

CHAPTER X.

SUNDRY REGULATIONS CONCERNING THE SABBATH.

MISHNA: If a man (on Sabbath) find tephilin (on the road), he should match them and bring them (into the nearest town or village) in single pairs (*i.e.*, one for the head and one for the arm). Rabbon Gamaliel said: "He may bring in two pair at a time." To what does this rule apply? To old tephilin (phylacteries), but if they be new, he need not bring them in (at all). If he find them tied up in pairs, or all tied together, he should remain with them till dark and then bring them in. In times of danger (religious persecutions), however, he covers them up and passes on. R. Simeon said: He should hand them to his companion (*i.e.*, the man standing next to him), who in turn hands them to his companion, and so on from hand to hand until the outmost court is reached. So, likewise, his child, he should hand it to his companion, who in turn hands it to his companion and so on from hand to hand, even (if it have passed through the hands of) an hundred (men), R. Jehudah said: "In like manner, a man may pass a cask of wine (which he has found on the road on the Sabbath) to his companion, and he in turn to his companion (and so on from hand to hand) even beyond the legal limits; the sages, however, objected: "The cask cannot be conveyed further than its owners have the right to walk."

GEMARA: He may only carry them in *single* pairs? Shall we assume that this anonymous Mishna is not in accordance with R. Meir, who decrees (Tract Sabbath, page 257) that a man may clothe himself in as many garments as he chooses? Said Rabba: In both instances the decree of R. Meir is based upon the custom of the week-days (when a man may also put on as many clothes as he chooses), and as the above-mentioned Mishna treats of "saving from fire" the Rabbis permit a man to wear as much clothing as he chooses. In this instance, however, where there is no danger, (and as a man only wears one pair of tephilin on a week-day, hence he may wear only one pair

on a Sabbath). Thus this Mishna can also be in accordance with the decree of R. Meir.

"*Rabbon Gamaliel said: He may bring in two pair.*" What is the reason of R. Gamaliel's dictum? Does he hold, that on Sabbath also tephilin should be worn? Then he should only have permitted one pair to be brought in? If, however, he holds that on Sabbath tephilin should not be worn and it is merely to save the tephilin that it was permitted for a man to wear them on his head and arm, why does he only permit two pair at a time; he could have permitted more? Said R. Samuel bar R. Itz'hak: "On the head there is only room for two." On the hand, however, there is room for but one? As there is room for two on the head, according to R. Samuel, there is room for two also on the arm.

Shall we say that the first Tana of the Mishna differs with Rabbon Gamaliel upon the point

advanced by R. Samuel bar R. Itz'hak maintaining that there is only room for one on the head or arm while R. Gamaliel holds there is room for two? Nay; all agree that there is room for two, but they differ as to the legality of wearing tephilin on the Sabbath. The first Tana holds that they should be worn on Sabbath, while Rabbon Gamaliel holds that they must not.

Who of the Tanaim ever held, that on Sabbath tephilin must be worn (in order that it might be said the first Tana of the Mishna is in accordance with his opinion)? That was R. Aqiba; as we have learned: It is written [Exod. xiii. 10]: "And thou shalt keep this ordinance in its season from year to year." And elsewhere [Tract Menachoth] where there is a dispute between R. Jose the Galilean and R. Aqiba, it concludes with the statement that R. Aqiba holds the wearing of tephilin on Sabbath to be legal. Does R. Aqiba indeed hold that Sabbath is (also) a proper time for the wearing of tephilin? Have we not learned in another Boraitha as follows: R. Aqiba said: "Lest we should assume that it is required to wear tephilin on Sabbath or on festivals, it is written [ibid. 9]: 'And it shall be unto thee for a *sign* upon thy hand,' which means, that tephilin should be worn, when a sign is required, but Sabbath and festivals being signs in themselves, it is not necessary to have another. "Therefore we must say, that the first Tana of our Mishna does not hold according to R. Aqiba but in accordance with the Tana of the following Boraitha: "He who stays awake at night may either wear tephilin or not, so said R. Nathan; Jonathan Qitoni,

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however, said: 'It is not allowed to wear tephilin at night.'" If R. Nathan, then, holds that tephilin may be worn at night, he also holds, that they may be worn on Sabbath. This is no evidence! It may be that he holds that they *may* be worn at night, but not on Sabbath; for have we not learned that R. Aqiba held the night to be a proper time for wearing tephilin, but not so the Sabbath?

We must say, therefore, that the first Tana of our Mishna is in accord with the opinion of the Tana of the following Boraitha: "Michal the daughter of Qushai used to wear tephilin, and the sages did not object to it; the wife of Jonah would go to Jerusalem for the festivals and the sages did not object to that" [whence we see that the duty of wearing tephilin is a (positive) commandment which is not dependent upon the time, *i.e.*, if it said, that they must not be worn at night or on Sabbath, the law would be dependent upon the time, and that duty which is dependent upon time need not be performed by women. If such were the case then the sages would have prevented Michal from wearing tephilin because of the commandment: "Thou shalt not add to the law"]. Hence we see that tephilin may be worn on Sabbath, according to the sages.

It may be, however, that the sages hold to the opinion of R. Jose, who said, that while the laying of hands upon sacrificial offerings is only obligatory for men, still, women, when bringing their offerings, may, if they choose, perform that duty, and the proof that the sages hold thus is that when the wife of Jonah would go to Jerusalem for the festivals, a duty which no one disputes is entirely dependent upon the time, the sages had no objection. Therefore we must say that the first Tana of our Mishna is in accord with the opinion of another Tana, *viz.*: the Tana of the following Tosephta: "One who finds tephilin on the Sabbath should bring them in single pairs, whether the finder be a man or a woman, whether the tephilin be old or new. Such is the dictum of R. Meir. R. Jehudah, however, prohibits new tephilin to be brought in but permits old." Now we see that they differ only as regards new and old tephilin, but not as to whether a man or woman may bring them in, whence we see that the duty of tephilin is not dependent upon the time. Then the question again arises, "does not this Tana hold in accordance with the opinion of R. Jose?" This would not be consistent; for neither R. Meir nor R. Jehudah are in accord with R.

