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CHAPTER VIII.

REGULATIONS CONCERNING THE ERUBIN OF LIMITS. THE QUANTITY OF FOOD REQUIRED FOR SUCH ERUBIN, AND FURTHER REGULATIONS CONCERNING ERUBIN OF COURTS.

MISHNA: How are the (legal) limits to be combined? A man places a cask (of wine) and says: "This is for all my townsmen or for all who go to the house of mourning, and for all who go to the house of feasting." Whosoever joins in the combination while it is yet day (on the eve of Sabbath) is permitted to do so; after dusk, however, it is prohibited, because an Erub must not be deposited after dark.

GEMARA: Said R. Joseph: "Legal limits should not be combined except for religious duties." Is this not expressed in the Mishna? It says for all who go to the house of mourning or the house of feasting? R. Joseph teaches that the limits should not be combined except for religious duties, lest it might':, be assumed, that the Mishna merely makes this a general assertion; because people are wont to go to such places on the Sabbath.

The Mishna states "while it is yet day." Shall we adduce, therefrom that the Mishna holds, there is no such thing as, the theory of premeditated choice? 'For were it said, that the Mishna accepts the theory, the fact that the man would make, use of the legal limits on the Sabbath would demonstrate that he had the intention to do so on the previous day. Said R. Ashi: By "while it is yet day" is meant if the man was notified, of the combination while it was yet day, even though he did not' agree to it until after dusk; but if he was not notified while it was yet day, he could have no intention to do so previously, and hence he cannot join in the combination.

R. Assi said: "A child that is only six years old may go out in the legal limits which have been combined by its mother." An objection was made based upon a Boraitha stating: "A child still dependent upon its mother may go out in the limits combined

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by its mother; but if it is no longer dependent upon its mother it must not." Said R. Jehoshua the son of R. Idi: "R. Assi means to say still more, that even if the father had combined him in his Erub towards the north and his mother combined an Erub for herself towards the south, a child even six years old prefers to go with its mother."

Another objection was made: We have learned in another Boraitha: A child which is dependent upon its mother may go out with her in the limits which she has combined until it reaches the age of six years. (Hence when it is six years old it must not?) R. Assi might say that *until* six years includes six years.

We have learned in a Boraitha: A man should not combine an Erub for his adult son or daughter or for his Hebrew man or maid servant, or for his wife, unless he notifies them to that effect. He may however combine an Erub for his Canaanitish bond-man or bond-woman or for his minor son or daughter even without their consent because their hand is virtually the same as his. If, however, all those mentioned in the Boraitha have combined an Erub for themselves in one direction, and the master combined an Erub for them in another, they must all make use of the one which the master combined, excepting only his wife, because she can object.

Why should the wife only be excepted? Cannot the other persons mentioned in the first clause of the Mishna also object? Said Rabba: "The wife and those equal to her (mentioned with her) are meant to be excepted, and by 'all those mentioned in the Boraitha' is meant the persons enumerated in the *latter clause* of the Boraitha."

The master said: "Excepting only his wife, because she can object." Shall we say, that only if she objects she may use her own limits, but if she does not, she may go out in the limits combined by her husband? Does not the Boraitha mean to state that he must notify them and obtain their consent? (Then why must she object if she previously did not give her consent?) Nay; the Boraitha means to state that he must merely notify them, and if they make no answer it is the same as if they agreed to it.

The Boraitha states again, however, that if they made an Erub for themselves and the master made another one for them they must utilize that of the master; this must have been the case where they did not object when notified that the master would combine the Erub for them. "Excepting only the wife

who can object?" How is this consistent? Said Rabha: "Is the fact of their making a separate Erub not sufficient objection?"

MISHNA: How much is the legal quantity (of food required to effect the combination of limits)? Sufficient food for two meals for everyone who joins therein; for work-day meals but not for Sabbath-meals. Such is the dictum of R. Meir; but R. Jehudah said: For Sabbath-meals, but not for work-day meals. Both (sages), however, intend to render the observance of this regulation more lenient. R. Johanan ben Berokah said: It is sufficient to effect the combination if the loaf used therefor be worth a Pundian, when the price of flour is one selah for four saah. R. Simeon said: Two-thirds of a loaf (is sufficient), such as go three to one kabh of flour. (The time it takes to eat) half (of such a loaf, is the prescribed time for remaining) in the house of a leper, 1 and the half of a half of such a loaf (which were it unclean) would make the body unclean. 2

GEMARA: How much food constitutes food for two meals? Said R. Jehudah in the name of Rabh: "Two loaves as used by the peasants in the field." R. Ada bar Ahabha said: "Two loaves as baked by the inhabitants of N'har Pepitha (Papa)."

