as for this being self-evident, it is not so, for it might be assumed that a precautionary measure should be made in the case of a Gentile owner in order to put them on a par with vessels of an Israelite owner; therefore we are told that such a precautionary measure is not necessary. R. Hyya bar Abhin, however, said in the name of R. Johanan, that things belonging to Gentiles *do* acquire the right to their resting-place, as a precautionary measure for things belonging to Israelites.

It once happened that rams were brought into the city of

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Mabrahkta on a festival. Rabha allowed the inhabitants of the city of Mehuzza (which adjoined the other city) to buy them and take them home. Said Rabhina to Rabha: "Why didst thou permit this; because thou holdest to the opinion of Samuel, that things belonging to Gentiles do not acquire the right to their resting-place, but the rule is, that where Samuel and R. Johanan differ,

the opinion of R. Johanan prevails and R. Johanan holds, that things belonging to Gentiles do acquire the right to their resting-place on Sabbath?"

Thereupon Rabha said: "Let the rams be sold to the inhabitants of Mabrakhta; for that city is to the rams as four ells (being equal to the case of where a man was brought into a pen or a fold against his will and may in consequence traverse the entire extent of the pen or fold, as if they were only four ells)."

R. Hyya taught: "If the legal limits of two cities terminated in the water and a partition was made to denote the place where they met, by means of a fishing-net, it is not sufficient; for an iron partition is necessary in order that the water of both limits should not mingle." R. Jose bar Hanina laughed at this teaching. Why did he laugh at it? Because Rabh decreed, that the sages were very lenient with all things pertaining to water (see page [24](#)).

*"But the sages hold, that he has only the right to move four ells."* Is R. Jehudah not of the same opinion as the first Tana? Said Rabha: Nay; they differ to the extent of eight square ells. The sages hold that he may go four ells in every direction, that is, in all, eight square ells; but R. Jehudah says, that he may go only four ells in one direction. We have also learned to this effect in a Boraitha: "He may move in eight square ells, so saith R. Meir." Said Rabha: "They differ as to the extent that the man may traverse, but as for carrying things all agree, that he may do so only for a distance of four ells."

The questions seem to be centred in four ells. Whence do we derive these four ells? As we have learned in a Boraitha: From the passage [Exodus xvi. 29]: "Remain ye, every man in his place," etc. By "his place" is meant the size of his body. What is the size? Three ells, and one ell additional in case he wishes to stretch his limbs. So said R. Meir. R. Jehudah, however, said: "Three ells are allowed for the size of the body and an additional ell in case he wishes to take a thing at his feet and place it underneath his head." What is the point of variance between the two? According to one, the four ells

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must be exactly measured, and according to the other, an approximate distance only is necessary.

R. Mesharshia said to his son: "When thou goest to see R. Papa, ask him whether the four ells are measured proportionately to the size of the man concerned or whether they are the holy ells (*i.e.*, ells measuring six spans). If he should tell thee, that the holy ells are meant, what should a man do who is as tall as Og, King of Bashan, and if he should tell thee, that the proportionate ells are meant, why were the four ells not included in the Boraitha, which teaches, that all things should be reckoned according to the proportionate ells."

When the son of R. Mesharshia came to R. Papa he was told: "If we were to learn the Talmud in this manner (*i.e.*, if we were so particular as to details) we would never be able to learn anything. Certainly proportionate ells are meant, and the reason the Boraitha does not mention them, is because it was not quite certain, and there may chance to be a dwarf, whose legal four ells the Boraitha did not feel justified in diminishing."

*"But between the two outer courts one must not carry anything."* Why should this not be

permitted? If both of the outer courts and the middle one have combined in one Erub, they are regarded as one court? Said R. Jehudah: "In this instance a case is referred to, where the middle court deposited an Erub in each of the outer courts; hence the two outer courts have no connection with each other." R. Shesheth, however, said: "Even if the two outer courts had deposited their Erubin in the middle court but had each done so in a separate house, they have no connection with each other. Had they deposited their Erubin in the same house, they would have been regarded as one court." According to whose opinion would this be? Shall we assume, that it was according to the Beth Shammai as we have learned in the following Boraitha: "If five persons conjoined their Erubin and deposited them in two vessels the school of Shammai hold them to be of no value, but the school of Hillel say they are of value." Nay; this latter opinion is even in conformity with the school of Hillel who, while maintaining, that if the Erubin had been deposited in separate vessels the connection would be consummated, may hold, that if this was done in separate houses the connection is not valid.