Jose. R. Meir is not in accordance with R. Jose as we have

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learned in a Mishna (Tract Rosh Hashana): "One must not prevent children from blowing the cornet." From this we see that only children are not to be prevented, but women are, and as the above Mishna is anonymous and it is traditional that all anonymous Mishnaoth are in accordance with R. Meir, we see that he (R. Meir) is not in accordance with R. Jose, and that R. Jehudah is not in accordance with R. Jose is to be seen in the following Boraitha in Siphra: It is written [Levit. i. 4]: "And he shall lay his hand upon the head of the burnt-offering," this is a law which applies to a man but not to a woman. For the reason that this dictum is by anonymous teachers we, in accordance with what we have learned elsewhere, ascribe it to R. Jehudah.

R. Elazar said: If a man found whole strands of wool dyed purple-blue, the same as is used for show-threads (*vide* Numbers xv. 38) in the market and it is not known whether they were intended for the preparation of show-threads, they are not suitable for such purpose, but if he found *threads* of that kind of wool they are suitable for that purpose. Why should the strands not be suitable, because it is possible that they were intended for other purposes, *e.g.*, for garments? Why not assume the same to be the case with threads? The threads are referred to as being already twisted into the form required for show-threads. Even so, it might be that they were intended for fringes on a garment? Nay; the threads mentioned were already cut to a size suitable for show-threads and a man would not go to the trouble of preparing them so carefully if they were to be used for any other purpose.

Said Rabha: And what about tephilin? The Mishna distinctly states, that only old tephilin may be brought in, because of the certainty that they are actually tephilin, but as for new ones, even though they be made exactly like tephilin, they must not be brought in for fear that they be only ordinary amulets. Hence we see that they apprehended lest a man take the trouble to prepare amulets exactly like tephilin (why should he not do so with the blue thread for show-threads)? Said R. Zera to his son Ahabha: "Go and tell them, that I have found another Boraitha which explicitly teaches that if the threads were found cut off to the required size of the show-threads, they are suitable for that purpose, for a man will not go to the trouble of cutting off the threads for any other purpose." Rejoined Rabha: "And if Ahabha taught that Boraitha, did he then encircle it with jewels? Our Mishna states explicitly, that only old tephilin,

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but not new, may be brought, which is proof that there is fear, lest a man go to the trouble of making amulets exactly like tephilin." "Therefore," he continued, "whether a man would take the trouble (to cut off the threads) or not is merely a difference of opinion between Tanaim as we have already learned in the Boraitha above: 'R. Meir permitted the bringing in of both new and old tephilin, while R. Jehudah permitted only old tephilin to be brought,' for the latter held that a man would take the trouble to make amulets exactly like tephilin while the former held that he would not."

Now, if the father of Samuel and the son of R. Itz'hak explained the terms in the Mishna "old tephilin" to signify that the straps of the tephilin had already been attached and the legal knot made therein, and "new tephilin" to signify that the straps had already been attached but the legal knot had not yet been made, the question whether a man would take the trouble to imitate

the genuine tephilin falls to the ground, and the issue is merely: One holds, that if the tephilin were already fit to be worn they may be brought in, while the other holds, that even if they were not quite prepared they may also be brought in.

R. Hisda said in the name of Rabh: "If one buys tephilin of a man who is not an expert, he must examine two tephilin used for the arm and one used for the head or two of the head and one of the arm (and if he finds them suitable, he may purchase more). "Now, then, let us see! If he purchases the tephilin of one man, what reason is there in examining two used for the arm and one used for the head; why not examine three for the arm or three for the head? And if he purchases the tephilin of several men, he should examine three of each man!

R. Hisda refers to a man who buys tephilin from *one* expert, but he must examine the tephilin for both head and arm in order to see that both kinds are properly inscribed and it matters not whether he examine two for the head and one for the arm or one for the head and two for the arm.

Did R. Kahana, however, not teach, that he should examine only one each for the head and arm? This is in accordance with the opinion of Rabbi, who holds, that in order to firmly establish (the fact) that the man is an expert or where any other proof must be brought, two only are necessary. If this is according to Rabbi, how shall we explain the final clause of the Boraitha stating, that so shall the second bunch of tephilin

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be examined and likewise the third? According to Rabbi why is a third required? When bunches of tephilin are concerned, Rabbi also admits that they should all be examined, because the expert probably receives the bunches from different makers and for that reason two of each bunch, one for the head and one for the arm, should be examined. Then why only three? Four or five should be examined? Such is really the case, any amount should be examined but three only are mentioned as a rule, that in this instance the theory of *Hazakah* [1](#) does not apply.

"*He should remain with them till dark and then bring them in.*" Why not bring them in in single pairs? Said R. Itz'hak the son of R. Jehudah: "My father explained the Mishna thus: If the man can bring them all in, pair by pair, before darkness sets in, he may do so, but if he cannot, *i.e.*, if some would still remain, by the time it gets dark, he should rather remain with them until it becomes dark and then bring them all in at once."

"*In times of danger, however, he covers them up,*" etc. Have we not learned that in times of danger he should carry them less than four ells at a time? Said Rabh: "This presents no difficulty. Our Mishna treats of times of danger arising from religious persecutions by the Gentiles while in the Boraitha the danger is supposed to be that arising from robbers." Said Abayi [2](#) to him: "Thou sayest that our Mishna treats of danger arising from religious persecutions, how then will the latter clause of the Mishna correspond with this? R. Simeon said: 'He should hand them to his companion,' etc. Would this not involve still greater danger?" Answered Rabh: "The Mishna is not complete and should read thus: 'In times of danger, however, he covers them up and passes on.' When is this the case? When the danger arises from religious persecutions, but if it be dangerous on account of robbers he should carry them for a distance of four ells at a time." R. Simeon, however, said: "(In the latter case), he should hand

them to his companion," etc.

Upon what point do R. Simeon and the first Tana differ? The first Tana holds that the method adopted by R. Simeon would be too ostentatious and would seem like a violation of the

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[paragraph continues] Sabbath, whereas carrying for a distance of less than four ells is by no means objectionable. R. Simeon, however, holds, that when a man is obliged to carry things for a distance of less than four ells at a time, he might forget and carry for a distance of four ells or more, whereas handing the things from one man to another is perfectly safe.

"*So, likewise, his child,*" etc. How came his child on the field or on the road? The disciples of Menasseh taught: "This refers to a child that was born on the road (or in the field)." What does R. Simeon mean to say by "even if it pass through (the hand of) an hundred?" He means to tell us, that although passing it through many hands is not good for the child, still it is preferable to carrying it for less than four ells at a time.

