

תלמוד בבלי

KOREN TALMUD BAVLI

KOREN
TALMUD
BAVLI

SHABBAT
PART ONE

COMMENTARY BY
RABBI ADIN
EVEN-ISRAEL
STEINSALTZ



(STEINSALTZ)

Koren Talmud Bavli
SHABBAT · PART ONE



Shefa



KOREN

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שבת א

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COMMENTARY BY

Rabbi Adin Even-Israel
(Steinsaltz)

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*Once upon a time, under pressure of censorship,
printers would inscribe in the flyleaves
of volumes of the Talmud:*

*Whatever may be written herein about gentiles
does not refer to the gentiles of today,
but to gentiles of times past.*

*Today, the flyleaves of our books bear a similar inscription,
albeit an invisible one:*

*Whatever may be written herein about Jews
does not refer to the Jews of today,
but to Jews who lived in other times.*

*So we are able to sit down and study Torah, Talmud,
books of ethics, or books of faith
without considering their relevance to our lives.*

*Whatever is written there
does not apply to us or to our generation,
but only to other people, other times.*

*We must expunge from those invisible prologues
the notion that the words are written about someone else,
about others, about anyone but us.*

*Whether the book is a volume of Torah,
a tractate of the Talmud, or a tract of faith,
the opposite must be inscribed:*

*Whatever is written herein refers only to me;
is written for me and obligates me.*

First and foremost, the content is addressed to me.

— From a public address by Rabbi Adin Even-Israel Steinsaltz
as quoted in *חיי עולם* (*Talks on Parashat HaShavua*)
Maggid Books, 2011



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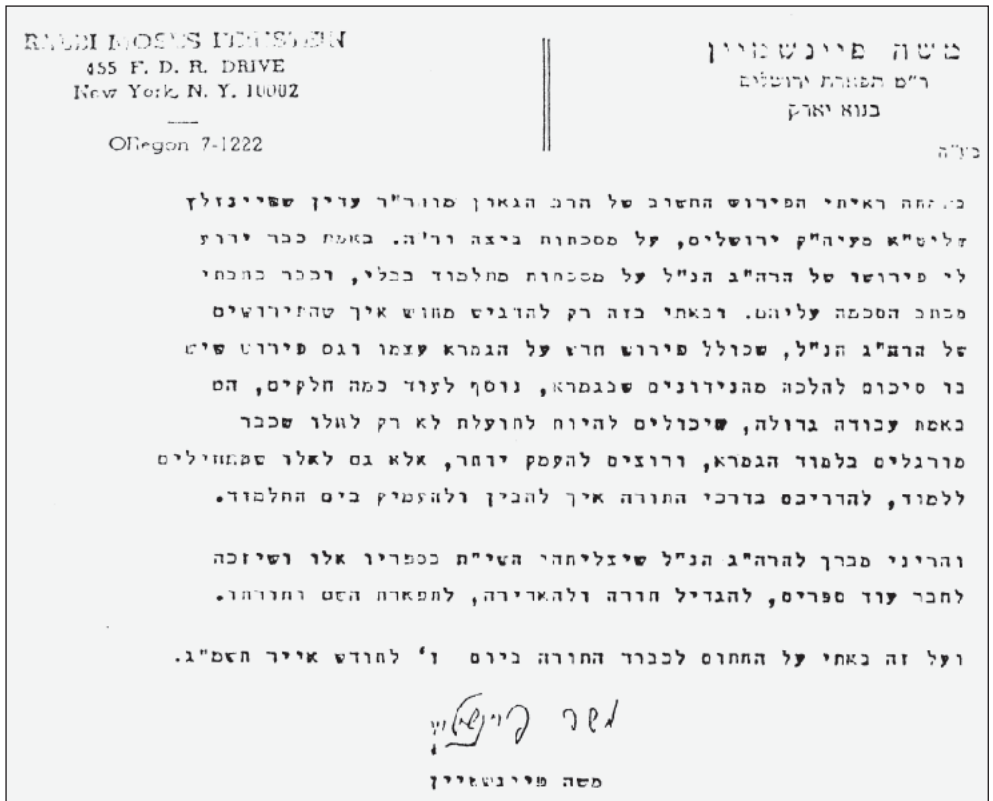
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Haskama
Rabbi Moshe Feinstein



... These new commentaries – which include a new interpretation of the Talmud, a halakhic summary of the debated issues, and various other sections – are a truly outstanding work; they can be of great benefit not only to those familiar with talmudic study who seek to deepen their understanding, but also to those who are just beginning to learn, guiding them through the pathways of the Torah and teaching them how to delve into the sea of the Talmud.

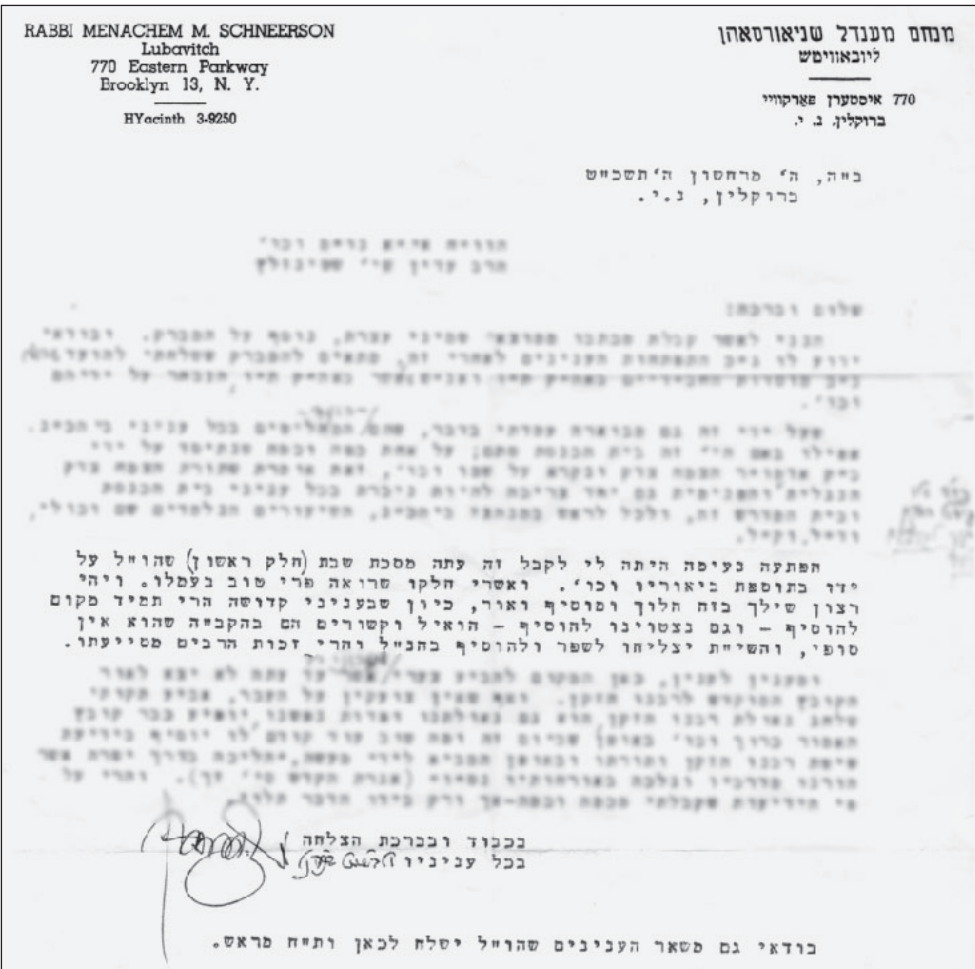
I would like to offer my blessing to this learned scholar. May the Holy One grant him success with these volumes and may he merit to write many more, to enhance the greatness of Torah, and bring glory to God and His word...

Rabbi Moshe Feinstein
New York, 7 Adar 5743

ר"מ משה פיינשטיין שליט"א
 הנה ראיתי את מסכת אחת מהש"ס שנקד אותה וגם
 צייר צורות הצמחים וכדומה מדברים שלא ידוע לכמה
 אנשים הרמ"ג ר' עדין שטיינזלץ מירושלים שליט"א
 וגם הוסיף שם בגליון פירושים והידושים וניכר שהוא
 ת"ח וראויין לעיון בהם ת"ח ובני הישיבה וטוב גם
 לקנותם בבתי כנסיות ובבתי מדרשות שיש שיהיו להם
 לתועלת. – ועל זה באתי עה"ח ג' אדר ב' תשל"ג.
 נ א ם משה פיינשטיין
 ר"מ תפארת ירושלים, ניו יורק, אר"מ/פ

I have seen one tractate from the Talmud to which the great scholar Rabbi Adin Steinsaltz שליט"א has added *nikkud* (vowels) and illustrations to explain that which is unknown to many people; he has also added interpretations and innovations, and is evidently a *talmid hakham*. *Talmidei hakhamim* and yeshiva students ought to study these volumes, and synagogues and *batei midrash* would do well to purchase them, as they may find them useful.

Rabbi Moshe Feinstein
New York, Adar 5730



Haskama
Rabbi Menachem
Mendel Schneerson

... I have just had the pleasant surprise of receiving tractate *Shabbat* (part one), which has been published by [Rabbi Steinsaltz] along with his explanations, etc. Happy is the man who sees good fruits from his labors. May he continue in this path and increase light, for in the matters of holiness there is always room to add – and we have been commanded to add – for they are linked to the Holy One, Blessed be He, Who is infinite. And may the Holy One grant him success to improve and enhance this work, since the greater good strengthens his hand ...

Rabbi Menachem Mendel Schneerson
The Lubavitcher Rebbe
Brooklyn, 5 Marḥeshvan, 5729

Haskama

Rabbi Moshe Zvi Neria

הרב משה צבי נריה

כ"ה

"ושמעו כיום ההוא החרשים דברי ספר"

(ישעיה' כט' זח')

חרגום ספרי קדמונים לשפת דורות אחרונים – היא משימתם של חכמי דור ודור. ובישראל שטורות "ושננתם לבניך" מקיפה את כל חלקי האומה, ודאי שהיתה זאת המשימה בכל עידן ועידן. בכל דור כך, ובדורנו אשר רבים בו הקרובים שנחקקו וחוזרים ומחקרבים – לא כל שכן. כי רבים היום האומרים "מי ישקנו טים מבאר" התלמוד, ומדעשים הם הדולים ומסקים. ראוי אפוא להערכה מיוחדת נסיונו הסבורך של הצעיר המופלא, הרב עדין שטינזלץ, למרט פרקי-תלמוד בהסברה טורחכת-תמציתית. אשר נוסף על הפרוש המלולי והעניני הוא מעלה גם את ההגיון של הדברים ומתרגמת אותם לשפת-המוסגים של בן-דורנו. דומה שכל הנבשים אל חומר למודי מחוך רצון להבינו – התלמיד החרוץ והסבור הטשכיל – לא יתקלו בשום קושי בנואם ללמוד סוגיא תלמודית לפי פרוש זה. ולא עוד אלא שיש לקוות כי ההסברה הגיונית תעמידה מיד על טוב-הטעם ששם של דף-הגמרא, והם ימסכו יותר ויותר אל הלמוד העיוני הזה אשר טובי המוחות בישראל לנו בעומקו, ואשר מטנו סיבה, ממנו ימד לבנין היינו. נועם ד' על המפרש הנמרץ להמשיך במפעלו, וברוכים כל העוזרים להוצאתו לאור-עולם.

ביקר אורייתא

(אתימה)

The translation of the books of our past into the language of the present – this was the task of the sages of every generation. And in Israel, where the command to “teach them repeatedly to your children” applies to all parts of the nation, it was certainly the task of every era. This is true for every generation, and in our time – when many of those who have strayed far are once again drawing near – all the more so. For many today say, “Who will let us drink from the well” of Talmud, and few are those who offer up the waters to drink.

We must, therefore, particularly commend the blessed endeavor of Rabbi Adin Steinsaltz to explain the chapters of the Talmud in this extensive yet succinct commentary, which, in addition to its literal interpretation of the text, also explicates the latter’s underlying logic and translates it into the language of our generation.

It appears that all those who seek to study Talmud – the diligent student and the learned adult – will have no difficulty understanding when using this commentary. Moreover, we may hope that the logical explanation will reveal to them the beauty of the talmudic page, and they will be drawn deeper and deeper into the intellectual pursuit which has engaged the best Jewish minds, and which serves as the cornerstone of our very lives...

Rabbi Moshe Zvi Neria

MORDECHAI ELIAHU
FORMER CHIEF RABBI OF ISRAEL & RICHON LEZION

ז' בתשרי תשנ"ד
נד.5-137

מרדכי אליהו
ראשון לציון והרב הראשי לישראל לשעבר

מכתב ברכה

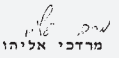
הגמרא בעירובין כ"א: אומרת: דרש רבא מאי דכתיב ויותר שהיה קהלת חכם, עוד לימד דעת את העם - ואזן וחקר תקן משלים הרבה". לימד דעת את העם - קבע כיצד לקרוא פסוק וסימנים בין תיבות המקרא וממשיכה הגמרא ואומרת: אמר עולא אמר ר' אליעזר בתחילה היתה תורה דומה לכפיפה שאין לה אזנים עד שבא שלמה ועשה לה אזנים. וכדברי רש"י שם: "וע"י כך אוהזין ישראל במצוות שנתרחקו מן העבירה כדרך שנוה לאחוז בכלי שיש לו בית יד וכו' (עירובין כ"א, י').

דברים מעין אלו אפשר לאמר על האי גברא יקירא, על איש מורס מעם, משכמו ומעלה בתורה ובמידות. ויותר ממה שעשה בתורה שב"פ עושה בתורה שבכתב - מלמד דעת את העם. ולא זו בלבד אלא גם עושה אזנים לתורה, היא תורת התלמוד שהוא חתום וסתום בפני רבים. ורק מעט מוער מבני עליה שהם מועטים ומי שלומד בישיבה יכל כיום ללמוד בש"ס ולהבין מה שלפניו, ואף שיש לנו פירוש רש"י, עדין לא הכל ממשמשין בו. עד שקם הרב הגדול מעוז ומגדול הרה"ג ר' עדין שטיינזלץ שליט"א ועשה אזנים לתורה, שאפשר לאחוז גמרא ביד וללמוד, ואפי' לפשוטי העם ועשה פרושים ושם אותם בצד הארון, פרושים נאים בשפה ברורה ונעימה דבר דבור על אופניו. ועם הסברים וציורים להבין ולהשכיל, כדי שמי שרוצה לקרבה אל מלאכת ה' ללמוד יכל לעשות זאת.

ועיני ראו ולא זר שבשיעורי תורה בגמרא הרבה באים עם גמרות בידם ואלה שבאים עם "פירוש הרב שטיינזלץ לתלמוד הבבלי" הם מוכנים ומבינים טוב יותר. כי כבר יש להם וקדמה מפרושי ומבאורי. ואמינא לפועלו יישר ומן שמיא זכו ליה ללמד דעת את העם.

ויהי רצון שחפץ בידו יצלח, וכל אשר יפנה ישכיל ויצליח, ויוכה להגדיל תורה ולהאדירה, ויוסיף לנו עוד גמרות מבוארות כהנה וכהנה עד לסיומו, "וישראל עושה היל".

ובזכות לימוד תורה ואני זאת בריתי וכו', ובא לציון גואל, בב"א.


 מרדכי אליהו
 ראשון לציון הרב הראשי לישראל לשעבר

Haskama

Rabbi Mordechai Eliyahu

The Talmud in *Eruvin* 21b states: “Rava continued to interpret verses homiletically. What is the meaning of the verse: ‘And besides being wise, Kohelet also taught the people knowledge; and he weighed, and sought out, and set in order many proverbs’? (Ecclesiastes 12:9). He explains: He taught the people knowledge; he taught it with the accentuation marks in the Torah, and explained each matter by means of another matter similar to it. And he weighed [izen], and sought out, and set in order many proverbs; Ulla said that Rabbi Eliezer said: At first the Torah was like a basket without handles [oznayim] until Solomon came and made handles for it.” And as Rashi there explains: “And thus were Israel able to grasp the mitzvot and distance themselves from transgressions – just as a vessel with handles is easily held, etc.”

Such things may be said of this beloved and eminent man, a great sage of Torah and of virtue. And far more than he has done with the Oral Torah, he does with the Written Torah – teaching the people knowledge. And beyond that, he also affixes handles to the Torah, i.e., to the Talmud, which is obscure and difficult for many. Only the intellectual elite, which are a precious few, and those who study in yeshiva, can today learn the Talmud and understand what it says – and even though we have Rashi, still not everyone uses him. But now the great scholar Rabbi Adin Steinsaltz שליט"א has come and affixed handles to the Torah, allowing the Talmud to be held and studied, even by simple men. And he has composed a commentary alongside the text, a fine commentary in clear, comprehensible language, “a word fitly spoken” with explanations and illustrations, so that all those who seek to study the work of God can do so.

Rabbi Mordechai Eliyahu
Former Chief Rabbi of Israel, 7 Tishrei, 5754

Message from Rabbi Adin Even-Israel (Steinsaltz)

The Talmud is the cornerstone of Jewish culture. True, our culture originated in the Bible and has branched out in directions besides the Talmud, yet the latter's influence on Jewish culture is fundamental. Perhaps because it was composed not by a single individual, but rather by hundreds and thousands of Sages in *batei midrash* in an ongoing, millennium-long process, the Talmud expresses not only the deepest themes and values of the Jewish people, but also of the Jewish spirit. As the basic study text for young and old, laymen and learned, the Talmud may be said to embody the historical trajectory of the Jewish soul. It is, therefore, best studied interactively, its subject matter coming together with the student's questions, perplexities, and innovations to form a single intricate weave. In the entire scope of Jewish culture, there is not one area that does not draw from or converse with the Talmud. The study of Talmud is thus the gate through which a Jew enters his life's path.

The *Koren Talmud Bavli* seeks to render the Talmud accessible to the millions of Jews whose mother tongue is English, allowing them to study it, approach it, and perhaps even become one with it.

This project has been carried out and assisted by several people, all of whom have worked tirelessly to turn this vision into an actual set of books to be studied. It is a joyful duty to thank the many partners in this enterprise for their various contributions. Thanks to Koren Publishers Jerusalem, both for the publication of this set and for the design of its very complex graphic layout. Thanks of a different sort are owed to the Shefa Foundation and its director, Rabbi Menachem Even-Israel, for their determination and persistence in setting this goal and reaching it. Many thanks to the translators, editors, and proofreaders for their hard and meticulous work. Thanks to the individuals and organizations that supported this project, chief among them the Matanel Foundation. And thanks in advance to all those who will invest their time, hearts, and minds in studying these volumes – to learn, to teach, and to practice.

Rabbi Adin Even-Israel (Steinsaltz)
Jerusalem 5772

Introduction by the Editor-in-Chief

The vastly expanded audience of Talmud study in our generation is a phenomenon of historical proportions. The reasons for this phenomenon are many, and include the availability of a wide array of translations, commentaries, and study aids.

One outstanding example of such a work is the translation of the Talmud into modern Hebrew by Rabbi Adin Even-Israel (Steinsaltz). The product of a lifetime of intense intellectual labor, this translation stands out in its uniqueness.

But what can the interested student do if he or she does not comprehend the Hebrew, even in its modern form? Where is the English speaker who wishes to access this instructive material to turn?

The *Koren Talmud Bavli* that you hold in your hand is designed to be the answer to those questions.

This work is the joint effort of Rabbi Steinsaltz himself, his closest advisory staff, and Koren Publishers Jerusalem. It is my privilege to have been designated Editor-in-Chief of this important project, and to have worked in close collaboration with a team of translators and proofreaders, artists and graphic designers, scholars and editors.

Together we are presenting to the English-speaking world a translation that has all the merits of the original Hebrew work by Rabbi Steinsaltz, and provides assistance for the beginner of any age who seeks to obtain the necessary skills to become an adept talmudist.

This is the second volume of the project, tractate *Shabbat*, part I. It includes the entire original text, in the traditional configuration and pagination of the famed Vilna edition of the Talmud. This enables the student to follow the core text with the commentaries of Rashi, *Tosafot*, and the customary marginalia. It also provides a clear English translation in contemporary idiom, faithfully based upon the modern Hebrew edition.

At least equal to the linguistic virtues of this edition are the qualities of its graphic design. Rather than intimidate students by confronting them with a page-size block of text, we have divided the page into smaller thematic units. Thus, readers can focus their attention and absorb each discrete discussion before proceeding to the next unit. The design of each page allows for sufficient white space to ease the visual task of reading. The illustrations, one of the most innovative features of the Hebrew edition, have been substantially enhanced and reproduced in color.

The end result is a literary and artistic masterpiece. This has been achieved through the dedicated work of a large team of translators, headed by Rabbi Joshua Schreier, and through the unparalleled creative efforts of Raphaël Freeman and his gifted staff.

The group of individuals who surround Rabbi Steinsaltz and support his work deserve our thanks as well. I have come to appreciate their energy, initiative, and persistence. And I thank the indefatigable Rabbi Menachem Even-Israel, whom I cannot praise highly enough. The quality of his guidance and good counsel is surpassed only by his commitment to the dissemination and perpetuation of his father's precious teachings.

Finally, in humility, awe, and great respect, I acknowledge Rabbi Adin Even-Israel (Steinsaltz). I thank him for the inspirational opportunity he has granted me to work with one of the outstanding sages of our time.

Rabbi Tzvi Hersh Weinreb
Jerusalem 5772

Preface by the Managing Editor

In both tractate *Berakhot* and in the first volume of tractate *Shabbat*, parallel disputes on the subject of educational philosophy are presented. In *Berakhot* (28a), Rabban Gamliel's exacting admission standards are defined: Any student whose inside is not like his outside, i.e., his thoughts and feelings are different from his conduct and character traits, will not enter the study hall. This approach is contrasted with the open approach of Rabbi Elazar ben Azarya. When Rabbi Elazar ben Azarya replaced Rabban Gamliel as the head of the yeshiva, the Gemara relates: They dismissed the guard at the door and permission was granted to the students to enter. As a result, Abba Yosef ben Dostai and the Rabbis disputed this matter. One said: Four hundred benches were added to the study hall. And one said: Seven hundred benches were added to the study hall.

In *Shabbat* (31a), the Gemara contrasts the approach of Shammai with the approach of Hillel. On more than one occasion, Shammai pushed away potential converts who raised problematic requests with the builder's cubit in his hand. Hillel, through his forbearance, was able to see the person behind the problematic request and guide him into the world of Judaism. Three such converts gathered together and stated: Shammai's impatience sought to drive us from the world; Hillel's patience brought us under the wings of the Divine Presence.

The *Koren Talmud Bavli* seeks to follow in the paths of Rabbi Elazar ben Azarya and Hillel. Its user-friendly layout, together with its accessible translation, takes the Steinsaltz commentary on the Talmud one step further. It opens the doors to even more students who might have previously felt excluded from the exciting give and take of the study hall, enabling them to take their place as full-fledged participants in the world of Talmud study.

My involvement in the production of the *Koren Talmud Bavli* has been both a privilege and a pleasure. The Shefa Foundation, headed by Rabbi Menachem Even-Israel and devoted to the dissemination of the wide-ranging, monumental works of Rabbi Adin Even-Israel (Steinsaltz), constitutes the Steinsaltz side of this partnership; Koren Publishers Jerusalem, headed by Matthew Miller, with the day-to-day management in the able hands of Raphaël Freeman, constitutes the publishing side of this partnership. The combination of the inspiration, which is the hallmark of Shefa, with the creativity and professionalism for which Koren is renowned and which I experience on a daily basis, has lent the *Koren Talmud Bavli* its outstanding quality in terms of both content and form.