R. Jehudah said in the name of Rabb: "All the foregoing is according to the dictum of R. Simeon; the sages, however, hold, that from the two outer courts things may be carried into the

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middle court, but from the middle court, things must not be carried into the outer courts; provided no Erub had been made, for one court may serve for two others, but two must not be utilized by one." And R. Jehudah goes on to state: "When I made this statement before Samuel, he said: 'Even this is in accordance with the dictum of R. Simeon; but the sages hold, that neither of the three courts may be made use of.'"

The following Boraitha is in support of the dictum of Samuel as quoted by R. Jehudah: R. Simeon said, "What can this be compared to? Three courts opening into each other and also opening into public ground. If the two outer courts had combined in an Erub with the middle one, a man is at liberty to carry victuals from either of the outer courts into the middle court and eat them, then remove the remainder (but a man of the middle court must not carry things into the outer courts);" the sages however said: "No connection is permitted between the three courts."

Samuel in making this statement holds to his theory advanced elsewhere: If there is a court between two entries, and an Erub was made by the court with both entries, connection between the court and both entries is nevertheless prohibited (but in each entry separately things may be carried); if, however, no Erub was made by the court with either of the two entries, the court acts as a bar so that carrying in either entry is prohibited even by the inhabitants of the entries. If the court, however, made more frequent use of one entry to the neglect of the other, it acts as a bar only to the one frequently used, but the inhabitants of the neglected entry *may* carry therein.

Said Rabba bar R. Huna: If the court made an Erub with the entry used only on rare occasions (it is evident, that henceforth, the court intends to make more frequent use of this entry and to abandon the other entry) then the other entry becomes separated and the inhabitants thereof may carry therein.

Rabba bar R. Huna said again in the name of Samuel: If the entry more frequently used by the court made an Erub for its own use, and the court itself as well as the neglected entry did not

make any Erubin for their own use, the court is relegated to the neglected entry, but cannot prove a bar to the entry having an Erub, because that were otherwise as the manner of the Sodomites, *i.e.*, if an act is perpetrated which is neither beneficial nor injurious to the perpetrator but solely in order to injure another, the perpetrator is compelled to desist. (The comparison

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is made to the case in question as follows: Neither the inhabitants of the court itself nor of the entry may carry within their precincts nor even within the entry provided with an Erub, and hence it would not be just, if, because they were not permitted to carry, they should prove a bar to those who by virtue of their Erub are allowed to do so.)

R. Jehudah said in the name of Samuel: "The Erub of a man who is particular about it that his fellow (with whom he had joined in the Erub) should not eat it, is of no account. Why so? Because the word Erub signifies commixture, *i.e.*, those who make the Erub can individually do with it as they see fit, and if one man is particular about it, its intent is abolished." R. Hanina however said: The Erub is valid; but a man of that kind is like the men of Vardina (who were notoriously penurious).

R. Jehudah said again in the name of Samuel: "An Erub which is divided by a man in two parts or deposited by him in two separate vessels is of no account." Then Samuel's dictum is in accordance with Beth Shammai, as stated in the Boraitha (page [108](#)): We may assume that Samuel's teaching may be also according to Beth Hillel; for the latter hold, that the Erub is valid only then, if one vessel was filled with it and the remainder had to be put into another vessel, but if it was originally divided and then deposited, it is not valid.

Samuel said: "The virtual intent of the Erub is, that by mutual interchange of articles, the right to the ground is bought and sold." Why then are eatables necessary; could it not have been permitted to make an Erub with money? Because, as a usual thing on the eve of Sabbath money is scarce. (If that is so, then why should an Erub that had been made with money not be valid? This is merely a precautionary measure, lest it should be said that the main principle of an Erub is money, and in the case of a lack of money, eatables will not be used in its stead, and thus the law of Erubin will sink into oblivion.) Rabba, however, said, that the Erub signifies, that wherever the victuals have been deposited, there the man resides, *i.e.*, wherever a man's bread is, there is also his domicile. What is the point of difference between Samuel and Rabba? The points of difference are as follows: A vessel of any value, victuals worth less than a Prutah (a coin of minimum value) and a minor. (According to Samuel a vessel having a market value may be used, but according to Rabba it does not follow that if it is

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deposited in a certain place the owner resides there, hence it must not be used. Victuals worth less than a Prutah, according to Samuel, not having a market value, must not be used, but according to Rabba, being eatables, may be deposited. A minor, according to Samuel, cannot be commissioned to act because no money consideration can be intrusted to him, and according to Rabba where he only gathers the material for the Erub, he may be commissioned to act.)

