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CHAPTER V.

REGULATIONS CONCERNING THE BOUNDARIES OF A TOWN AND THE MEASUREMENTS OF THE LEGAL LIMITS.

MISHNA: How can the boundaries of a town be extended? If one house recede from the city wall and another project, or if a ruin recede or project, or if fragments of a wall ten spans high lie beyond the walls, or if there be any bridges or cemeteries, with dwelling-houses thereon, the measurement of a town is commenced on a level with them; and the whole is formed into a (quasi) square, in order to gain the angles.

GEMARA: R. Johanan said: For eighteen days I lived with Oshiya the Great and did not learn but one thing concerning this Mishna, namely: The Mishna should not read "How can the boundaries of a town be extended, but how can they be districted." 1 This is not so! Did not R. Johanan once assert, that during his stay with Oshiya the Great for eighteen days he learned to know the heart and wisdom of each one of Oshiya's twelve disciples? He says only that he learned but one thing *concerning this Mishna*, but aside from that, he learned many other things.

R. Johanan said again: "When we were studying the Law at Oshiya's we sate four men to one ell." Rabbi said: "When we studied at R. Elazar ben Shamua's college we sate six men to one ell."

R. Johanan said once more: As R. Meir was in *his* generation so was R. Oshiya the Great in his day. As with R. Meir, the colleagues of his day, could never arrive at his final decisions, so was it also with Oshiya. His colleagues could also never fathom his ultimate conclusions.

R. Johanan said again: The hearts of the first sages were as broad as the porch of the Temple and those of the later sages were as broad as the gates of the Temple, but our hearts are as

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narrow as the eye of a sewing-needle. Whom does he refer to as the first sages? R. Aqiba. Whom as the later sages? R. Elazar bar Shamua, and according to another version he refers to R. Elazar ben Shamua and Oshiya the Great respectively.

Said Abayi: We are as a nail driven in a hard wall as far as explanations are concerned (*i.e.*, we understand but little of what we hear, and that with difficulty). Said Rabha: We are also like a finger pushed into a cake of wax (meaning we are so dull of comprehension where comparisons are concerned, that but as little remains with us as with the finger that has been pulled out from the wax). Said R. Ashi: "And we may say, that it is as easy for us to forget what we have learned as it is to put our finger in the hole of a well."

R. Jehudah said in the name of Rabh: The children of Judæa who paid strict attention to the words of their masters and propounded many questions retained all they learned. The Galileans, however, who did not pay strict attention to the language of their masters, and did not question them, did not retain anything. The Judæans learned from one master, hence they remembered what they learned; but the Galileans had many teachers and in consequence they did not retain anything.

Rabhina said: The Judæans taught every tract they had themselves mastered to others; hence they retained their knowledge; because teaching others improves one's own learning; the Galileans, however, did not do this and in consequence their knowledge forsook them. Of David who taught others it is said [Psalms cxix. 74]: "Those that fear thee will see me and be rejoiced," but of Saul, who did not teach others, it is said [I Samuel xiv. 471: "And whithersoever he turned himself, he caused terror."

Said R. Johanan: "Whence do I know, that the Lord forgave Saul for the sin of massacring the priests of the city of Nev?" Because Samuel's spirit said unto him: "On the morrow, thou and thy children shall be with me." What is meant by "with me"? (That means in the same place as Samuel and as Samuel was a righteous man and certainly in Paradise, so Saul must have been forgiven in order to share Samuel's abode.)

R. Jehoshua ben Hananiah said: "I was never disconcerted in my life except by a woman, a boy, and a little girl. The instance of the woman occurred in this wise: I at one time resided at the house of a widow. At table she set before me a

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plate of beans and I ate it up leaving nothing. On the second day she gave me the same dish which I also consumed entirely. on the third day she made the dish too salt and after tasting it I naturally stopped and left it alone. Said she to me: 'Rabbi, why dost thou not eat?' and I answered, that I had already eaten during the day; she then rejoined: 'Thou shouldst have eaten less bread,' and continued: 'Perhaps because thou didst not leave any Peah 1 on the first two days, thou dost leave it now to serve for all three; for have not our sages decreed, that no Peah need be left in the cooking pot, but some should be left in the plate on which the dish is served?'"

The instance of the little girl happened as follows: Once I was travelling on a road and seeing a beaten path leading across a meadow I took that path. Said a little girl to me: "Rabbi! is this not a meadow that thou art crossing?" and I answered: "Is this not a beaten path?" and she answered: "Yea; such robbers as thou art have made it a beaten path." As for the affair with the little boy it happened thus: Once while on the road I noticed a child sitting at a cross-road. I asked him, which road led to the city, and he answered: "This road is the shorter but at the same time the longer, and this one is long but nevertheless short." I took the shorter road that was at the same time the longer. When I came to the city I saw the entrance to the city at that point was surrounded by gardens and vineyards, so that I had to retrace my steps. Said I to the child at the cross-road: "Didst thou not say that this was the short route?" and he answered: "Did I not also tell thee that it was a long route?" I then kissed him on the forehead and remarked: "Well is thee, Israel, that all thy children are wise, both great and small."

R. Jose the Galilean was travelling on the road. He met Brurih (the wife of R. Meir) and asked her: "Which way must we take to the city of Lud?" She answered: "Thou Galilean fool! Did not our sages say, that thou shouldst not converse much with a woman? Thou shouldst have asked, which way to Lud?"

The same Brurih once found a young scholar learning quietly to himself. She scolded him and said: "It is written [II Samuel xxiii. 5]: 'Firm in all and sure,' which signifies, that if the Law

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is firmly imbedded in all the two hundred and forty-eight members of the body it can remain with the man, otherwise it can not." We have learned that there was a disciple of R. Eliezer, who learned quietly to himself and in the course of three years he forgot all he had learned.

Said Samuel to R. Jehudah: Thou sagacious one. Open thy mouth, when thou readest and also when thou learnest and then may it come to pass, that thou shalt live long, as it is written [Proverbs iv. 22]: "For they are life unto every one of those that find them, and to all his body a healing." Do not read "that find them," but "that make them a find for others," that is by pronouncing them with the mouth others will hear them and be benefited.

Samuel said again to R. Jehudah: Thou sagacious one! As long as thou hast any money, eat and drink; for the world which we leave behind is like a wedding-feast, it is soon over (and in the next world, thou wilt not be able to do this).