I would like to express my appreciation for Rabbi Dr. Tzvi Hersh Weinreb, the Editor-in-Chief, whose insight and guidance have been invaluable. The contribution of my friend and colleague, Rabbi Dr. Shalom Z. Berger, the Senior Content Editor, cannot be overstated; his title does not begin to convey the excellent direction he has provided in all aspects of this project. The erudite and articulate men and women who serve as translators, editors and proofreaders have ensured that this project adheres to the highest standards.

There are several others whose contributions to this project cannot be overlooked. On the Steinsaltz side: Meir HaNegbi, Yacov Elbert, Tsipora Ifrah, and Oria Tubul. On the Koren side, my colleagues at Koren: Rabbi David Fuchs, Rabbi Hanan Benayahu, Efrat Gross, Rachel Hanstater Meghnagi, Eliyahu Misgav, Rabbi Yinon Chen, and Rabbi Carmiel Cohen. Their assistance in all matters, large and small, is appreciated.

At the risk of being repetitious, I would like to thank Rabbi Dr. Berger for introducing me to the world of Steinsaltz. Finally, I would like to thank Rabbi Menachem Even-Israel, with whom it continues to be a pleasure to move forward in this great enterprise.

Rabbi Joshua Schreier
Jerusalem 5772

Introduction by the Publisher

The Talmud has sustained and inspired Jews for thousands of years. Throughout Jewish history, an elite cadre of scholars has absorbed its learning and passed it on to succeeding generations. The Talmud has been the fundamental text of our people.

Beginning in the 1960s, Rabbi Adin Even-Israel (Steinsaltz) שליט"א created a revolution in the history of Talmud study. His translation of the Talmud, first into modern Hebrew and then into other languages, as well the practical learning aids he added to the text, have enabled millions of people around the world to access and master the complexity and context of the world of Talmud.

It is thus a privilege to present the *Koren Talmud Bavli*, an English translation of the talmudic text with the brilliant elucidation of Rabbi Steinsaltz. The depth and breadth of his knowledge are unique in our time. His rootedness in the tradition and his reach into the world beyond it are inspirational.

Working with Rabbi Steinsaltz on this remarkable project has been not only an honor, but a great pleasure. Never shy to express an opinion, with wisdom and humor, Rabbi Steinsaltz sparkles in conversation, demonstrating his knowledge (both sacred and worldly), sharing his wide-ranging interests, and, above all, radiating his passion. I am grateful for the unique opportunity to work closely with him, and I wish him many more years of writing and teaching.

Our intentions in publishing this new edition of the Talmud are threefold. First, we seek to fully clarify the talmudic page to the reader – textually, intellectually, and graphically. Second, we seek to utilize today’s most sophisticated technologies, both in print and electronic formats, to provide the reader with a comprehensive set of study tools. And third, we seek to help readers advance in their process of Talmud study.

To achieve these goals, the *Koren Talmud Bavli* is unique in a number of ways:

- The classic *tzurat hadaf* of Vilna, used by scholars since the 1800s, has been reset for great clarity, and opens from the Hebrew “front” of the book. Full *nikkud* has been added to both the talmudic text and Rashi’s commentary, allowing for a more fluent reading with the correct pronunciation; the commentaries of *Tosafot* have been punctuated. Upon the advice of many English-speaking teachers of Talmud, we have separated these core pages from the translation, thereby enabling the advanced student to approach the text without the distraction of the translation. This also reduces the number of volumes in the set. At bottom of each *daf*, there is a reference to the corresponding English pages. In addition, the Vilna edition was read against other manuscripts and older print editions, so that texts which had been removed by non-Jewish censors have been restored to their rightful place.
- The English translation, which starts on the English “front” of the book, reproduces the *menukad* Talmud text alongside the English translation (in bold) and commentary and explanation (in a lighter font). The Hebrew and Aramaic text is presented in logical paragraphs. This allows for a fluent reading of the text for the non-Hebrew or non-Aramaic reader. It also allows for the Hebrew reader to refer easily to the text alongside. Where the original text features dialogue or poetry, the English text is laid out in a manner appropriate to the genre. Each page refers to the relevant *daf*.

- Critical contextual tools surround the text and translation: personality notes, providing short biographies of the Sages; language notes, explaining foreign terms borrowed from Greek, Latin, Persian, or Arabic; and background notes, giving information essential to the understanding of the text, including history, geography, botany, archeology, zoology, astronomy, and aspects of daily life in the talmudic era.
- Halakhic summaries provide references to the authoritative legal decisions made over the centuries by the rabbis. They explain the reasons behind each halakhic decision as well as the ruling's close connection to the Talmud and its various interpreters.
- Photographs, drawings, and other illustrations have been added throughout the text – in full color in the Standard and Electronic editions, and in black and white in the Daf Yomi edition – to visually elucidate the text.

This is not an exhaustive list of features of this edition, it merely presents an overview for the English-speaking reader who may not be familiar with the “total approach” to Talmud pioneered by Rabbi Steinsaltz.

Several professionals have helped bring this vast collaborative project to fruition. My many colleagues are noted on the Acknowledgements page, and the leadership of this project has been exceptional.

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RABBI DR. TZVI HERSH WEINREB שליט"א, EDITOR-IN-CHIEF, brought to this project his profound knowledge of Torah, intellectual literacy of Talmud, and erudition of Western literature. It is to him that the text owes its very high standard, both in form and content, and the logical manner in which the beauty of the Talmud is presented.

RABBI JOSHUA SCHREIER, MANAGING EDITOR, assembled an outstanding group of scholars, translators, editors, and proofreaders, whose standards and discipline enabled this project to proceed in a timely and highly professional manner.

RABBI MEIR HANEGBI, EDITOR OF THE HEBREW EDITION OF THE STEINSALTZ TALMUD, lent his invaluable assistance throughout the work process, supervising the reproduction of the Vilna pages.

RAPHAËL FREEMAN, EDITOR OF KOREN, created this Talmud's unique typographic design which, true to the Koren approach, is both elegant and user-friendly.

It has been an enriching experience for all of us at Koren Publishers Jerusalem to work with the Shefa Foundation and the Steinsaltz Center to develop and produce the *Koren Talmud Bavli*. We pray that this publication will be a source of great learning and, ultimately, greater *Avodat Hashem* for all Jews.

Matthew Miller, Publisher
Koren Publishers Jerusalem
Jerusalem 5772

Introduction to **Shabbat**

And God blessed the seventh day and hallowed it because on it He rested from all His work that God in creating had made.

(Genesis 2:3)

Six days shall you labor and do all your work. But the seventh day is Shabbat unto the Lord your God; you shall not do any manner of work, you, nor your son, nor your daughter, nor your manservant, nor your maidservant, nor your cattle, nor your stranger who is within your gates. For in six days the Lord made heaven and earth, the sea, and all that is in them, and rested on the seventh day; therefore the Lord blessed the Shabbat day and hallowed it.

(Exodus 20:9–11)

Therefore, you shall keep the Shabbat, for it is holy unto you; every one that profanes it shall surely be put to death, for whoever does any work on it, that soul shall be cut off from among his people.

(Exodus 31:14)

If you turn away your foot because of the Shabbat, from pursuing your business on My holy day, and call the Shabbat a delight, the holy of the Lord honorable; and shall honor it, not doing your wonted ways, nor pursuing your business, nor speaking thereof. Then shall you delight yourself in the Lord, and I will make you to ride upon the high places of the earth, and I will feed you with the heritage of Jacob your father; for the mouth of the Lord has spoken it.

(Isaiah 58:13–14)

Thus said the Lord: Take heed for the sake of your souls, and bear no burden on the Shabbat day, nor bring it into the gates of Jerusalem.

(Jeremiah 17:21)

And if the peoples of the land bring ware or any food on the Shabbat day to sell, we would not buy from them on the Shabbat or on a holy day.

(Nehemiah 10:32)

Tractate *Shabbat* is the first and the largest tractate in the order of *Moed*. It deals with the *halakhot* of the most sacred day of all,¹ Shabbat.

Numerous *halakhot*, veritable mountains of *halakhot*,² are found among the mitzvot of Shabbat, both positive mitzvot and prohibitions. Included in these are mitzvot of biblical origin, those established by the Prophets, and many rabbinic decrees and ordinances. Shabbat has even been adorned with the aura of legend; it is a day of rest and sanctity, God's gift to a treasured nation.

There are numerous facets to Shabbat in *halakha* and *aggada*. However, one aspect is fundamental and central: Abstention from creative labor. The only way to achieve a proper grasp of Shabbat and its *halakhot*, ranging from Torah statutes to rabbinic ordinances and decrees issued throughout the generations, is by means of gaining an understanding of this fundamental principle.

The mitzva to abstain from labor and the prohibition to perform labor on Shabbat are both closely tied to the biblical depiction of the creation of the world and God's own abstention from work on the seventh day. The Shabbat of the Jewish people is, in a sense, an extension and emulation of the Shabbat of the Holy One, Blessed be He, from which our Shabbat draws its spiritual foundations. On the seventh day, God abstained "from all His work that God in creating had made." In the Torah, the Jewish people were explicitly commanded to abstain from engaging in the construction of the Tabernacle on Shabbat.

There are two equally fundamental aspects to these activities that are essential to the comprehension of the concept of labor prohibited on Shabbat: They are both creative acts of tangible labor and work done with prior intent. These two fundamental principles are captured in the following halakhic terminology: Planned, thoughtful, creative labor was prohibited by the Torah,³ and: For all destructive acts, one is exempt.⁴ The exceptions to the latter principle are those actions that are destructive in the short term, but in the long term are actually preparations for constructive acts that will follow.

Labor on Shabbat is defined in this manner because of the aforementioned comparison between our Shabbat and God's Shabbat at the end of the creation of the universe. The degree of physical exertion expended to perform a particular action is not taken into consideration, nor does it matter whether or not the action produces results or brings profit to the worker, or whether it serves as the means of one's livelihood. It is for this reason that even activities in which the amount of energy expended is minimal and which serve only for enjoyment, e.g., writing or kindling a fire, are prohibited by the Torah and constitute labor, i.e., creating a tangible result with prior intent.

Most of the *halakhot* of Shabbat, which are comprised of thirty-nine primary categories of prohibited labor and their subcategories, are the elaboration and detailed enumeration of these major principles in the definition of the various types of creative labor and the establishment of their parameters and limits. The ordinances and safeguards instituted by the Sages of blessed memory merely strengthen and reinforce the proper observance of the Shabbat in practical terms. They determine how to refrain from prohibited labor and from any action that could potentially lead to performance of a prohibited labor.

Among the thirty-nine primary categories of labor enumerated with regard to Shabbat, there is only one that is anomalous, and its explication occupies a most significant place in the tractate of *Shabbat*: Carrying out an object from one domain to another. According to Torah law, it is prohibited to carry any object on Shabbat from the domain in which it is located to another domain. There is no element of physical exertion or toil involved in this labor, as one is liable even for carrying out minuscule objects. On the other hand, carrying out cannot be included in the category of truly creative labors either. In truth, this labor is in a category of its own, a distinct Torah law that underscores the nature of rest on Shabbat.

The term *shabbaton* means cessation of the creative activities that characterize the six active days of the week. *Shabbaton* also means silence, rest, cessation of the motility and hustle-bustle of the weekdays, cessation of the connection between the private domain of the individual and the public domain, and the transformation of the public domain into an environment of quiescence and tranquility. So that the tranquility of Shabbat will be complete, the parameters of these realms are delineated in a manner

unique to Shabbat, unlike the definition of public and private domains in other areas of *halakha*, i.e., property law and the *halakhot* of ritual impurity. It is both prohibited to carry objects from one domain to another and to carry objects within the confines of the public domain.

The subcategories and complex details of the prohibited labor of carrying out on Shabbat, along with the ordinances and decrees issued by the Sages to foster its observance, constitute a significant portion of the *halakhot* contained in tractate *Shabbat*.

Although the essence of Shabbat lies in the observance of its restfulness, which is manifested in the prohibitions against creative labor and carrying out from one domain to another, there are also positive commandments involved in the observance of Shabbat, beyond the mitzva to sacrifice additional offerings in the Temple. These positive commandments are alluded to in the verse: “Remember the day of Shabbat to keep it holy.”⁵ The practical fulfillment of this mitzva is multifaceted. It begins with the essential commandment of *kiddush*, sanctification of Shabbat over a cup of wine, along with the special liturgy and customs unique to Shabbat; and it extends to the reference to each weekday in terms of its relative distance from Shabbat. This mitzva also includes the ordinance of taking delight in Shabbat, consistent with the words of the prophet Isaiah. This is accomplished by the enjoyment that is added to the Shabbat meal, the kindling of the Shabbat lights, and all means of celebration that do not conflict with the basic tenets of Shabbat observance.

According to the oral tradition transmitted through the generations, an entire framework of ordinances and safeguards, categorized under the rubric of *shevut*, was instituted in the days of the earliest Prophets to ensure proper Shabbat observance. Included in this framework is the decree against engaging in commerce on Shabbat, already mentioned in the Bible. The institution of additional Shabbat domains originated long ago, along with the designation of additional areas in which the movement and transfer of objects is prohibited. The details of these ordinances are specified in the tractate *Erwin*.

Among the activities that fall into the category of *shevut* are both those prohibited due to their similarity to the prohibited acts of creative labor and those prohibited due to the concern that they might lead to the performance of a prohibited labor. The *halakhot* of set-aside [*muktze*], which prohibit the use of materials or utensils typically utilized in the performance of creative labor, fall into the category of *shevut* as well. The Sages also prohibited typical weekday activities, as it is inappropriate to engage in them on this sacred day. Therefore, tractate *Shabbat* is distinctive in its terminology. It distinguishes between liability and exemption by Torah law, between actions for whose performance one is exempt by Torah law but whose performance is prohibited by the Prophets and Sages, and actions that are expressly permitted.

The *halakhot* of Shabbat in general, their fundamental principles and their details, and the elucidation of those *halakhot* that deviate from those principles, e.g., matters of life and death or circumcision on Shabbat, are all explained in the twenty-four chapters of tractate *Shabbat*. These twenty-four chapters are not arranged systematically by subject matter, but rather are ordered based on association between similar matters and the chronology of the activities performed on Shabbat eve leading up to Shabbat and those performed on Shabbat.

Chapter One, excluding its opening section, is mostly occupied with those matters with which a person must concern himself before Shabbat begins. The opening

section deals with carrying in and between the various Shabbat domains. There is also an extensive treatment of eighteen decrees issued by Beit Shammai and Beit Hillel with regard to matters of ritual impurity.

Chapter Two discusses the kindling of the Shabbat lights and other preparations that must be performed just before Shabbat begins.

Chapter Three deals with food items that may be left upon the fire as Shabbat begins and with the prohibited labor of cooking in general. That discussion concludes in the next chapter.

Chapter Four is concerned with the laws of insulating hot liquids and foods on Shabbat.

Chapter Five lists the harnesses and other gear that may or may not be left upon a domesticated animal, due to the concern that the animal may carry it out on Shabbat.

Chapter Six continues that discussion by enumerating articles of clothing, accessories, and other items that people customarily carry upon their persons and the manner in which one may wear them on Shabbat.

Chapter Seven includes the basis for the entire tractate. In it, the legal force of the various Shabbat prohibitions is explained, along with the list of the prohibited labors.

Chapter Eight and subsequent chapters provide details about carrying out on Shabbat, including discussions of the measures that determine liability for carrying out various substances and materials.

Chapter Nine continues that discussion to a certain extent. However, most of the chapter is devoted to topics related conceptually, albeit not directly, to the rest of tractate *Shabbat*.

Chapter Ten concludes the treatment of measures that determine liability for carrying out.

Chapter Eleven includes an exposition of the general principles of carrying out and two closely related activities, throwing and extending.

Chapter Twelve elucidates the prohibited labors of building, plowing, and writing.

Chapter Thirteen deals with the prohibited labors of weaving and sewing, as well as the other prohibited labors involved in the production of garments. In it, the prohibited labor of hunting is also discussed.

Chapter Fourteen concludes the discussion of the creative labor of hunting and discusses additional actions prohibited by rabbinic decree.

Chapter Fifteen discusses the prohibited labors of tying and untying knots, as well as similar actions that are permitted.

Chapter Sixteen provides an explanation of what is permitted and what is prohibited to do in the case of a fire on Shabbat: Which objects may be carried out and which may be moved, and who can be enlisted to assist in these rescue activities? This discussion reaches general conclusions.

Chapter Seventeen contains the primary analysis of the various categories of set-aside [*muktze*] objects.

Chapter Eighteen deals with an issue that emerges from the analysis of the principle of set-aside. It elucidates actions that superficially resemble prohibited labors but

are nonetheless permitted due to necessity engendered by the arrival of guests, the suffering of living creatures, or considerations of human health.

Chapter Nineteen presents a comprehensive discussion of one specific example of a prohibited labor permitted on Shabbat, circumcision. In the process, it discusses all of the *halakhot* of circumcision.

Chapter Twenty addresses prohibitions due to deference to Shabbat or due to rabbinic decree, as well as actions that resemble prohibited labor but are permitted because they are essential or significant. In this chapter, certain actions similar to the prohibited labor of building are discussed, along with some prohibitions against moving certain objects.

Chapter Twenty-one deals mainly with objects which may be moved on Shabbat.

Chapter Twenty-two discusses actions that are not explicitly delineated as prohibited labor; some are subcategories of primary categories of prohibited labor, and some are permitted on Shabbat.

Chapter Twenty-three clarifies *halakhot* associated with the prohibition against conducting commercial transactions on Shabbat and defines their parameters.

Chapter Twenty-four deals with the principles governing the requirement to prevent one's animals from engaging in prohibited labor, along with several diverse *halakhot* related to actions that the Sages permitted on Shabbat.

NOTES

1. See tractate *Shabbat* 113a.
2. See tractate *Hagiga* 10a.
3. Tractate *Beitza* 13b.
4. Tractate *Shabbat* 105b.
5. Exodus 20:8.

Let every man remain where he is; let no man leave his place on the seventh day.

(Exodus 16:29)

Neither shall you carry out a burden from your houses on the Shabbat day, nor do any work, but you shall hallow the Shabbat day, as I commanded your fathers.

(Jeremiah 17:22)

Introduction to Perek I

The primary focus of this chapter is on the various details of the prohibitions of carrying out and moving objects on the Shabbat.

The prohibited labor to carry out a burden on Shabbat is alluded to in the Torah and explicitly stated in the Prophets. Although it appears in the list of prohibited labors in the mishna, it constitutes its own discrete unit, and its parameters are significantly different from those of the other prohibited labors.

There are two fundamental aspects to the prohibited labor of carrying out. The most significant of these is the prohibition to carry an object from one domain to another, e.g., from the private to the public domain. The definitions of these domains with regard to Shabbat are distinctive, and their parameters are by no means identical to the definitions of domains in other aspects of *halakha*, neither in terms of their ownership nor in terms of their use.

There are four Shabbat domains: The private domain, the public domain, an intermediate domain [*karmelit*] whose precise definition will follow, and an exempt domain, which is a neutral domain within which carrying objects is not prohibited at all.

Any area that is four handbreadths by four handbreadths and separated from its surroundings by ten handbreadths, either by a partition of that height that delimits it or because it stands on ground ten handbreadths higher or lower than its surroundings, is a private domain, even if legally it is publicly owned. The airspace of the private domain extends to the sky.

An area that is a minimum of sixteen cubits wide and which the public, some say at least 600,000 people, use regularly is a public domain. The airspace of the public domain extends only ten handbreadths off the ground.

To these domains, whose basis is in Torah law, the Sages added a third domain, the *karmelit*. A *karmelit* is defined as any place that is fit to be a private domain in terms of its area, but is not surrounded by an enclosure or is not sufficiently removed from its surrounding area to be an actual private domain. In addition, an area that is large enough to be a public domain but is not frequented by the public, e.g., a field or a body of water, is also a *karmelit*. The Sages decreed that those areas have the legal status of a public domain by rabbinic law.

An exempt domain is defined as a place that is set apart from its surroundings, has an area of less than four handbreadths by four handbreadths, and has airspace more than ten handbreadths above the public domain or *karmelit*. There is absolutely no prohibition against carrying or moving objects in that domain on Shabbat.

The other fundamental aspect of the prohibition to carry out is the prohibition to carry an object four cubits within a public domain. Carrying an object four cubits in a *karmelit* is prohibited by rabbinic law.

One only violates the Torah prohibition to carry out on Shabbat if he lifts the object from one place and places it in another place. As is the case with regard to the other prohibited labors, one who performs this action intentionally is liable for the punishment of *karet*. If he does so unwittingly, he is liable to bring a sin-offering.

Based upon these principles, the Mishna and Gemara discuss the prohibitions of carrying out on Shabbat, its parameters, and the safeguards decreed by the Sages.



The tractate opens with a discussion of the biblical prohibition of carrying out on Shabbat, a topic that is somewhat unexpected, in order to pique the interest of the reader. In terms of the overall framework of the tractate, it would have been more appropriate to begin with later *mishnayot*. Carrying an object from a public domain to a private domain, or vice versa, violates a biblical prohibition. When the entire act is performed by a single individual, it is punishable by *karet*. The prohibited act consists of lifting an object in one domain and placing it in another.

יציאות השבת שתיים שהן ארבע
בפנים ושתיים שהן ארבע בחוץ.

MISHNA The acts of carrying out from a public domain into a private domain or vice versa, which are prohibited on Shabbat,^{NH} are primarily two basic actions that comprise four cases from the perspective of a person inside a private domain, and two basic actions that comprise four cases from the perspective of a person outside,^N in a public domain.

ביצד: The mishna elaborates: **How** do these eight cases take place? In order to answer that question, the mishna cites cases involving a poor person and a homeowner.

העני עומד בחוץ ובעל הבית בפנים.
פשט העני את ידו לפנים ונתן לתוך
ידו של בעל הבית, או שנטל מתוכה
והוציא - העני חייב ובעל הבית
פטור.

The poor person stands outside,^N in the public domain, and the homeowner stands inside, in the private domain. The poor person lifted an object in the public domain, extended his hand into the private domain, and placed the object into the hand of the homeowner. In that case, the poor person performed the prohibited labor of carrying from the public domain into the private domain in its entirety. Or, the poor person reached his hand into the private domain, took an item from the hand of the homeowner, and carried it out into the public domain. In that case, the poor person performed the prohibited labor of carrying out from the private domain into the public domain in its entirety. In both of these cases, because the poor person performed the prohibited labor in its entirety, he is liable and the homeowner is exempt.

פשט בעל הבית את ידו לחוץ ונתן
לתוך ידו של עני, או שנטל מתוכה
והכניס - בעל הבית חייב והעני
פטור.

The mishna cites two additional cases. In these, the prohibited labor is performed by the homeowner, who is in the private domain: The homeowner lifted an item in the private domain, extended his hand into the public domain, and placed the object into the hand of the poor person. In that case, the homeowner performed the labor of carrying out from the private domain into the public domain in its entirety. Or, the homeowner reached his hand into the public domain, took an object from the hand of the poor person, and carried it into the private domain. In that case, the homeowner performed the labor of carrying from the public domain into the private domain in its entirety. In both of those cases, because the homeowner performed the prohibited labor in its entirety, he is liable and the poor person is exempt.