Said Rabba in the name of R. Hama bar Guria, quoting Rabh: The Halakha prevails according to

R. Simeon.

MISHNA: Should a man, when overtaken by dusk on the road (on the eve of Sabbath), single out a tree or a hedge and say: "I will take my Sabbath-rest underneath it," (*legally*) he has said nothing, but if he says: "I will take my Sabbath-rest at its base," he may go from the spot on which he stands to the base of the tree or hedge two thousand ells and thence to his domicile two thousand ells more; thus it may be seen, that a man may go four thousand ells after dark (on Sabbath). If he cannot single out a tree or a hedge or is not conversant with the Halakha (covering his case) and says: "I will take my Sabbath-rest on the place where I stand," the spot upon which he stands (virtually) gives him two thousand ells in any direction; in a circle, according to the dictum of R. Hanina ben Antignous; but the sages hold, that he has two thousand ells in a square, so as to enable him to take advantage of the angles. This rule is explanatory to the saying (of the sages): "The poor prepare their Erubs with their feet." R. Meir said: "This rule is applied only to the poor," but R. Jehudah replied: It applies to poor and rich both; inasmuch as the Erub to be made with bread was only decreed in order to render its observance easier for the wealthy, so that they should not be compelled to go out and prepare the Erub with their own feet.

GEMARA: What is meant by "legally he has said nothing"? Said Rabh: "It means literally that he has said nothing and must not move from his place; (because where he stands, he did not acquire the right to rest on Sabbath, his intention having been to rest underneath the tree. Underneath the tree he acquired no right, not having specified the spot where he would rest, and although the space underneath the tree is within two thousand ells from his position at the time, as long as he did not specify the exact spot he must not go there)." Samuel, however, said: It means, that he said nothing concerning

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the distance from the tree to his domicile but he may traverse the distance from where he stands to the tree (because the entire space underneath the tree is within two thousand ells of his position at the time, and the distance from his domicile is only two thousand ells to the base of the tree, but to the entire space underneath the tree it is more than two thousand ells); hence this entire space is like driving an ass and leading a camel, for it is not known from which side the distance to his domicile is two thousand ells. If it be measured from the north, chances are that it should be measured from the south, and *vice versa*.

Said Rabba: (Samuel's opinion is feasible, for he says, that the man acquired the right to two thousand ells from where he stands; but not having determined the exact spot underneath the tree, he loses the further two thousand ells to his domicile) but what grounds has Rabh for his opinion? Rabh holds, that if two intentions, one consequent upon the other, are expressed in one assertion, the inability to carry out one intention destroys the other also (and in this case as the man cannot proceed from the tree to the domicile it invalidates his right to go from his place to the tree). What is the difference between the two opinions? The difference is if one says, "I will take my rest in the four ells of the eight ells underneath the tree," according to those who hold that the place of rest must be exactly determined, it is of no value, but he who holds that if two intentions, one consequent upon the other, are expressed in one assertion, the inability to carry out one intention destroys the other also, in this case when he determines four ells it may be called the exact spot, and is valid.

Said R. Huna the son of R. Jehoshua: The case in the Mishna mentioned "he legally said nothing" applies only if the space underneath the tree is eight ells or more; but if it measures only seven ells the man may proceed to the tree and from the tree to his domicile (because he is entitled at any rate to four ells and no matter from which side the distance to his domicile is measured, part of his domicile will be within two, thousand ells).

We have learned one Boraitha in support of Rabh and another supporting Samuel: The one upholding Rabh is as follows: If one, while on the road, was overtaken by dusk, and, singling out a tree, said: "I will take my Sabbath-rest underneath it," he has said nothing. If he said, however, that he would rest in a certain place, he can proceed to that place and,

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arriving there, may traverse the entire extent of that place and two thousand ells outside of it. When may he do so? If he designated a particular place, *i.e.*, if he designated a sand-heap ten spans high, or a valley ten spans deep, and from four ells to two saahs' capacity wide; but if he did not previously designate the place or there was no such place in existence, he may only move four ells from where he is situated at the time. If there were two men, one of whom could designate the place and the other could not, the latter may invest the former with the right to select the place for him and he (the former) may act accordingly. This is the case only if the man designates the four ells where he desires to rest, but if he does not, he must not move from his place.