R. Joseph said to R. Joseph the son of Rabha: "In accordance with whose opinion does thy father hold concerning the two meals. Doubtless with that of R. Meir? I also hold with R. Meir; for if the opinion of R. Jehudah were accepted, why do people say, that the stomach always has

room for sweet things?"

"*R. Johanan ben Berokah said*," etc. We have learned in a Boraitha, that there is not much difference between the quantity prescribed by R. Johanan and that prescribed by R. Simeon. How can this be said? According to R. Johanan one kabh will provide four meals, and according to R. Simeon one kabh will produce nine meals? Said R. Hisda: "Deduct one-third as the profit of the dealer." Then according to R. Johanan one kabh will provide six meals and according to R. Simeon nine. Say in accordance with the dictum of R. Hisda at another time, that one half should be deducted as the profit of the dealer. Then

according to one a kabh contains sufficient for eight meals and according to the other, nine. [1] Hence we have already heard that there was *not much* difference between R. Simeon and R. Johanan.

Now there is a contradiction in two of R. Hisda's statements? This presents no difficulty. One of his statements referred to a case where the wood for the baking was furnished while the other refers to a case where the purchaser had to furnish it himself.

The Rabbis taught: It is written [Numbers XV. 20]: "As the fruit of your doughs shall ye set aside a cake for a heave-offering," which signifies, that the first of the doughs that were prepared at that time should be set aside. How much was the dough prepared in the desert? It is written [Exodus xvi. 36]: "But the omer is a tenth of an ephah." They usually prepared an omer for each person (and an ephah is three saahs), whence they adduced that three saahs being equal to seventy-two lugs, an omer is equal to seven and one-fifth lugs, and when dough measures that quantity it is subject to the first dough offering. These seven and one-fifth lugs, according to Babylonian measure, are only six lugs in Jerusalem, and five in Sepphoris. From this it was also adduced that one who eats that much in a day is healthy and blessed. One who eats more than this is a glutton and one who eats less than that has a weak stomach.

MISHNA: If the inhabitants of a court and the inhabitants of a balcony should have forgotten to combine an Erub, whatever is above ten spans from the ground is considered as belonging to the balcony, and whatever is less than ten spans high from the ground is considered as belonging to the court. If the earth dug out of a ditch, or a stone, be ten spans high, they belong to the balcony; but if less than ten spans high they belong to the court. When is this the case? If the earth (heap) or the stone be close to the balcony, but if some distance away from the balcony, even though they be ten spans high, they belong to the court. What is considered close? Whatever is less than four spans distance.

GEMARA: If the object standing between the court and the balcony is easily accessible to both the same as a door, it is considered as if it were an aperture between two courts. If it is not easily accessible but both the inmates of the courts and of the balcony can throw things on it with equal facility it is equal to a wall between two courts. If both the inmates of the court and the balcony can with equal ease deposit things upon that object it is considered as a ditch between two courts; but if the object be easily accessible to one but was not as easily reached by the

other, it is the same as the ditch mentioned by R. Shezbi in the name of R. Na'hman, which was level with the ground of one court. If the object was easily accessible to one but could only be reached by throwing by the other, it is the same as the wall mentioned by Rabba bar R. Huna in the name of R. Na'hman, which was level with the ground of one court. The question, however, is concerning an object which by the inmates of the court could only be reached by throwing and by the inmates of the balcony could only be reached by letting down an article upon it. Rabh said: "It must not be used by either"; but Samuel said: "It is given to those who can reach it by letting down something upon it because that is the easier way of reaching it; and it is a rule that whoever can reach an object the more easily is entitled to it."