פשט העני את ידו לפנים ונטל בעל
הבית מתוכה או שנתן לתוכה
והוציא - שניהם פטורים.

There are four additional cases where neither the homeowner nor the poor person performed the labor in its entirety, and therefore neither is liable: The poor person extended his hand into the private domain and either the homeowner took an object from his hand and placed it in the private domain or the homeowner placed an object into the hand of the poor person, and the poor person carried the object out into the public domain. In those cases and the two that follow, the act of transferring the object from one domain to another was performed jointly by two people, the poor person and the homeowner. Because each performed only part of the prohibited labor, both of them are exempt.

פשט בעל הבית את ידו לחוץ ונטל
העני מתוכה, או שנתן לתוכה
והכניס - שניהם פטורים.

So too, in a case where the homeowner extended his hand into the public domain and, either the poor person took an object from the homeowner's hand and placed it in the public domain or the poor person placed an object into the homeowner's hand and the homeowner carried the object into the private domain. Because each performed only part of the prohibited labor, both of them are exempt.

NOTES

יציאות השבת – The acts of carrying out on Shabbat – Several reasons were given for the fact that the tractate opens specifically with the prohibited labor of carrying out from domain to domain (see *Tosafot*). Some explained that the reason is because the tractate, in general, is ordered chronologically and begins with a discussion of matters prohibited immediately when Shabbat begins. One of the matters that requires immediate attention is the prohibition of carrying out, and therefore it was necessary to cite this *halakha* first (Rabbeinu Tam; Ran; Rashba). Others explained that since the matter of carrying out is derived from the verse, “A man should not go out of his place” (Exodus 16:29), which is mentioned in the Torah prior to the rest of the prohibited labors of Shabbat, the Sages introduced it earlier in the Mishna (*Penei Yehoshua*).

Inside...outside – **בפנים...בחוץ** – Some explain that the term inside is from the perspective of the object, which is taken inside. Accordingly, the continuation is clear as, indeed, the mishna cites an example of carrying an object into the private domain (Ramban).

העני עומד – The poor person stands outside, etc. – It is surprising that the mishna did not cite the simplest case of transferring an object from one domain to another, i.e., a person walking from the private domain to the public domain with an object in his hand. Since the mishna's intent was to underscore the innovative aspects of this *halakha*, it cited a more complex case involving one standing in one domain who performed a prohibited labor in another domain and is, nevertheless, liable (*Tziyyun LeNefesh Hayya*).

HALAKHA

יציאות – The acts of carrying out on Shabbat, etc. – **השבת וכו'** – By Torah law, one who lifts an object in the public domain and places it in the private domain or vice versa is liable. If he lifted the object and someone else placed it in the other domain, both are exempt by Torah law but prohibited to do so by rabbinic law. Even in a case where the passive participant did not perform a prohibited labor at all, i.e., if the one who carried the object out placed it in the hand of the receiver, or if the object was in the hand of the giver and the receiver took it from his hand without his assistance, although he is passive, he violates a prohibition. Although one of them performed the entire labor himself, the other violates the prohibition: “Before a blind person do not place a stumbling block” (Leviticus 19:14), since the active participant could not have performed the transgression without the collaboration of the other (Rambam *Sefer Zemanim, Hilkhot Shabbat* 12:9 and 13:2, 7; *Shulhan Arukh, Oraḥ Hayyim* 347:1).

NOTES

The mishna teaches the primary categories and it teaches the subcategories – תַּנִּי אֲבוֹת וְתַנִּי תוֹלְדוֹת: Primary categories and subcategories appear in various areas. In each area, problems arise with regard to the precise nature of the relationship between the primary categories and the subcategories. The general understanding is that primary categories are those written explicitly in the Torah and subcategories are the conclusions drawn from and fences constructed around the primary categories. However, in some cases, there is no halakhic distinction between a primary category and its subcategory. In those cases specifically, problems arise with regard to the definition of primary category and its implications. See Chapter Seven in this tractate and the beginning of tractate *Bava Kamma*.

גַּמְ' תַּנִּי הֵתָם: שְׂבוּעוֹת שְׁתַּיִם שֶׁהֵן אַרְבַּע.

GEMARA We learned in our mishna: The acts of carrying out on Shabbat are two that comprise four. Similarly, we learned in the mishna **there**, in tractate *Shevuot*: Oaths on a statement, which, when violated, render one liable to bring a sin-offering are **two that comprise four**. The first two cases, which are mentioned explicitly in the Torah, are: One who swore that he would perform a specific action in the future and one who swore to refrain from performing said action. Based on an amplification in the language of the Torah, two more cases are added: One who swore that he performed a specific action in the past and one who swore that he did not perform said action.

יְדִיעוֹת הַטּוֹמְאָה שְׁתַּיִם שֶׁהֵן אַרְבַּע.

Similarly, with regard to awareness of ritual impurity, there are two cases that comprise four. It is prohibited for one who is ritually impure to enter the Temple or to consume a consecrated item. However, one who unwittingly violates this serious prohibition is obligated to bring a sacrifice for his transgression only if he was clearly aware of his ritually impure status both before committing the transgression and thereafter. The two cases of unwitting transgression in this area are: One who was aware and then forgot that he is ritually impure, and then either ate consecrated meat or entered the Temple, and subsequently recalled that he was ritually impure. Two additional cases are: One who was aware of his ritually impure status but was unaware that the food he was about to eat was consecrated and ate it, or he was unaware that he was about to enter the Temple and entered it.

מִרְאוֹת נִגְעִים שְׁתַּיִם שֶׁהֵן אַרְבַּע.

Signs of affliction by leprosy are two that comprise four. The Torah (Leviticus 13) mentions two types of signs of affliction with regard to leprosy, *baheret* and *se'et*. Two additional, secondary signs of affliction were added. They are not as white as those delineated in the Torah. Consequently, there are derivatives of both *baheret* and *se'et*.

יִצְאוֹת הַשַּׁבָּת שְׁתַּיִם שֶׁהֵן אַרְבַּע.

The mishna in *Shevuot* also mentions that the acts of carrying out on Shabbat are two basic actions that comprise four.

מֵאֵי שָׁנָא הֵכָא דְתַנִּי: "שְׁתַּיִם שֶׁהֵן אַרְבַּע בְּפָנִים וְשְׁתַּיִם שֶׁהֵן אַרְבַּע בְּחוּץ", וּמֵאֵי שָׁנָא הֵתָם דְתַנִּי: "שְׁתַּיִם שֶׁהֵן אַרְבַּע" וְתוֹ לָא?

The Gemara asks: What is different here that our mishna teaches: Two that comprise four inside and two that comprise four outside, and what is different there, in tractate *Shevuot*, that the mishna teaches with regard to transfers on Shabbat: Two that comprise four, and nothing more?

הֵכָא דְעִיקַר שַׁבָּת הוּא – תַּנִּי אֲבוֹת וְתַנִּי תוֹלְדוֹת, הֵתָם דְלֹאוּ עִיקַר שַׁבָּת הוּא, אֲבוֹת – תַּנִּי, תוֹלְדוֹת – לֹא תַנִּי.

The Gemara answers: Here, in tractate *Shabbat*, which contains the primary discussion of the *halakhot* of Shabbat, the mishna teaches the primary categories of labor that are prohibited on Shabbat, including carrying out from the private to the public domain, and it teaches the subcategoriesⁿ of labor that are prohibited on Shabbat, including carrying from the public into the private domain. But there, in tractate *Shevuot*, which does not contain the primary discussion of the *halakhot* of Shabbat, the mishna teaches the primary categories of labor prohibited on Shabbat but does not teach the subcategories of labor.

אֲבוֹת מֵאֵי נִהּוּ – יִצְאוֹת, וְיִצְאוֹת תַּרְי הוּיִין!

The Gemara asks: What are the primary categories of labor prohibited on Shabbat? They are acts of carrying out from the private domain to the public domain. However, the Gemara objects: The acts of carrying out are only two in number: There is the case of the homeowner who takes an object out of the private domain and places it in the hand of the poor person in the public domain and the case of a poor person who takes an object from the homeowner's hand in the private domain and takes it out into the public domain. What are the two additional cases referred to by the phrase: Two that comprise four, in tractate *Shevuot*?

Rather, Rav Pappa said, etc. – אֵלָּא אָמַר רַב פַּפָּא וכו' – Apparently, according to his opinion, there is no distinction between the prohibited labor of carrying out and the prohibited labor of carrying in, as both are considered the same prohibited labor and not a primary category and a subcategory respectively (Ramban). According to his opinion, there is no distinction, even linguistically, between carrying in and carrying out (Rabbi Betzalel Ronsburg).

One who carries out from one domain to another – הַמוֹצִיא מִרְשׁוֹת לְרְשׁוֹת: If the language of carrying out was reserved exclusively for carrying in one direction and not the other direction, it would have been necessary for the mishna in Chapter Seven to say: One who carries out from the private domain to the public domain. Since it says: From domain to domain, apparently it does not distinguish between domains. Rather, every transfer from domain to domain is considered carrying out (Ritva).

He taught: Domains – רְשׁוּיֹת קִרְיָי: Some explain that Rava did not actually emend the text. Rather, he reinterpreted the word *yetziot* in the mishna. Rather than interpret it in its standard sense, i.e., going out, he interpreted it in the sense of domain, as in the word from the same root, *totzeotav*, which appears in the Torah (Numbers 34:4) and means its domains (Rashba).

וְכִי תֵימָא מִהֵן לְחַיִּיב וּמִהֵן לְפִטוּר,
וְהָא דוּמְיָא דְמִרְאוֹת נְגַעִים קִרְיָי,
מִהֵן הֵתֵם – בּוֹלְהוּ לְחַיִּיבָא. אִף הֵכָא
נִמְי – בּוֹלְהוּ לְחַיִּיבָא!

And if you say that the mishna in tractate *Shevuot* enumerates all four cases of carrying out, among them those for which there is liability and among them those for which there is exemption, including those mentioned in the second half of our mishna in which each individual performs only half of the prohibited labor, that is not feasible. The mishna in *Shevuot* teaches the prohibition of carrying out on Shabbat parallel to the signs of affliction by leprosy. Just as there, with regard to leprosy, all four of them are cases for which there is liability, so too, here, with regard to Shabbat, all four of them are cases for which there is liability.

אֵלָּא אָמַר רַב פַּפָּא: הֵכָא דְעִיקָר
שִׁבְתָּ הוּא – תֵּינִי חַיִּיבִי וּפְטוּרִי, הֵתֵם
דְּלֵאוּ עִיקָר שִׁבְתָּ הוּא, חַיִּיבִי – תֵּינִי,
וּפְטוּרִי – לֹא תֵּינִי.

Rather, Rav Pappa said^N that the difference between the manner in which the *halakha* is cited in tractates *Shevuot* and *Shabbat* must be understood as follows: Here, where it contains the primary discussion of the *halakhot* of Shabbat, the mishna teaches both cases of liability and cases of exemption, meaning cases of carrying out for which one is liable by Torah law as well as those for which one is exempt by Torah law. However, there, where it does not contain the primary discussion of the *halakhot* of Shabbat, the mishna teaches cases of liability but does not teach cases of exemption.

חַיִּיבִי מֵאֵי נִיהוּ – יִצְיָאוֹת, יִצְיָאוֹת
תִּרְתִּי הוּיִין! שְׂתִימִים דְּהוֹצְאָה וּשְׂתִימִים
דְּהִכְנָסָה.

The Gemara asks: What are the cases of liability? They are acts of carrying out from the private domain to the public domain. The Gemara objects on the grounds that there are only two acts of carrying out: Carrying out while standing inside and carrying out while standing outside. What is the meaning of the phrase in *Shevuot*: Which comprise four? The Gemara answers: It is possible to arrive at a total of four. Cases of carrying in from the public domain to the private domain are also enumerated in tractate *Shevuot*. Consequently, there are two cases of carrying out and two cases of carrying in.

וְהָא יִצְיָאוֹת קִרְיָי! אָמַר רַב אֲשִׁי:
תֵּנָא, הִכְנָסָה נִמְי הוֹצְאָה קְרִי לָהּ.

The Gemara objects: In *Shevuot*, the phrase: Acts of carrying out, is taught in the mishna, not acts of carrying in. Rav Ashi said: The *tanna* in *Shevuot* also refers to carrying in as carrying out.

מִמַּאי – מִדְּתַנֵּן: "הַמוֹצִיא מִרְשׁוֹת
לְרְשׁוֹת חַיִּיב", מִי לֹא עֲסָקִינָן דְּקָא
מְעִייל מִרְשׁוֹת הַרְבֵּים לְרְשׁוֹת
הַיְחִיד – וְקָא קְרִי לָהּ הוֹצְאָה.

From where do I know this? From that which we learned in a mishna: One who carries out an object from one domain to another^N is liable. Are we not also dealing with a case where he is carrying it in from the public domain to the private domain, and nevertheless the mishna characterizes it as carrying out?

וּטַעֲמָא מֵאֵי – כָּל עֲקִירֹת חֲפָץ
מִמְקוֹמוֹ, תֵּנָא 'הוֹצְאָה' קְרִי לָהּ.

And what is the reason that the term carrying out is used to refer to an act of carrying in? The *tanna* characterizes any act that involves lifting of an object from its place and transferring it to another domain as carrying out. Carrying out does not refer only to carrying an object out from one's house. Rather, it is a general depiction of moving an object from the domain in which it is located into another domain.

אָמַר רַבִּינָא: מִתְּנִיתִין נִמְי דְּיָקָא,
דְּקִרְיָי יִצְיָאוֹת וְקָא מְפָרֵשׁ הִכְנָסָה
לֹא לְתַר. שְׂמַע מִינָהּ.

Ravina said: Our mishna is also precise, and its language leads us to the same conclusion, as the expression: Acts of carrying out on Shabbat, was taught in our mishna, yet immediately a case of carrying in is articulated. The first case listed in our mishna involves the poor person placing an object into the hand of the homeowner, which is a case of carrying in from the public to the private domain. The Gemara notes: Indeed, conclude from this that the term carrying out also refers to carrying in.

רַבָּא אָמַר: רְשׁוּיֹת קִרְיָי, רְשׁוּיֹת
שִׁבְתָּ שְׂתִימִים.

Rava said: The language of the *mishnayot* poses no difficulty. The *tanna* in both of these *mishnayot* did not teach: Acts of carrying out on Shabbat. Rather, he taught: Domains^N of Shabbat. The correct version of the mishna is: The domains of Shabbat are two that comprise four, and, according to this *tanna*, there are four instances of prohibited labor in these two domains, inside and outside.

אָמַר לִיהָ רַב מַטְנָה לְאַבְיִי: הָא תִּמְנִי
הוּיִין? תִּרְתִּי סְרִי הוּיִין!

Rav Mattana said to Abaye: The mishna speaks of two that comprise four inside and two that comprise four outside, for a total of eight. Yet there is a difficulty: Are these eight cases? They are twelve. Upon closer inspection, in the four cases in the latter part of the mishna, the homeowner and the poor person each performs an individual action contributing to the overall prohibited labor of carrying in or carrying out. Consequently, there are four actions in the first part of the mishna and eight actions in the second part.

וְלִטְעַמְיֵךְ שִׁיתְסְרֵי הַוּוּיִן!

Abaye responded: According to your reasoning, they are sixteen actions, as even in the first part of our mishna, the one who receives the object and the one who places the object each participates in the performance of a prohibited action. Therefore, there are a total of sixteen actions.

אָמַר לִיה: הָא לֹא קָשִׁיָא: בְּשַׁלְמָא

Rav Mattana said to Abaye: That is not difficult, as granted,

Perek I

Daf 3 Amud a

NOTES

Exempt in the halakhot of Shabbat – פְּטוּר בְּדֵינֵי שַׁבָּת: The commentaries explain that the general principle which states that all exemptions of Shabbat are exempt from punishment but prohibited does not apply universally. Essentially, it applies specifically to the laws of the prohibited labors of Shabbat, but not to all halakhot mentioned in the tractate (Ramban). Not all of the exceptions were enumerated, as in certain cases of full-fledged exemption with regard to several prohibited labors, the ruling is not based on the fundamental definition of that labor but on the overriding principle of saving a life (Ritva).

The tally of prohibited labors in the mishna – תְּשׁוּבֵן הַמְּלָאכּוֹת – בְּמִשְׁנֵה: The expression: Exempt acts where one could come through their performance to incur liability to bring a sin-offering, is not unequivocal and has various interpretations. According to Rashi and Rabbeinu Hananel, only acts of lifting are enumerated in the mishna. Others explain that the reference is specifically to acts of placing (Ramban). Others hold that it refers to actions in which the object is transferred from one domain to the other, whether by means of placing or by means of carrying out (Rabbeinu Zerahya HaLevi; Rashba; Tosafot).

HALAKHA

Exempt and permitted – פְּטוּר וּמוּתָר: One who performs the act is exempt from punishment, as the act is permitted from the perspective of the halakhot of Shabbat. However, it is prohibited to do so by the Torah law: “Before a blind person do not place a stumbling block” (Leviticus 19:14). Even if the transgressor could have transgressed without the help of another, it is forbidden by rabbinic law to help him, as it was incumbent upon him to prevent the transgressor from violating the prohibition (Rambam Sefer Zemanim, Hilkhoh Shabbat 13:7; Shulhan Arukh, Orah Hayyim 347:1).

בְּבֵא דְרִישָׁא – פְּטוּר וּמוּתָר לֹא קָתְנָנ, אֲלֵא בְּבֵא דְסִיפָא דְפְטוּר אֲבָל אָסוּר, קָשִׁיָא!

the first section of the mishna speaks of cases in which the one performing the actions is exempt from punishmentⁿ by Torah law, and even by rabbinic law he is *ab initio* permitted^h to perform those actions. When the poor person or homeowner neither lifted nor placed the object, i.e., the object was placed into or removed from their hands by others, their role is insignificant. Therefore, it was not taught in the mishna, and those cases were not factored into the total number of acts of carrying from domain to domain. However, with regard to the latter section of the mishna, where the person performing those actions is exempt by Torah law, but his actions are prohibited by rabbinic law, it is difficult. Since the Sages prohibited those actions, they should be included in the total in the mishna, which should be twelve, not eight.

מִי אֵיכָא בְּכוּלֵי שַׁבָּת פְּטוּר וּמוּתָר? וְהָאָמַר שְׁמוּאֵל: כָּל פְּטוּרֵי דְשַׁבָּת פְּטוּר אֲבָל אָסוּר, בְּרַ מְהֵי תַלְתָּ דְפְטוּר וּמוּתָר: צִידָת צְבִי, וְצִידָת נְחֹשׁ, וּמְפִיס מוּרְסָא!

Incidentally, the Gemara wonders: Is there, in all the halakhot of Shabbat, an act for which the mishna deems one exempt and the act is permitted? Didn't Shmuel say: With regard to all exempt rulings in the halakhot of Shabbat, although one who performs the action is exempt by Torah law, his action is prohibited by rabbinic law. This applies to all cases except for these three cases for which one is exempt and he is permitted to perform the action: Trapping a deer, where he does not actually trap it, rather he sits in the entrance of a house that a deer had previously entered on its own, preventing its exit; and trapping a poisonous snake because of the danger that it poses; and one who drains an abscess, meaning one who lances the boil of pus and drains the liquid from it. If so, the cases in the first section of our mishna, where the ruling is exempt, must be understood as exempt but prohibited.

כִּי אֵי צִידָתֵיךְ לִיָּה לְשִׁמוּאֵל – פְּטוּרֵי דְקָא עֲבִיד מַעֲשֵׂה, פְּטוּרֵי דְלֹא קָא עֲבִיד מַעֲשֵׂה – אֵיכָא טוֹבָא.

The Gemara answers: In these cases, too, the ruling is: Exempt and permitted. When, though, was it necessary for Shmuel to cite specific cases as exempt and permitted? It was necessary in exempt cases where he performs a defined action. However, there are many exempt cases where he does not perform an action, which are completely permitted.

מִכָּל מְקוֹם, תִּרְתִּי סְרֵי הַוּוּיִן! פְּטוּרֵי דְאֶתִי בְּהוּ לְיָדֵי חַיִּיב חֲטָאָת – קָא חֲשִׁיב, דְּלֹא אֶתִי בְּהוּ לְיָדֵי חַיִּיב חֲטָאָת – לֹא קָא חֲשִׁיב.

The Gemara returns to Rav Mattana's question: In any case, there are twelve actions that should have been enumerated in the mishna. The Gemara answers: The mishna took into consideration cases of exempt acts where the one who performed them could come, through their performance, to incur liability to bring a sin-offering. The mishna did not take into consideration cases of exempt acts where the one who performed them could not come, through their performance, to incur liability to bring a sin-offering.ⁿ Here, only the instances where one lifts an object from its place are taken into consideration. Having lifted an object, if he continued, he could potentially incur liability to bring a sin-offering. Under no circumstances can one who merely places an object come to violate a more serious prohibition.

It emanated from the group – נִזְרָקָה מִפִּי חֲבוּרָה: The reason that the Gemara cited the anecdote by saying that this *halakha* emanated from the group, in addition to citing the explicit *baraita* of Rabbi Yehuda HaNasi's statements, is explained in various ways. Some explain that it was necessary because the *baraita* alone could have led to the conclusion that this is Rabbi Yehuda HaNasi's individual opinion, and the Rabbis disagree with him. The Gemara cited this anecdote to indicate that this is the consensus opinion (Rashba; Ritva). Others explain that the conclusion: An individual who performed it is liable, etc., is not part of the original text of the *baraita*. Rather, it is an elaboration by the Gemara. Therefore, the need arose to reinforce that conclusion with the statements emanating from the group (*Tziyyun LeNefesh Hayya*; see *Tosafot* for two additional explanations).

His hand is not at rest – יָדוֹ לֹא נִיחָה: The Gemara only said this in a case where one's hand and body are in different domains. However, if they are in the same domain, his hand is considered part of his body (Ran).

HALAKHA

Moving his body – עֵקֶרֶת גּוּפוֹ: Moving his body when it is laden with a burden on Shabbat is tantamount to lifting the object itself. Coming to a stop with the object on his body is tantamount to placing the object on the ground upon which he is standing. Therefore, if he were laden with an object and he carried it out from domain to domain he is liable (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:8).

HALAKHA

When Rabbi is involved in this tractate do not ask him questions in another tractate – כִּי קָאִי רַבִּי בְּהָא מְסַבְתָּא לָא – תַּשְׁיִילִיה בְּמַסְבְּתָא אַחֲרֵי: It is improper for a student to ask his teacher a question dealing with a topic not included in the subject matter that he is studying. His teacher might be temporarily unable to answer and be embarrassed (Rambam *Sefer HaMadda, Hilkhot Talmud Torah* 4:6).