Rabh said to R. Hamnana: My son! If thou hast the wherewith to do thyself good, do so, for in the grave there is no pleasure and there is no fixed time for death, and if thou shouldst wish to say: "I will leave my children sufficient to live on when I am in my grave," who can assure thee, that they will keep it; for men are like grass in the field--some spring up and have everything prepared for them while others fade and have nothing.

R. Jehoshua ben Levi said: One who travels on the road and has no companion, should study the Law, as it is written [Proverbs i. 9]: "For a wreath of grace are they unto thy head, and chains for thy throat." If a man have a headache, he should study the Law for it is "a wreath of grace" unto his head. If his throat be sore, he should study the Law for it is "a chain" for his throat. If thy stomach hurt thee, do likewise, for it is written [ibid. iii. 8]: "It will be healing to thy travel" (body), and also if thy bones ache, for it says further [ibid.], "and marrow to thy bones." Likewise one who has pains in any part of his body should study the Law, for it is written [ibid. iv. 22]: "And to all his body a healing."

Said R. Jehudah ben R. Hyya: Come and observe how the custom of the Lord differs from that of man! If a man pre scribes a remedy, it may benefit one and injure another, but the Holy One, blessed be He, gave the Law to all Israel as a remedy for all and for the whole body as it is written: "And to all his body a healing."

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R. Ama said: It is written [Proverbs xxii. 19]: "For it is a pleasant thing if thou keep them within thy bosom, if they be altogether firmly seated upon thy lips." Which signifies: "When are the

words of the Law a pleasant thing? If thou canst keep them within thy bosom, and when canst thou keep them in thy bosom? If thou canst pronounce them well with thy lips."

R. Zera said: It is written [ibid. xv. 23]: "A man hath joy by the answer of his mouth; and a word spoken at the proper time, how good is it." Which signifies: When hath a man joy by the answer of his mouth, if at any time that he is asked concerning the Law, he can make proper reply.

R. Itz'hak said: It is written [Deut. xxx. 14]: "But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it." When is the word nigh unto thee? If it is in thy mouth, and in thy heart thou meanest to do it.

Rabha said: It is written [Psalms xxi. 3]: "The longing of his heart hast thou given him, and the request of his lips hast thou not withholden. Selah." Which means: When was the longing of his heart given him? If the request of his lips was in accordance with the Law.

Rabha inferred a contradiction from the verse just quoted: It says, "The longing of his heart hast thou given him," and immediately afterwards, "and the request of his lips hast thou not withholden." If the longing of his heart was given him, what need was there of the request of his lips? And explained this seeming contradiction thus: If the man had merited it, the longing of his heart was granted him without request, but if he did not, he first had to make a request for it, before it was granted.

The disciples of R. Eliezer ben Jacob taught: In every instance, where the words "Netzach," "Selah," or "Voëd" form the conclusion of the passage it signifies, that it will be forever without interruption. As for the word "Netzach" it is written [Isaiah lvii. 16]: "For not to eternity will I contend, neither will I be forever wroth"; "forever" is here expressed by "Netzach." As for the word "Selah" it is written [Psalms xlviii. 9]: "As we have heard, so have we seen it in the city of the Lord of Hosts, in the city of our God: God will establish it forever. Selah." Concerning "Voëd" it is written [Exod. xv. 18]: "The Lord will reign for ever and ever" and the expression used is "Voëd."

R. Elazar said: The term quoted in the verse [Proverbs i. 9]:

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"Chains for thy throat" means to signify, that as a chain is loose around the neck and is not seen when a man bows his head, so it is with a scholar. If he is not seen constantly in the markets, or oppresses not his neighbor, but sits quietly and studies the Law, he retains his knowledge; otherwise he does not.

R. Elazar said again: The verse [Solomon's Song v. 13]: "His cheeks are as a bed of spices" means "If a man makes himself as a bed (of plants) upon which everyone treads (*i.e.*, is extremely modest) and also conducts himself as a man who held spices in his hand, which even after leaving the hands, still make them fragrant, he retains the knowledge he has acquired, otherwise he does not."

He said again: It is written [Exod. xxxi. 18]: "Tables of stone" (tables are in this verse expressed

by the Hebrew term "Luchoth" and Lechi also means cheek). This refers to a man who hardens his cheeks until they are like stone and when trodden upon are not defaced, meaning a man who constantly studies and in the same manner as the stone is not impaired by wear, the constant study does not injure the man: such a man retains knowledge, otherwise he does not.

Again R. Elazar said: It is written [Exod. xxxii. 16]: "Engraved upon the tables," which means, that if the tables had not been broken the first time, the Law would never have been forgotten by Israel, for a thing that is engraved cannot be obliterated, and R. Aha bar Jacob added, "that no nation on earth could have got them in their power," because: do not read "Charuth" (engraved) but "Cheiruth" (liberty).

R. Mathna said: It is written [Numbers xxi. 18]: "And from the wilderness to Mattanah," 1 which signifies, that if the man makes himself as a wilderness, upon which everybody treads, and does not mind it, the knowledge he gains remains with him as a present.

R. Huna said: It is written [Psalms lxviii. 11] Thy assembly dwelt therein: thou didst prepare it with thy goodness for the afflicted people, O God! ("Thy assembly" is expressed in the Hebrew by "Chaiothcha" and Chaiah means a wild beast.) If a scholar is in the manner of learning as a wild beast which devours its prey immediately after killing it, *i.e.*, as soon as he learns a thing he repeats it again and again until he knows it thoroughly, he retains his knowledge, otherwise he does not. If

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he does this, however, the Holy One, blessed be He, Himself, prepares a meal for him, as may be seen from the end of the passage quoted.

R. Hyya bar Abba said in the name of R. Johanan: It is written [Proverbs xxvii. 18]: "Whoso guardeth the fig-tree will eat its fruit." Why are the words of the Law compared to a fig-tree? As a fig-tree yields its fruit whenever it is shaken, so does the Law always yield new teachings whenever it is repeated.

R. Samuel ben Na'hmeni said: It is written [Proverbs v. 19]: "Let her bosom satisfy thee abundantly at all times." Why is the Law compared to a bosom? Because as at all times when the child desires to suck, the bosom yields its milk, so does the Law yield its teachings every time it is perused. Further, it is written [ibid.]: "With her love be thou ravished 1 continually." This means to imply as was said of R. Elazar ben P'dath, that when he was studying the Law in the lower market of Sepphoris, his clothes were frequently found in the upper market; so engrossed was he in his studies, that he did not even miss his clothes. Said R. Itz'hak ben Eliezer: "Once a man attempted to steal the clothes of this R. Eliezer and found an adder lying on top of them."