"*R. Jehudah said: In like manner a man may pass a cask,*" etc. Does not R. Jehudah hold in accordance with the Mishna elsewhere [Tract Beitza] that an animal may be led or vessels may be carried only as far as the owner thereof is entitled to walk? Said Rabha: R. Jehudah in the Mishna refers to a cask which had acquired the right to its Sabbath-rest at the place where it was situated, but the contents of which had not acquired such right, and the cask becomes of no consequence to the contents.

R. Joseph objected: We have learned in a Boraitha: R. Jehudah said: "When a caravan was encamped a man may hand a cask to his companion, he in turn to his companion, and so on." Thus we see, that this is said only of a caravan but not under ordinary circumstances? Hence R. Joseph explained, that the dictum of R. Jehudah in the Mishna also applies to a *caravan* only.

MISHNA: If a man reads in a scroll (of sacred scriptures) on the threshold of the house, and the scroll slips out of his hand, he may draw it back again. If a man reads in a scroll of the scriptures on the roof of his house and the scroll slips out of his hand, he may, if it has not rolled down for a distance of ten spans (from public ground), draw it up again; 1 but if it reached down to a distance of ten spans (from public ground) he should turn the written side over (downwards to the wall), and leave it there till nightfall. R. Jehudah said: "If the scroll be but the breadth of a needle from the ground, the man may roll

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it back again to himself." R. Simeon said: Even though it be completely on the ground, the man may roll it back to himself, for no ordinance regarding the Sabbath-rest supersedes the veneration due to sacred scriptures.

G E MARA: What was the threshold? Shall we say that the threshold was private ground and the space before it public ground, and no precautionary measure is ordained which would forestall his picking up the entire scroll if it fell into that public ground? Hence we must assume, that this is in accordance with the opinion of R. Simeon, who holds that no ordinance regarding

the Sabbath-rest supersedes the veneration due to sacred scriptures. If, then, the first clause of the Mishna is according to R. Simeon, then comes the dictum of R. Jehudah, then again the dictum of R. Simeon, it is obvious, that the first and last clauses of the Mishna are in accordance with the opinion of R. Simeon, while the intervening clauses are R. Jehudah's? Said R. Jehudah: "Yea, so it is." Abayi, however, said: "The threshold referred to, was not private ground but unclaimed ground, and the space before it was public ground. If the scroll had rolled out into that public ground entirely but for a distance of four ells only, the man would not be culpable even if he picked it up and brought it back to the threshold, hence in this case it was allowed him to bring it back to commence with; but if it fell for a distance of more than four ells, he would, should he bring it back, be culpable, because he would have carried more than four ells in public ground; hence it was not allowed under those circumstances to bring it back in the first place."

"If a man reads, etc., on the roof." The Mishna teaches, that he should turn the written side of the scriptures over! Is this then allowed? Have we not learned in a Boraitha, that the scribes who write scriptures, tephilin, or Mezuzoth were not permitted to turn over the vellum in order to prevent it from becoming dirty, but must cover it up with a cloth? Where this can be done it should be done, but where it is impossible, rather than desecrate the sacred scriptures, they should be turned over.

If it fell from the roof and remained hanging alongside of the wall, it did not rest in any place because the wall is perpendicular, and it is necessary that it should actually rest on some object? The Mishna is in accordance with the opinion of R. Jehudah and is not complete but should read thus: He should turn the written side over. When is this to be done? If the wall was a slanting wall; but if it was straight, he may draw it back even if it be

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less than three spans from the ground, because R. Jehudah said: "If the scroll be but the breadth of a needle from the ground, the man may roll it back again to himself." Why so? Because it is necessary, that it should rest on some object.

MISHNA: On a ledge outside a window it is permitted to place vessels and to remove them therefrom on the Sabbath.

GEMARA: Where does the ledge project? Shall we assume, that it projects into public ground? Then there is fear, lest they fall to the ground and the man might bring them back into the house. Or shall we say that it projects into public ground, then it is self-evident, that it is permitted. Said Abayi: The ledge is supposed to project into public ground, but the vessels which may be placed are brittle, and hence, should they fall, they will be broken and there is no fear that they will be brought back into the house.

We have also learned to this effect in a Boraitha.. On a ledge outside a window, which projects into public ground, may be placed bowls, goblets, jugs, and glasses, and the whole wall down to within ten spans from the ground may be used, and if there be another ledge underneath (but over ten spans from the ground) the wall underneath the lower ledge may be used entirely, but the upper ledge must only be used to the extent that it faces the window.

MISHNA: A man may stand in private ground and move things that are in public ground; or he

may stand in public ground and move things that are in private ground, provided, that he does not move them beyond four ells. A man must not, standing in private ground, make water in public ground on (Sabbath), nor may he standing in public ground make water in private ground. In like manner he must not, standing in one (kind of) ground spit into another. R. Jehudah said: He who (when coughing) has brought up phlegm into his mouth, must not go four ells before expectorating.

GEMARA: Said R. Joseph: If he did so (meaning if he expectorated, etc.) he is culpable and liable for a sin-offering. But is it not necessary in the first place, that there be a transfer from a certain fixed place and that the article transferred rest in another fixed place of four ells square? Yea, the intention of the man, however, brings about that condition. For if this were not so, how could Rabha have said elsewhere, that if a man threw a thing and it fell into the mouth of a dog or into a furnace, he is culpable? Is it not necessary that it rest in a space

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of four ells? Therefore we must say, that the intention of the man is equal to the deed and such is also the case in this instance.

"R. Jehudah said.: *He who has brought up phlegm,*" etc. Said Resh Lakish: If a man expectorated in the presence of his master, he deserves to be killed, for it is written [Proverbs viii. 36]: "All those that hate me, love death." Do not read "All those that hate me" but "All those who make me hateful" (see Sabbath, page 236).

MISHNA: A man must not, standing in private ground drink in public ground, nor may he, standing in public ground, drink in private ground, unless he places his head and the greater part of his body, within the place in which he drinks. Such is also the law regarding a wine-press.