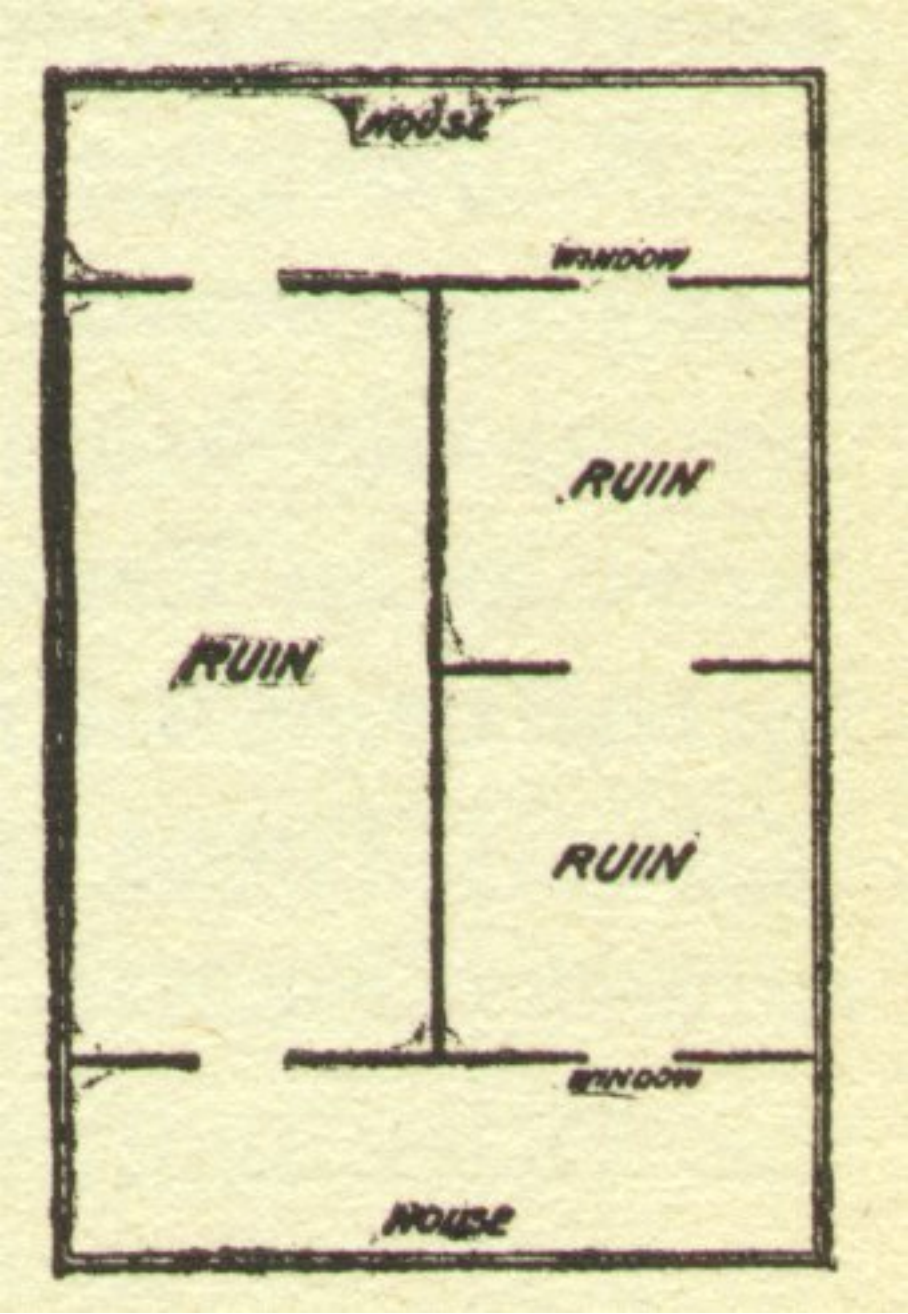
An objection was made: Come and hear: If the inhabitants of a court and the inhabitants of an attic had forgotten to combine in an Erub, the inhabitants of the court may utilize the lower ten spans and the inhabitants of the attic may use the upper ten spans. How so? If a cornice project from the wall at a distance of less than ten spans from the ground it may be used by the inhabitants of the court, but if it project at a distance of less than ten spans below the attic, it may be used by the inmates of the attic. If, however, the cornice was just between the ten spans above the ground and the ten spans below the attic it appears that neither can make use of it, and this would be in accordance with the opinion of Rabh and an objection to Samuel. Said R. Na'hman: "The case treated of by the above Boraitha is where the entire wall was only nineteen spans high and if the cornice was less than ten spans high from the ground it was easily accessible to the court-inhabitants the same as a door would be, but not so easily reached by the inhabitants of the attic (hence the court is entitled to it). If the cornice was above ten spans from the ground it was easily accessible

to the inmates of the attic but not so to the court-inhabitants, who would have to throw in order to reach it (hence the attic is entitled to it)."