The disciples of R. Anan taught: It is written [judges v. 10]: "Ye that ride on white asses, ye that sit in judgment, and ye who walk on the way, utter praise!" "That ride on white asses" refers to scholars who go from town to town and from country to country to teach the Law and who make it clear as daylight. "That sit in judgment" refers to those who give a just verdict which is truly just. "Who walk" refers to those who study the Bible, "on the way" refers to the students of the Mishna, and "utter praise" refers to the students of the Talmud, whose every utterance is

concerning the Law.

R. Shezbi said in the name of R. Elazar ben Azariah: It is written [Proverbs xii. 27]: "The indolent roasteth not that which he hath caught in hunting." This signifies, that one who studies the Law superficially merely to delude people but does not study it thoroughly and repeat it often, will not retain the knowledge nor will he live long. R. Shesheth, however, said: "A man of that kind is not wicked, but merely foolish; on the other hand a prudent man, who studies many things and

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makes marks, so that he will not forget what he had learned, retains his knowledge and will have long life."

When R. Dimi came from Palestine he said: The verse quoted is a simile to a man who catches birds. If he pinions the wings of those he catches, he can proceed and catch more, otherwise they will escape. The same applies to a man who studies the Law. If he reviews his learning constantly, he retains it and can proceed; if he does not, however, he cannot retain it.

Rabha in the name of Sechorah quoting R. Huna said: "It is written [Proverbs xiii. 11]: "Wealth gotten by vain deeds will be diminished; but he that gathereth by close labor will increase it." Which means: If a man groups the ordinances he has learned, he cannot retain them; but if he gathers them slowly and deliberately, he will constantly increase them." And Rabha said: "The Rabbis know of this and yet they pay no attention to it." Said R. Na'hman bar Itz'hak: "I have acted accordingly and in consequence I have retained my knowledge."

The Rabbis taught: "How was the method of teaching the Law in the days of Moses?" Moses learned the Law from the might of God. Then Aaron entered and Moses taught him a chapter. When Aaron had finished he sat down to the left of Moses and his children came in, when Moses would teach them the chapter again. When they had finished, Elazar would sit down to the right of Moses and Ithamar to the left of Aaron. R. Jehudah, however, said, that Aaron would always sit to the right of Moses after his children had finished. Following the sons of Aaron would come the elders of Israel and Moses would repeat the chapter to them. After the elders had finished, the rest of the Israelites who wished to learn would enter and would learn the same chapter. Thus we see, that Aaron heard the same chapter four times, his sons three times, the elders twice, and the rest of the people once. After the last reading Moses would depart and Aaron would again repeat the chapter to the others; then he would depart and his children would teach the chapter; after them the elders would do so, so that no one heard it less than four times. From this R. Eliezer deduced, that every teacher should recite his teaching to his disciples four times, holding that as Aaron who learned from Moses, who in turn learned from the might of God, had to learn one thing four times so much more ought an ordinary man to do so when learning from another.

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R. Aqiba, however, said: Whence do we adduce, that a teacher should teach his disciple until the latter knows the lesson thoroughly? From the verse [Deut. xxxi. 19]: "Now therefore write ye for yourselves this song, and teach it the children of Israel," and whence do we infer, that a

disciple must be taught until he can impart the teaching to others? From what is written further [ibid.]: "put it in their mouth," and whence do we know, that if the reasons for the teaching can be given, this must be done? From the verse [Exod. xxi. 1]: "And these are the laws of justice which thou shalt set before them," and by setting before them is meant that they must be thoroughly explained.

Why did not all learn directly from Moses? In order to show honor to Aaron, his children and the elders. If that be so, let Aaron learn it from Moses, Aaron's children from Aaron, and the elders from the children, then the people from the elders? Because Moses learned from the might of God, all wished to hear it from him.

R. Preida had a disciple, whom he would teach a thing four hundred times and then the disciple would understand it. One day R. Preida was invited to attend the celebration of a circumcision and as he was just teaching his disciple, he finished the teaching for the four hundredth time but still the disciple did not understand. So he asked him: "What is the difficulty?" and the disciple replied, that from the moment the master was invited to the celebration, he could not pay proper attention, thinking that every moment he would be going away. So R. Preida said: "Pay proper attention and I will teach thee again," and he accordingly repeated the teaching another four hundred times. A heavenly voice was heard at that time which said: "What wouldst thou rather, that thou live another four hundred years, or that thou and the entire generation in which thou livest should be given a share in the world to come." R. Preida answered: "I would rather accept the latter proposition." Said the Holy One, blessed be He: "Give him both."

R. Hisda said: The law cannot be retained except through signs, as it is written (as quoted previously): "Put it in their mouth." Read: "Put it with signs in their mouth." R. Tachlipha of Palestine heard this and on his arrival home repeated it in the presence of R. Abbahu. Said R. Abbahu: Ye learn this from that verse, but we derive the same from the verse [Jeremiah xxxi. 21]: "Set thyself up way-marks," meaning,

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set up way-marks to the Law; this is in accordance with the dictum of Abhdimi bar Hama bar Dosa, viz.: It is written [Deut. xxx. 12], "It is not in heaven," meaning if it were even in heaven, one would have to get it from there, and [ibid. 13], "Neither is it beyond the sea" implies that even were it beyond the sea, one would have to go after it there. Rabha, however, said: "It is not in heaven" means, that knowledge cannot be found in a man who holds himself as high as heaven; and "Neither is it beyond the sea" means, that knowledge cannot be found in a man who considers his opinions as vast as the sea. R. Johanan said the first statement refers to those who are great in their own estimation, and the last statement to those who ply the seas and are constantly engaged in traffic.

The Rabbis taught: How are the boundaries of a town extended? A town that is oblong remains as it is. A town in the form of a circle is provided with corners. One that is in the form of a square need not be made equiangular. If it was narrow on one side and wide on another it must be made even all around (through the formation of a parallelogram). If a house or row of buildings protruded from one of the walls of the town, a straight line is drawn from the extreme end of such protruding buildings parallel to the wall and thence two thousand ells are measured. If the town was in the form of an arch, or a right angle it should be considered as if the entire space enclosed by the arch or right angle were filled with houses and two thousand ells should

R. Huna said: If a town was in the form of an arch and the distance between the two ends of the arch was less than four thousand ells, the enclosed space is considered as filled with houses and two thousand ells may be measured from the extreme ends. If the distance was more than four thousand ells, the two thousand ells must be measured from the centre of the arch. What distance should a man have from his house to the end whence the two thousand ells are measured. Rabba bar R. Huna said: "Two thousand ells" and Rabha the son of Rabba bar R. Huna said: "Even more than two thousand ells." Said Abayi: "It seems to me that the latter opinion is correct, because, if the man chose, he could go through all the houses in the arch to that end, then why should he not be permitted to cross over the space between his house and the end of the arch?"