GEMARA: Is the first part of the Mishna preceding our Mishna in accordance with the opinion of the sages, and our Mishna in accordance with R. Meir? Said R. Joseph: The preceding Mishna refers to objects which are not of absolute importance while this Mishna refers to objects which are a necessity to the man; hence the precautionary measure forestalling the probability of the man's carrying them into the other ground is instituted.

The schoolmen propounded a question: "What is the law regarding unclaimed ground, *i.e.*, if the man stood in private or public ground and drinks out of unclaimed ground and *vice versa*?" Said Abayi: "The same law applies to unclaimed ground." Rejoined Rabha: This ordinance is merely a precautionary measure! Shall we then institute one precautionary measure as a safeguard to another?" Answered Abayi: "I deduce this from the further teaching of the Mishna stating, 'Such is also the law regarding a wine-press'; for the winepress must needs be considered unclaimed ground, as in the event of its being private ground, why should the repetition be made?" and Rabha replied: "The law regarding a wine-press is not for the sake of the observance of the Sabbath; but it means to imply, that a man may drink the wine made at the press without waiting for the tithes to be acquitted thereof." Thus also said R. Shesheth, as we have learned in a Mishna: A man may drink from a wine-press, whether he mix the must with warm or cold water, and need not first acquit the tithes thereof. Such is the dictum of R. Meir; but R. Elazar ben Zadok prohibits this, if the man mixes the must with water,

because by that act he turns it into a beverage. The sages, however, hold that if he mix it with warm water he turns it into a beverage and is culpable, but if he mix it with cold water he is not culpable as it is not considered a beverage, for he can, after quenching his thirst, pour it back into the press.

MISHNA: A man may catch water dropping from a spout on the roof, within ten hands from the ground; but from a projecting spout he may drink in any manner (he chooses).

GEMARA: He may catch it with his hands but with the mouth it is not allowed! Why so? Said R. Na'hman: This is the case if the spout was less than three spans from the roof, in which it is considered as the roof itself, and consequently it is private ground. If he should catch the water with his mouth it is like carrying things from private into public ground.

We have also learned to this effect in a Boraitha: A man may stand in private ground, raise his hand upwards of ten spans to the spout which is less than three spans from the roof and drink the water out of his hand; but he must not place a cask or his mouth underneath the spout.

"But from a projecting spout, he may drink in any manner." We have learned in a Boraitha, that if such spout was four spans square he must not do this; for it is regarded as carrying from one (kind of) ground into another.

MISHNA: Should a well standing in public ground have an enclosure ten spans high, it is lawful to draw water therefrom (on the Sabbath) through an aperture (window) that is above it. On a dunghill, ten spans high, standing in public ground, it is lawful to pour water through any aperture above it.

GEMARA: Where is the well supposed to be situated? Is it near the wall, why are ten-span-high enclosures necessary? Said R. Huna: "A well is referred to that is more than four spans distant from the wall, in which case a ten-span-high enclosure is necessary, otherwise the water would be carried from private into private ground byway of public ground." R. Johanan, however, said: The well might have been even near the wall, but the Mishna intends to teach us, that the well with its enclosures together are accounted to be ten spans (and hence a partition which legalizes the private ground).

"On a dunghill, ten spans high," etc. Is there no apprehension that the dunghill will be decreased (by removing part of it, in which case it will be less than ten spans and still they will continue to pour water on it)? Did not Rabhin bar R. Ada

say in the name of R. Itz'hak: "It happened that concerning an entry which opened into the sea and into a dunghill Rabbi would neither declare the entry lawful nor unlawful. He would not declare it lawful, because it might occur, that the sea should recede and leave the land dry and also that the dunghill might be removed; yet he would not declare it unlawful because the sea and the dunghill were still partitions for the time being"? This presents no difficulty. In the case quoted by Rabhin the dunghill was the property of an individual and he could have removed it,

but in the case treated of in the Mishna the dunghill is public property and there is no fear of its being removed. Mareimar erected partitions for all the entries in Sura facing the sea out of fish-nets, saying: There is danger lest the sea recede and leave the land in front of the entries dry. [1](#)

MISHNA: Beneath a tree, the branches of which droop and cover the ground so that the tips of its twigs be within three spans from the ground, it is lawful to carry things (on the Sabbath). Should the roots of the tree project three spans high out of the ground it is not permitted to sit upon them.

GEMARA: R. Huna the son of R. Jehoshua said: "If the space occupied by the tree is of more than two saahs' capacity, it is not permitted to carry things therein." Why so? Because an abode beneath a tree is not considered an actual abode but is merely used by such as wish to avail themselves of the fresh air, and wherever such is the case it is not permitted to carry within a space of more than two saahs' capacity.

"*Should its roots project three spans,*" etc. It was taught: If the roots of a tree projected more than three spans and sloped to a lesser height, Rabba permits their being used because the ends of the roots are less than three spans from the ground and hence equal to the ground itself, whereas R. Shesheth prohibits their use because he claims, that the beginning of the roots being over three spans from the ground cannot be used and the ends being part and parcel of the beginning are still subject to the same prohibition."

If the roots, however, grew in the shape of a rolling sea, those protruding highest are according to the opinion of all prohibited to be used. Those growing lowest are in everybody's opinion allowed to be used; but concerning the roots that grew

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between the two there is a difference of opinion between Rabba and R. Shesheth. The same note applies to a tree growing out of a water-ditch and to a tree growing in a corner between the two walls of a court.

The Rabbis taught: Roots of a tree projecting out of the ground three spans or between which there was a space of three spans must not be used, though one side of them be level with the ground, because it is not allowed to climb, hang on to, or lean upon a tree (on Sabbath). One must not climb a tree on the eve of Sabbath and remain there during the entire Sabbath. The same rule applies to animals, *i.e.*, one must not climb upon the back of an animal on the eve of Sabbath and remain there the following day. One may, however, ascend to (respectively) descend into a pit, well, cavern, or fence by scaling or holding to the walls thereof even though they be an hundred ells long. (The reason for the prohibition regarding a tree is because there is fear, lest a man might tear off a twig on Sabbath, while in the case of a pit, well, etc., there is no possibility of such a thing.)

We have learned in one Boraitha, that if a man climbed up a tree (inadvertently) on Sabbath he must not descend, while in another, we have learned, that he may! This presents no difficulty. One Boraitha holds, that it should not be allowed to descend for the sake of a precaution, lest the climbing had been done with intention, while the other Boraitha maintains, that as long as it had been done unintentionally the man is permitted to descend.