”שְׂגִיחָה פְּטוּרִין.” וְהָא אֲתַעְבִּידָא מְלַאכְהָ מִבְּיַמֵּיהוּ! תַּנְיָא, רַבִּי אֹמֵר: ”יַמְעַם הָאָרֶץ בַּעֲשׂוֹתָהּ – הָעוֹשֶׂה אֶת פּוֹלֵה וְלֹא הָעוֹשֶׂה אֶת מְקַצְתָּהּ, יַחֲדָי וְעָשָׂה אוֹתָהּ – חַיִּיב, שְׁנַיִם וְעָשׂוּ אוֹתָהּ – פְּטוּרִין. אֵיתָמַר נַמִּי, אָמַר רַבִּי חֲזִינָא בְּרַ גְּמָדָא: נִזְרָקָה מִפִּי חֲבוּרָה וְאָמְרוּ: ”בַּעֲשׂוֹתָהּ” – יַחֲדָי שְׁעָשָׂה חַיִּיב, שְׁנַיִם שְׁעָשָׂאוּהָ פְּטוּרִין.

The Gemara asks about the mishna itself: In the latter section of the mishna, instances in which they are both exempt are enumerated. However, wasn't a prohibited labor performed between the two of them? Since together they performed an act prohibited by a severe Torah prohibition, how is it possible that their partnership will result in both being exempt? The Gemara answers that it was taught in a *baraita* that Rabbi Yehuda HaNasi said: It is written: “And if one soul sins unwittingly from the people of the land when he does it, one of the laws of God that should not be done and he is responsible” (Leviticus 4:27). The verse's emphasis on the words “when he does it” means: **One who does all of it, i.e., the entire transgression, is liable and not one who does part of it.** Therefore, an individual, and he performed an action in its entirety, is liable. However, two people, and they performed an action together, are not liable, as each one performed only part of the action. The Gemara comments: **It was also stated in support of Rabbi Yehuda HaNasi's opinion: Rabbi Ḥiyya bar Gamda said: Amidst a discussion of these matters, it emanated from the group^N of Sages and they said: From the verse's emphasis on “when he does it” it is derived: An individual who performed it is liable. However, two who performed it are not liable.**

בְּעֵי מִינְיָה רַב מִרְבִּי: הֲטַעֲנִינוּ חֲבִירוֹ אוֹכְלִין וּמִשְׁקִין וְהוֹצִיאָן לְחוּץ מֵהוֹ? עֵקֶרֶת גּוּפוֹ בַּעֲקִירַת חֶפֶץ מִמְקוֹמוֹ דְּמִי – וּמִיַּחֲזִיב, אוֹ דִּילְמָא לָא? אָמַר לֵיה: חַיִּיב, וְאֵינוֹ דוֹמָה לְיָדוֹ. מֵאֵי טַעְמָא? גּוּפוֹ נִיחָה, יָדוֹ – לָא נִיחָה.

Rav raised a dilemma before Rabbi Yehuda HaNasi: One whom another person loaded with food and drink on his back in the private domain on Shabbat, and he carried them out while they were still on his back, what is the *halakha* with regard to the prohibition of carrying out on Shabbat? Clearly, one who lifts an object with his hand in the private domain, and carries it out into the public domain is liable, as he performed the complete act of carrying out. However, in the case of one who is laden with an object; is moving his body^H from its place in the private domain considered like lifting the object itself from its place? In that case, he would be liable. Or, perhaps it is not considered like lifting the object from its place, and therefore he would not be liable. Rabbi Yehuda HaNasi said to him: **He is liable, and it is not similar to the *halakha* of one who had an object placed in his hand and carried it out to the public domain, with regard to which we learned in the mishna that he is not liable by Torah law. What is the reason for the distinction between these two apparently similar cases? His body is at rest, in a defined place. However, his hand is not at rest.^N Since a hand is not generally fixed in one place, moving it and even transferring it to a different domain without a bona fide act of lifting is not considered lifting. However, the body is generally fixed in one place. Moving it from its place is considered lifting in terms of Shabbat, and he is liable for doing so.**

Perek I

Daf 3 Amud b

אָמַר לֵיה רַבִּי חֲזִינָא לְרַב: בְּרַ פְּתִינִי! לָא אָמִינָא לְךָ: כִּי קָאִי רַבִּי בְּהָא מְסַבְתָּא לָא תַּשְׁיִילִיה בְּמַסְבְּתָא אַחֲרֵי, דִּילְמָא לָא אֲדַעֲתִיה. דָּאִי לָא דְרַבִּי גְּבָרָא רַבָּה הוּא – כְּסַפְתִּיה, דְּמַשְׁנֵי לְךָ שְׂגִיחָה דְלָאוּ שְׂגִיחָה הוּא.

Rabbi Ḥiyya said to Rav, his sister's son: **Son of great men, didn't I tell you that when Rabbi Yehuda HaNasi is involved in this tractate do not ask him questions in another tractate,^H as perhaps it will not be on his mind and he will be unable to answer?** The dilemma that Rav asked was not related to the subject matter of the tractate which they were studying. **As, had it not been for the fact that Rabbi Yehuda HaNasi is a great man, you would have shamed him, as he would have been forced to give you an answer that is not an appropriate answer.^B**

BACKGROUND

An answer that is not an appropriate answer – שְׂגִיחָה דְלָאוּ – שְׂגִיחָה הוּא: The answer (*shinuya*) is one of the common forms of talmudic discourse. In general, a *shinuya* distinguishes between the case under discussion and the case upon which the question is based. Many times the answer is merely an attempt to stave off

that difficulty. If that is the case, even if the attempt to stave off the difficulty is successful, it is not viewed as a definitive explanation of the matter at hand. Consequently, at times the Gemara emphasizes that a certain answer is not merely an attempt to deflect the question but an actual explanation.

BACKGROUND

It is obvious to me – פְּשִׁיטָא לִי – This is one of the set forms in the organized presentation of a complex question. First, the questioner explains what is obvious to him in the matter, and only after laying the groundwork with that prelude, does he proceed with: Rabbi... raised a dilemma.

HALAKHA

His hand was filled with fruits and he extended it outside – הִתְּהַי יָדוֹ מִלְּאָהּ פְּרִיטוֹ וְהוֹצִיָּאָהּ לַחוּץ – If someone in the private domain extended his hand filled with objects out to the public domain, within ten handbreadths of the ground, he may not bring his hand back to the private domain. If he extended his hand unwittingly, he is permitted to bring his hand back to the private domain. This is in accordance with the final explanation suggested by the Gemara, which is apparently the conclusion. Others explained that if he did so intentionally, the Sages, nevertheless, permitted him to bring the object back. They did so in order to avoid placing him in a situation where he will come to throw the objects from his hand and thereby violate a prohibition punishable by stoning. According to that opinion, only in a case where he took the object out into the public domain while it was still day and kept it there until after dark did the Sages penalize him and prohibit him from bringing it back. Others explained that this is not a concern in modern times (*Shulhan Arukh HaRav*). If he extended his hand with an object in it out into a *karmelit*, whether he did so intentionally or unwittingly, it is permitted to bring it back (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:20; *Shulhan Arukh, Orah Hayyim* 348).

NOTES

Here below ten and there above ten – כאן למטה – כאן למעלה מעשרה: The question was raised: What is the novel element in that explanation? More than ten handbreadths above the ground of a public domain is an exempt domain into which one is permitted *ab initio* to take out an object and all the more so he may return it. Some explain that the phrase: Here above ten, means that one who took the object into the public domain below ten handbreadths is even permitted to raise it above ten handbreadths and take it back inside. Even if the *halakha* is that his hand is considered like a *karmelit*, it is permissible to take an object from a *karmelit* to an exempt domain and from an exempt domain to a private domain (Ritva).

הַשְׁתָּא מִיְהָת שְׁפִיר מְשִׁי לֵךְ, דְּתַנְיָא: הִיָּה טְעוֹן אוֹכְלִין וּמְשַׁקִּין מִבְּעוֹד יוֹם וְהוֹצִיָּאָן לַחוּץ מִשְׁחָשִׁיכָה – חֲתִיב, לְפִי שְׂאִינוּ דוֹמָה לְיָדוֹ.

אָמַר אַבְיָי: פְּשִׁיטָא לִי, יָדוֹ שֶׁל אָדָם אֵינָה לֹא כְּרִשּׁוֹת הָרִבִּים וְלֹא כְּרִשּׁוֹת הַיְחִיד. כְּרִשּׁוֹת הָרִבִּים לֹא דְמִיָּא – מְיָדוֹ דְּעֵנִי, כְּרִשּׁוֹת הַיְחִיד לֹא דְמִיָּא – מְיָדוֹ דְּבַעַל הַבַּיִת.

בְּעֵי אַבְיָי: יָדוֹ שֶׁל אָדָם מִהוּ שְׁתַּעֲשֶׂה בְּכַרְמְלִית, מִי קְנִסוּהָ רַבָּנָן לְאַהֲדוּרֵי לְגִבְיָהּ אוֹ לֹא?

תָּא שְׂמַע: הִיָּתָה יָדוֹ מִלְּאָהּ פְּרִיטוֹ וְהוֹצִיָּאָהּ לַחוּץ. תְּנִי חֲדָא: אָסוּר לְהַחְזִירָהּ, וְתִנֵּי אֵידִךְ: מוֹתֵר לְהַחְזִירָהּ. מֵאִי לָאוּ בְּהָא קְמִיפְלָגִי: דְּמֵר סָבַר: בְּכַרְמְלִית דְּמִיָּא, וְמֵר סָבַר: לָאוּ בְּכַרְמְלִית דְּמִיָּא?

לֹא, דְּכֹלֵי עֲלָמָא בְּכַרְמְלִית דְּמִיָּא, וְלֹא קְשִׁיָּא; כָּאן – לְמַטָּה מִעֲשָׂרָה, כָּאן – לְמַעְלָה מִעֲשָׂרָה.

וְאִיבְעִית אִימָא: אִינִי וְאִינִי לְמַטָּה מִעֲשָׂרָה, וְלָאוּ בְּכַרְמְלִית דְּמִיָּא, וְלֹא קְשִׁיָּא: כָּאן – מִבְּעוֹד יוֹם, כָּאן – מִשְׁחָשִׁיכָה, מִבְּעוֹד יוֹם – לֹא קְנִסוּהָ רַבָּנָן, מִשְׁחָשִׁיכָה – קְנִסוּהָ רַבָּנָן.

Now, he was involved in another tractate. Nevertheless, he answered you well, as it was taught in a *baraita*: One who was laden with food and drink while it was still day, before Shabbat began, and, consequently, did not perform the act of lifting on Shabbat, and he carried them out into the public domain after dark on Shabbat is liable. Since, as a rule, his body is fixed in one place, moving it is considered like lifting an object, and he is liable. It is not similar to lifting his hand and moving it from place to place. Since his hand is not fixed in one place, moving it is not considered lifting.

Abaye said: It is obvious to me^b that the hand of a person in and of itself, when he moves it out of the domain where he is located, is considered to be neither like the public domain nor like the private domain, even if it is the hand of someone standing in one of those domains. Proof that the hand is not considered like the public domain can be derived from the ruling of the mishna with regard to the hand of the poor person. As we learned with regard to the poor person who brought his hand carrying an object that he lifted from the public domain into the private domain and the homeowner took the object from his hand; the homeowner is not liable. Apparently, the hand of the poor person is not considered part of the public domain, even though he himself is located in the public domain. Proof that it is not considered like the private domain can be derived from the ruling of the mishna with regard to the hand of the homeowner. As we learned with regard to the homeowner who moved his hand carrying an object that he lifted from the private domain into the public domain and the poor person took the object from his hand; the poor person is not liable for carrying out from a private domain.

However, Abaye raised a dilemma: What is the ruling with regard to the hand of a person with an object in it, when that person reached his hand into a different domain? Does it assume *karmelit* status? A *karmelit* is an intermediate domain established by the Sages that is neither a private nor a public domain. This dilemma is based on the fact that his hand left one domain and did not yet enter a second domain. In terms of practical *halakha*, the two sides of this dilemma are: Did the Sages penalize him and issue a rabbinic decree prohibiting him from bringing his hand with the object back to the domain where he is standing or not?

The Gemara says: Come and hear a resolution to this dilemma from that which we learned elsewhere, with regard to the question: What must one in the private domain do in a case where his hand was filled with fruits and he extended it outside,^h into the public domain? It was taught in one *baraita* that it is prohibited for him to bring it back into his house, and it was taught in another *baraita* that it is permitted for him to bring it back. Is it not with regard to this that they disagree; that the Sage in one *baraita* holds that his hand is like a *karmelit*, and the Sage in the other *baraita* holds that it is not like a *karmelit*?

The Gemara rejects this explanation: No, everyone agrees that it is like a *karmelit*, and yet, this is not difficult, as the difference between the *baraitot* can be explained in the following manner: Here, the *baraita* prohibiting him from bringing his hand back, is referring to a case where he took it out at a height below ten handbreadths off the ground, within the airspace of the public domain. And there, the *baraita* permitting him to bring his hand back, is referring to a case where he took it out at a height above tenⁿ handbreadths off the ground, outside the airspace of the public domain. Consequently, the object is considered to be neither in the public domain nor in a *karmelit*.

And if you wish, say instead that this *baraita* and that *baraita* are both referring to a case where he took his hand out to the public domain at a height below ten handbreadths, and his hand is not considered a *karmelit*. And yet, this is not difficult. As here, the *baraita* permitting him to bring it back, is referring to a case where he took it out while it was still day on Shabbat eve. Since he extended his hand before Shabbat and, in doing so, did nothing wrong, the Sages did not penalize him and permitted him to bring his hand back on Shabbat itself. However, there, the *baraita* prohibiting him from bringing it back, is referring to a case where he took it out after dark, and Shabbat had already begun. Since there is an element of prohibition involved, the Sages penalized him and prohibited him from bringing it back.

Resolve the dilemma raised by Rav Beivai bar Abaye – תַּפְּשׁוּט דְּרַב בֵּיבֵי בַר אַבְיִי – The challenge presented by the phrase: Resolve the dilemma, etc., can be explained as follows. It does not seem likely that a specific dilemma that the Sages attempted and were unable to resolve should have so simple a resolution. Therefore, the existence of this solution either constitutes a challenge to the Sage who was originally unsuccessful in resolving this dilemma or proof that the proposed resolution is not viable.

NOTES

One who unwittingly stuck bread in the oven – תַּפְּשׁוּט דְּרַב בֵּיבֵי בַר אַבְיִי: The ovens in those days were made of earthenware. The oven was ignited from below. Through a special opening, they would stick the dough to the sides of the oven for baking. Removing the bread from the oven was performed in a unique manner which, while not considered an actual prohibited labor, was viewed as a unique skill that was prohibited by the Sages.

אֲדַרְבֵּהּ, אִיפְכָא מִסְתַּבְּרָא: מִבְּעוּד
וּם, דְּאִי שְׂדֵי לִיָּה לֹא אֶתִי לְיָדֵי חַיִּיב
חֲטָאֵת – לִיקְנִסוּהָ רַבְּנָן; מִשְׁחַשְׁיָכָה,
דְּאִי שְׂדֵי לִיָּה אֶתִי בְּהוּ לְיָדֵי חַיִּיב
חֲטָאֵת – לֹא לִיקְנִסוּהָ רַבְּנָן!

The Gemara comments that this explanation is difficult. **On the contrary, the opposite is reasonable.** In the case where he extended his hand while it was still day, when even were he to throw the object from his hand into the public domain, he would not incur liability to bring a sin-offering because the object was lifted from its place on a weekday, let the Sages penalize him. However, in the case where he extended his hand after dark, where were he to throw the object from his hand into the public domain, he would thereby incur liability to bring a sin-offering, let the Sages not penalize him. Were the Sages to penalize him by prohibiting him from bringing his hand back, he is liable to drop the object in the public domain, and by doing so he would violate a Torah prohibition.

וּמִדְּלָא קָא מְשַׁנְיָנָא חֲכִי, תַּפְּשׁוּט
דְּרַב בֵּיבֵי בַר אַבְיִי. דְּבַעֵי רַב בֵּיבֵי
בַר אַבְיִי: הַדְּבִיק פֶּת בַּתְּנּוּר, הַתִּירוּ
לוֹ לְרִדּוֹתָהּ קוֹדֵם שְׂיָבֵא לְיָדֵי חַיִּיב
חֲטָאֵת אוֹ לֹא הַתִּירוּ?

And from the fact that we did not explain it that way, but preferred the contrary distinction, resolve the dilemma raised by Rav Beivai bar Abaye,⁸ whose dilemma is predicated on the same fundamental issue. As Rav Beivai bar Abaye raised the dilemma: One who unwittingly stuck bread in the oven^N on Shabbat, as bread was baked by sticking the dough to the sides of a heated oven, did they permit him to override a rabbinic prohibition and remove it from the oven before it bakes, i.e., before he incurs liability to bring a sin-offering for baking bread on Shabbat, or did they not permit him to do so? Removing the bread is also prohibited on Shabbat. However, its prohibition is only by rabbinic law. The fundamental dilemma is: May one violate a rabbinical prohibition in order to avoid violating a Torah prohibition or not?

תַּפְּשׁוּט דְּלֹא הַתִּירוּ! הָא לֹא קִשְׁיָא,
וְתַפְּשׁוּט.

Based on the above, resolve that the Sages did not permit one to do so. In resolving Abaye's dilemma, the concern that one would likely throw the object from his hand, and thereby violate a Torah prohibition, was not taken into consideration. The one who extended his hand into the public domain was penalized by the Sages and prohibited to bring his hand back. Here too, resolve the dilemma and say that he may not remove the bread, even though he will thereby violate a Torah prohibition. The dilemma of Rav Beivai bar Abaye, which was thought to be unresolved, is thereby resolved. As a result, there is room for uncertainty whether or not the resolution of the previous dilemma, through which Rav Beivai's dilemma would also be resolved, is valid. The Gemara rejects this difficulty: **That is not difficult.** It is possible that even though a resolution had not been previously found for the dilemma of Rav Beivai bar Abaye, that does not mean that it cannot be resolved **And**, indeed, as proof can be brought from the resolution of the other dilemma, resolve this dilemma as well.

וְאִיבְעִית אִימָא: לְעוֹלָם לֹא
תַּפְּשׁוּט, וְלֹא קִשְׁיָא: כָּאֵן – בְּשׁוּגְג,
כָּאֵן – בְּמִזִּיד. בְּשׁוּגְג – לֹא קִנְסוּהָ
רַבְּנָן, בְּמִזִּיד – קִנְסוּהָ רַבְּנָן.

And if you wish, say instead: **Actually, do not resolve** the dilemma, but, nevertheless, resolve the contradiction between the *baraitot* in the following manner. **Here**, the *baraita* that taught that it is permitted to bring one's hand back is referring to a case where he extended it **unwittingly**. **There**, the *baraita* that taught that it is prohibited for one to bring it back is referring to a case where he took it out **intentionally**. When he took it out **unwittingly**, the Sages did not penalize him. When he took it out **intentionally**, the Sages penalized him and prohibited him from bringing it back.

וְאִיבְעִית אִימָא: אִינִי וְאִינִי בְּשׁוּגְג,
וְהִכָּא בְּ"קִנְסוּ שׁוּגְג אִטוּ מִזִּיד"
קָמִיפְלְגִי. מָר סָבַר: קִנְסוּ שׁוּגְג אִטוּ
מִזִּיד, וְמָר סָבַר: לֹא קִנְסוּ שׁוּגְג אִטוּ
מִזִּיד.

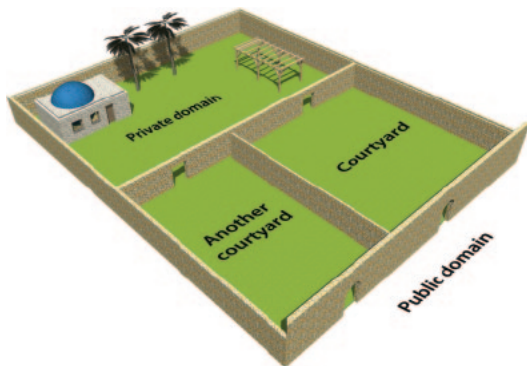
And if you wish, say instead, in order to resolve the contradiction that **this baraita and that baraita** are both referring to a case where he took his hand out **unwittingly**. **And here they disagree** with regard to the question: Did the Sages penalize an **unwitting** offender **due to an intentional** offender? **The Sage** who prohibits him from bringing his hand back **holds** that **they penalized an unwitting offender due to an intentional** offender. Therefore, even though he took his hand out unwittingly, they penalized him and prohibited him from bringing the object back so that he would not come to do so intentionally. **The Sage** who permits him to bring it back **holds** that **they did not penalize an unwitting offender due to an intentional** offender. Therefore, they did not prohibit him from bringing it back.

וְאִיבְעִית אִימָא: לְעוֹלָם לֹא קִנְסוּ
וְלֹא קִשְׁיָא: כָּאֵן – לְאוֹתָהּ חֲצֵר,

And if you wish, say instead that, **actually, they did not penalize** an unwitting offender due to an intentional offender, **and still, this is not difficult**, and there is no contradiction. **Here**, the *baraita* that permits bringing it back, is referring to bringing it back **to the same courtyard** where he is standing.

BACKGROUND

Courtyard and a different courtyard – חצר וחצר אחרת –



Adjacent courtyards

Kor – כור: The *kor* is the largest measurement of volume mentioned in our sources. The *kor* contains thirty *se'a*, and in modern measurements equals 240–480 ℓ. That significant disparity is due to a fundamental dispute with regard to halakhic measurements.

HALAKHA

One who stuck bread in the oven – הדביק פת בתנור – If one intentionally stuck bread in an oven on Shabbat, he, and only he (*Magen Avraham*), is permitted to remove it before incurring liability for violating a prohibition punishable by stoning. In that case, it is preferable to remove it in an unusual manner (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:18, 9:5, 22:1; *Shulḥan Arukh, Oraḥ Ḥayyim* 254:6).

All those who are liable to bring sin-offerings... the beginning was unwitting and the end was unwitting – תחלתן שגגה... תחלתן שגגה... תחלתן שגגה... תחלתן שגגה: One is liable to bring a sin-offering for an unwitting act only if the act was unwitting from beginning to end, as per the mishna cited here (Rambam *Sefer Zemanim, Hilkhot Shabbat* 1:19 and *Sefer Korbanot, Hilkhot Shegagot* 2:1).

NOTES

All those who are liable to bring sin-offerings... the beginning was unwitting and the end was unwitting – תחלתן שגגה... תחלתן שגגה... תחלתן שגגה... תחלתן שגגה: In most of the *halakhot* with regard to punishment in the Torah, as well as those with regard to atonement, the general principle is that one's intention must be consistent from the beginning of the action through the end, and the action is evaluated based on that intention. Any deviation from the original intention, whether in the direction of leniency or stringency, changes the assessment of the act. The action can no longer be categorized in any existing framework; neither in terms of punishment nor in terms of atonement.

Prohibition punishable by stoning – איסור סקילה – The accurate phrase here is: Before he comes to violate a prohibition punishable by stoning, and not: Before he incurs a liability of stoning. Since he regretted his action in the middle of its performance, he is no longer liable to be stoned for his action.

כאן – לחצר אחרת. כדבעא מיניה רבא מרב נחמן: היתה ידו מלאה פירות והוציאם לחוץ, מהו להחזירם לאותה חצר? אמר ליה: מותר. לחצר אחרת מהו? אמר ליה: אסור.

ומאי שנא? לכי תיכול עלה בורא דמילתא: התיב – לא איתעבידא מחשבתו, התיב – איתעבידא מחשבתו.

גופא, בעי רב ביבי בר אבין: הדביק פת בתנור התירו לו לרדותה קודם שיבוא לידי חיוב חטאת או לא התירו?