Or if fragments of a wall ten spans high, etc. What is

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meant by this? R. Jehudah said: "This means, if there were three partitions without a roof." A question was propounded: How was it if there were two partitions with a roof? Come and hear: These are the things that are counted in together with the town: A monument covering four square ells, a bridge, a mausoleum, a synagogue that has a dwelling for an attendant, a church with a vestry, stables, and barns that have a dwelling attached for the keeper, huts in the field and houses built on islands of a lake, which are not more than seventy and two-thirds ells away from the town. All these are counted in together with the town, and following are the things that must not be counted in with the town: A monument partly demolished on both sides, a bridge, a burying ground without a dwelling on it, a synagogue or church that has no dwelling for the sextons, a stable or barn that has no dwelling for the keeper, a pit, a cavern, a fence, a dove-cot, and a boathouse; all these are not counted in with the town." We see then, that a monument which had been partially destroyed on both sides, must not be counted in with the town? Must we not assume that it still retained its roof? Nay, this refers to a monument that did *not* retain its roof. Of what use is a house built on an island? Said R. Papa. "Those houses are used to unload the utensils of a ship." It is said "a cavern is not to be counted in with the town"? Did not R. Hyya teach that it should? Said Abayi: "R. Hyya refers to a cavern, that has a building above it." If that is the case, why mention the cavern? The building itself must be counted in? Here the meaning is, if a building was above the cavern, no matter how far the cavern extended, it is regarded as a foundation for the house and should be counted in.

R. Huna said: Those who live in huts made of twigs may measure the limit only from their doors (even if there are a number of those that extend for over one hundred ells). Said Hinana the son of R. Kahana in the name of R. Ashi: If in the street where the huts stood there were three courts each containing two ordinary buildings, the huts are given the privileges of a town.

R. Jehudah said in the name of Rabh: Those who dwell in huts and those who travel in the deserts do not enjoy life and their wives and children are not their own. We have also learned the same in a Boraitha: Eliezer the man of Biria said: Those who live in huts are the same as those in a grave and concerning their daughters it is said [Deut. xxvii. 21]: "Cursed be

he that lieth with any manner of beast." Why is this so? Said Ula: Because they have no bathhouses (and when the men go away to some distant bathhouse no one is left to take care of the women). R. Johanan said: "Because, when the women go to take their ritual bath, they are afraid to go alone so long a distance; hence they go in company with other women and arc followed by evil men who lead them astray." What is the point of difference between Ula and R. Johanan? If there is a lake in the vicinity, the statement of R. Johanan falls to the ground, but according to Ula even then, the women, if left alone by their husbands, are led to sin.

R. Huna said: "In a town where there are no herbs, a scholar should not live (because herbs are cheap and good food and a scholar can thus live economically)." Shall we assume, that herbs are such a good thing? Have we not learned in a Boraitha, that three things cause much waste, cause a man's body to stoop, and deprive a man of one five-hundredth of his eyesight? Those three things are: coarse bread, newly brewed beer, and herbs? This presents no difficulty: R. Huna refers to onions, garlic, and fine herbs, which are necessary, while the Boraitha refers to bad herbs.

R. Jehudah said in the name of Rabh: In a town that is hilly and where there arc many steps to ascend and descend, both man and beast become prematurely aged. Said R. Huna bar R. Jehoshua: "The towns of Bebiri and Benaresh, two adjoining cities, that had may hills between them caused their inhabitants to become prematurely aged."

The Rabbis taught: "If one comes to make a town square, he must make it as the square of the earth, *i.e.*, the north must be towards the north of the earth, the south towards the south, and his signs shall be: the zodiac of the capricorn in the north and that of the scorpion in the south." Said R. Jose: If he does not understand how to make it as the square of the earth, he should be guided by the equinox. How so? Where the sun rises during the long days and sets during the long days, it is north of the equator, and during the short days, where it rises and sets it is south of the equator, but during the Nissan and the Tishri equinox, it rises half (*i.e.*, directly) east and sets half (*i.e.*, directly) west, as it is written [Ecclesiastes i. 7]: "Going toward the south" during the day, "and turning around toward the north" during the night "the wind moveth round about continually," meaning east and west; at times it goes through them

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and at other times it passes them. Said R. Mesharshia: All these rules are of no account, for we have learned in a Boraitha that the sun never rose in the northeast nor set in the northwest and the sun never rose in the southeast nor set in the southwest.

Samuel said: The equinox of Nissan can only take place during one of the four quarters of a day, either at sunrise, sunset, noon, or midnight, and the equinox of Tamuz cannot take place except at one and one-half hours after sunrise or sunset or seven and one-half hours after either. The equinox of Tishri takes place only at three or at nine hours after either sunrise or sunset, and the equinox of Tebeth takes place only four and one-half hours or ten and one-half hours after either sunrise or sunset. There is not more than ninety-one days seven and one-half hours between each equinox, and they occur in the first and second half of the same hour respectively.

The Rabbis taught: One who comes to measure the city should first make it square in the form of a board. Afterwards he makes another square of the legal distance of two thousand ells also in

the form of a board. When he comes to measure the legal limits from the town, he should not commence at the centre of a side because then he would lose the corner, for, if the diagonal distance from one corner to another is two thousand ells the distance from the one side to the opposite will be 1,428 ells. Hence he should make the square two thousand ells from one opposite side to the other, and in that event he will gain four hundred ells on each side. Then the two legal limits together will gain eight hundred ells on each side, and, in consequence, the town together with the limits will gain twelve hundred ells on each side. Said Abayi: "This can be proven by calculating on a city exactly two thousands ells square."

MISHNA: An allowance of seventy and two-thirds ells of space must be made to the town. Such is the dictum of R. Meir; but the sages hold, that such an allowance is to be made

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only if two towns be so close to each other, that each only requires seventy and two-thirds ells to bring them within the legal limits; in that case an allowance is made to both, so that they become as one. Thus also, if three villages form a triangle, and the two outer ones require 141 1/3 ells, a double allowance to bring them within legal distance of each other, the middle one between the two makes all one, so that the three villages, become as one.