In one Boraitha we were taught, that be the tree green or dried, it is not permitted to be used, while in another it is said, that only if it is green it is prohibited, if it be dry, however, it may be used. This presents no difficulty. The Boraitha that permits the tree to be used refers to one which during the summer had lost all its fruit and leaves, while it prohibits a tree to be used in the rainy season when it is full of fruit and leaves.

Rami bar Abba said in the name of R. Assi: A man must not walk on the grass on the Sabbath, for it is written [Proverbs xix. 2]: "He that hasteneth with his feet is a sinner."

One Boraitha teaches, that a man is not allowed to walk on grass on the Sabbath and another teaches that he may! This presents no difficulty. One Boraitha refers to wet grass which is easily torn, while the other refers to dry grass. At this time, however, when we hold in accordance with the opinion of Simeon,

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that an act one has no intention of performing does not make one culpable, it is permitted to walk on any kind of grass.

MISHNA: The shutters of a bleaching ground or thorn bushes (as are used) to fill up breaches in a wall or reed mats must not be used to close up avenues unless they be placed a trifle above the ground.

GEMARA: The following presents a contradiction to the Mishna: We have learned: Portable shutters, reed mats, and plough-handles, if already hanging in their places, may be used to close up (avenues) on Sabbath and so much more on festivals? Said Abayi: "Providing they have hinges," and Rabha said: "Even if they have no hinges at the time but at one time did have, they may be used."

An objection was made: "We have learned: Portable shutters, reed-mats, and plough-handles if already hanging in their places and but one hair's breadth removed from the ground, may be used to close up avenues?" Abayi explains this, in accordance with his former dictum, as follows: "Providing they either have hinges or are removed from the ground even one hair's breadth," while Rabha explains this, according to *his* former statement, namely: "Providing they at one time had hinges or were one hair's breadth distant from the ground."

The Rabbis taught: Thorn bushes, or bundles of thorns, which were prepared for filling up a breach in a wall, may, if they were tied together and already hung up, be used to close up avenues on the Sabbath and so much more on a festival.

R. Hyya taught: "A movable widow-door may not be used to close up avenues on the Sabbath." What is meant by a widow-door? Some say if it had only one board (which appears to be as a part of the wall) while others say that it may be even a two-board door but had no joints.

R. Jehudah said: Bonfires may be made on a festival provided they are ignited from the top, but they must not be ignited from the bottom, (because the flames would envelop the fuel and make

it appear like a tent of fit, The same rule applies to eggs, pots, folding-beds used in the field, and casks (*i.e.*, they must not be piled up in the form of tents and in the case of eggs they must not be cooked over a fire which has the appearance of a tent).

A Sadducee said to R. Jehoshua ben Hananiah: "Ye, (all Israelites) are compared to thorns, because it is written concerning

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you [Micah vii. 4]: 'The best of them is like a brier.'" Replied R. Jehoshua: "Look further into the verse, thou fool, where it is written [ibid.]: 'The most upright is sharper than a thorn hedge,' which signifies, that as a thorn-hedge is used to fill up a breach in a wall, so do the upright among us shield us from all evil."

MISHNA: A man must not, standing in private ground, unlock with a key something in public ground, nor may he, standing in the public ground, unlock with a key something in private ground, unless he had previously made a partition ten hands high (round the spot on which he stands). Such is the dictum of R. Meir; but the sages said to him: "It was the custom in the poultry-dealers' 1 market, at Jerusalem, to lock up the shops, and place the key in the window (aperture) above the door." R. Jose said: "This was done in the wool-market."

GEMARA: The sages object to the dictum of R. Meir. who speaks of public ground, by citing an instance in Jerusalem which is unclaimed ground. Did not Rabba bar bar Hana say in the name of R. Johanan that Jerusalem, if the gates were not closed at night, would be considered public ground as far as Sabbath is concerned?

Said R. Papa: Our Mishna treats of Jerusalem after its fortifications had been razed to the ground when it became public ground, but Rabha said: The sages did not object to the dictum of R. Meir as quoted in the Mishna, but to another statement of his referring to gates of gardens, and the Mishna should read thus: "Nor may he, standing in private ground, open with a key something in unclaimed ground, or *vice versa*, unless he had made a partition ten spans high." Such is the dictum of R. Meir; but the sages objected: "It was the custom in the poultry-dealers' market, etc., etc."

The Rabbis taught: The doors of the gates of gardens if leading into a porter's lodge on the inside may be locked from the inside. If the porter's lodge was outside of the door, the doors may be locked on the outside, and if there were lodges on both sides of the doors they may be locked on either side, but if there were no lodges at all, the doors must not be locked at all, because they are situated in private ground and the key must

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necessarily be brought from public ground. The same rule applies to shops that opened into public ground. If the lock of, the door was less than ten spans from the ground, the key should be brought on the eve of Sabbath and deposited on top of the door, and on Sabbath he may take it down, lock the door, and put the key back in its place. If there was an aperture above the door, he can place the key in that aperture providing the aperture was not four spans square, for if it be four spans square it constitutes a separate ground in itself, and the man would carry from one

(kind of) ground into another.

MISHNA: A loose bolt with a knob to it, is prohibited to use on Sabbath. Such is the dictum of R. Eliezer; but R. Jose permits its use. R. Eliezer said: In the synagogue of Tiberias it was customary to use such a bolt, until Rabbon Gamaliel and the elders came and prohibited it. But R. Jose replied: On the contrary, they refrained from using it as unlawful, until Rabbon Gamaliel and the elders came and permitted it.

GEMARA: If the bolt was fastened to a cord (rope) and when holding the cord the bolt was also held, all agree, that it may be used, but they differ as to a bolt that was not fastened to a cord. One master holds that if it had a knob on top it is regarded as a vessel and may be used, while the other master said: "As it cannot be held with the cord it cannot be considered a vessel and must not be used."

MISHNA: A loose bolt, that is fastened to a rope (and hangs down towards the ground) may be used to fasten with in the Temple only, but not in the country; but a bolt that is fixed to the building itself must not be used in either place. R. Jehudah said: A fixed bolt may be used in the Temple and a loose bolt in the country.