R. Jehudah in the name of Samuel said: "If between two courts there was a small alley, into which the doors of the courts did not open, but which contained a well four spans distant from the wall of each court, the inhabitants of each court may put up a projecting board no matter how small on top of the wall, and draw water from the well through their windows. (In reality this was unnecessary, because the alley was not used as a thoroughfare, but as the two courts had not joined in an Erub and used the well in common the boards were erected as a sign)." R. Jehudah himself continued: "A projecting board is not necessary, for even any small stick is sufficient."

Said Abayi to R. Joseph: "The statement of R. Jehudah on his own account was also made in conformity with the opinion of Samuel, for according to Rabh, where a place is not used as a thoroughfare it cannot prove an impediment to the adjoining grounds."

Said R. Na'hman in the name of Rabba bar Abahu, quoting Rabh: If there were three ruins between two houses, each house may use the adjoining ruin by throwing therein, but the middle ruin must not be used by either of the two houses.



R. Brona was sitting and proclaiming this Halakha. Said R. Eliezer, one of the schoolmen, to him: "Did Rabh indeed say this?" and he answered: "Yea; he did." So R. Eliezer requested that he be shown where Rabh resided. This was done, and coming before Rabh he inquired: "Did Master indeed say this?" and he answered, "Yea." Said R. Eliezer: "Did Master not say, that if an object is not easily accessible to both, it must not be used by either?" Answered Rabh: "Dost thou then think, that I had reference to three ruins, that stood one after the other between two houses? I was speaking of ruins that stood two on one side and one of the size of both on the other (as shown in accompanying illustration). Now as regards the ruins into which the windows open, from the fact that access is gained by means of windows, or in other words through the atmosphere, they are permitted to be used in accordance with the opinion previously rendered that a place where there is no thoroughfare

does not prove an impediment to adjoining ground. Even in this case, where the ruins being naturally broken it might be said that the atmosphere of one mingling with the other renders both unlawful for use, I have already decided, that atmosphere cannot produce such a condition. As for the other ruin, which both can reach by means of the small opening at the bottom it is not as if they were reached through the atmosphere but by actual contact. Hence the ruin being directly between the two houses cannot be used unless an Erub had been combined."

MISHNA: If a man deposit his Erub (for the combination of courts) in a vestibule, gallery, or balcony, it is not a lawful Erub. Should a man reside in any such place, who has not joined in the Erub, he cannot prevent the other inmates of the court (from carrying therein). If a man deposit his Erub in a hay-loft, or in a stable, or in a woodshed, or in a granary, it is a legal Erub, and one who dwells there (if he had not joined in the Erub) impedes the other inmates of the court. R. Jehudah said: If the householder has reserved the right of access thereto (to such a loft, stable, shed, or granary), he who dwells there does not impede the other inmates of the court.

GEMARA: Said R. Jehudah the son of R. Samuel bar Silas [1]: In all cases where the sages decree that if a man reside in a certain place (and had forgotten to join in the Erub) he does not impede the others, an Erub which he might deposit in such a place is not legal, excepting only in the case of a vestibule belonging to an individual, and in all cases where the sages decree that an Erub must not be deposited in a certain place, it is permitted to effect the combination of alleys in such a place, excepting only the atmosphere of an entry (that is, in the air above the ground of the entry).

R. Jehudah again said in the name of Samuel: "If a company was seated at table on the eve of Sabbath and the Sabbath set in, the bread lying on the table may be depended upon to serve as an Erub and according to another version it may serve as the combination of the alley." Said Rabba: "They do not differ. Those who say that the bread serves for an Erub (of the court) refer to a case where the table was situated in the house,

and those who say that it may serve as a combination of alleys refer to a case where the table was in the court." Said Abayi to him: I know of a Boraitha, which will bear out thy opinion, viz. 'Erubin of courts must be made in the courts, combinations of alleys must be effected in the alleys.' After deliberating upon this Boraitha we decided that it could not be so, for we have learned in our Mishna that if a man deposit his Erub (of courts) in a vestibule, gallery, or balcony, it is not a lawful Erub, and the conclusion was that the statement of the Boraitha to the effect that the Erubin must be made in the courts in reality means, that they should be made in the houses contained in the courts, and the combination of alley should be made not in the alleys proper but in the courts opening into the alleys."