The Boraitha upholding Samuel is as follows: If a man made an error and deposited his Erub in two directions, or if a man thought that it was allowed to make two Erubin and go in one direction in the morning and in another in the afternoon, or if a man said to his servants: "Make an Erub for me," without specifying the place for it, and one of them made the Erub in the north and the other in the south, the man may go south for a distance of two thousand ells minus the distance from his house to the Erub on the north or may go north for a distance of two thousand ells minus the distance from his house to the Erub on the south. If the house was midway between the two Erubin, however, *i.e.*, the two Erubin were placed equidistant from the house two thousand ells, he must not move beyond his house.

*"If he says, 'I will take my Sabbath-rest at its base,'"* etc. Said Rabha: "Being overtaken by dusk" signifies, that if the man walked slowly he could not reach the tree before dusk, but if he ran speedily he could reach the base of the tree.

Rabba and R. Joseph were on the road: Said Rabba to R. Joseph: "We will rest underneath the tree that tolerates good fellowship." And according to another version he said: "We will rest underneath the tree, that honorably acquits itself of its dues (*i.e.*, that bears quantities of fruit and thus pays its dues)." Said R. Joseph: "I know not of such a tree." Answered Rabha: Depend upon me, as a Boraitha stated, R. Jose said: If there be two men, one of whom could designate the place and the other could not, the latter may invest the former with the right to select the place for him and he (the former) may say: "There shall we rest." In truth this is not so. R. Jose

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never said this; but Rabba asserted this in the name of R. Jose so that R. Joseph should listen to

him; for it was known that R. Jose was final authority and that the Halakhas prevailed according to his opinion.

*"If he cannot single out a tree or is not conversant with the Halakha."* From what biblical passage is all this talk about two thousand ells adduced? We have learned in a Boraitha: It is written [Exod. xvi. 29]: "Remain ye every man in his spot, let no man go out of his place on the seventh day." "On his spot" means four ells, and "out of his place" refers to two thousand ells. Whence does the Boraitha adduce this assertion? Said R. Hisda: "Because it is written [Numbers xxxv. 5]: 'And ye shall measure from without the city on the east side two thousand ells,' etc. (Thus from the verse it is seen, that the city was in the centre and they measured two thousand ells on every side and from this the legal limits were derived.)

*"Two thousand ells in any direction in a circle,"* etc. What grounds has R. Hanina ben Antigonus for the statement? If he agrees to the interpretation of the passage quoted, he should have said in a square, for so the passage determines, and if he does not hold to the passage at all, whence does he adduce two thousand ells in general? He holds to the interpretation of the passage quoted, but the end of the same verse reads, *"This shall be to them the open spaces of cities,"* and he declares, that for the purpose of the verse it should be in a square, but for Sabbath it should not be in a square. Whence do the sages adduce that the two thousand ells should be in a square? The sages hold with Hananiah, who taught, that *"this shall be to them,"* should read *"as this,"* and as this should be all the legal limits of the Sabbath.

Said R. A'ha bar Jacob. One who carries four ells in public ground is not culpable unless he carries in a diagonal of four ells. [1](#)

Said R. Papa: "Rabha wished to examine us and asked the following question: 'Is it necessary that a pillar ten spans high and four wide standing in public ground, should contain a square so that a diagonal can be drawn?' We answered: Is this not the same as the teaching of R. Hananiah which states *'as this* should be all the legal limits of Sabbath.'

*"R. Meir said: 'This rule is applied only to the poor,'"* etc.

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[paragraph continues] Said R. Na'hman: "The point of difference between R. Meir and R. Jehudah is where a man says: 'I will rest in my place' (where I am standing). R. Meir holds, that the principal thing to be used for an Erub is bread; and for the poor man, who has no bread with him, it is made easier; the rich man, however, has no right to do so; but R. Jehudah holds, that the principal way to make an Erub is to make it with one's feet, whether the man be poor or rich, but concerning the designation of a tree or a certain place for a Sabbath-rest while travelling, all agree, that it is allowed for a poor man but not for a rich man." The statement in the Mishna "This rule is explanatory to the saying," means to say that the saying is that of R. Meir, and what does it refer to? To the previous clause in the Mishna, "If he cannot single out a tree or is not conversant with the Halakha." The teaching "for the poor man who has no bread with him, it is made easier," is that of R. Jehudah.