אמר ליה רב אחא בר אבין לרבנא: התיב דמי, אילימא בשוגג ולא אידבר ליה – למאן התירו?

ואלא לאו – דאיהדר ואידבר – מי מחיב? והתנן: כל חייבי חטאות אינן חייבין עד שתהא תחלתן שגגה וסופן שגגה!

אלא במזיד – "קודם שיבא לידי איסור סקילה" מבעי ליה!

There, the *baraita* that prohibits returning the object, is referring to bringing it to a different courtyard, as Rava raised a dilemma before Rav Nahman: One who was standing in a courtyard on Shabbat, and his hand was filled with fruits, and he extended it outside into the public domain, what is the ruling with regard to whether or not he is allowed to bring it back into the same courtyard where he is standing? Rav Nahman said to him: It is permitted. And he asked him further: What is the ruling with regard to bringing it from the public domain to a different courtyard?⁸ He said to him: It is prohibited.

Rava asked about this: And in what way is one case different from the other? By definition, both courtyards are private domains, and there is no apparent halakhic difference between them in terms of Shabbat. Rav Nahman answered jokingly: When you eat a *kor*⁸ of salt while thinking it over, you will know the answer. Actually, the answer is simple: There, the *baraita* that taught that it is permitted to bring it back to the same courtyard, said so because his planned objective was not realized. Since he sought to take an object out of his courtyard, requiring him to bring the object back to its original place is a penalty of sorts. However, here, the *baraita* that taught that it is prohibited to bring it back to a different courtyard, said so because his planned objective was realized. Therefore, it is prohibited to bring it back there.

Since Rav Beivai bar Abaye's dilemma was mentioned in passing, the Gemara proceeds to discuss the matter itself. Rav Beivai bar Abaye raised a dilemma: One who erred and stuck bread in the oven⁹ on Shabbat, did they permit him to override a rabbinic prohibition and remove it before it bakes, i.e., before he incurs liability to bring a sin-offering for baking bread on Shabbat, or did they not permit him to do so?

Rav Aḥa bar Abaye said to Ravina: What are the circumstances? If you say that he stuck the bread to the oven unwittingly and did not remember either that today was Shabbat or that it is prohibited to do so on Shabbat, to whom did they permit to remove it? If he remains unaware that a prohibition is involved, it will not occur to him to ask whether or not he is permitted to remove the bread before it bakes.

But rather, is it not a case where he then, before it baked, remembered that it is prohibited? In that case, is he liable to bring a sin-offering? Didn't we learn in a mishna: All those who sin unwittingly and are therefore liable to bring sin-offerings are only liable if the beginning of their action was unwitting and the end of their action was unwitting.¹⁰ This means that throughout the entire action until its completion, the person remains unaware that his action is prohibited. Consequently, in our case, since he became aware that his action is prohibited while the bread was still baking, his very awareness exempts him from a sin-offering and removing the bread is no longer necessary to prevent him from incurring liability to bring a sin-offering.

Rather, say that that person stuck the bread in the oven intentionally, but afterward regrets having done so and does not want to violate the prohibition. However, if that is the case, the formulation of the dilemma is inaccurate. It should have said: Before he comes to violate a prohibition punishable by stoning.¹¹ One who desecrates Shabbat intentionally is liable to be stoned, he is not merely liable to bring a sin-offering.

Sin so that another will benefit – חָטָא כְּדֵי שְׂוִיבָה חֵבֵירָךְ – In the *Tosefta*, this statement is phrased: Do we tell a person to sin so that you can benefit? There, the principle is that a person has no license to sin and there is no justification to sin, even if he thinks that through his sin he can prevent a greater transgression. There are, indeed, cases where the Sages permit certain sins. However, the permission always stems from the consideration that the act involves a mitzva as well, which tips the balance (see *Tosafot*). Some commentaries insist that the principle prohibiting sinning for the sake of another only applies in a case where the other has already sinned. If the other has not yet sinned, there is room to perform a mild transgression in order to facilitate his friend's fulfillment of a mitzva or to prevent him from committing a grave sin (Rosh; Rashba).

Lifting and placing from the surface of an area four by four – עֲקִירָה וְהַנְּחָה מֵעַל גְּבֵי מְקוֹם אַרְבָּעָה עַל אַרְבָּעָה: The Gemara assumes that liability exists only in a case where an object is lifted from an area that measures at least four by four handbreadths. The commentaries seek a source for that assumption. Some explained that one does not generally place objects on a smaller surface due to concern that they might fall. In all of the prohibited labors of Shabbat, the standard manner in which the action is performed is the determining factor (Rabbeinu Tam; see the Rashba). Others explained that the verses themselves include allusion to the fact that an object requires a defined area. There is no smaller defined area (*Tosafot*). Yet others explained that, although the reason was not clear, the Sages of the Talmud had a tradition that this is the *halakha* (Rashba; Ritva).

BACKGROUND

Would teach it explicitly – מֵתַנֵּי לֵה בְּהִדְוִיא – The use of this and similar phrases is common in the Talmud. After the Gemara cites various theoretical considerations and reaches the conclusion that there is a need to emend the text of the *baraita*, occasionally it turns out that one of the Sages had already received a tradition with that emended version of the *baraita*.

HALAKHA

Lifting and placing from the surface of an area four by four – עֲקִירָה וְהַנְּחָה מֵעַל גְּבֵי מְקוֹם אַרְבָּעָה עַל אַרְבָּעָה – A place that is smaller than four by four handbreadths is not considered a defined area in terms of the *halakhot* of Shabbat. One who lifts an object from it or places an object on it does not incur liability to bring a sin-offering (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 13:1 and 14:7; *Shulhan Arukh*, *Orah Hayyim* 345:19).

אָמַר רַב שֵׁילָא: לְעוֹלָם בְּשׁוּגָג, וְלִמְאֵן הִתִּירוּ – לְאַחֲרֵים.

Rav Sheila said: Actually, it is referring to a case where he did so unwittingly, and the dilemma whether or not they permitted removing the bread is not with regard to the person who stuck it in the oven, as he remains unaware of his transgression. Rather, with regard to whom is Rav Beivai raising a dilemma whether or not the Sages permitted him to remove the bread? It is with regard to others who wish to spare the unwitting sinner from violating a Torah prohibition.

מִתְקִיף לֵה רַב שֵׁשֶׁת: וְכִי אֹמְרִים לוֹ לְאָדָם חָטָא כְּדֵי שְׂוִיבָה חֵבֵירָךְ?

Rav Sheshet strongly objected to this. And does one tell another person: Sin so that another will benefit? Permitting one to violate a prohibition, even one prohibited by rabbinic law, in order to help another perform a mitzva is inconceivable. The same is true with regard to preventing another from violating a more severe prohibition.

אֵלָּא אָמַר רַב אֲשִׁי: לְעוֹלָם בְּמִזְיד, וְאִימָא "קוֹדֵם שְׂבִיבָא לִידֵי אִיסוּר סְקִילָה". רַב אַחָא בְּרִיה דְּרַבָּא מִתְנִי לֵה בְּהִדְוִיא: אָמַר רַב בִּיבִי בַר אֲבִי: הַדְּבִיק פֶּת בְּתַנּוּר הַתִּירוּ לוֹ לְרִדּוּתָהּ קוֹדֵם שְׂבִיבָא לִידֵי אִיסוּר סְקִילָה.

Rather, Rav Ashi said: Actually, it is referring to a case where he stuck the bread in the oven intentionally. And say, emend the text as follows: Before he comes to violate a prohibition punishable by stoning. Indeed, Rav Aha, son of Rava, would teach it explicitly in that manner;⁸ not as a dilemma, but rather, as a halakhic ruling. According to his version, Rav Beivai bar Abaye said: With regard to one who stuck bread in an oven on Shabbat eve, the Sages permitted him to remove it from the oven on Shabbat before he comes to violate a prohibition punishable by stoning.

"פֶּשֶׁט הָעֵנִי אֶת יָדוֹ". אִמָּאי חֵיִיב? וְהָא בְּעֵינֵי עֲקִירָה וְהַנְּחָה מֵעַל גְּבֵי מְקוֹם אַרְבָּעָה עַל אַרְבָּעָה, וְלִיכָּא!

We learned in the mishna several examples where the poor person extended his hand: One, when he placed an object into the hand of the homeowner and one, when he took an object from the hand of the homeowner. In those cases, we learned that he is liable to bring a sin-offering. The Gemara asks: Why is he liable? Don't we require that halakhic lifting and placing be performed from and onto the surface of an area that is four by four^{9H} handbreadths? A smaller area is not considered a defined place, and it is as if the object were not there at all; and a person's hand is not that size. Why, then, is he liable?

אָמַר רַבָּה: הָא מִנִּי – רַבִּי עֲקִיבָא, דְּאָמַר לֹא בְּעֵינֵי מְקוֹם אַרְבָּעָה עַל אַרְבָּעָה. דִּתְנִן: הַזּוֹרֵק מִרְשׁוֹת הַיְחִיד לְרְשׁוֹת הַיְחִיד וְרְשׁוֹת הָרַבִּים בְּאִמְצַע – רַבִּי עֲקִיבָא מְחַיֵּיב, וְחַכְמַיִם פּוֹטְרִים.

Rabba said: Whose opinion is it in this mishna? It is the opinion of Rabbi Akiva who said that we do not require a place of four by four handbreadths. According to his opinion, even a smaller area is considered a significant place in terms of carrying out on Shabbat. As we learned in a mishna: One who throws an object from the private domain to the other private domain and there is the public domain in the middle, Rabbi Akiva deems him liable for carrying out into the public domain, and the Rabbis deem him exempt because the object merely passed through the public domain and did not come to rest in it.

רַבִּי עֲקִיבָא סָבַר: אֲמַרִּין "קְלוּטָה כְּמִי שֶׁהוֹנְחָה דְּמִיָּא", וְרַבְּנֵי סָבְרִי: לֹא אֲמַרִּין "קְלוּטָה כְּמִי שֶׁהוֹנְחָה דְּמִיָּא".

This dispute can be explained as follows: Rabbi Akiva holds that we say that an object in airspace is considered at rest. In his opinion, an object that passed, even briefly, through the airspace of the public domain is considered as if it came to rest in that domain. Therefore, one who threw the object has, for all intents and purposes, lifted the object from the private domain and placed it in the public domain, and he is liable. And the Rabbis hold that we do not say that an object in airspace is considered at rest. In their opinion, although he lifted the object from the private domain, it never came to rest in the public domain. Since he never placed it in the public domain, he is not liable. Regardless, according to Rabbi Akiva's opinion, placing does not require a defined area. The mere presence of an object in the public domain accords it the legal status of having been placed there. Apparently, there is no requirement that an object be placed on a surface with an area of four by four handbreadths.

לְמִימְרָא דְּפֶשֶׁטָא לִיָּה לְרַבָּה דְּבִקְלוּטָה כְּמִי שֶׁהוֹנְחָה דְּמִיָּא,

Initially, the Gemara wonders about the substance of Rabba's opinion: Is that to say that it is obvious to Rabba that, with regard to whether or not an object in airspace is considered at rest,

BACKGROUND

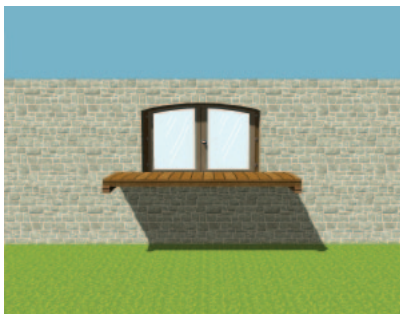
And wasn't it raised as a dilemma – והא מיבעיא בעי: The Gemara uses this expression to ask: Since Rabba raised this dilemma and was unable to resolve it, how is it possible that a resolution to that dilemma would incidentally appear as a given in another dilemma of his? That leads to the conclusion that the resolution is not sufficiently substantiated.

NOTES

An object in airspace is considered at rest – קלוטה – כמי שהונחה דמיא: It is possible to identify two fundamental approaches in clarifying the essence of this halakhic principle. According to Rashi and Rabbeinu Hananel, an object passing through airspace of a certain domain is considered as if it were placed on the ground of that domain. In the Jerusalem Talmud, on the other hand, this phrase was understood to mean that all the airspace in a certain domain is considered as if it were solid matter upon which the objects rest. The principle was formulated: The air within the partitions is like its substance, i.e., the ground beneath it.

Perhaps placing does not require, but lifting does require – הא עקירה: The fact that lifting would require an area of four by four handbreadths, while placing would not, is derived from the Torah. Lifting an object from its place is alluded to in the verse: "A man should not go out [yetze] from his place" (Exodus 16:29). This verse can be interpreted: "A man should not carry out [yotzi] from his place." There is no biblical allusion to placing (Tosafot).

Projection of any size – זיו כל שהוא: The *ge'onim* define ziz as anything that projects from the wall of a house; both the house and the projection are considered private property. A projection of any size means that it can be less than four by four handbreadths.



Projection from the wall of a house

ובתוך עשרה פליגי? והא מיבעיא בעי לה רבה! דבעי רבה: למטה מעשרה פליגי, ובהא פליגי: דרבי עקיבא סבר קלוטה כמי שהונחה דמיא, ורבנן סברי לא אמרינן קלוטה כמי שהונחה דמיא. אבל למעלה מעשרה דברי הכל פטור, ודכולי עלמא – לא ילפינן זורק ממושיט

או דילמא: למעלה מעשרה פליגי, ובהא פליגי: דרבי עקיבא סבר – ילפינן זורק ממושיט, ורבנן סברי – לא ילפינן זורק ממושיט. אבל למטה מעשרה – דברי הכל, חייב. מאי טעמא – אמרינן "קלוטה כמי שהונחה דמיא"?

הא לא קשיא, בתר דאיבעי – הדר איפשיטא ליה, דסבר רבי עקיבא קלוטה כמי שהונחה דמיא.

ודילמא: הנחה הוא דלא בעיא, הא עקירה בעיא!

אלא אמר רב יוסף: הא מני – רבי היא.

הי רבי? אילימא הא רבי, דתנא: זרק ונח על גבי זיו כל שהוא, רבי מחייב וחקמים פטרינן.

and it is in a case where the object passed within ten handbreadths of the ground that they disagree? And wasn't it raised as a dilemma^b by Rabba, as it was unclear to him whether or not that is the correct explanation of the dispute between Rabbi Akiva and the Rabbis? As Rabba raised a dilemma: Do those who dispute the matter of one who throws from a private domain to a private domain with a public domain in the middle disagree with regard to a case where the object was thrown below ten handbreadths off the ground, and this is the point over which they disagree: Rabbi Akiva holds that an object in airspace is considered at rest,ⁿ and the Rabbis hold that we do not say that an object in airspace is considered at rest? However, if the object passed more than ten handbreadths above the public domain, everyone agrees that he is exempt and everyone agrees that we do not derive the halakha of throwing from the halakha of passing. There is a special halakha with regard to passing objects: One standing in a private domain who passes an object through a public domain to another private domain, even though the object did not come to rest in the public domain, his action is considered to have carried out. However, the halakha with regard to throwing is different.

Or, perhaps they disagree with regard to a case where the object passed ten handbreadths above the ground, and this is the point over which they disagree: Rabbi Akiva holds that we derive the halakha of throwing from the halakha of passing and considers them details of one halakha. And the Rabbis hold that we do not derive throwing from passing, and, although one who passes the object in that case is liable, one who throws it is not. The halakha with regard to passing is a unique halakha, a Torah decree, and other cases cannot be derived from it. However, with regard to one who throws from one private domain to another via a public domain, if the object passed below ten handbreadths off the ground, everyone agrees that he is liable. What is the reason for this? Everyone agrees that an object in airspace is considered at rest. Since Rabba himself is uncertain as to the point of the dispute in that mishna with regard to one who throws an object, how can he determine Rabbi Akiva's opinion in the matter of our mishna?

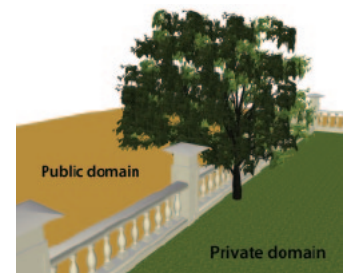
The Gemara answers: That is not difficult. It can be explained that, after he raised the dilemma, it was later resolved for him that the correct understanding is that Rabbi Akiva alone holds that an object in airspace is considered at rest.

However, there is room to question the parallel between Rabbi Akiva's opinion and the case in our mishna. Perhaps placing alone does not require an area of four by four in order to be considered halakhic placing, but lifting does requireⁿ a minimum of four by four handbreadths to be considered halakhic lifting. Perhaps placing, which is merely the conclusion of the prohibited labor, does not require the same conditions as lifting, which is the beginning and the essence of the labor of carrying out (Rashba). From Rabbi Akiva's opinion, a conclusion may be drawn that an object in airspace is considered placed even without the surface area of four by four handbreadths. But, a conclusion may not be drawn that an object lifted from a surface lacking that area is considered lifted.

Rather, Rav Yosef said: Whose opinion is it in this mishna? It is the opinion of Rabbi Yehuda HaNasi.

The Gemara asks: To which of Rabbi Yehuda HaNasi's halakhot is Rav Yosef referring? If you say that he is referring to this halakha, as it was taught in a baraita: One who threw an object on Shabbat in the public domain from the beginning to the end of four cubits, and it, the object, came to rest atop a projection of any size,ⁿ Rabbi Yehuda HaNasi deems him liable, and the Rabbis deem him exempt. Apparently, this proves that, according to Rabbi Yehuda HaNasi, there is no minimum area required for lifting and placing. This is the halakha to which Rav Yosef referred.

אילן...ונופו – Tree and its boughs



Boughs leaning into the public domain

התם - כדבצענין למימר לקמן, כדאבני. דאמר אבני: הקא באילן העומד ברשות היחיד ונפו נוטה לרשות הרבים, וזרק ונח אנפו.

The Gemara rejects this: **There**, the explanation is according to what we will need to say later in accordance with the statement of Abaye, as Abaye said: **Here**, the *baraita* is not dealing with just any situation. Rather, it is dealing with a special case where there is a tree standing in the private domain and its boughs⁸ lean into the public domain, and one threw an object from the public domain and it rested upon the boughs of the tree.

דבני סבר: אפרין "שדי נופו בתר עיקרו", ורבנן סברי: לא אפרין "שדי נופו בתר עיקרו".

Rabbi Yehuda HaNasi holds that we say: **Cast its boughs after its trunk**. The tree's branches are considered an extension of its trunk. Therefore, the entire tree is considered as a private domain, and one who throws onto it is liable. **And the Rabbis hold that we do not say: Cast its boughs after its trunk**. Therefore, the boughs themselves are not considered to be a private domain, and one who throws atop them from the public domain is not liable. Since Rabbi Yehuda HaNasi considers the boughs of the tree like part of the trunk, something thrown atop the tree is considered as if it were placed on the trunk, which is four by four handbreadths. If so, one cannot conclude from here that there is no need for a significant area according to Rabbi Yehuda HaNasi.

אלא הא רבי, דתנא: זרק מרשות הרבים לרשות הרבים ורשות היחיד באמצע, רבי מחייב וחכמים פטרי.

Rather, it is possible that Rav Yosef referred to **this halakha** of Rabbi Yehuda HaNasi, as it was taught in a *baraita*: One who threw an object on Shabbat from the public domain to the public domain and the private domain was in the middle, Rabbi Yehuda HaNasi deems him liable for carrying out from domain to domain, and the Rabbis deem him exempt.

ואמר רב יהודה אמר שמואל: מחייב היה רבי שתים, אחת משום הוצאה ואחת משום הכנסה. אלמא: לא בעי עקירה ולא הנחה על גבי מקום ארבעה על ארבעה.

And Rav Yehuda said that Shmuel said: In that case, Rabbi Yehuda HaNasi holds that the one who threw the object is liable to bring two sin-offerings, as he violated two prohibitions: **One, due to carrying** from the public domain into the private domain, when the object passed through the airspace of the private domain; **and one, due to carrying** from the private domain out to the public domain. **Apparently, he requires neither lifting from nor placing upon an area of four by four handbreadths**, as not only is he liable for carrying the object into a private domain and placing it by means of passing through its airspace, but he is also liable for lifting the object from that private domain and bringing it to the public domain. According to Rabbi Yehuda HaNasi, neither lifting nor placing requires a significant area.

הא איתמר עלה, רב ושמואל דאמרי תרווייהו:

The Gemara rejects this proof. **Wasn't it stated with regard to this dispute that Rav and Shmuel both said:**

Perek I
Daf 5 Amud a

לא מחייב רבי אלא ברשות היחיד מקורה, דאמרין: "ביתא כמאן דמלא דמאי", אבל שאינו מקורה - לא.

Rabbi Yehuda HaNasi only deemed him liable in the covered private domain, with a roof, as we say: **The house is considered as one that is full?** The entire house with all its space is considered one unit, and each part of it is considered as if it is filled with actual objects. Therefore, an object passing through the house is considered as if it landed on an actual surface of at least four by four handbreadths. **However**, in a private domain that is not covered, Rabbi Yehuda HaNasi does not deem him liable.

וכי תימא: הקא נמי במקורה; התינת ברשות היחיד מקורה, ברשות הרבים מקורה מי חייב? והאמר רב שמואל בר יהודה אמר רבי אבא אמר רב הונא אמר רב: המעביר חפץ ארבע אמות ברשות הרבים מקורה - פטור, לפי שאינו דומה לדגלי מדבר!

And if you say: **Here too** our mishna is speaking about a covered domain, and therefore the lifting from and the placing on the hand are considered as if they were performed in a place that is four handbreadths; **granted, in a covered private domain** lifting from and placing in a hand are considered as if it were lifted from and placed onto an area of four by four handbreadths, **but in a covered public domain is he liable at all?** Didn't Rav Shmuel bar Yehuda say that Rabbi Abba said that Rav Huna said that Rav said: **One who carries an object four cubits from place to place in a covered public domain**, even though transferring an object four cubits in the public domain is like carrying out from one domain to another and prohibited by Torah law, in this case, he is not liable? The reason is that since the covered public domain is not similar to the banners in the desert,⁹ i.e., the area in which the banners of the tribes of Israel passed in the desert. The labors prohibited on Shabbat are derived from the labors that were performed in the building of the Tabernacle during the encampment of Israel in the desert, and the desert was most definitely not covered. Consequently, even according to Rabbi Yehuda HaNasi's opinion, it is impossible to explain that our mishna is referring to the case of a covered public domain.

NOTES

דגלי מדבר - The banners of the desert – With regard to the *halakhot* of Shabbat, the encampment of Israel in the desert is the model upon which the definition of a public domain is based. Like the encampment, a public domain is at least sixteen cubits wide. It is an area through which many people pass daily; 600,000 people, according to some authorities.



Layout of the tribes' encampment in the desert

LANGUAGE

Basket [teraskal] – טַרְסָקָל: The origin of the word is apparently a reordering of the letters of the Greek word κάρταλλος, kartallos, meaning a basket with a pointed bottom.

BACKGROUND

Basket – טַרְסָקָל: The ge'onim explained that a teraskal is a light, portable table made from braided willow. People ate on it outside the home.