"*R. Jehudah said: If the householder has reserved the right of access*," etc. What is meant by the right of access? The privilege as held by Bunayis ben Bunayis (according to the Aruch Ben Nanas), who was a very wealthy man and would loan his houses for the use of the other inhabitants, but would reserve the right to store his utensils in such houses. At one time he came before Rabbi; said Rabbi: "Make room for a man who has a hundred golden minas." [1] Later another man came along and (thinking that he was the wealthier) Rabbi said: "Make room for a man who has two hundred golden minas." Said R. Ishmael the son of R. Jose to Rabbi: "Rabbi,

the father of this (first) man (Bunayis) hath a thousand ships in the sea and a thousand cities on land." Said Rabbi to him: "When thou shouldst see his father, tell him, not to send his son to Rabbi dressed so poorly, because it is Rabbi's wont to honor rich men."

R. Aqiba would also honor rich men, as Rabha bar Mari preached: "It is written [Psalms lxi. 8]: 'May he abide forever before God: ordain that kindness and truth may guard him,' which signifies: When can he abide forever before God? If rich men guard him with kindness and truth so that he know not want."

Rabba bar bar Hana said: "What is meant by the right of access? If a man have in the house (any utensil) even a plough-share." Said R. Na'hman: "The disciples of Samuel said on the contrary: Only an utensil which may not be handled on the Sabbath gives a man the right of access to a house, but an utensil

which may be handled on Sabbath does not, because he might come and remove it." The same was also taught in a Boraitha.

MISHNA: If a man leave his house and goes to take his Sabbath-rest in another town (without previously joining in the Erub), be he a Gentile or an Israelite, he thereby prevents the other inmates of his court from carrying within it. Such is the dictum of R. Meir. R. Jehudah saith: "He does not prevent the others." R. Jose saith: "A Gentile prevents the others, but an Israelite does not, as it is not usual for an Israelite to return on the day of rest." R. Simeon saith: Even if the man left his house and had gone to take his Sabbath-rest with his daughter, in the same town, he does not prevent the other inmates, since he has in thought renounced his abode for the time being.

GEMARA: Said Rabh: The Halakha prevails according to R. Simeon, but only if the man went to take his Sabbath-rest with his daughter; if, however, he went to take his Sabbath-rest with his son he does not renounce his own abode for the time being; for people say: "If thou hearest a dog bark in a house thou canst enter without fear; but if thou shouldst hear little pups squeal and their mother bark at thee, do not enter" (meaning that a father is not apt to quarrel with his daughter and return to his abode, but he may do so with his daughter-in-law and be compelled to return to his own home).

MISHNA: If there be a well between two courts it is not lawful to draw water therefrom (on Sabbath), unless a partition be made ten hands high either below (within the water) or at the edge of the well. R. Simeon ben Gamaliel said: "Beth Shammai hold, that the partition must be made below; but Beth Hillel maintain that it must be made above." Said R. Jehudah: The partition is not more effective than the wall which is between the two courts.

GEMARA: Said R. Huna: "By saying that the partition must be made below, Beth Shammai mean, that it should be within the well but not so as to touch the water, and Beth Hillel by maintaining that it should be made above, mean, that it should be erected over the well. Both agree, however, that the partition must not be outside of the well proper, but within its enclosures." Beth Hillel's reason for the decree is that wherever water is concerned the ordinances are to be construed in as lenient a manner as possible, as we have learned from R.

Tabla's question and Rabh's answer (see page 24).

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"*Said R. Jehudah: The partition is no more effective*," etc. Said Rabba: R. Jehudah and R. Hananiah ben Aqabia said virtually the same thing. R. Jehudah said what we have learned in the Mishna and R. Hananiah ben Aqabia as we have learned in the Boraitha, viz.: "In a balcony four ells square a hole four spans square may be cut out and water may be drawn through that hole (and although there were no partitions surrounding the balcony, it is considered as if it reached the ground by the application of the law of Gud Achith 1). So said R. Hananiah ben Aqabia." (This is virtually the same as the opinion of R. Jehudah in our Mishna.) Said Abayi to Rabba: "Perhaps this is not so! R. Jehudah, who says, that no separate partition is necessary, does so because he holds, that the wall between the two courts suffices as a partition for the well also; consequently he considers the wall as reaching down as far as the well; but, in the case of the balcony, where there is no partition at all to commence with, the balcony must first be inclined into a standing position and then be considered as reaching down as far as the well. Now while R. Jehudah may hold that the wall may be considered as if it reached down to the well, it does not follow that he also permits of a previous imaginary inclination of the balcony in addition to the supposition that it reaches down to the well and thus forms a valid partition. On the other hand, R. Hananiah ben Aqabia, who permits of both the imaginary inclination of the balcony and the supposition that it reaches down as far as the water, may have applied this only to a balcony which was erected above the sea of Tiberias, which is surrounded by cities, banks, and woodsheds, but in the case of a balcony erected above any other waters he might not have permitted even as much as R. Jehudah."