R. Hisda, however, said: On the contrary. R. Meir and R. Jehudah differ only as to the designation of a certain place for the Sabbath-rest, the former holding, that for a poor man this is



allowed, but not for a rich man, and the latter holding that it is permitted for both; but all agree that as for resting in one's place where he stands it is allowed to both rich and poor, because the principal way of effecting an Erub is with one's feet. The statement of the Mishna, "This rule is explanatory to the saying," refers to a man who was overtaken by dusk, while the teaching "for the poor man who has no bread, it is made easier," is according to the opinion of all.

We have learned a Boraitha in support of R. Na'hman: Be it a poor man or a rich man an Erub should be effected with bread. A rich man should not go out to the legal limits and say: "Here will I take my Sabbath-rest" because this is allowed only to one who was overtaken by dusk on the road, so saith R. Meir. R. Jehudah, however, said: Be it a poor man or a rich man the Erub should be effected with the feet and a rich man may go out to the legal limits and take his Sabbath-rest there, because the principal manner of effecting an Erub is with the feet. To the householder, however, the sages allowed to send a servant, a son, or any other messenger, to make the Erub in his stead, in order to make it easier for him, and R. Jehudah said again: It happened to the men of the house of Mamel and of the house of Gurion in the city of Aruma who would distribute figs and raisins during years of famine, that the poor of the villages

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of Shihin and Hananiah would come on the eve of Sabbath to the legal limits, remain there over night, and on the morrow would enter the city of Aruma and receive their share.

R. Hyya bar Ashi taught Hyya the son of Rabh in the presence of Rabh: "Be he a rich man or a poor man." Said Rabh to him: "Add to this teaching, that the Halakha prevails according to R. Jehudah."

Rabba bar R. Hanan generally went on the Sabbath from Artibna to Pumbaditha. Once, while on the way he said: "I will take my Sabbath-rest in Tzintha (a small hamlet between the two towns)." Said Abayi to him: Why dost thou say this, because thou knowest, that where R. Meir differs with R. Jehudah the Halakha prevails according to R. Jehudah and besides, thou art of the opinion of R. Hisda, who holds, that they differ only concerning the designation of a certain place for the Sabbath-rest; but did not R. Na'hman explain to the contrary and have we not a Boraitha in support of R. Na'hman?

Answered Rabba bar R. Hanan, "Henceforth I shall not do this again."

Rami bar Hama asked: "It was said, that one who made an Erub by means of his feet, has four ells for himself besides the two thousand allowed him. What is the law concerning one who had sent bread to make the Erub? Has he the extra four ells or not?" Said Rabha: "Come and hear: The Mishna states that the Erub was to be made with bread only to make it easier for the wealthy. If we should say, that he has not the four ells, it will not be made easier for the wealthy, but on the contrary stricter?" It will not be stricter? For he would rather lose the four ells and be enabled to send a messenger in his stead than to go himself.

MISHNA: If a man (on the eve of Sabbath) had been despatched by his townsmen to combine by an Erub a town (or village in the vicinity) and was subsequently induced by a neighbor to go back (before completing his errand) he is permitted to go to the place in question (nevertheless); all his townsmen, however, are forbidden (to go thither). Such is the dictum of R. Jehudah; but

R. Meir said: One who can prepare an Erub and does not prepare it, is (like one driving) an ass and (leading) a camel (at the same time).

GEMARA: What difference is there between the man and his townsmen? Said R. Huna: "This is a case of where a man possessed two houses which had two legal limits between them,

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*i.e.*, they were four thousand ells apart and the man went out on the road without taking bread along. He is then considered as a poor man; (and in consequence made his Erub wherever he was with his feet) but his townsmen who sent him to make the Erub are regarded as wealthy and their Erub not having been effected are not allowed to go out."

We learned a Boraitha supporting this teaching: "One who has two houses between which there are two legal limits makes the Erub valid as soon as he starts out on the way from one to the other, such is the dictum of R. Jehudah. Moreover, said R. Jose the son of R. Jehudah, even if his comrades meet him and tell him to stay over night where he is, because it is too hot or too cold, he may arise in the morning and continue on his way (for his intention was originally to make his Erub at the end of his journey)."

Said Rabba: "All agree that a man may continue his journey after remaining at a certain place over night, if he had been persuaded to interrupt his journey by another, but if he did so of his own accord, he must not continue on his way, because he may have changed his original intention. Wherein they differ is, if the man was persuaded to remain at a certain place before commencing his journey. According to one, his Erub is invalid as long as he had not yet started, and according to the other, it is valid because the intention originally existed."