אָלָא אָמַר רַבִּי זֵירָא: הָא מְנִי – אַחֲרִים
הִיא. דְּתַנָּא, אַחֲרִים אוֹמְרִים: עָמַד
בְּמַקְוֵמוּ וְקִבֵּל – חַיִּיב, עָקַר מְמַקְוֵמוּ
וְקִבֵּל – פְּטוּר. עָמַד בְּמַקְוֵמוּ וְקִבֵּל
חַיִּיב? הָא בְּעֵינֵי הַנְּחָה עַל גְּבֵי מְקוּם
אַרְבַּעַה, וְלִיכָא! אָלָא שְׁמַע מִינָהּ: לָא
בְּעֵינֵי מְקוּם אַרְבַּעַה.

Rather, Rabbi Zeira said: There must be a different source for our mishna. Whose opinion is it in our mishna? It is the opinion of *Aherim*, as it was taught in a *baraita*: *Aherim* say: One who stood in his place on Shabbat and received an object thrown to him from another domain, the one who threw the object is liable for the prohibited labor of carrying out, as he both lifted and placed the object. However, if the one who received the object moved from his place, ran toward the object, and then received it in his hand, he, the one who threw it, is exempt. That is because, even though he performed an act of lifting, the placing of the object was facilitated by the action of the one who received it, and therefore the one who threw it did not perform the act of placing. In any case, according to the opinion of *Aherim*, if he stood in his place and received the object, the one who threw it is liable. Don't we require placing upon an area of four by four handbreadths and there is none in this case? Rather, certainly conclude from this that according to *Aherim* we do not require an area of four by four.

וְדִלְמָא הַנְּחָה הוּא דְלָא בְּעֵינֵי, הָא
עָקִירָה בְּעֵינֵי! וְהַנְּחָה נְמוּ, דִּילְמָא
דְּפִשְׁט בְּנִמְיָה וְקִיבְלָהּ; דְּאִיכָא נְמוּ
הַנְּחָה!

The Gemara rejects this: This is not a proof, and one could say: Perhaps it is specifically for placing that we do not require an area of four by four; however, for lifting we require an area of four by four in order to consider it significant. And with regard to placing as well, one could say: Perhaps it was performed in a manner in which he extended the corners of his coat and received it, so in that case there is also placing upon an area of four by four. Therefore, there is no proof from here.

אָמַר רַבִּי אַבָּא: מִתְּנִיתִין כְּגוֹן (שְׁקִבֵּל
בְּטַרְסָקָל), וְהִנֵּיחַ עַל גְּבֵי טַרְסָקָל,
דְּאִיכָא נְמוּ הַנְּחָה. וְהָא יְדוּי קָתַנִּי!
תַּנִּי: טַרְסָקָל שְׁבִידוּ.

Rabbi Abba said: Our mishna is speaking about a special case where he received, i.e., lifted, the object that was in a basket [teraskal]^{LB} and he placed it atop a basket. In that case, there is also placing performed upon an area of four by four handbreadths. The Gemara asks: Wasn't it taught in the mishna: His hand? So how can you say that he received it in a basket? The Gemara answers: Emend the text of the mishna and teach: The basket in his hand.

הִתְנִיחַ טַרְסָקָל בְּרִשּׁוֹת הַיְחִיד, אָלָא
טַרְסָקָל שְׁבִרִשּׁוֹת הָרַבִּים רִשּׁוֹת
הַיְחִיד הוּא!

The Gemara asks about this matter: Granted, when the basket was in the private domain, but if it was a basket that was placed in the public domain, doesn't it immediately become the private domain? Presumably, the basket is ten handbreadths above the ground, and its surface is the requisite size for creating a private domain.

לִימָא דְלָא כְּרַבִּי יוֹסִי בְּרַבִּי יְהוּדָה.
דְּתַנָּא, רַבִּי יוֹסִי בְּרַבִּי יְהוּדָה אוֹמֵר:
נַעֲץ קָנָה בְּרִשּׁוֹת הָרַבִּים וּבְרִאשׁוֹ
טַרְסָקָל, וְרַק וָנַח עַל גְּבִי – חַיִּיב.

Since that is not the explanation given, let us say that this is a proof that our mishna is not in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda. As it was taught in a *baraita*: Rabbi Yosei, son of Rabbi Yehuda, says: One who stuck a stick into the ground in the public domain, and hung a basket atop it, and threw an object from the public domain, and it landed upon it, he is liable, because he threw it from the public domain into the private domain. Since the surface of the basket is four by four handbreadths and it is ten handbreadths above the ground, it is considered a private domain. Even though the stick, which is serving as the base for this basket, is not four handbreadths wide, since the basket is that wide, we consider it as if the sides of the basket descend in a straight line. Consequently, a type of pillar of a private domain is formed in the public domain.

דְּאִי כְּרַבִּי יוֹסִי בְּרַבִּי יְהוּדָה, פִּשְׁט
בְּעַל הַבַּיִת אֶת יְדוֹ לַחוּץ וְנָתַן לְתוֹךְ
יְדוֹ שֶׁל עֲנִי, אֲמַאי חַיִּיב? מְרִשּׁוֹת
הַיְחִיד לְרִשּׁוֹת הַיְחִיד קָא מְפִיק!

Our mishna is not in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, as if it were in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, in a case where the owner of the house extended his hand outside and placed an object in the basket in the hand of the poor person in the public domain, why is he liable? According to his opinion, the basket is considered a private domain and he, the owner of the house, is merely carrying out from private domain to private domain. This proves that the opinion of our mishna is not in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda.

Midget [*nanas*] – נָנָס: From the Greek *vāvos*, *nanos*, meaning midget.

BACKGROUND

Did the *tanna* go to all that trouble in an effort to teach us all of these cases – איִכְפֹּל תַּנָּא לְאַשְׁמְעִינָן כָּל הֵי – Although the Gemara at times explains the mishna by depicting special and rare cases, a fundamental principle or a description with wide-ranging application is not usually articulated by means of extraordinary situations. In situations of that sort, the Gemara asks: Did the *tanna* go to all that trouble...?

HALAKHA

A person's hand is considered like four by four – יָדוֹ שֶׁל אָדָם – תְּשׁוּבָה לוֹ כְּאַרְבָּעָה עַל אַרְבָּעָה: In the *halakhot* of Shabbat, the hand of a person is considered as if it were an area of four by four handbreadths. Therefore, one who lifts an object on Shabbat from one domain and places it in the hand of a person standing in another domain, or one who lifts it from the hand of a person who is in one domain and places it in a different domain, is liable (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:2; *Shulhan Arukh, Oraḥ Hayyim* 347:1).

אֲפִילוּ תִּימָא רַבִּי יוֹסִי בְּרַבִּי יְהוּדָה, הֵתָם – לְמַעַלָּה מֵעֶשְׂרֵה, הֵכָא לְמִטָּה מֵעֶשְׂרֵה.

The Gemara answers: **Even if you say** that our mishna is in accordance with the opinion of **Rabbi Yosei, son of Rabbi Yehuda, there**, where we learned that a basket is considered like a private domain, was in a case in which the basket was **above ten** handbreadths off the ground. **Here**, in our mishna, the basket was **below ten** handbreadths off the ground. Even according to the opinion of Rabbi Yosei, son of Rabbi Yehuda, in a case where it is below ten handbreadths it is not considered a private domain, rather it is part of the public domain. Therefore, it is considered carrying out and he is liable.

קָשִׁיָא לִיָּה לְרַבִּי אַבְהוּ: מִי קָתְנִי 'בְּרַסְקָל שְׂבִידוֹ? וְהָא 'יָדוֹ קָתְנִי! אֲלָא אָמַר רַבִּי אַבְהוּ: בְּגוֹן שְׂשֻׁלְשָׁל יָדוֹ לְמִטָּה מִשְׁלֹשָׁה וְקַבְלָה.

The Gemara comments: Nevertheless, this explanation is **difficult for Rabbi Abbahu: Was the language taught in the mishna: A basket in his hand? His hand, was taught.** There is no reason to emend the mishna in that way. **Rather, Rabbi Abbahu said:** The mishna here is referring to a case where the poor person **lowered his hand below three** handbreadths off the ground **and received** that object in his hand. Below three handbreadths is considered, in all respects, to be appended to the ground and, therefore, a place of four by four handbreadths.

וְהָא 'עוֹמֵד קָתְנִי! בְּשׁוֹחָה. וְאִיבְעִית אִימָא: בְּגוֹמָא. וְאִיבְעִית אִימָא: בְּנָנָס.

The Gemara asks: **Didn't the mishna teach:** The poor person **stands** outside? If he is standing, how is it possible that his hand is within three handbreadths of the ground? Rabbi Abbahu answered: It is describing a case where he is **bending down**. In that case, his hand could be adjacent to the ground even though he is standing. **And if you wish, say** instead that it is possible in a case where the poor person is standing **in a hole** and his hand is adjacent to the ground. **And if you wish, say** instead a different depiction of the situation: The mishna is speaking about a case **involving a midget** [*nanas*],¹ whose hands, even when standing, are within three handbreadths of the ground.

אָמַר רַבָּא: אִיכְפֹּל תַּנָּא לְאַשְׁמְעִינָן כָּל הֵי? אֲלָא אָמַר רַבָּא: יָדוֹ שֶׁל אָדָם תְּשׁוּבָה לוֹ כְּאַרְבָּעָה עַל אַרְבָּעָה. וְכֵן, כִּי אָתָּא רַבִּין אָמַר רַבִּי יוֹחָנָן: יָדוֹ שֶׁל אָדָם תְּשׁוּבָה לוֹ כְּאַרְבָּעָה עַל אַרְבָּעָה.

About all of these **Rava said: Did the *tanna* go to all that trouble in an effort to teach us all of these cases?**⁸ It is difficult to accept that the *tanna* could not find a more conventional manner to explain the *halakha*. **Rather, Rava said:** The problem must be resolved by establishing the principle: **A person's hand is considered like four by four**⁹ handbreadths for him. It is true that lifting and placing upon a significant place are required. However, even though a significant place is normally no less than four handbreadths, the hand of a person is significant enough for it to be considered a significant place as far as the *halakhot* of Shabbat are concerned. **And, so too, when Ravin**¹⁰ came from Eretz Yisrael to Babylonia, he said that **Rabbi Yohanan said: A person's hand is considered four by four handbreadths for him.**

NOTES

A person's hand is considered like four by four – יָדוֹ שֶׁל אָדָם – תְּשׁוּבָה לוֹ כְּאַרְבָּעָה עַל אַרְבָּעָה: Apparently, this is because a hand is the standard conduit for placing and lifting objects in a specific place. The hand does not have the requisite area of a

significant place, the measure of a significant area for placing being four by four handbreadths. However, the hand, regardless of its size, is also a significant area in the sense of carrying and has the legal status of an area of four by four handbreadths.

PERSONALITIES

Ravin – רַבִּין: An abbreviation of Rabbi Avin, who is called Rabbi Bon in the Jerusalem Talmud.

He was the most important of "those who descended to," i.e., who went from Eretz Yisrael to Babylonia, in the third to fourth generation of the Babylonian *amora'im*.

Rabbi Avin was born in Babylonia and emigrated to Eretz Yisrael at an early age. There he was able to study Torah from Rabbi Yohanan, who lived to a very old age. After Rabbi Yohanan's death, Ravin studied from his many students. Rabbi Avin was appointed to be one of "those who descended," namely, those Sages who were sent to Babylonia to disseminate innovative Torah insights from Eretz Yisrael, as well as various Eretz Yisrael traditions that were unknown in other lands. Rav

Dimi was the emissary from Eretz Yisrael before Ravin. However, Ravin transmitted new and revised formulations of the *halakhot*. Therefore, Ravin is considered an authority and, as a rule, the *halakha* was decided in accordance with his opinion.

Ravin returned to Eretz Yisrael several times. There he served as the transmitter of the Torah studied in Babylonia. His statements are often cited in the Jerusalem Talmud. We know little about his family and the rest of his life. It is known that his father died even before he was born, and that his mother died when he was born. Some say that his father's name was also Rabbi Avin and that he was named after him. Some believe that the Eretz Yisrael *amora* Rabbi Yosei bar Bon was his son.

HALAKHA

One who stood in his place... he moved from his place, etc. – עקר ממקומו... עמד במקומו: If one throws an object from one domain to another domain, and the object is caught by a person who remained in his place in the second domain, the one who threw it is liable because he placed the object in another domain. However, if the second person moved from his place and caught the object in his hand, the one who threw it is exempt. This is in accordance with the statement of Rabbi Yohanan, with regard to which there is no dispute (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:15).

BACKGROUND

What is his dilemma – מאי קמבעיא ליה: This expression in the Gemara is a question that comes to clarify the essence of a certain dilemma. Frequently, the problem is, in and of itself, clear. Nevertheless, it is necessary to explain the context of the dilemma and the broader issue that it comes to clarify.

NOTES

Two forces in one person – שני כחות באדם אחד: According to Rabbeinu Hananel's variant text, some explain: Are two forces in one person considered like two people, in the sense that it is considered as if one threw it so the other would catch it, and he is liable? Or, perhaps it is considered like one person performed each half of the prohibited labor independent of the other half and he would be exempt (Ramban).

אמר רבי אבין אמר רבי אילעאי אמר רבי יוחנן: זרק חפץ ונח בתוך ידו של חבירו – חייב. מאי קא משמע לן – ידו של אדם חשובה לו כארבעה על ארבעה. והא אמרה רבי יוחנן תדא וימנא! מהו דתימא: הגי מילי – היכא דאחשבה הוא לידיה, אבל היכא דלא אחשבה הוא לידיה, אימא לא. קא משמע לן.

אמר רבי אבין אמר רבי אילעאי אמר רבי יוחנן: עמד במקומו וקיבל – חייב, עקר ממקומו וקיבל – פטור. תניא נמי הכי, אחרים אומרים: עמד במקומו וקיבל – חייב, עקר ממקומו וקיבל – פטור.

בעי רבי יוחנן: זרק חפץ ונגעקו הוא ממקומו, וחזר וקיבלו, מהו?

מאי קמבעיא ליה? אמר רב אדא בר אהבה: שני כחות באדם אחד קא מבעיא ליה. שני כחות באדם אחד – כאדם אחד דמי, וחייב, או דילמא כשני בני אדם דמי, ופטור? תיקו.

אמר רבי אבין אמר רבי יוחנן: הכניס ידו לתוך חצר חבירו, וקיבל מי גשמים והוציא – חייב. מתקיף לה רבי זירא: מה לי הטעינו חבירו, מה לי הטעינו שמים, איהו לא עביד עקירה! לא תימא "קיבל" אלא "קלט". והא בעינן עקירה מעל גבי מקום ארבעה, וליכא!

אמר רבי חייא בר יהודה דרב הונא: בגין שקלט מעל גבי הכותל. על גבי כותל נמי, והא לא נח! בדאמר רבא: כותל משופע, הכא נמי – ככותל משופע. והיכא איתמר דרבא? אהא. דתנן:

Rabbi Avin said that Rabbi Elai said that Rabbi Yohanan said: One who threw an object and it landed in the hand of another who is in a different domain is liable. The Gemara asks: What is he teaching us? What halakhic principle is conveyed through this statement? Is it that a person's hand is considered four by four for him? Didn't Rabbi Yohanan already say that one time? Why was it necessary to repeat it, albeit in a different context? The Gemara answers: It was necessary to teach the halakha cited by Rabbi Elai as well, lest you say that this, the principle that a person's hand is significant, applies only where he himself deemed his hand significant by lifting or receiving an object with his hand. However, where he did not deem his hand significant, rather the object fell into another's hand without his intention, perhaps the hand is not considered a significant place and he would not be liable. Therefore, he teaches us that the hand's significance is absolute and not dependent upon the intention of the one initiating the action.

Rabbi Avin said that Rabbi Elai said that Rabbi Yohanan said additionally: One who stood in his place and received an object that was thrown to him from another domain, the one who threw it is liable. However, if he moved from his place^h and then received the object, the one who threw it is exempt. That was also taught in a baraita. Aherim say: If he stood in his place and received in his hand the object that was thrown from another domain, the one who threw it is liable. And if he moved from his place and received it, he is exempt.

Rabbi Yohanan raised a related dilemma: One who threw an object from one domain and moved from his place and ran to another domain and then received the same object in his hand in the second domain, what is his legal status?

To clarify the matter, the Gemara asks: What is his dilemma?^b Didn't one person perform a complete act of lifting and placing? Rav Adda bar Ahava said: His dilemma was with regard to two forces in one person.ⁿ Rabbi Yohanan raised a dilemma with regard to one who performs two separate actions rather than one continuous action. Are two forces in one person considered like one person, and he is liable? Or, perhaps they are considered like two people, and he is exempt? This dilemma remains unresolved and therefore, let it stand.

Rabbi Avin said that Rabbi Yohanan said: If he brought his hand into the courtyard of another and received rainwater that fell at that time into his hand and carried it out to another domain, he is liable. Rabbi Zeira objects to this: What is the difference to me if his friend loaded him with an object, i.e., his friend placed an object in his hand, and what is the difference to me if Heaven loaded him with rainwater? In neither case did he perform an act of lifting. Why then should he be liable for carrying out from domain to domain? The Gemara answers: Do not say: He received rainwater, indicating that he passively received the rainwater in his hand. Rather, read: He actively gathered rainwater in his hand from the air, which is tantamount to lifting. The Gemara asks: In order to become liable, don't we require lifting from atop an area of four handbreadths, and in this case there is none? How, therefore, would he be liable?

Rabbi Hiyya, son of Rav Huna, said: It is a case where he gathered the rainwater from atop and on the side of the wall, so he lifted it from a significant place. Therefore, it is considered an act of lifting, and he is liable. The Gemara questions: Atop a wall, too, the rain did not come to rest. Rather, it immediately and continuously flowed. If so, the lifting was not from the wall at all. The Gemara answers: As Rava said in another context that the case involves an inclined wall, here too the case involves an inclined wall. The Gemara asks: And where was this statement of Rava stated? It was stated with regard to that which we learned in a mishna:

הִיָּה קוֹרֵא בְּסֵפֶר עַל הָאִיִּסְקוּפָה וְנִתְגַּלְגַּל הַסֵּפֶר מִיָּדוֹ – גּוֹלְלוֹ אֶצְלוֹ. הִיָּה קוֹרֵא בְּרֹאשׁ הַגֶּגֶז וְנִתְגַּלְגַּל הַסֵּפֶר מִיָּדוֹ, עַד שֶׁלֹּא הִגִּיעַ לְעֶשְׂרֵה טְפָחִים – גּוֹלְלוֹ אֶצְלוֹ, מִשְׁהִגִּיעַ לְעֶשְׂרֵה טְפָחִים – הוֹפְכוּ עַל הַכֶּתֶב, וְהוֹיֵנָה בָּהּ: אִמְאֵי הוֹפְכוּ עַל הַכֶּתֶב? הֵא לֹא נַח!

וְאָמַר רַבָּא: בְּכוֹתֵל מְשׁוּפָע. אִימור דְּאָמַר רַבָּא בְּסֵפֶר – דְּעֵבִיד דְּנִיחַ, מִים מִי עֵבִידֵי דְּנִיחֵי!

אֵלֶּא אָמַר רַבָּא: כְּגוֹן שֶׁקָּלַט מֵעַל גְּבִי גּוּמָא. גּוּמָא, פְּשִׁיטָא! מַהוּ דְּתִימָא: מִים עַל גְּבִי מִים – לֹא הִנָּחָה הוּא, קָא מְשִׁמַּע לָן.

וְאָזְדָא רַבָּא לְטַעֲמִיָּה, דְּאָמַר רַבָּא: מִים עַל גְּבִי מִים – הֵיִינוּ הִנָּחְתָּן, אָגוּז עַל גְּבִי מִים – לֹא הֵיִינוּ הִנָּחְתָּן. בְּעֵי רַבָּא: אָגוּז בְּכֵלִי, וְכֵלִי צָף עַל גְּבִי מִים, בְּתַר אָגוּז אֲזֵלִינָן – וְהָא נִיחַ, אוּ דִילְמָא בְּתַר כֵּלִי אֲזֵלִינָן – וְהָא לֹא נִיחַ, דְּנִיחֵי? תִּיקוּ.

One who was reading a sacred book in scroll form on Shabbat on an elevated, wide threshold and the book rolled from his hand^h outside and into the public domain, he may roll it back to himself, since one of its ends is still in his hand. However, if he was reading on top the roof,^b which is a full-fledged private domain, and the book rolled from his hand,^h as long as the edge of the book did not reach ten handbreadths above the public domain, the book is still in its own area, and he may roll it back to himself. However, once the book has reached within ten handbreadths above the public domain, he is prohibited to roll it back to himself. In that case, he may only turn it over onto the side with writing,ⁿ so that the writing of the book should face down and should not be exposed and degraded. And we discussed this *halakha*: Why must he turn it over onto the side with writing, and he is prohibited to bring the book back to himself? Didn't the book not yet come to rest upon a defined area in the public domain? Even if he brought it back it would not constitute lifting.

And Rava said: It is referring to the case of an inclined wall. Because it is inclined, the scroll is resting upon it to some degree. However, that answer is not effective in explaining the case of gathering water. Say that Rava said that the legal status of the slanted wall is different, specifically with regard to a book, as it is wont to come to rest upon an inclined wall. In contrast, is water wont to come to rest upon an inclined wall? It continues flowing. Consequently, the question with regard to water remains.

Rather, Rava said: Here, it is referring to a case where he gathered the rainwater from on top of a hole^h filled with water. The Gemara asks: If he gathered it from on top of a hole, it is obvious that it is considered like lifting from a significant place. The Gemara answers: Lest you say that since the water that comes down from the roof into the hole it is water on top of water and, perhaps, it is not considered placing. Therefore, he taught us that collecting water from on top of a hole filled with water is considered an act of lifting an object from its placement.

The Gemara comments: And Rava follows his standard line of reasoning, as Rava already said: It is obvious to me that water on top of water, that is its placement, and lifting the water from there is an act of lifting in every sense. It is also obvious that if a nut is floating on top of water, that is not considered its placement, and therefore lifting it from there is not considered an act of lifting. However, Rava raised a dilemma: In a case where a nut is in a vessel, and that vessel is floating on top of water,^h and one lifted the nut from the vessel, is that considered an act of lifting? The sides of the dilemma are: Do we go according to the nut and the *halakha* is decided exclusively based on its status, and it is at rest in the vessel? Or perhaps, we go according to the vessel and it is not at rest, as it is moving from place to place on the surface of the water. This dilemma remained unresolved, and therefore let it stand.

HALAKHA

One who was reading a sacred book on a threshold and the book rolled from his hand – וְנִתְגַּלְגַּל הַסֵּפֶר מִיָּדוֹ: In the case of a person on a threshold who was reading a sacred text written on a scroll and that scroll unrolled and landed on a *karmelit* (*Mishna Berura*), if one end of the scroll remained in his hand, he may roll it back to him. That is the ruling even if the threshold was a private domain, i.e., four by four handbreadths and ten handbreadths high, and the scroll unrolled into a public domain. This was permitted in order to prevent disrespect for the sacred text, as explained in tractate *Eiruvin*. However, if the book fell from his hand completely, he is permitted to roll it back only if it rolled into a *karmelit* (Rambam *Sefer Zemanim, Hilkhot Shabbat* 15:21; *Shulhan Arukh, Oraḥ Hayyim* 352:1).