Said R. Huna the son of R. Jehoshua: If the well stood in a corner between two courts, the partition to be erected on the other side of the well (which is not between the two walls) should be ten spans high and a span and a trifle wide on each side (and when applying the law of Lavud to the partition on both sides a partition will be effected on every side of the well, providing the well was only four spans square).

MISHNA: If a canal runs through a court, it is not lawful to draw water therefrom (on Sabbath), unless there be a partition ten spans high where the canal flows into the court and

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another where it flows out again. R. Jehudah said: "The wall above is to be considered a partition." R. Jehudah further, said: "It happened, that water was drawn from the canal around, the walls of a town (the moat) on the Sabbath with the sanction of the elders," but the sages replied: "That was done, because, the canal was not of the legal size (of four spans width)."

GEMARA: The Rabbis taught: If a partition was made where the canal flowed into the court but not where it flowed out of the court, or if it was made where the canal flowed out: but not where it flowed in, it is not lawful to draw water therefrom on the Sabbath unless there was a partition both where the canal flowed into and out of the court. R. Jehudah, however, said: "The wall above the canal may serve as the partition.

Said R. Jehudah: "It happened that water was drawn from "the canal flowing into the city of

Sepphoris from the walls, around it [1] (the canal flowing from the moat) with the sanction of the elders," but the sages said to him: "Wouldst thou place this in evidence? In that case the canal was not ten spans deep nor four spans wide."

We have learned in another Boraitha: "A canal which flows between two walls which contained apertures, if it was less than three spans wide, a bucket may be let down from the apertures and water drawn from the canal; but if it was over three spans wide this must not be done (on Sabbath). R. Simeon ben Gamaliel, however, says, that if the canal was less than four spans wide, water may be drawn therefrom, but if over four spans, this must not be done." In which class of legal ground can such a canal be placed? Shall we say: in the class of unclaimed ground? Then the statement of R. Dimi in the name, of R. Johanan to the effect that there is no unclaimed ground less than four spans will not be in accordance with the opinion of all the sages but merely with that of part of them; for according to the sages of the above Boraitha, even three spans may constitute unclaimed ground? Zera said: "The sages of the Boraitha *do* differ with R. Simeon ben Gamaliel concerning this

point whether unclaimed ground maybe three spans or four, and the statement of R. Dimi is merely in accordance with the opinion of part of the Tanaim."

Why should a canal between two walls containing apertures not be considered as the holes in unclaimed ground; for prior to its entering the space between the two walls it was undoubtedly over four spans wide, and hence unclaimed ground (as holes in public or private ground are considered as part of public or private ground respectively, see Tract Sabbath, p. 11)? Abayi bar Abhin and R. Hanina bar Abhin both declare, that this theory (of holes being equal to the ground) does not exist where unclaimed ground is concerned.

R. Ashi, however, said: Even if the theory does apply to unclaimed ground it applies only then, if the ground is near to the hole (in a wall of the ground), but if it is a distance off as it must be in the case of this canal, the theory can under no circumstances be applied. Rabhina, however, said: The three, respectively four spans discussed in the Boraitha do not apply to the canal, but to partitions which were erected at the entrance and outlet of the canal at each end of the alley, and both parties to the dispute merely adhere to their respective theories concerning Lavud, one side maintaining that three spans constitute "Lavud," and the other that even four spans accomplish this object.

MISHNA: If there be a balcony above the water, it is not lawful to draw water therein on the Sabbath, unless a partition be made ten hands high, either above or below the balcony. Thus, also, if there be two balconies, one above the other: Should a partition have been made for the upper and not for the lower, it is unlawful to draw water through either, unless they have been combined by an Erub.

GEMARA: Our Mishna is not in accordance with the opinion of Hananiah ben Aqabia, who holds, that in a balcony four ells square, a hole may be cut out four spans square, etc., as, related previously (page 207), but R. Johanan in the name of R. Jose ben Zimra said: "Hananiah ben Aqabia permitted this to be done only in the case of a balcony erected above the waters of the sea of Tiberias for the reason as stated previously, but not above other waters."