GEMARA: Whence do we adduce, that an allowance should be made to the town? Said Rabha: Because it is written, [Numbers xxxv. 4]: "From the wall of the city and outward," which implies, first leave a part outward and then commence to measure.

"But the sages hold," etc. It was taught: R. Huna said: An allowance should be made to each of the two cities, and R. Hyya bar Rabh said: "Only one allowance is made for both." We have learned in the Mishna, however, that the sages hold, such an allowance is to be made only, etc., whence we see that only one allowance is spoken of and this would be contradictory to R. Huna? R. Huna may say, that by the allowance is meant the law of the allowance, and if the law of allowance is given at all, it should be given to each of the two cities. It seems to us, that the explanation of R. Huna is correct, because further on the Mishna states, that each only requires seventy and two-thirds, *i.e.*, one town requires seventy and two-thirds ells, hence the law of allowance applies to each of the two.

An objection was made based upon the last clause of the Mishna: If three villages form a triangle and the two outer ones require 141 1/3 ells, the middle one between the two makes all one; thus if there were no middle one the allowance for the two outer ones would not hold good, and this would be contradictory to R. Huna, who says, that the law of the allowance should be applied? R. Huna might reply: It was taught, however, that Rabba in the name of R. Idi quoting R. Hanina said: The Mishna does not mean to state that there must absolutely be three villages in a triangle, but even if the third is some distance off and between the two there is sufficient space which would permit of the third village being placed there, and the distance from that third village to one of the outer ones be 141 1/3 ells, *i.e.*, the quantity of two allowances of seventy and two-thirds ells each, this third village makes the other two as one. Then

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that it may be counted in with them?" and he answered: "Two thousand ells." Said Rabha to Abayi: "Didst thou not say previously, that thou art of the opinion of Rabha bar R. Huna, who said that it may be even more than two thousand ells distant?" Rejoined Abayi: "How canst thou compare the two? In the former instance there were inhabited houses, while here there is only empty space."

Rabha asked Abayi again: "What must the distance between the two outer villages be?" and he answered: "What is the difference? Thou hast heard, that if the village standing at a distance is placed between the two there would be a distance of 141 1/3 ells to each of the outer ones." "According to that," rejoined Rabha, "it would not matter if there were four thousand ells between the two outer ones?" "Yea," answered Abayi, "so it is."

MISHNA: One must not measure the legal distance except with a line exactly fifty ells long, no more and no less; and one must not measure in any manner except from the breast. If during the measurement a deep dale (cleft) or heap of stones is encountered, the line is passed over it and the measurement resumed; if a hillock is encountered, the line is passed over it (also) and the measurement resumed, provided the legal limit is not overstepped while this is being done. If the line cannot be passed over the hillock on account of its height, R. Dostai bar Janai said: I have heard on the authority of R. Meir, that those who make the measurement cut straight through the mountain (in an imaginary sense).

GEMARA: Whence do we adduce that the line must be exactly fifty ells long? Said R. Jehudah in the name of Rabh: It is written [Exod. xxvii. 18]: "The length of the court shall be one hundred ells, and the breadth fifty by fifty," and thus the verse means to say, that the line should be fifty ells. Is this verse not necessary in order to teach us that the excess of fifty ells of length over the breadth should be apportioned so as to make the court seventy ells and four spans square? (See page 73.) If such were the case, the verse could read "fifty and fifty," but from the fact that it reads "fifty by fifty" we assume that both teachings may be adduced.

"No more and no less." It was taught in a Boraitha: "No less," because when the line is taken up (by the surveyor) it may be stretched a trifle (and it, should be only fifty); and "no

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more," for should it be longer, it might become entangled and be shortened accordingly.

Said R. Assi (according to another version R. Ami): "The line must be made only of Apaskima." What is an Apaskima? Said R. Abba: "A Nargila," and what is a Nargila? Said R. Jacob: "The fibre of walnut-trees."

We have learned in a Boraitha: R. Jehoshua ben Hananiah said: There is nothing better to measure with than an iron chain; but what can be done, when it is written [Zechariah ii. 5]: "There was a man with a measure-*cord* in his hand." It is written, however [Ezekiel xl. 3]: "There was a man, etc., and a measuring rod." The verse quoted refers to the measurement of the gates of the Temple.

R. Joseph taught: "There are three kinds of cord: One made of rushes, one made of willows, and one made of flax. The first kind of cord was used to tie the red heifer (because it was not subject

to defilement and all things used in connection with the red heifer had to be *not* subject to defilement) as we have learned (in Tract Parah): "She was tied with cord made of rushes and was laid on the spot where she was to be burned." The second kind was used for tying a woman who was to stand the bitter water test as we have learned in a Mishna (Tract Sotah): Then an Egyptian rope was tied above her breast (an Egyptian rope was made of willows). The third kind was used for measuring.

"If during the measurement a deep dale, etc., was encountered," etc. From the statement of the Mishna that after passing over it the measurement is resumed, we must assume, that if the surveyor cannot pass over it with a line fifty ells long, he must go to a place where it is possible for him to do so, and after passing over it, should resume the measurement at the original place as nearly as possible on a level with the place where he had left off at the other location.

This is identical with the teaching of the Rabbis as follows: "If during the measurement the surveyor come to a cleft, and *can* pass over it with a line fifty ells long, he should do so. If, however, he *cannot* do this, he should go to another place where this would be possible and resume his measurement at the original place as nearly as possible on a level with the place where he had left off at the other location. Should, however, the cleft be sloping so that he can cross over it without difficulty he should measure it by drawing an imaginary line straight across

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the cleft and do this successively both up hill and down. If he come to a wall, he must not cut through the wall but must estimate its thickness, and after allowing sufficient distance for it, he should resume his measurement." We have learned, however, that he should cut through it (in an imaginary sense), why do they say that he should estimate its thickness? In the former instance the case referred to is where the wall was impassable, while in this instance the surveyor can circumvene it.

Said R. Jehudah in the name of Samuel: "Under what circumstances are these rules concerning passing over (a cleft) or cutting straight through to be applied? If the line with a weight attached to one end, will *not*, when dropped, reach bottom. If, however, the line *will* reach bottom, the actual measurement of the cleft must be counted." What must the depth of the cleft be in order that it may be passed over? Said R. Joseph: "Even if it be more than two thousand ells deep." According to whose opinion is this teaching of R. Joseph? Have we not learned in a Boraitha, that if the cleft is one hundred ells deep and fifty wide it may be passed over but not if it be more? while the anonymous teachers hold, even if it be two thousand ells deep. Then R. Joseph's teaching coincides neither with that of the first Tana nor with that of the anonymous teachers? The Boraitha refers to a case where the depth of the cleft cannot be sounded with the sounding line, while R. Joseph refers to a case where the sounding line can be dropped straight down. If the sounding line cannot be used, what distance may he go to find another location for measuring? Said Abimi and also Rami bar Ezekiel: "Four ells."