And the book rolled from his hand – וְנִתְגַּלְגַּל הַסֵּפֶר מִיָּדוֹ: One

who was reading a book on Shabbat on top of the roof of a private domain, and the book rolled from his hand into the public domain, if one end of the scroll did not yet reach within ten handbreadths of the ground of the public domain and the other edge of the scroll is still in his hand, he is permitted to roll it back to where he is sitting. However, if it reached within ten handbreadths of the ground of the public domain, if the wall was slanted and the scroll was somewhat resting upon it, and it was a place frequented by the general public (*Magen Avraham*), it is prohibited to roll the book back to where he is sitting. This is in accordance with the explanation of Rava and according to *Tosafot* (Rambam *Sefer Zemanim, Hilkhot Shabbat* 15:21; *Shulhan Arukh, Oraḥ Hayyim* 352:2).

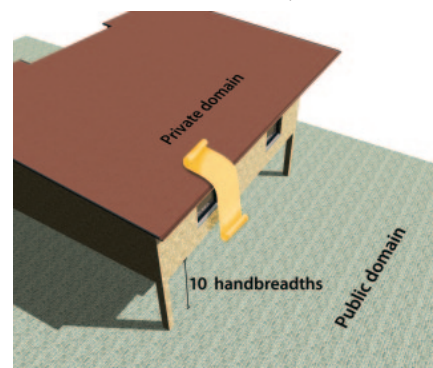
He gathered from on top of a hole – שֶׁקָּלַט מֵעַל גְּבִי גּוּמָא: One who is standing in one domain and extends his hand into

another domain and takes water from on top of a hole filled with water and brings it back to him, is liable, since all of the water is considered as if it were placed on the ground. Therefore, it conforms to the typical manner of lifting and placing, as per the conclusion of Rava (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:4).

A nut in a vessel and that vessel is floating on top of water – אָגוּז בְּכֵלִי, וְכֵלִי צָף עַל גְּבִי מִים וְכוּ: One who lifts a fruit that was placed in a vessel floating on water is exempt because a floating object is not considered to be at rest and picking it up does not constitute halakhic lifting. This is all the more true if he lifted the vessel which itself was floating on the water. Although the matter remained unresolved, in a situation of uncertainty like this one, the practical ruling is that he is exempt (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:4).

BACKGROUND

Book on top of the roof – סֵפֶר בְּרֹאשׁ הַגֶּגֶז:



Book that rolled when read on top of a roof

NOTES

He may only turn it over onto the side with writing – הוֹפְכוּ עַל הַכֶּתֶב: One reason given is that this prevents dust from accumulating on the uncovered letters. Another is that when the writing is exposed, there is an element of disrespect for the sacred text (Rashi).

BACKGROUND

One who immersed himself during the day – טָבֹּל יוֹם: When one who became ritually impure immerses himself, a vestigial impurity remains until sunset. During this interval he renders liquids with which he comes into contact ritually impure. However, those liquids do not render other items ritually impure.

NOTES

Oil that was floating on top of wine and one who immersed himself during the day touched the oil – שָׁמֶן שֶׁצָף עַל גִּבֵי יוֹם – וְנָגַע טָבֹּל יוֹם בְּשָׁמֶן: The central problem with regard to oil atop wine is: Are these two liquids connected to the extent that they are considered one entity? Or, are they considered two separate entities, one atop the other? In every case of contact with impurity there is room, in principle, to raise this question. However, the halakha is that a liquid that becomes impure through any means immediately assumes first-degree ritual impurity status and renders other liquids that come into contact with it impure. As a result, one who immersed himself during the day was mentioned because it is an exceptional case, as liquids that he touches do not generate further impurity.

שָׁמֶן שֶׁצָף עַל גִּבֵי יוֹם – מִחֻלּוֹקֵת רַבִּי יוֹחָנָן בֶּן נוּרִי וְרַבָּנָן. הִתְנַן: שָׁמֶן שֶׁצָף עַל גִּבֵי יוֹם – וְנָגַע טָבֹּל יוֹם בְּשָׁמֶן – לֹא פָסַל אֶלְיָא שָׁמֶן בְּלִבְדָּא, רַבִּי יוֹחָנָן בֶּן נוּרִי אָמַר: שְׁנֵיהֶם מְחוּבְרִים זֶה לָזֶה.

אָמַר רַבִּי אַבִּין אָמַר רַבִּי אֵילְעָאי אָמַר רַבִּי יוֹחָנָן: הִיָּה טְעוֹן אוֹכְלִים וּמִשְׁקִין וְנִבְנָס וְיוֹצֵא כָּל הַיּוֹם בּוֹלוֹ – אֵינוֹ חַיִּב עַד שְׁנֵיעֲמוּד.

אָמַר אַבְיָי: וְהוּא שְׁעָמַד לְפוּשׁ. מִמָּאִי – מִדְּאָמַר מַר: תּוֹךְ אַרְבַּע אַמּוֹת עָמַד לְפוּשׁ פְּטוּר, לְכַתְּףָּ – חַיִּב. חוּץ לְאַרְבַּע אַמּוֹת, עָמַד לְפוּשׁ – חַיִּב, לְכַתְּףָּ – פְּטוּר.

A similar dilemma was raised with regard to oil that was floating on top of wine.^h Oil does not mix with wine. Rather, it floats on top of it in a separate layer. Resolution of this dilemma is dependent on a dispute between Rabbi Yohanan ben Nuri and the Rabbis. Is oil considered a discrete entity placed on the wine? Or, perhaps it is considered to be connected to the wine? As we learned in a mishna: Oil that was floating on top of wine and one who immersed himself during the day^b touched the oil,ⁿ he disqualified only the oil alone and not the wine, as he only touched the oil and the oil does not render the wine impure. And Rabbi Yohanan ben Nuri says: They both are considered connected to each other, and therefore they are both rendered impure through the same contact. The consideration of whether the oil and the wine are considered connected is the determining factor with regard to the laws of Shabbat as well.

Rabbi Avin said that Rabbi Elai said that Rabbi Yohanan said: One who was standing in the private domain or the public domain laden with food and drinks on Shabbat, and his intention was to carry them to another corner of the same domain, if once he began walking he changed his mind and exited that domain, and he enters and exits from domain to domain, even if he does so all day long,^h he is exempt by Torah law for carrying out on Shabbat until he stands still. Moving the object is not considered carrying out, since he did not intend from the outset to move himself in order to carry out. Therefore, only after he stands still can it be considered a bona fide placement, and only when he subsequently moves and walks would he incur liability.

Abaye added and said: And that is specifically if he stopped to rest; then it is considered placement. However, if he stopped to adjust his burden, it is not considered placement. The Gemara comments: From where did Abaye arrive at this conclusion? From that which the Master said with regard to the laws of carrying in the public domain: Although, by Torah law, one who transfers an object four cubits in the public domain is liable, if while transferring the object he stopped to rest within four cubits, he is exempt. By stopping to rest, he performed an act of placement in the middle of the transfer. As a result, he did not carry the object four complete cubits. However, if he stopped to adjust the burden on his shoulders, he is liable,^h as stopping in order to adjust his burden is not considered an act of placement. It is considered an action required to facilitate the continued carrying of that burden. On the other hand, after he walked beyond four cubits, if he stopped to rest, he thereby performed an act of placement and completed the prohibited labor, and he is liable; if he stopped to adjust the burden on his shoulders, he is exempt. From this halakha, Abaye learned that only when one stops to rest is it considered an act of placement in terms of the prohibited labor of carrying on Shabbat.

HALAKHA

Oil that was floating on top of wine – שָׁמֶן שֶׁצָף עַל גִּבֵי יוֹם: If one who immersed himself during the day touched oil floating on top of wine, he did not, thereby, disqualify the wine, as per the opinion of the Rabbis (Rambam *Sefer Tahara, Hilkhot Tumat Okhlin* 8:3).

One who was laden with food and drinks and he enters and exits all day long – הִיָּה טְעוֹן אוֹכְלִים וּמִשְׁקִין וְנִבְנָס וְיוֹצֵא – כָּל הַיּוֹם בּוֹלוֹ: One who was carrying objects on his body from

domain to domain is only liable if he comes to a stop and, thereby, performs an act of placing. Even when he stops, he is only liable if he stopped to rest. But, if he stopped to adjust his burden, he is exempt, as per the statement of Rabbi Yohanan and the explanation of Abaye (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:8).

If he stopped to rest within four cubits, he is exempt, if he stopped to adjust the burden on his shoulders, he is

liable – לְכַתְּףָּ חַיִּב – תּוֹךְ אַרְבַּע אַמּוֹת עָמַד לְפוּשׁ פְּטוּר, לְכַתְּףָּ חַיִּב: One who lifted an object in the public domain and carried it there, if he stopped to rest within four cubits of the place where he lifted the object, he is exempt, since he did not carry the object four complete cubits. If he stopped to adjust his burden, he is considered to still be walking. Therefore, if he subsequently continued to walk and came to a stop beyond four cubits in order to rest, he is liable (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:10).

מאי קא משמע לן – שלא היתה עקירה משעה ראשונה לכך, הא אמרה רבי יוחנן תדא וימנא! דאמר רב ספרא אמר רבי אמי אמר רבי יוחנן: המעביר תפצים מזוית לזוית, ונמלך עליהן והזיזאן – פטור, שלא היתה עקירה משעה ראשונה לכך! אמוראי מנהו, מר אמר לה בהאי ליטנא, ומר אמר לה בהאי ליטנא.

With regard to the essence of Rabbi Yoḥanan's *halakha* about entering and exiting all day long, the Gemara asks: **What principle is he teaching us^N with this *halakha*?** Is it to teach that one is exempt from bringing a sin-offering for performing the prohibited labor of carrying out on Shabbat when **the lifting of the object** from its place **from the first moment was not for that purpose** of carrying out, but for another purpose? **Didn't Rabbi Yoḥanan already say it once?**^B As Rav Safra said that Rabbi Ami said that Rabbi Yoḥanan said: **One who transfers objects from corner to corner^H in a private domain, and, while carrying them, he changed his mind about them and took them out to the public domain, he is exempt because the lifting at the first moment was not for that purpose** of carrying out to another domain. Why, then, was it necessary to repeat the same *halakha*? The Gemara answers: **They are different *amora'im*^B who transmitted this matter.** One Sage said it in this language and one Sage said it in that language. They chose different *halakhot* to relate the principle that Rabbi Yoḥanan stated a single time.

תנו רבנן: המזיזא מחדות לפלטין דרך סטיו – חייב, וכן עזאי פטור.

Since the issue of interruptions in the performance of the prohibited labor of carrying out was mentioned above, the Gemara proceeds to discuss a more complex related issue. **The Sages taught in a *baraita*: One who carries an object out from a store, which is a private domain, to a plaza [*pelatia*],^{LB} which is a public domain, by way of a colonnade [*setav*],^L which is situated between the store and the public domain and whose legal status is that of a *karmelit*, is liable, as he carried out from the private domain to the public domain. And ben Azzai deems him exempt.**

בשלמא בן עזאי – קסבר: מהלך בעומד דמי. אלא רבנן, נהי נמי דקסברי מהלך לאו בעומד דמי, היכא אשבחנא פהאי גוונא דחייב?

The Gemara clarifies the opinions. **Granted**, the opinion of ben Azzai makes sense, as **he holds that walking is considered like standing.** In other words, with each step, he is considered as if he came to a complete stop. Therefore, as he walked through the colonnade, which is neither a public domain nor a private domain, he came to rest there. Consequently, he did not carry from a private domain to a public domain; he carried into and out of a *karmelit*. **However, the Rabbis, although they hold that walking is not considered like standing, their opinion is difficult. Where do we find a comparable case where one is liable?** There is no direct transfer from domain to domain. The transfer is via a domain where there is no Torah prohibition. Where do we find that the Torah deemed one who carried out in that manner liable?

אמר רב ספרא אמר רבי אמי אמר רבי יוחנן: Rav Safra said that Rabbi Ami said that Rabbi Yoḥanan said: That is not an exceptional case,

Rav Safra said that Rabbi Ami said that Rabbi Yoḥanan said: That is not an exceptional case,

NOTES

What is he teaching us – מאי קא משמע לן: Ostensibly, it would have been possible to say that he is teaching us, at least in the first *halakha*, that walking is not considered like standing, contrary to the opinion of ben Azzai. However, that was apparently not his intention, since, based upon its style, that does not appear to be the focus of Rabbi Yoḥanan's statement. Rather, the impression is that it was raised incidentally (*Hiddushei Rav Arye Leib Zunz*).

HALAKHA

One who transfers objects from corner to corner – המעביר: One who was transferring an object within his house and, while carrying it, reconsidered and carried it out to the public domain, is exempt. Since his original intention was not to lift the object in order to carry it out, he did not perform a complete prohibited labor (Rambam *Sefer Zemanim, Hillkhot Shabbat* 13:12).

LANGUAGE

Plaza [*pelatia*] – פלטיןא: From the Greek πλατεία, *plateia*, meaning a street or a plaza.

Colonnade [*setav*] – סטיו: From the Greek στοά or στοιά, *stoa* or *stoia*. These words primarily mean a covered row of columns.

BACKGROUND

Didn't Rabbi Yoḥanan say it once – הא אמרה רבי יוחנן תדא וימנא: This common expression: Didn't he say it once, questions why it was necessary for a Sage to repeat a statement. Obviously, a Sage can repeat the same idea several times. However, that is only when this repetition is intentional. That is not the case when the same idea appears in two different formulations. Then the impression is that the Sage was unaware of his other statement and repeated himself unconsciously.

They are different *amora'im* – אמוראי מנהו: This expression usually, though not always, indicates that two Sages transmitted one idea in two different forms. Usually, this appears in response to the question: Didn't he say it once?

Plaza – פלטיןא: The *pelatia* is the city square through which the public passes and in which it gathers. It is a prominent example of a full-fledged public domain, in which all the conditions of the public domain are met.



Forum in Pompeii, from the time of the Mishna

NOTES

The sides of the public domain – צדי רשות הרבים – There are various definitions and even various kinds of sides of the public domain. The simplest definition is the narrow area closest to the borders of the public domain, which are not utilized by the multitudes since people tend not to walk that close to the wall. Indeed, for this reason, it was clear that every public domain has its sides adjacent to it (*Tosafot*).

BACKGROUND

Stakes [*hipufei*] – חיפופי – Stakes were stuck in the ground on the side of a house to keep the passersby in the public domain from walking too close to the house.



Stakes in front of a house

מידי דהוה אמעביר חפץ ברשות הרבים; התם לאו אף על גב דכמה דנקיט ליה ואזיל – פטור, כי מנח ליה – חייב, הכא נמי לא שניא.

מי דמי? התם – כל היכא דמנח ליה מקום חייב הוא, הכא אי מנח ליה בסטיו – מקום פטור הוא!

אלא: מידי דהוה אמעביר חפץ מתחלת ארבע לסוף ארבע, התם לאו אף על גב דאי מנח ליה בתוך ארבע אמות – פטור, כי מנח ליה בסוף ארבע אמות – חייב, הכא נמי לא שניא.

מי דמי?! התם – לגבי דהאי גברא מקום פטור הוא, לכולי עלמא מקום חייב הוא. הכא – לכולי עלמא מקום פטור הוא!

אלא: מידי דהוה אמוציא מרשות היחיד לרשות הרבים דרך צדי רשות הרבים: התם לאו אף על גב דאי מנח ליה אצדי רשות הרבים – פטור, וכי מנח ליה ברשות הרבים – חייב, הכא נמי לא שניא.

מתקיף לה רב פפא: הניחא לרבנן דאמרי "צדי רשות הרבים לאו ברשות הרבים דמי", אלא לרבי אליעזר (בן יעקב) דאמר "צדי רשות הרבים ברשות הרבים דמי" – מאי איכא למימר?

אמר ליה רב אחא בריה דרב איקא: אימור דשמעת לרבי אליעזר (בן יעקב) דאמר "צדי רשות הרבים ברשות הרבים דמי" – היכא דליכא חיפופי, אבל היכא דאיכא חיפופי מי שמעת ליה? הלכך להא דמניא.

as the *halakha* there is just as it is in the case of one who transfers an object in the public domain. There, even though as long as he takes it and walks and does not place the object he is exempt, is it not the case that when he places it he is liable? Obviously, between the place where he lifted the object and the place where he placed the object, where there is liability, there lies an undefined area where, as long as he continues walking, he is exempt. Here too, it is no different, as in both cases an identical situation exists: If he places the object at the end of his path he is liable, despite the fact that the area in the middle is an exempt place.

The Gemara rejects this comparison: Is this comparable? There, anywhere that he places the object is a place of potential liability. That cannot be described as two places of liability with an exempt domain between them, as the area between them is also a place of potential liability if he were to place the object there. On the other hand, here, if he places it in the colonnade, it is an absolute exempt domain.

Again the question arises: Where is there a precedent of liability for transferring an object through an exempt domain? The Gemara answers: Rather, it is possible to cite a different precedent: The *halakha* here is just as it is in the case of one who transfers an object in the public domain from the beginning of four cubits to the end of four cubits exactly. There, is it not the case that, even though were he to place it within four cubits of where he stands, he is not liable because within four cubits, the complete prohibited labor of carrying in the public domain was not performed; and nevertheless, when he places it at the end of four cubits he is liable? Here too, it is no different. It can be said that there is a strip of exempt domain between the lifting and the placement.

Again the Gemara rejects the analogy: Is that similar? There, in the public domain, for this man it is an exempt domain, as it is within four cubits of the place that he lifted the object. However, for the entire world, it is a place of potential liability, as the space itself is a public domain and it could be beyond four cubits for someone else who placed it there, and he would be liable. Here, on the other hand, the colonnade is an exempt domain for the entire world. There is no comparison between an absence of liability that stems from the fact that the prohibited labor was not completed and an unconditional exemption dependent solely on the nature of the domain in question.

Rather, it is possible to cite a different precedent: The *halakha* here is just as it is in the case of one who carries out an object from the private domain to the public domain through the sides of the public domain.^N The sides of a public domain are narrow strips located adjacent to the houses where the multitudes do not congregate. There, is it not the case that, even though if one were to place an object on the sides of the public domain, he is exempt and, nevertheless, when he places it in the public domain he is liable? If so, here too, it is no different.

Rav Pappa strongly objects to this explanation: Granted, according to the opinion of the Rabbis, who say that the sides of the public domain are a type of independent domain and not considered the public domain, that precedent is similar to our case. However, according to the opinion of Rabbi Eliezer ben Ya'akov, who said that the sides of the public domain are considered a full-fledged public domain, what is there to say?

Rav Aha, son of Rav Ika, said to him: Say that you heard that Rabbi Eliezer ben Ya'akov said that the sides of the public domain are considered a public domain in a place where there are no stakes [*hipufei*]^B separating the houses and the courtyards from the actual public domain to prevent the public from damaging the walls of the houses. However, in a place where there are stakes, did you hear him say that the legal status of the sides is that of the public domain itself? Therefore, it is similar to that case of the colonnade, and consequently it serves as a precedent for liability when carrying through an exempt domain.

אמר רבי יוחנן: ומודה בן עזאי בזורק. תנא נמי הכי: המוציא מחנות לפלטיא דרך סטיו – חייב, אחד המוציא ואחד המכניס ואחד הזורק ואחד המושט. בן עזאי אומר: המוציא והמכניס – פטור, המושט והזורק – חייב.

תנו רבנן, ארבע רשויות לשבת: רשות היחיד, ורשות הרבים, וכרמלית, ומקום פטור.

ואיזו היא רשות היחיד – חריץ שהוא עמוק עשרה ורחב ארבעה, וכן גדר שהוא גבוה עשרה ורחב ארבעה – זו היא רשות היחיד גמורה.

ואיזו היא רשות הרבים – סרטקא ופלטיא גדולה, ומבואות המפולשין זו היא רשות הרבים גמורה. אין מוציאין רשות היחיד זו לרשות הרבים זו, ואין מכניסין מרשות הרבים זו לרשות היחיד זו; ואם הוציא והכניס, בשוגג – חייב חטאת, במזיד – ענוש ברת, ונסקל.

Rabbi Yoḥanan said: Ben Azzai disagreed with regard to carrying out the object while walking through the colonnade. In his opinion one who carries it out is exempt. Yet, he agrees with the Rabbis that in a case where one throws an object from the private domain to the public domain through a colonnade he is liable, as it is tantamount to carrying out directly from domain to domain. That opinion was also taught in a *baraita*: One who carries out an object on Shabbat from a store to a plaza via a colonnade⁴ is liable. The *halakha* is identical with regard to all means of transferring an object from domain to domain via a colonnade. The same is true for one who carries out, and one who carries in, and one who throws, and one who extends his hand from domain to domain. Ben Azzai says: One who walks and carries out and one who walks and carries in are exempt, as he is considered to have come to rest in the colonnade. On the other hand, one who extends his hand with the object and one who throws the object, whose actions are uninterrupted, are liable.

In order to explain the essence of the laws of domains on Shabbat, the Gemara cites what the Sages taught in the *Tosefta*, that there are four domains for the *halakhot* of Shabbat:^{5H} The private domain, and the public domain, and two additional domains: The *karmelit*, which is like neither the public domain nor the private domain, and an exempt domain, which does not fall into the category of domains.

The Gemara elaborates: And what is the private domain?⁶ A ditch which is ten handbreadths deep and four handbreadths wide,⁷ as well as a fence which is ten handbreadths high and four handbreadths wide; that is a full-fledged private domain. The criteria for a private domain are that it must be an area of four by four handbreadths, with a ten-handbreadth difference in elevation from the surrounding environment.

And what is the public domain?⁸ A main street [*seratia*]⁹ and a large plaza as well as alleyways [*mevo'ot*],¹⁰ which are open on both ends to the public domain, connecting between main streets; that is a full-fledged public domain. With regard to those domains: One may not carry out from the private domain of this kind to the public domain of this kind, and one may not carry in from the public domain of this kind to the private domain of this kind.¹¹ If he did so unwittingly, he is liable to bring a sin-offering. If he did so intentionally, and there were no witnesses to his act, and he was not forewarned, he is liable to receive the punishment of excision [*karet*]. If he was forewarned and there were witnesses to his transgression, he is punished with the court-imposed capital punishment and stoned.

HALAKHA

One who carries out from a store to a plaza via a colonnade – המוציא מחנות לפלטיא דרך סטיו – One who carries out from a private domain to a public domain through an exempt domain, if he did not come to a stop in the exempt domain, is liable as if he transferred it directly, in accordance with the opinion of the Rabbis (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:15; *Shulḥan Arukh, Oraḥ Ḥayyim* 346:1).

Four domains for Shabbat – ארבע רשויות לשבת – There are four domains for Shabbat: The private domain, the public domain, the *karmelit*, and an exempt domain (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:1; *Shulḥan Arukh, Oraḥ Ḥayyim* 345:1).

And what is the private domain – ואיזו היא רשות היחיד – A private domain in the *halakhot* of Shabbat is a place that is at least four by four handbreadths in area and is separated from its surroundings by any kind of partition ten handbreadths high, e.g., a fence or a ditch; or if the entire area is ten handbreadths higher or lower than the surrounding area (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:1; *Shulḥan Arukh, Oraḥ Ḥayyim* 345:2).