The Rabbis taught: Three things were allowed by R. Hananiah ben Aqabia to the inhabitants of Tiberias, viz.: To draw water through a balcony on Sabbath; to deposit fruit in pea-stalks

(although, while in the field, dew had settled on the fruit it is not considered as being wet, and hence not subject to defilement); and to wipe themselves with a towel when emerging from the bath (as there is no fear of their wringing the towel).

Rabba bar R. Huna said: "Do not say, that the imaginary hanging partition of the balcony makes it lawful, only to draw water through the balcony but not to pour out water through it, for it is also permitted to pour out superfluous water through. that balcony." Said R. Shezbi: "Is this not self-evident? For is this not identical with a sewer mentioned in the next Mishna?" From the succeeding Mishna, where the sewer is supposed to absorb the water, it is allowed to pour water into it even if it be full and run over into the street because the intention was to have the sewer absorb the water, but in this case, where the waters are not stationary, we might assume that it is not allowed to pour out more water to commence with; hence we are told by Rabba bar R. Huna that this may be done.

"*Thus, also, if there be two balconies, one above the other*," etc. Said R. Huna in the name of Rabh: (The Mishna states, that if a partition had been made for the upper and not for the lower, it is unlawful to draw water through either.) When is this the case? If the balconies were not quite four spans apart, but if they were four spans apart it is allowed to draw water through the upper. This is merely in accordance with the mentioned theory of Rabh, that one man cannot impede (the actions of) another through atmosphere.

Rabba said in the name of R. Hyya and R. Joseph made the statement in the name of R. Oshiya, as follows: The law concerning robbery is applicable also on Sabbath. What is meant thereby? If there was a ruin belonging to a man and another man made use of it during the week, it might be assumed that he had acquired the right to it for the Sabbath and may carry therein (for under ordinary circumstances, if a man robbed another of an article and such article is in his possession it is considered as belonging to him until the victim of the robbery reclaims his right to it by law); but we are given to understand that in this case as soon as the Sabbath sets in the property reverts to its rightful owner (without his recovering same by law).

Said Rabba: "This above statement (that the law of robbery is applicable also on Sabbath) would be contradictory to our Mishna, which says that if there were two balconies one above the

other, and a partition was made for the upper, it is prohibited to draw water through either, etc., and for this reason: During the week the upper balcony undoubtedly makes use of the lower and thereby acquires a temporary right to it. If, then, by using the lower balcony during the week the upper balcony does so wrongfully, and on Sabbath the lower balcony reverts to its rightful owners, to the exclusion of the inmates of the upper balcony, how can the upper balcony prove an impediment to the lower, which it cannot use?" [1] Said R. Shesheth: "The Mishna refers to a case, where the partition made for the upper balcony was joint property of both upper and

lower." If the partition was made jointly, of what benefit would a partition made to the lower be to the upper; as long as a share in the partition of the upper balcony is owned by the lower, the upper cannot be used until both combine an Erub? As soon as the lower balcony erects a partition for itself, it exposes its intention to sever all connection with the upper and thus either balcony may draw water through their respective grounds.

MISHNA: If a court be less than four ells square, it is not permitted to pour water therein on Sabbath, unless a sewer is made, which has a capacity of two saahs exclusive of the walls, either outside or within the court. If the sewer has been made outside it must be covered up (with boards), while on the inside it need not be covered up. R. Eliezer ben Jacob said: "Into a gutter, which is covered up to the extent of four ells in public ground, it is permitted to pour water on the Sabbath"; the sages, however, hold, that even though the court or roof be one hundred ells long, it is not permitted to pour water down the gutter (direct); but the water may be poured out on the roof, so as to drop down into the gutter. (In computing the four ells) mentioned in the first clause of this Mishna, the hall may be added. Thus, also, if there be two habitations facing each other (in one court) and the inmates of one have made a sewer, but were not joined in making it by the inmates of the other habitation, those who made the sewer are permitted to throw water into it, but those that did not make it, are not permitted to do so.

GEMARA: What is the reason that water must not be poured into a court less than four ells square? Said Rabba:

[paragraph continues] "A man generally consumes two saahs of water every day. If his court be four ells square or more he pours out the water in order to lay the dust; but if it be less than four ells square, he merely would throw out the water in order to have it run out into the street (and that is prohibited as a precaution, lest he should pour out the water into the street direct)."