"If a hillock is encountered," etc. Said Rabha: "This refer to a hillock with a base of five ells and a peak of ten spans; but a hillock with a base of four ells and a peak of ten spans should be merely estimated and the measurement resumed."

"Providing the legal limit is not overstepped," etc. What is the reason therefor? Said R. Kahana:

In order that it may not be said, that the legal limit commences at the spot where the hillock had already been passed over (*i.e.*, if the hillock was too wide to be passed over in the line of the legal limit and another place had to be selected for passage, it serves as a precautionary measure, in order not to appear as if the legal limit commenced at the point on the other side of the hillock, which, by virtue of its accessibility, had been selected for passage).

"If the line cannot be passed over the hillock," etc. The Rabbis

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taught: "What is meant by cutting straight through the mountain?" The man at the foot of the mountain should hold the line to his breast and the man at the summit should hold it to his feet. Said Abayi: There is a tradition to the effect, that the mountain must not be cut through (measured) except with a line measuring four ells.

Said R. Na'hman in the name of Rabba bar Abbahu: "The law of cutting through the mountains does not apply in the case of the heifer, which must have its neck broken (see Deut. xxi. 1-9), and not to the cities of refuge (see Deut. xix. 2-10; and Numbers xxxv. 6).

MISHNA: The measurement must be undertaken only by one who is an expert (in measuring land). If the legal limit was carried farther to one place than to another, the farther limit is held to. If *one* surveyor carried the limit farther than another, the farther measurement is abided by. Even a bond-man or bond-woman must be credited if testifying, that "Until here is the Sabbath-limit"; for the sages do not intend to enforce a more rigorous observance (of the law) but to make it more lenient.

GEMARA: What is meant by, "the farther limit is held to"? What about the shorter limit? Is that not within the limit? The Mishna must be read: Even the farther limit is also held to.

"If one surveyor carried the limit farther than another," etc. Said Abayi: "Provided the difference in the distance does not exceed the diagonal measurement of the town."

MISHNA: If a town (originally the property) of a single individual, becomes (property) of the public, all the householders residing therein may combine in preparing the Erub. If the town originally was public property and becomes the property of an individual, all the householders must not join in the Erub, unless a number of dwellings outside of the city was not included in the Erub made by the town proper, which number was equal to the new town in Judæa; *i.e.*, containing fifty dwellings. Such is the dictum of R. Jehudah; R. Simeon, however, holds, that it is sufficient if three courts each containing two houses were not included.

GEMARA: The Rabbis taught: What is meant by originally the property of a single individual, and become property of the public? Said R. Jehudah: "For instance, the district of the Exilarch." Rejoined R. Na'hman: "Why dost thou mention the district of the Exilarch, because many people come there

and it thus becomes like public ground; but the seat of government being there, it will serve as a reminder, that there is a law against carrying on the Sabbath? Still even in a place where many Israelites congregate on the Sabbath, even if the seat of government is not there, they will remind each other of the law? Therefore," continued R. Na'hman, "(it is not necessary that the district be the property of the Exilarch) it may be like the district of Nathazai, who owned a whole town."

The Rabbis taught: In a town, originally the property of an individual, which had become public property, containing a wide street, how should an Erub be made? Either a side-beam or a crossbeam must be erected at each end of the street (providing the town was not surrounded by walls) and it is permitted to carry throughout the street. It is not permitted, however, for one half of the town to combine in an Erub (because the city, having at one time been the property of an individual, the other half will prove a bar to those who have combined in the Erub). Either the whole town must combine an Erub, or each entry must make an Erub for itself. If, however, the entire town was at all times public property, and have but one exit, an Erub may be combined for the whole town.

Who is the Tana who holds, that even for the wide street an Erub may be effected? Said R. Huna the son of R. Jehoshua: This is according to R. Jehudah, as we have learned in a Boraitha: "Moreover, R. Jehudah said: 'A man having two houses, one at each end of a wide street, may make a cross or a side beam at each end of the street and is allowed to carry throughout the street,' and the sages rejoined: 'Such an Erub is not sufficient for a wide street.'"

The Master said: "It is not permitted for one half the town to combine an Erub." Said R. Papa: This prohibition refers to an Erub made lengthwise in half the town but in the breadth of half the town (which contained one of the two exits of the whole town) it is allowed.

The Master said: "Either the whole town must combine an Erub or each entry must make an Erub for itself." Why should an Erub not be effected in one half of the town, because the other half might prove a bar? Why should one entry then not prove a bar to another? Each entry may erect a door for itself, which will signify that there is no connection with the others. This is identical with the statement of R. Idi bar Abin in the name of R. Hisda, viz.: If one of the inhabitants of an entry

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made a door to his court, he demonstrates thereby that he has no connection with the other inhabitants and consequently does not make the Erub of the others invalid.

"If the town was originally public property and became the property of an individual," etc. R. Zera made an Erub in the city where lived R. Hyya, that included the whole city and did not leave out any part thereof. Asked Abayi: "Why did Master do this? Why did he not leave out a part of it?" Answered R. Zera: "The elders of the city told me, that R. Hyya bar Assi once combined an Erub for the entire city, so I thought that at one time the city was individual property and then became the property of the public." Rejoined Abayi: "The same elders told me, that at one time a pile of dirt blocked one of the entrances so that only one remained; hence R. Hyya bar Ashi made the Erub for the entire city. Now, however, the dirt has been removed and the city never was individual property"; and R. Zera answered: I did not know this.

R. Ami bar Ada of Harphan asked Rabba: "What is the law concerning a town that had one entrance by means of a door and another by means of a ladder?" He answered: "Rabh said, that a ladder is in law accounted the same as a door." Said R. Na'hman to them: "Do not heed him; for thus said R. Ada in the name of Rabh: 'A ladder combines within itself the two uses, that of a door and that of a partition.' The latter if it is on the outside of the city and is hence not accounted as a door and when it stands between two courts it can be accounted as a partition, thus enabling the courts to make separate Erubin, or it can be accounted as a door and both courts may combine in effecting one Erub."