GEMARA: The Rabbis taught: What is called a loose bolt, which may be used to fasten with in the Temple and not in the country? If it be fastened to a rope, hangs down, and one end reaches the ground. R. Jehudah, however, says, that a bolt of that kind may even be used in the country, but a bolt which must not be used except in the Temple, is one that is not fastened to a rope and hangs down, but which is fixed to the building itself and when taken out is placed in a corner.

R. Jehudah in the name of Samuel said: "The Halakha prevails according to R. Jehudah concerning a loose bolt in the country but as for a fixed bolt which is not the outcome of a rabbinical law but against an actual biblical law, namely: that

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prohibiting building, it is not allowed to be used even in the Temple." Said Rabha: "A loose bolt is prohibited even in the country unless it be fastened by a rope to the door." This is not so! Do we not know, that it happened when R. Tabhla came to Mehuza and saw a bolt fastened by a rope but not attached to the door, he did not object to its use? In that case it was a rope that was amply firm to hold the bolt without being attached to the door.

R. Ivia came to Neherdai and saw a man fastening a bolt with papyrus, whereupon he said, that a bolt fastened in that manner must not be used.

R. Nahumi bar Zachariah asked Abayi: "How is it if a man made a handle to the bolt?" and he answered: "Thou askest then concerning a pestle and it was taught in the name of R. Nahumi bar Ada that if he made a handle to a bolt and it looked like a pestle, it may be used."

Rami bar Ezekiel sent a request to R. Amram: "Let master tell us some of the good sayings, which he at one time related in the name of R. Assi concerning the canopies of boats." And R. Amram replied: "R. Assi said thus: If the poles upon which the canopies were put up be one

span thick, or if they be less than one span thick, but are less than three spans apart, one may, on the Sabbath, bring a mat and form a tent out of such poles, because they were already at one time tents, and for the time being were also temporary tents, and it is permitted to add to a temporary tent in order to make it useful."

R. Huna had some rams which at night required fresh air and in daytime required a shady place, so he came to Rabh and asked him what to do on the Sabbath. Rabh answered: On the eve of Sabbath, when thou removest the covering of the stalls which the rams occupied during the day, do not quite remove all the covering, but leave about a span closed. Thus on Sabbath thou wilt have a temporary tent, and thou mayest then cover up the stalls entirely; for it is permitted to add to a temporary tent on the Sabbath.

Rabh in the name of R. Hyya said: One may unfold and fold up a curtain on the Sabbath.

R. Shesha the son of R. Idi said: "It is permitted to wear a black, broad-brimmed hat on Sabbath." Did we not learn in a Boraitha that it is not permitted to wear such a hat on Sabbath? This presents no difficulty. The Boraitha refers to a hat, the brim of which was one span in width. If that be the

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case, then it would not be allowed to let down any garment more than a span? Therefore we must say, that the Boraitha prohibits the wearing of such a hat only if it is not tied to the head and not because of its similarity to a tent, but for fear that the wind might blow it off and one would be forced to carry it more than four ells in public ground, while R. Shesheth refers to a hat that is tied to the head and there is no fear of its being blown off.

MISHNA: In the Temple the lower hinge of a cupboard-door may be refitted into its place (on the Sabbath), but this must not be done in the country. The upper hinge must not be refitted either in the Temple or in the country. R. Jehudah said: The upper hinge may be refitted in the Temple and the lower one in the country.

GEMARA: The Rabbis taught: The lower hinges of a door of a cupboard or a chest or a tower may be refitted into their places in the Temple, but in the country they may only be temporarily replaced, but not refitted. If the upper hinges had become unfastened it is not allowed to even temporarily replace them as a precaution lest they be refitted with tools, for should this be done the act involves liability to bring a sin-offering. The doors of cellars, vaults, or gables must not be refitted, and if this was done, the man is liable for a sin-offering.

MISHNA: They (priests who minister) may replace a plaster on a wound (which plaster had been taken off to perform the service) in the Temple; but this must not be done in the country. To put the first plaster on a wound on Sabbath is prohibited in either place.

GEMARA: The Rabbis taught: "If a plaster became removed from a wound it may be replaced on Sabbath." R. Jehudah said: "If it was moved up it may be moved down and if it was moved down it may be moved up, and it is permitted to remove part of the plaster and cleanse the exposed portion of the wound, then replace the plaster, remove another part, cleanse the exposed wound and again replace the plaster, but it is not permitted to cleanse the plaster because by so

doing one would rub the plaster and if this was done it involves liability for a sin-offering."

Said R. Jehudah in the name of Samuel: "The Halakha prevails according to R. Jehudah."

R. Hisda said: The statement of the first Tana to the effect that a plaster may be replaced applies only to a plaster

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that had fallen on a vessel but a plaster that had fallen to the ground must not be replaced.

Mar the son of R. Assi said: "It happened once that I was standing before my father and a plaster which he had on a wound fell on a cushion and he replaced the plaster. Said I to him: 'Does master not hold in accordance with the opinion of R. Hisda, who said that the first Tana and R. Jehudah differ only as to a plaster that had fallen on a vessel, and Samuel said that the Halakha prevails according to R. Jehudah. How then could master have replaced it?' and my father answered that he did not agree with R. Hisda."

MISHNA: They (the Levites performing on musical instruments) may tie a string (of an instrument which had burst, on Sabbath) in the Temple; but this must not be done in the country. To put a new string on the instrument (on Sabbath) is in either place prohibited.

GEMARA: There is a contradiction! Have we not learned that if a string of an instrument had burst, they only made a loop but did not tie it into a knot? This presents no difficulty. This latter is the opinion of R. Simeon, while the Mishna is in accordance with the opinion of the Rabbis, as we have learned in the following Boraitha: If a Levite had burst the string of an instrument he may tie it; R. Simeon, however, said: He may only make a loop in the string. Said R. Simeon ben Elazar: If he merely makes a loop, the sound will be affected; hence he should loosen the string at the top and draw it down to the bottom or loosen it at the bottom and draw it taut to the top.

MISHNA: They (the priests who minister) may remove a wart from an animal on Sabbath in the Temple, but this must not be done in the country; by means of an instrument it is prohibited to do so in either place.

GEMARA: There is a contradiction. We have learned: Concerning the paschal lamb, which must be carried on the shoulders or brought from without the legal limits and the blemish of which must be removed, these acts must not supersede the due observance of the Sabbath.