R. Zera said: "A court of four ells square absorbs two saahs of water, hence, even should part of it run out into the street, it was not the intention of the man who poured it out that it should, but if the court is less than four ells square it does not absorb that quantity of water and part of it must needs run out into the street, hence it is prohibited to pour it out." Wherein lies the difference between Rabba and R. Zera? Said Abayi: "If the court was oblong, say eight ells by two. It absorbs the water undoubtedly, but as for laying the dust in a court of that size a man would not trouble himself to pour out water for that purpose." An objection was made based upon our Mishna, which states in computing the four ells square of the court the hall may be added. Would this not prove that the reason is according to R. Zera? "According to Rabba," explained R Zera, "the Mishna might refer to a hall which, surrounding the court, made it in the form of a square, *e.g.*, if the court was four ells long by two wide, and the hall added two ells to the width."

"*R. Eliezer ben Jacob said: 'Into a gutter,'*" etc. Our Mishna is not in accordance with the opinion of Hananiah, for we have learned in a Boraitha: "Hananiah said: 'Even if the roof be one hundred ells long, it is not permitted to pour water on it, as it is not made for the purpose of absorbing the water, but for the purpose of throwing it off into the street.'"

It was taught in a Boraitha: "All these regulations concerning the pouring of water apply only to

summer but during the rainy period one may pour as much water as he chooses into the court." Why is this so? Said Rabha: "Because it is the intention of the man to have the court absorb the water." Said Abayi to him: "Unclean water is certainly intended to be absorbed by the ground, still it is not permitted to pour it down the gutter." Rejoined Rabha: "Why should this not be permitted during the rainy season? Can it be the intention of the man that the water should run out into the street in order that his court should not become muddy? It is already muddy. Then the reason might possibly be in the manner of a precaution,

lest the man pour the water into the street direct or others seeing water running out of a court, might assume that it is allowed to pour out such water into the court even during the dry season? The precaution is unnecessary. Those who see water running out of the court will naturally conclude that it is rain-water, because of the rainy season of the year, and there is no fear of the man pouring out the water into the street, because his court being already muddy, he will not mind pouring more water into it." Said Abayi: "According to thy explanation, then, during the rainy season the quantity of water is immaterial, even if it be a kur or two it may be poured out nevertheless."

"*If there be two habitations facing each other*," etc. It was taught: Rabba said: "They must not pour water into the sewer, provided they did not combine an Erub, but if they did combine an Erub, they may pour water into the sewer." And if they did not combine an Erub, why should it not be allowed? They merely throw the water down the sewer! Said R. Ashi: "This is merely a precautionary measure, lest they fill some vessels with water and then carry them to the sewer."

Footnotes

200:1 One who remains in the house of a leper the length of time required to eat half of such a loaf, renders his clothes unclean and must wash them (as explained in Tract Negayim).

200:2 One who eats a fourth of such a loaf which has become unclean, renders himself unclean arid cannot partake of any consecrated thing until he has bathed (as will be explained in Tract Oholeth).

201:1 In order to explain this problem mathematically it must be borne in mind that a Kabh is equal to 2 Saah and a Pundian is equal to 1/4 Selah. Hence if 1/3 be allowed the dealer for baking the loaf, according to R, Johanan the loaf will be equal to ½ of a Kabh minus 1/3 of ½ or in other words 1/3 of a Kabh, while, according to R. Simeon, a loaf is 2/3 of 1/3 of a Kabh or 2/9. If 2/9 of a Kabh constitute sufficient for 2 meals, then 1 Kabh provides 9 meals, and according to R. Johanan 6.

204:1 At times the name Silas is also called Shila in the Talmud, and while the same person is meant, still we render it according to the manner in which it appears in the original.

205:1 A mina was at one time of the value of 100 Zuz, but later its value was increased to 60 Shekel or Sela, which is equal to 240 Zuz.

207:1 For explanation of Gud, see note to page 7.

208:1 The term in the Mishna which we render with "walls around the city" is "Ebal," and in a translation of the Mishna by De Sola and Raphall, Ebal is called the "town of Ebal." This seems to be inconsistent with the text, however, as further on in the Gemara we find "Me-Ebal le-Sepphoris," and were Ebal a town it is not reasonable that a canal from one city to another should not be ten spans deep and four wide. Aside from this, the Mashbir of Schoenhak and the dictionary of Levy define the term Abuloh (Greek •υβολ• {Greek *e?ubolh'*}), "walls around a town."

211:1 The explanation of this paragraph of the Gemara is according to the commentary of Rabbena Hananel, as Rashi reverses the case from the lower balcony to the upper and presents an incomprehensible explanation.

Next: Chapter IX: Combining of Roofs on Sabbath