R. Jehudah in the name of Samuel said: "If an entire wall was made of ladders even though it be wider than ten ells, it is nevertheless a lawful partition." R. Brona contradicted R. Jehudah, standing at the wine-cellar of R. Hanina's house: How canst thou say, that Samuel held the ladders to constitute a partition, did not R. Na'hman say in the name of Samuel: "If the people living in attics of courts, which contain balconies, and who are obliged to descend by means of ladders to the court, had forgotten to combine an Erub with the people below, they do not render the Erub of the people below invalid, providing their ladders have apertures at least four spans high?" This is the case if the balconies were not over ten spans high. If the balconies were not over ten spans of what use are the apertures?

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[paragraph continues] If the balconies were provided with railing and ten ells were left vacant and a small door was erected in that vacant space, it signifies, that there is no connection between the inhabitants of the attics and those of the court; hence they do not prove a bar to each other.

The inhabitants of Kakunai came before R. Joseph and asked him to give them a man to effect an Erub for them in their city. He accordingly said to Abayi: "Go and make an Erub for them, but see that it provoke no comment from the college." He went and saw that some houses of the city faced a lake and had no other entrance. "I will make an Erub, but will exclude these houses," said he. Subsequently it occurred to him, that an Erub must not be made for the entire city, at the same time it was possible to do this; with these houses, however (that faced the lake), it was an impossibility. Consequently he desired that apertures be made in those houses facing the streets, thereby making it possible for them to make an Erub and then to exclude them, in which event the Erub for the entire city would be valid. Then he concluded that even those apertures were unnecessary, because Rabba bar Abbahu made an Erub for the entire city of Mehuzza, which was composed of several rows of entries and between each row there was a ditch used for the storing of kernels of dates to be used as fodder. He made an Erub for each row and permitted the carrying of things in each entry and from one entry into another without erecting either cross or side beams. He did this on account of the ditches between the rows, which ditches prevented crossing over from one row to the other and the town having been originally public property and subsequently having become the property of an individual, in which case part of the town must be excluded from participation in the Erub, he held that by virtue of the inaccessibility of one row to the other on account of the intervening ditches, one row became the excluded part to the other, and vice versa.

Suddenly it occurred to him again, that the rows of entries might have had protruding roofs, which would make communication with each other possible, hence they were enabled to make an Erub; but in the case of those houses that could not make an independent Erub, he again

concluded that apertures were necessary. Finally, however, he recollected, that Mar the son of Pipidatha of Pumbaditha made an Erub for the entire city of Pumbaditha and merely excluded his straw-shed underneath the

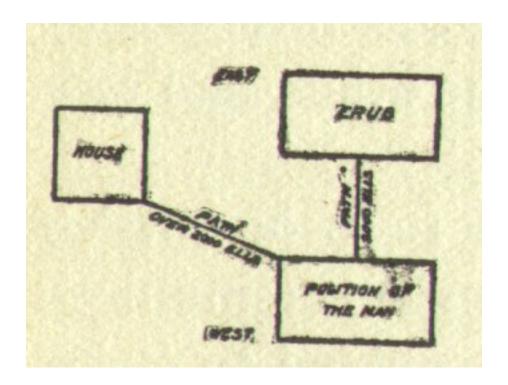
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city. Hence he again concluded, that no apertures for the houses were necessary. In conclusion he said: "I see now, after all this trouble, why my master cautioned me against provoking the comment of the colleges."

"R. Simeon, however, holds, that it is sufficient, if three courts," etc. Said R. Hama bar Guria in the name of Rabh: "The Halakha prevails according to R. Simeon." R. Itz'hak, however, said, that one house in one court is sufficient.

Asked Abayi of R. Joseph: "Whence does R. Itz'hak adduce his statement? From a tradition or an opinion?" Answered R. Joseph: What is the difference? (The Halakha prevails according to R. Simeon?) Rejoined Abayi: Shall we learn the Gemara as we do a song?

MISHNA: Should a man (on the eve of Sabbath) be at the east of his domicile and say to his son: "Place my Erub towards the west," or being at the west of his domicile say to his son: "Place my Erub towards the east": if the distance from the place where he stands to his domicile be within two thousand ells and to his Erub farther than that, he must take his Sabbath-rest at his domicile, but must not take it where his Erub is deposited; if the distance to his Erub, however, be within two thousand ells, and to his domicile farther than that, he must take his Sabbath-rest where his Erub is placed and not at his domicile. If a man has deposited his Erub within the limits (allowance of seventy and two-thirds ells) of a town, he has (legally) accomplished nothing and it counts for nothing; if he, however, deposited the Erub outside of the legal limit, be it but a single ell, whatever ground he gains in one direction, he loses in the opposite direction.



GEMARA: What is meant by "towards the east"? "Towards the east of his son" said R. Itz'hak, "and towards the west also of his son." Rabba bar R. Shila, however, says, that both "towards the east" and "towards the west" refer to the house, but the question will arise how will it be possible for the house to be farther than the Erub, because if he told his son to make an Erub there, the son must have stood between the house and the Erub? In this case, the house was diagonally opposite the place where the son stood while the Erub was directly opposite (as shown in illustration).

"If he, however, deposited the Erub outside of the legal limit,

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etc. Is it possible to assume, that he really overstepped the legal limit? Read: "If he placed the Erub outside of the seventy and two-thirds ells allowed the town."

"Whatever ground he gains in one direction, he loses in the opposite." He loses only what he gains, no more? Have we not learned in a Boraitha: "If he placed his Erub within the allowance (of seventy and two-thirds ells) of the city, he has accomplished nothing and it counts for naught; if, however, he placed his Erub outside of such allowance even one ell, he loses (his right to) the whole city, because the measure of the city will be counted to him in the legal limit effected by the Erub"?

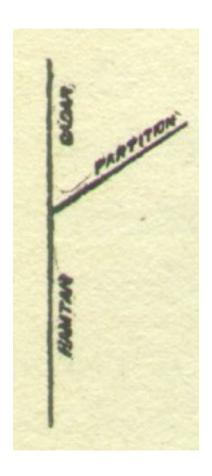
This presents no difficulty. According to the Boraitha, he loses the whole city only when the two thousand ells of his limit terminate in the centre of the city; but if they terminate at the end of the city, which is the case in our Mishna, he loses nothing, as R. Idi said in the name of R. Jehoshua ben Levi: If he measured the limit and it terminated in the *centre* of a town, he has only half the town; but if it terminated at the *end* of the town, the whole town becomes as four ells and he may complete his entire limit of two thousand ells outside of the town." R. Idi said, however: "This is merely a prophetic assertion! For what is the difference whether it terminate in the centre of the city or at the end!" Said Rabha: "This is by no means a prophetic assertion. Thou wilt learn this in the succeeding Mishna."