R. Elazar and R. Jose bar Hinana differ: One holds, that the Mishna and the Boraitha both treat of a case where the wart is removed merely by hand and not with an instrument, but the Mishna, which permits such removal, refers to a wart which had dried and is easily crumbled, while the Boraitha treats of a suppurating wart which involves a deal of trouble to remove. The

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other, however, maintains, that the Boraitha refers to the removal of the wart with an instrument.

R. Joseph said: Both the Mishna and the Boraitha treat of a case where the wart was capable of being removed by hand, and they do not differ. The Mishna maintains, that any rabbinical prohibition which applies to the service of the Temple may be disregarded *in* the Temple, while the Boraitha holds, that any act pertaining to the service of the Temple which is generally prohibited must not be performed in the country (outside of the Temple).

Abayi was sitting and repeating the Halakha decreed by his master R. Joseph, and R. Saphra objected, saying: "Have we not learned in a Mishna [Tract Sabbath, p. 30]: that the Passover sacrifice may be turned around in the oven (on Friday) when it is getting dark, and the Passover sacrifice was not roasted in the Temple itself; hence we see, that the rabbinical prohibition was disregarded even outside of the Temple?" Abayi was silent. Subsequently he came to R. Joseph and told him R. Saphra's objection. Said R. Joseph to him: "Why didst thou not answer, that in that case the Passover sacrifice was prepared by an aggregation of men and an aggregation of men is generally very cautious?" [Why did Abayi not answer R. Saphra to that effect? Because he heard only, that the priests were very cautious, but never heard anything about an aggregation of men.]

Rabha, however, said: Our Mishna is in accordance with the opinion of R. Eliezer, who holds, that any preparation for the fulfilment of a commandment supersedes the observance of the Sabbath (but the reason that the Mishna prohibits the use of an instrument for removing the wart, is because even R. Eliezer admits, that whatever it is possible to do on Sabbath in a manner different from a week-day, should so be done). Whence do we adduce that R. Eliezer admits this? From the following Boraitha: "If a priest should suddenly discover a wart on his person on the Sabbath, his companion should remove it by means of his teeth." Hence we see that the wart must be removed by means of the teeth and not by instruments, and again that the priest himself must not do it but it must be done by his companion. According to whose opinion is this? Shall we say, that it is according to the opinion of the sages and it occurred in the Temple, why should his companion be obliged to do it? He could, according to the opinion of the sages, do it himself,

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because a rabbinical prohibition may be disregarded in the Temple; therefore we must say, that it is in accordance with the opinion of R. Eliezer, who holds, that if an ordinary Israelite did this, he would be liable for a sin-offering, but because this is an act pertaining to the fulfilment of a commandment it may be done, but if it is possible to accomplish it in a manner different from that on a week day it should so be done.

MISHNA: A priest (ministering) who hurts his finger, may bind it up with reeds in the Temple (on the Sabbath), but this must not be done in the country. Squeezing out the blood is, in either place, prohibited. It is permitted to strew salt on the stairs of the altar (on Sabbath), in order to prevent the ministering priests from slipping. It is also permitted to draw water from the well Gola and from the large well by means of the rolling wheel on the Sabbath and from the cold well (on festivals).

GEMARA: R. Ika of Pashrunia propounded a contradictory question to Rabha: In our Mishna it is stated, that it is allowed to strew salt on the stairs, whence we see, that this may be done in the Temple only but not in the country; but have we not learned that if a court had become deluged

by rain it is permitted to strew straw on the ground (so as to make it passable)? Answered Rabha: "With straw it is different! For he can eventually remove the straw and use it for another purpose.

Rabha related: "If a court had become deluged by rain, one may bring straw and spread it out on the ground (of the court)." Said R. Papa to him: "Have we not learned, however, that he should not spread the straw in the same manner as he does on a week day, *i.e.*, through a basket, or crate, but through the sides of a *broken* basket." Whereupon Rabha procured an interpreter (crier) and proclaimed: What I told you previously was a mistake! Thus was it taught in the name of R. Eliezer: When he comes to spread out the straw on the ground he should not do it by means of a basket or a crate but through the sides of a broken basket.

"It is also permitted to draw water from the well Gola," etc. Ula was a guest in the home of R. Menasseh. A man happened to come along and knocked at the door. So Ula asked: "Who is it that is violating the Sabbath?" Said Rabba to him: "It was prohibited only to produce a sound by means of an instrument, but not to knock on the door." Abayi objected: "We

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have learned that it is permitted to draw wine by means of a siphon or drip it through a colander for a sick person on the Sabbath (and it is known that both produce a sound)." So we see, that this is only permitted for a sick person but not for a healthy person. What purpose would it serve in the case of a sick person? To arouse him from slumber? Hence it is not: permitted to produce a sound for a healthy person? Nay; dripping wine through a colander is supposed to produce a sound similar to that of a cymbal and it is done in order to induce sleep in the case of a sick person who had dozed off in slumber.

Is not, however, the prohibition to draw water from the well Gola or from the large well instituted on account of the sound produced by the rolling wheel? Nay; it is prohibited as a precaution, lest a man take water from such a well and sprinkle his garden or his ruins (to lay the dust).

Ameimar permitted water to be drawn from the wells in Mehuzza by means of a rolling wheel, saying: "The sages prohibited it as a precaution, lest a man sprinkle his garden or his ruin with that water, but here in this city there are no gardens and no ruins." Afterwards he observed that the people used that water for the purpose of soaking flax during the week, so he prohibited the drawing of that water on Sabbath.

"And from the cold well (on festivals)." What is meant by the cold well? Said R. Na'hman bar Itz'hak: "That well was filled with spring-water." Whence does R. Na'hman adduce this? From the passage [Jeremiah vi. 7]: "As a well sendeth forth its waters." [1](#)

We have learned in a Boraitha: It was not permitted to draw water from all cold wells but only from the one mentioned; because when the Israelites returned from exile they together with their prophets who lived in that day drank therefrom and made it lawful to draw water from that well on Sabbath forever. The prophets would not have done this either, if it were for the fact that they knew it to be an ancient custom of their ancestors.

MISHNA: Should (the carcass of) a dead reptile be found in the Temple on the Sabbath, the priest shall move it out with his belt, as an unclean thing must not remain within the Temple.