R. Joseph, however, said: "All agree that one must start on the journey, otherwise his Erub is not valid; but they differ in a case of a man having been persuaded to stop over at a certain place or doing so of his own accord. One holds, that if he stopped over of his own accord, he may have changed his original intention and hence his Erub is not valid, while the other maintains, that as long as he had started, it does not matter."

R. Jehudah bar Isht'tha brought a basket of fruit to R. Nathan bar Oshiya on the eve of Sabbath (and the distance from his house to that of R. Nathan was four thousand ells). He started to return and R. Nathan let him go as far as the first step and then said to him: "Remain here over night." On the morrow, he arose and returned to his home.

*"But R. Meir said: 'One who can prepare an Erub,'"* etc. Have we not learned already in a Mishna (of the third chapter) that R. Meir and R. Jehudah both said: "If (an Erub) is doubtful, this is (like driving) an ass (and leading a) camel." Said R. Shesheth: It might be assumed that the reason of R. Meir's

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opinion is that only in the case of a doubtful Erub, it is a case of an ass and a camel, but if it is known to a certainty that no Erub was made, such is not the case (but it is positively forbidden); hence we are given to understand that even where it is certain that the Erub was not made it is

also a case of an ass and a camel; because the Mishna cites a case where it is certain that no Erub was made.

MISHNA: If one went beyond the legal limit even a single ell, he must not go back the entire distance. R. Eliezer said: If he went two ells beyond the limit he may go back; but if three ells, he must not.

GEMARA: Said R. Hanina: "If a man had one foot within the limit and the other foot outside he may enter, because it is written [Isaiah lviii. 13]: 'If thou restrain thy feet for the sake of the Sabbath' and we read 'thy feet' and as one foot was still within the limit, it cannot be said, that he had restrained his feet." We have learned, however, in another Boraitha, that he must not enter? R. Hanina holds according to the opinion of the anonymous teachers, who maintain in still another Boraitha, that wherever the greater part of the body of a man is situated, there is his place.

"*R. Eliezer said: 'If he went two ells,'*" etc. Did we not learn in a Boraitha, that R. Eliezer said: If he went one ell beyond the limit he may go back; but if he went two ells, he must not? This presents no difficulty; our Mishna refers to a case where he had overstepped one ell and remained exactly two ells beyond, while the Boraitha refers to one who had overstepped two ells and was already in the third. Did we not learn in another Boraitha, that R. Eliezer said: "Even if he had stepped out one ell, he must not reënter?" This Boraitha refers to the one who measured the legal distance (as is stated in the last Mishna of the next chapter, which will be explained then and there).

MISHNA: One who was overtaken by dusk one ell outside, of the legal limit must not reënter the town; R. Simeon, however, said: Even if one was fifteen ells beyond the limit, he may go back, as the land-surveyors who establish the limits, are not very exact in their measurements and allowance is made for those who might err.

GEMARA: We have learned in a Boraitha: "It sometimes happens that the land-surveyors forget their mark and go beyond the distance."

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## Footnotes

[104:1](#) The following paragraphs in the original Gemara are devoted to arguments of R. Papa and R. Ashi concerning the adduction of the differences quoted by the two Rabbis in the preceding paragraphs and quote the Boraithoth further on. Hence we have omitted them, and the reader will understand this from what follows. This rule is made by us for the benefit of the Hebrew scholar and will apply to all such omissions later.

[105:1](#) Wherever a question remains undecided in the Talmud, the letters Taph, Iod, Quph, Vav, are inserted, and some scholars maintain, that this means "Theiqu," *i.e.*, "So shall it remain." Others, however, maintain that the letters stand for: "Tishbi = Elijah the prophet, Ietharetz = will answer, Qushiuth = contradictions, Veabaioth = and questions.

[105:2](#) This statement of R. Mesharshia applies to the whole Talmud from the fact that, although the authorities quoted above are among the greatest of the Mishna and the Gemara, the interpretation of all Halakoth should be based upon common sense, and in connection with this we would wish to call the attention of the reader to the assertion made in our article, "What is the Talmud?" contained in our "The Pentateuch, Its Languages, Character, etc.," and in our article entitled "Two Questions concerning the Talmud and Schulchau Aruch," published in the *American Israelite*, 1894, that "no one has any right to establish a code based upon Halakhoth of the Talmud."

[114:1](#) Rashi explains this to mean 4 ells and  $\frac{8}{5}$  or  $1 \frac{3}{5}$  of an ell additionally. It is difficult to understand just how this is meant or how the diagonal can be derived without the square.

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[Next: Chapter V: Town Boundaries and Legal Limits](#)