R. Joseph said in the name of Rami bar Abba quoting R. Huna: "If a town was standing on the steep banks of a lake and there was a partition made on the brink of the banks four ells high, the measurement of the legal limits may be commenced from that partition. If there was no partition, however, the measurement must be commenced from the entrance of the house (nearest the lake)." Said Abayi: "Why dost thou require in this case a partition four *ells* high? Generally four *spans* are sufficient!" Because usually, no fear is entertained as to the use of the place, while in this case there is constant fear of falling over the banks (hence that place cannot be taken into consideration and the measurement must be made from the houses).

Said R. Joseph: Whence do I adduce this teaching? From the following Boraitha: "Rabbi permitted the inhabitants of Gadar to descend to Hamtan but forbade the people of Hamtan to ascend to Gadar." Why did Rabbi decree thus? We must

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a mountain) made a partition at the foot of their city while the inhabitants of the city of Hamtan did not make a partition at the foot of their city; hence Gadar which had a partition was safe from falling, and the legal limit, which was measured from any part of the city included Hamtan, but the people of Hamtan, which had no partition and was consequently not safe, could measure their legal limits only from their houses and thus it did not include the city of Gadar.



When R. Dimi came from Palestine, however, he assigned a different reason for the above Boraitha, saying: "Rabbi decreed thus, because the Gadarites would maltreat the Hamtanites; hence he prohibited the latter to ascend to Gadar on a Sabbath." Why on Sabbath, why not also on a week-day! Because on Sabbath there is more drunkenness (and in consequence more brutality). Why did he then permit the Gadarites to descend to Hamtan? Cannot they maltreat the Hamtanites even there? Because a dog that has no home will not bark even in seven years (meaning that in their own homes the Hamtanites could better protect themselves). Is there not danger, however, that the Hamtanites will maltreat the Gadarites? The Hamtanites would not dare do this (because they were in the minority).

R. Safra said: There is a different reason for the Boraitha, viz.: The city of Gadar was built in the form of an arch and the two ends of the arch were more than four thousand ells apart. We have learned in connection with this that the legal limits must be measured from the houses of the individuals; hence when the inhabitants of Gadar measured their limit, it included the city of Hamtan, but when the people of Hamtan, who were opposite the space of the arch, measured their limit, it terminated in the empty space between the two sides of the arch, and that space being over four thousand ells, could not be counted as part of the city.

R. Dimi bar Hinana said: (There is another reason for the Boraitha.) The city of Gadar was a large city whereas Hamtan was a small town and the laws concerning this will be explained in

the following Mishna.

MISHNA: The inhabitants of a large town may traverse the whole of a small town (within or adjoining their legal limits); but the inhabitants of the small town must (not) traverse the

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whole extent of the large town. How then? If an inhabitant of the large town place his Erub in the small town, or an inhabitant of the small town place his Erub in the large town, each may traverse either town and proceed two thousand ells beyond its boundaries. R. Aqiba said: "One has only the right to proceed two thousand ells from the place where he deposited his Erub." Said R. Aqiba to the sages: "Will ye not admit, that in the case of one who deposits his Erub in a cavern, that he has not the right to proceed further than two thousand ells from the place where he has deposited his Erub?" They replied: "True; but when is this the case? If there are no dwellings in the cavern; but if there are dwellings within it, he may not only traverse the whole extent of the cavern, but also proceed two thousand ells outside of it." (Hence, it may be seen) that the ordinance is less rigid as to the interior of a cavern, than to the space above it.

Concerning one who measures (previously mentioned) he is only allowed to carry the legal limits two thousand ells from the place whence he started, even though the end of his measurement terminate in a cavern.

GEMARA: Said R. Jehudah in the name of Samuel: If one took his Sabbath-rest in an abandoned city, he may traverse the entire extent of the city and two thousand ells besides; but if he deposited his Erub in that city, he only has two thousand ells from that Erub. R. Elazar, however, said, whether he merely took his rest there or deposited his Erub, he may traverse the entire extent of the city and two thousand ells outside of it.

An objection was made based upon the statement of R. Aqiba addressed to the sages: "Will ye not admit, that in the case of one who deposits his Erub in a cavern, that he has not the right to proceed further than two thousand ells from the place where he has deposited his Erub?" and their reply: "True; but when is this the case? If there are no dwellings in the cavern." Thus we see, that if there are no dwellings within it, the sages agree with R. Aqiba? (How then can R. Elazar say, I that one may traverse the whole extent of the city and two thousand ells beyond?) By the statement "if there are no dwellings in the cavern" the sages mean to say, if there is no *room* for dwellings in the cavern.

Mar Jehudah observed that the inhabitants of Mabrachta placed their Erub in the synagogue of the city of Agubar, so he

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said to them: "Why do ye not place the Erub a little further? Ye will have more space to the two thousand ells?" Said Rabha to him: Thou quarreller! (Thou disputest the opinion of the sages!) Concerning the law of Erubin no attention is paid to R. Aqiba (because it had been decided long ago, that the more lenient decrees concerning Erubin prevail).

Footnotes

- <u>119:1</u> The question here arises whether the Hebrew term "Meabrin," which we render with "extended," is spelled with an Aleph or an Ayin. If with an Aleph it signifies extended, and if with an Ayin it means districted.
- <u>121:1</u> Peah signifies the comers of the field, the crops of which must be left over for the widows, orphans, etc.
- 124:1 Mattanah is the Hebrew term for a present.
- 125:1 The Hebrew term for "ravished" in the verse is Tishgeh, which means also thou shalt err."
- 131:1 This is calculated by the ancient astronomers as follows: There are seven planets, which change with every hour; *e.g.*, in the first hour we have the planet Mercury, in the second the Moon, in the third Saturn, in the fourth Jupiter, in the fifth Mars, in the sixth the Sun, and in the seventh Venus. Thus at the end of the 91 days and 7½ hours of the first equinox (of Nissan), if Mercury is in the ascendant the second equinox (that of Tamuz) will fall in the second half-hour of the planet Mercury, the third equinox (of Tishri) will occur in the first half-hour of the Moon, and the last equinox (of Tebeth) will fall in the second half-hour of the Moon, etc.

Next: Chapter VI: Erubin of Courts and Partnerships