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[paragraph continues] Such is the dictum of R. Johanan ben Berokah; but R. Jehudah said: It should be removed with wooden pincers, in order that the uncleanness spread not further. From which (parts of the Temple) should it be removed? From the inner Temple, from the hall, and from the interspace between the hall and the altar. Such is the dictum of R. Simeon ben Nanos; but R. Aqiba said: It should be removed from every place (in the Temple) which, if entered by an unclean person intentionally, lays him liable to the punishment of Kareth (being cut off), and if entered inadvertently, makes him liable for a sin-offering. In all other parts of the Temple, the carcass of the reptile should be covered with a (copper) cooling-vessel (ψυχτήρ {Greek *psuxth'r*}) till the Sabbath is over and then be removed. R. Simeon said: Whatsoever the sages permit thee to do is (not an infraction of biblical law, but) a right which is thine own; inasmuch as whatever they permit could at all events become unlawful only on account of their own enactments for the sake of the Sabbath-rest.

GEMARA: R. Tabhi bar Kisna said in the name of Samuel: "One who brings a thing, which had become unclean through a reptile into the Temple (if he does it intentionally), he becomes amenable to the punishment of Kareth (being cut off) 1 and (if he does it inadvertently) is liable for a sin-offering; but one who brings in the carcass of a reptile itself, is not culpable." Why so? Because it is written [Numbers v. 3]: "Both male and female shall ye send out," and this refers to such as have become unclean, but by taking a legal bath (Mikvah) can become clean. The reptile itself can never be clean, however, hence one is not culpable, if he brings it into the Temple.

Shall we assume that the point of variance between R. Johanan ben Berokah and R. Jehudah in our Mishna is based upon the above Halakha of Samuel, *i.e.*, R. Johanan, when stating, that an unclean thing must not remain in the Temple means to say, that if a man brought in a reptile, he is culpable, while R. Jehudah, who states that the reptile should be removed on account of the possibility of its spreading uncleanness, means to signify that a man who brings in a reptile is not culpable, and the reptile itself is merely a means of spreading uncleanness? Nay; both agree that a man is culpable, but R. Johanan means to assert, that the remaining of an unclean thing in the Temple is a far more grievous condition than the possibility of its

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spreading uncleanness, while R. Jehudah claims, that the spreading is of more consequence, hence he advises that wooden pincers be used but not the belt of the priest.

Thus we see, that whether a man is culpable or not is not the point of variance between the two teachers of the first clause in the Mishna but between the Tana'im of the second clause commencing: From which parts (of the Temple) should it be removed? He who says, that it should be removed only from the inner Temple, from the hall, etc., holds, that if a man brought in a reptile into the Temple, he is not culpable, but R. Aqiba, who says that it should be removed from every place, etc., holds that the man who brings in the reptile is culpable.

R. Johanan said: Both Tanaim, R. Simeon ben Nanos and R. Aqiba, adduced their teaching from one and the same passage, viz., II Chronicles xxix. 16: "And the priests went into the inner part of the house of the Lord to cleanse it; and they brought out everything unclean which they found in the temple of the Lord into the court of the house of the Lord; and the Levites received it, to carry it out abroad unto the brook Kidron." R. Simeon ben Nanos means to say, that because the Levites received the unclean things from the priests for further conveyance, it is evident, that only as far as the place where the transfer was made to the Levites, it is important that no uncleanness be found, and a rabbinical ordinance may be violated in order to remove such uncleanness, but from that place and further it is not of sufficient consequence to permit of the infraction of an ordinance instituted for the sake of the Sabbath-rest. R. Aqiba, however, means to say, that the finding of uncleanness in any part of the Temple is of sufficient importance to permit of the infraction of a rabbinical ordinance, and the reason that the priest transferred the unclean things to the Levites was because where Levites could carry it, the priests are exempt, but up to the place of transfer, although the priests were not permitted under ordinary circumstances to traverse the space except for ministerial duties, in that case the matter was of such importance that they were allowed to disregard that regulation.

The Rabbis taught: It is permitted for anyone to enter the Temple for the purpose of building, repairing, and also for the purpose of removing an unclean thing. It is a better fulfilment of that religious duty if a priest does so, and in lieu of a priest a Levite; but if there is no Levite on hand, an ordinary

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[paragraph continues] Israelite may go. All of them, however, must be (ritually) clean (notwithstanding the fact that they are about to become unclean).

"*R. Simeon said: Whatsoever the sages permit,*" etc. What does R. Simeon refer to with this dictum? He has reference to, or in fact supplements his dictum in the fourth chapter of this tract (last Mishna) to the effect that "if a man was even fifteen ells beyond the legal limits he may nevertheless go back," and referring to this he states, that this is merely the man's own right, as the land surveyors are liable to err in the measurement.

"*As whatever they permit could at all events become unlawful,*" etc. What would R. Simeon refer to with this part of his statement? This latter part of his dictum refers to his statement in the Boraitha concerning a new string for an instrument (previously mentioned) when he decrees, that if the string is broken the Levite may tie it into a loop, and here he supplements it by saying, that whatever the sages permitted was only such an act as could not involve liability for a sin-offering; but any act which could involve liability for a sin-offering was not permitted by the sages to be performed.

END OF THIRD VOLUME.

Footnotes

[232:1](#) The explanation of the Hazakah will be found in section Jurisprudence.

[232:2](#) This Abayi is presumably Abayi the elder, as the Abayi generally quoted lived at a later period than Rabh and could not have seen him.

[233:1](#) It must be borne in mind that the scrolls were rolled on two separate rollers, and were unwound from one and wound on the other as the reading progressed.

[238:1](#) This passage is transferred to this place from page 8a in the original, as it is more pertinent to this discussion.

[241:1](#) The Hebrew term which we render "poultry-dealers" is Patmim. Rashi translates it "butchers." The Aruch and the Alphasi, however, interpret the term "poultry-dealers." In Tract Beitza, 296, Rashi explains the word Patam "one who feeds poultry."

[248:1](#) The Hebrew term for "sendeth forth" is "hokir," and the term for "cold well" is "Bor hak'ar," whence R. Na'hman adduces that as a well which sendeth forth waters must necessarily be a spring, so this well called Bor Hakar was also a spring: a deduction by analogy.

[249:1](#) See Numbers xix. 13.