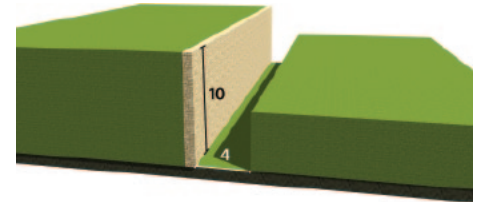
And what is the public domain – ואיזו היא רשות הרבים – The criteria of a public domain are: (1) Streets, marketplaces, and other places frequented by the multitudes; (2) at least sixteen cubits wide; (3) not roofed; and (4) without a wall. If there is a wall, it is a public domain only if the streets run from gate to gate and the gates are not locked at night (Rema). *Tosafot* and others say that there must be at least 600,000 people that pass through it each day to be considered a public domain. The custom is to be lenient in accordance with that opinion (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:1; *Shulḥan Arukh, Oraḥ Ḥayyim* 345:7).

Carrying out from domain to domain – הוצאה מרשות לרשות – If one unwittingly carries from the private domain to the public domain or vice versa on Shabbat, he is liable to bring a sin-offering. If he did so intentionally, he is liable to receive *karet*. If there were witnesses and he was forewarned, he is punishable by stoning, as per the *Tosefta* here (Rambam *Sefer Zemanim, Hilkhot Shabbat* 1:2).

NOTES

Four domains for Shabbat – ארבע רשויות לשבת – In fact, there are only three domains: The public domain and the private domain, which are Torah domains, and the *karmelit*, which is a rabbinic domain. Anything that does not enter into the parameters of these domains is by definition an exempt domain. In any case, the emphasis is on domains for Shabbat. These parameters are only relevant in defining domains in terms of the *halakhot* of Shabbat. These definitions are irrelevant as far as other areas of *halakha* are concerned, e.g., *halakhot* of acquisitions.

Ditch which is ten handbreadths deep and four handbreadths wide – חריץ שהוא עמוק עשרה ורחב ארבעה –



Ditch that is a private domain

LANGUAGE

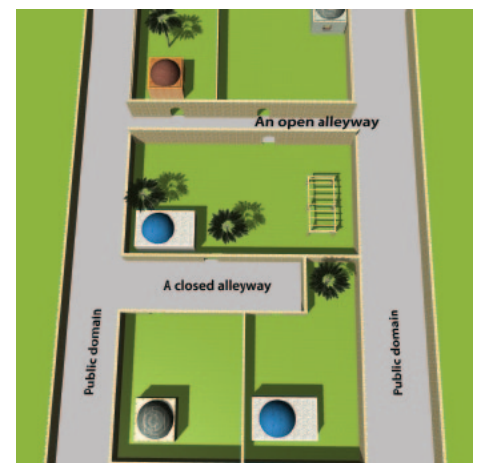
Main street [*seratia*] – סרטקא – The origin of the word is in the Latin *strata*, meaning street or thoroughfare for the multitudes.



Ruins of a main street in Pompeii, from the time of the Mishna

BACKGROUND

Alleyways [*mevo'ot*] – מבואות:



Open and closed alleyways

And the *karmelit* – **הַכַּרְמְלִית**: A *karmelit* is a place not frequented by the multitudes, with an area greater than four by four handbreadths, three to ten handbreadths high, with no partitions that would render it a private domain. The corner adjacent to the public domain and a covered public domain have the legal status of a *karmelit* (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:4; *Shulhan Arukh, Orah Hayyim* 345:14).

The general category of *karmelit* – **דיני כַּרְמְלִית**: By rabbinic law, it is prohibited to carry from a *karmelit* to a private domain or from a *karmelit* to a public domain and vice versa. The Sages also prohibited carrying four cubits in the *karmelit* itself (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:11, 13; *Shulhan Arukh, Orah Hayyim* 346:1, 2).

Courtyards shared by many and alleyways that are not open – **חֲצוֹת שֶׁל רַבִּים וּמְבֹאוֹת שְׂאִינֵן מְפֹלְשֵׁין**: If an *eiruv* was placed in a courtyard shared by homeowners or an alleyway that is closed on one end and has several courtyards that open into it, it is permitted to carry in them. If not, it is prohibited by rabbinic law to do so (Rambam *Hilkhot Eiruv* 1:5; *Shulhan Arukh, Orah Hayyim* 366:1).

One who has two houses on two sides of the public domain – **מִי שֵׁישׁ לוֹ שְׁנֵי בָתִּים בְּשְׁנֵי צְדֵי רְשׁוֹת הָרַבִּים**: It is possible to transform a section of public domain between two houses into a private domain by affixing doors on either side and locking the doors at night. Others say that it is sufficient if they are able to be locked. That is the accepted halakhic ruling (*Shulhan Arukh HaRav*; Rambam *Sefer Zemanim, Hilkhot Shabbat* 17:10; *Shulhan Arukh, Orah Hayyim* 364:2).

NOTES

Threshold serves as two domains – **אִיִּקּוּפָה מְשַׁמֶּשֶׁת**: Not every threshold is built in a manner that would enable it to be ascribed to two domains. Only certain cases fit this definition, as will be clarified later in the discourse.

אֶבֶל יָם וּבִקְעָה וְאִיִּסְטוּוֹנִית וְהַכַּרְמְלִית – **אֵינָהּ לֹא כְרִשׁוֹת הָרַבִּים וְלֹא כְרִשׁוֹת הַיְחִיד, וְאִין נוֹשְׂאִין וְנוֹתְנִין בְּתוֹכָהּ, וְאִם נִשָּׂא וְנָתַן בְּתוֹכָהּ – פְּטוּר; וְאִין מוֹצִיאִין מִתּוֹכָהּ לְרְשׁוֹת הָרַבִּים וְלֹא מְרִשׁוֹת הָרַבִּים לְתוֹכָהּ, וְאִין מְכַנְּסִין לְרְשׁוֹת הַיְחִיד לְתוֹכָהּ, וְלֹא מִתּוֹכָהּ לְרְשׁוֹת הַיְחִיד, וְאִם הוֹצִיא וְהִכְנִים – פְּטוּר.**

חֲצוֹת שֶׁל רַבִּים וּמְבֹאוֹת שְׂאִינֵן מְפֹלְשֵׁין, עִירְבוּ – מוֹתְרִין, לֹא עִירְבוּ – אִסּוּרִים.

אָדָם עוֹמֵד עַל הָאִיִּקּוּפָה, נוֹטֵל מִבְּעַל הַבַּיִת וְנוֹתֵן לוֹ, נוֹטֵל מֵעַנֵּי וְנוֹתֵן לוֹ, וּבִלְבָד שְׂלֵא יִטּוֹל מִבְּעַל הַבַּיִת וְנוֹתֵן לְעַנֵּי, מֵעַנֵּי וְנוֹתֵן לְבַעַל הַבַּיִת, וְאִם נִטֵּל וְנָתַן – שְׁלֹשָׁתָן פְּטוּרִים.

אַחֵרִים אוֹמְרִים: אִיִּקּוּפָה מְשַׁמֶּשֶׁת שְׁתֵּי רְשׁוּוֹת, בְּזִמְנֵן שֶׁהִפְתַּח פְּתוּחַ – כְּלַפְנֵים, פְּתַח נְעוּל – כְּלַחוּץ, וְאִם הִיתָה אִיִּקּוּפָה גְבוּהָה עֶשְׂרֵה וּרְחֵבָה אַרְבָּעָה – הִרִי זֶה רְשׁוֹת לְעַצְמָהּ.

אָמַר מֶר: זֶה הִיא רְשׁוֹת הַיְחִיד. לְמַעוּטֵי מֵאִי? – לְמַעוּטֵי הָא דְרַבִּי יְהוּדָה; דְּתַנִּיא, יִתֵּר עַל בֵּן אָמַר רַבִּי יְהוּדָה: מִי שֵׁישׁ לוֹ שְׁנֵי בָתִּים בְּשְׁנֵי צְדֵי רְשׁוֹת הָרַבִּים, עוֹשֶׂה

However, a sea and a valley and a colonnade and the *karmelit*^h all enter into the general category of *karmelit*,^h which is neither like the public domain, because the multitudes are not congregated there, nor like the private domain, as it has no partitions. Rather, the Sages instituted that cases like these should be considered an independent domain. **One may not carry and place an object in it beyond four cubits, just as it is prohibited to do so in the public domain. And if he nevertheless carried and placed an object in it, he is exempt, as it involves no Torah prohibition. And one may neither carry from it into the public domain nor from the public domain into it, as it is not the public domain. And one may neither carry from the private domain into it nor from it into the private domain, as it is not the private domain. And if he carried out from the private domain or carried in from the public domain, he is exempt, as it involves is no Torah prohibition.**

Similarly, there is a type of private domain which, by rabbinic law, has the legal status of a *karmelit* or a public domain. **Courtyards shared by many and alleyways that are not open^h on both sides are private domains that are somewhat similar to the public domain because many people congregate there. For this reason, the Sages issued a decree prohibiting carrying within them. However, if they placed an *eiruv*, i.e., a joining of courtyards, to transform a common courtyard into a single domain, or a merging of alleyways to merge a common alleyway shared by several courtyards into a single domain, they are all permitted to carry objects from their houses into the courtyard or from the courtyard into the alleyway, respectively. However, if they did not place an *eiruv*, they are prohibited to do so.**

An example of the fourth domain listed in the *baraita*, the exempt domain is: **A person standing on the threshold may take an object from the homeowner standing in the private domain and may give an object to him. Similarly, while standing there, he may take an object from a poor person standing in the public domain and may give an object to him because there is no element of prohibition or liability in carrying and carrying out in an exempt domain on Shabbat. There is no prohibition as long as he does not take the object from the homeowner in the private domain and give it to a poor person in the public domain, or from a poor person and give to the homeowner, as by doing so he facilitated transfer from domain to domain. And, however, if he took an object from one and gave it to the other, certainly no labor prohibited by Torah law was performed, and all three of them are exempt.**

Aherim say: Not every threshold is an exempt domain. Some are not sufficiently isolated from the surrounding domains. Sometimes, **a threshold serves as two domains;**ⁿ at times the public domain and at times the private domain, as in different circumstances it is subsumed within the adjacent domain. Therefore, **when the doorway is open, the threshold is an extension of the house and considered to be a private domain. If the doorway was locked, it is considered like the outside, like part of the public domain. This applies when the threshold is not an independent domain. And if the threshold was ten handbreadths high above the public domain and four handbreadths wide, it is a domain unto itself, i.e., a full-fledged private domain discrete from the house.**

It was taught in the *Tosefta* with regard to the definition of a private domain that **the Master said**, with added emphasis: **This is the private domain.** The Gemara asks: **What was this emphasis added to exclude?** The Gemara answers: **To exclude this halakha of Rabbi Yehuda, as it was taught in a baraita: Furthermore, Rabbi Yehuda said: One who has two houses opposite each other on two sides of the public domain,^h if he chooses, he may create a private domain for himself in the public domain. He may place**

לְחֵי מִבְּאֵר וְלְחֵי מִבְּאֵר, אוֹ קוֹרֵה מִבְּאֵר וְקוֹרֵה מִבְּאֵר, וְנוֹשֵׂא וְנוֹתֵן בְּאֲמָצַע. אָמְרוּ לוֹ: אֵינֶן מְעַרְבִּין רְשׁוֹת הָרַבִּים בְּכֶךְ.

וְאָמְרֵי קָרוּ לִיהָ "גְּמוּרָה"? מֵהוּ דְתִימָא: כִּי פְּלִיגֵי רַבְנֵי עַלֵּיהּ דְרַבִּי יְהוּדָה דְלֹא הָיוּ רְשׁוֹת הַיְחִיד - הֵמָּה מִיֵּלֵי לְטַלְטַל אֲבָל לְרוֹזֵק מוֹדוֹ לִיהָ, קָא מְשַׁמְעֵי לָו.

אָמַר מַר: "זוֹ הִיא רְשׁוֹת הָרַבִּים", לְמַעוֹטֵי מֵאִי? לְמַעוֹטֵי אֵיךְ דְרַבִּי יְהוּדָה; דְתַנּוּ, רַבִּי יְהוּדָה אָמַר: אִם הִיְתָה דְרֹךְ רְשׁוֹת הָרַבִּים מְפַסְקֵתָן - יִסְלְקֵנָה לְצַדֵּינָן, וְחֻכְמֵי אֲמָרִים; אֵינֻן צְרִיךְ.

וְאָמְרֵי קָרוּ לִיהָ "גְּמוּרָה"? אֵיךְ דְתִימָא רִישָׁא "גְּמוּרָה", תְּנַן נִמְי סִיפָא "גְּמוּרָה".

a ten-handbreadth high **post**⁸ from here, perpendicular to the public domain. This creates a symbolic wall which, in the *halakhot* of alleyways, has the legal status of a wall. **And**, he may place an additional **post from here**, on the other side, and that has the same legal status as if he closed the public domain on all of its sides. **Or**, he can implement a different solution appropriate for alleyways by placing a **beam**^N extending from here, from one end of one house, to the end of the house opposite it. This creates a symbolic partition across the width of the street. **And**, he may place a **beam** extending from here, from the other side of the house. According to Rabbi Yehuda, in that way, one is permitted to **carry** objects and **place** them in the area **between** the symbolic partitions, as he would in a private domain. The Rabbis **said to him: One may not place an *eiruv* in the public domain in that way.** One who seeks to transform a public domain into a private domain must erect actual partitions.

The Gemara questions the language of the *Tosefta*: This is a full-fledged private domain. **And why did they call it full-fledged?** The Gemara answers: **Lest you say: When do the Rabbis disagree with Rabbi Yehuda and say that it is not the private domain? This applies only** with regard to the prohibition to carry there on Shabbat. By means of these partitions, it was not rendered a full-fledged private domain to the point that one is permitted to carry there. **However**, conceivably, with regard to the prohibition of **throwing** from the public domain to this place, the Rabbis **agree with Rabbi Yehuda** that the area between the partitions would be considered a private domain by Torah law and it would be prohibited. **Therefore, the tanna taught us** that according to the Rabbis it is not a private domain at all.

It was also taught in the *Tosefta* with regard to the definition of a public domain that **the Master said**, with added emphasis: **This is the public domain.** The Gemara asks: **What** was this emphasis added to **exclude**? The Gemara answers: Here, the *Tosefta* came to **exclude another halakha of Rabbi Yehuda.** **As we learned** in a mishna: The Sages permitted those ascending to Jerusalem on the Festival pilgrimage to place posts serving as symbolic boundaries around the wells, in order to render the wells and their surroundings a private domain. That way, the pilgrims could draw water from the wells even on Shabbat, as they became private domains. **Rabbi Yehuda says:**^N **If the path of the public domain passes through the area of the wells and the posts and obstructs them,**^{NH} **he must divert it to the sides**, so that the passersby will not pass through there. In his opinion, many people passing through that area negates the private domain formed merely by means of symbolic boundaries. **And the Rabbis say: He need not divert the path of the public domain.** The emphasis in the *Tosefta*: This is the public domain, teaches that only the specific areas listed there fall into the category of a public domain; however, a well around which partitions were established is no longer in the realm of public domain, even if the multitudes continue to walk through that area.

The Gemara asks: **And why do they call it full-fledged?** The Gemara answers: This emphasis was unnecessary. But, **since he taught⁸ the first clause** of the *Tosefta* employing the term **full-fledged**, **he also taught the latter section** employing the term **full-fledged** in the interest of uniformity.

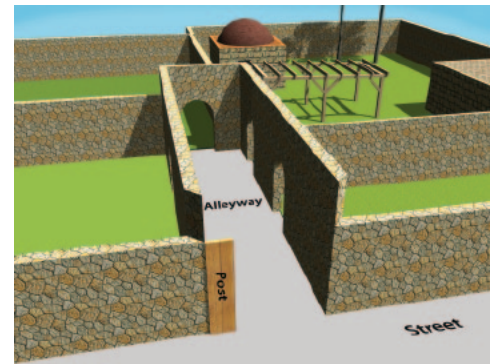
HALAKHA

אם היתה – דרך רשות הרבים מפסקתן: Festival pilgrims were permitted to use wells on Shabbat by virtue of their posts. Even if a public

thoroughfare passes through, the wells do not lose their status as private domains, as per the opinion of the Rabbis (Rambam *Sefer Zemanim, Hilkhot Shabbat* 17:33).

BACKGROUND

Post – לְחֵי:



Alleyway and post

Since he taught – אֵיךְ דְתִימָא: This expression is used to explain unnecessary phrases or words in the mishna. In the interest of uniformity, the *tanna* often employs the same expression several times, even if it was not necessary each time.

NOTES

Post... Beam – לְחֵי... קוֹרֵה: The post and the beam are relevant to the laws of *eiruv*. Usually one places a post or a beam to create a symbolic partition in a place that is a private domain by Torah law but requires an additional partition by rabbinic law. The Sages disputed the effectiveness of the post and the beam in transforming a public domain into a private domain. According to some Sages, the post and the beam are partitions with absolute legal validity and are tantamount to a full-fledged partition. According to others, although they are effective in certain cases, their status is not equal to that of full-fledged partitions.

Rabbi Yehuda says – רַבִּי יְהוּדָה אָמַר: The fact that the two statements of Rabbi Yehuda apparently contradict each other was already discussed in tractate *Eiruv*. Although he permits placing an *eiruv* on the street of the public domain, he does not permit doing so with the posts around the well. The Gemara there explains that there is a dispute with regard to which is preferable in creating a private domain: Two full-fledged partitions, e.g., houses on the two sides of the street, which is the opinion of Rabbi Yehuda, or four symbolic boundaries, like the posts of the well.

אם היתה – דרך רשות הרבים מפסקתן: In certain cases, when there are public wells that provide water for people on a Festival pilgrimage, the Sages permitted surrounding the wells with poles or posts placed intermittently around the well, so that the area between the symbolic boundaries would be considered a private domain. The discussion here is in a case where a path of the public domain passed through that area.

HALAKHA

In the desert – במדבר: According to the Rambam, the current legal status of a desert is that of a public domain. The Rashba and many other authorities disagree with him (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:1).

BACKGROUND

Hidden scroll – מגילת סתרים: For many generations, it was prohibited to write the contents of the Oral Torah. Due to the exigencies of the time, it was decided to redact the Mishna and write it down. Nevertheless, even when it was prohibited, Sages would summarize important matters in brief notes to help them remember. These scrolls were not published and were, therefore, referred to as hidden scrolls. According to the *ge'onim*, these scrolls were known as hidden because they were anthologies of *halakhot* that were not universally known, even though they were not concealed intentionally.

וְלַחֲשׂוֹב נָמִי מְדַבֵּר, דְּהָא תַנְיָא:
אִיזוּ הִיא רְשׁוּת הָרִבִּים – סְרֻטָא
וּפְלִטָא גְדוֹלָה, וּמְבֹאוֹת הַמְּפוּלְשִׁין,
וְהַמְדָּבָר! אָמַר אַבְיִי: לֹא קִשְׁיָא,
כָּאן – בְּזִמְן שְׂרָאֵל שְׂרוּיִין בְּמַדְבָּר,
כָּאן – בְּזִמְן הַזֶּה.

אָמַר מַר: "אִם הוֹצִיא וְהִכְנִים
בְּשׁוּגָג חַיִּיב חֲטָאת, בְּמוּיָד עָנוּשׁ
כֶּרֶת וְנִסְקָל". בְּשׁוּגָג חַיִּיב חֲטָאת,
פְּשִׁיטָא! "בְּמוּיָד עָנוּשׁ כֶּרֶת וְנִסְקָל"
אֶצְטְרִיכָא לִיה.

הָא נָמִי פְּשִׁיטָא! הָא קָא מְשַׁמַּע
לָן, כְּדַרְב. דְּאָמַר רַב: מְצַאֲתִי מְגִלַת
סְתָרִים בֵּי רַבֵּי חִיָּיא; וְכַתּוּב בָּהּ, אִסִּי
בֵּן יְהוּדָה אָמַר: אָבוֹת מְלָאכּוֹת
אַרְבַּעִים חֲסַר אַחַת, וְאִינוּ חַיִּיב
אֶלָּא אַחַת.

אִינִי? וְהִתְנַן? אָבוֹת מְלָאכּוֹת
אַרְבַּעִים חֲסַר אַחַת. וְהוּיִנן בָּהּ:
מִנְיָנָא לְמַה לִּי? וְאָמַר רַבִּי יוֹחָנָן: שְׂאָם
עֲשָׂאן כּוֹלֵן בְּהַעֲלָם אַחַת – חַיִּיב עַל
כָּל אַחַת וְאַחַת!

אֶלָּא אִימָא: אִינוּ חַיִּיב עַל אַחַת מֵהֶן.
וְהָא קָא מְשַׁמַּע לָן: הָא מֵהֶנָּךְ דְּלֹא
מִסְפָּקָן.

With regard to the places characterized as the public domain, the Gemara asks: **And include the desert** among the places considered a public domain? **Wasn't it taught in a different baraita: What is the public domain? A main street, and a large plaza, and open alleyways, and the desert?** Abaye said: This is **not difficult**, as **here**, where it enumerated the desert among the public domains, it refers to **the time when Israel was dwelling in the desert**,^{HN} and it was an area frequented by the multitudes. And **here**, where the desert was not enumerated among the public domains, refers to **this time**, when multitudes do not congregate there.

It was also taught in the *Tosefta* that **the Master said: If he carried out** an object on Shabbat from the private domain to the public domain or vice versa, **if he carried in**, if he did so **unwittingly, he is liable to bring a sin-offering**. If he did so **intentionally** and there were no witnesses to his act and he was not forewarned, **he is punishable** from the hand of Heaven with the punishment of *karet*. If he was forewarned and there were witnesses to his transgression, he is punished by the court **and stoned**. The Gemara asks: **Unwittingly, he is liable to bring a sin-offering; it is obvious** that one who violates the serious transgression of desecrating the Shabbat unwittingly is liable to bring a sin-offering. The Gemara answers: **It was necessary for the tanna** to teach that if he did so **intentionally he is punishable with karet and stoned**. Since he needed to cite those cases because they involve a novel element, he also cited the case where he performed the transgression unwittingly, in order to complete the picture.

The Gemara asks: **That is also obvious**, as the Torah states explicitly that one who desecrates Shabbat intentionally without witnesses and forewarning is punishable by *karet*, and that when there are witnesses and forewarning he is executed by stoning. The Gemara answers: **This came to teach us in accordance with the statement of Rav, as Rav said: I found a hidden scroll⁸ in the house of Rabbi Ḥiyya** in which matters of Oral Torah were briefly summarized, **and in it was written: Isi ben Yehuda says: The primary categories of prohibited labor on Shabbat are forty-less-one, and he is liable only for one**. This expression is unclear, and it would seem that it means that one who performs all of the prohibited labors is only liable to bring one sin-offering.

The Gemara asks: **Is that so? Didn't we learn in the mishna: The primary categories of prohibited labor are forty-less-one?** The mishna proceeded to enumerate those labors. **And we discussed it: Why do I need this tally of forty-less-one?** It would have been sufficient for the mishna to merely list the prohibited labors. **And Rabbi Yoḥanan said:** The number is also significant, in order to teach us **that if he performed all of the prohibited labors within one lapse of awareness**, during which he remained unaware of the prohibition involved, **he is liable to bring a sin-offering for each and every one of the prohibited labors separately**. Consequently, the statement of Isi ben Yehuda cannot be understood as suggested above.

Rather, say as follows: There are forty prohibited labors less one, and **he is not liable for one of them**. Among those labors, there is one unspecified exception for which one is not liable to be executed by stoning and merely violates a negative prohibition. **That** which the *Tosefta* mentioned with regard to one carrying out on Shabbat being liable for *karet* and stoning, **teaches us: This labor of carrying out from domain to domain, is among those prohibited labors with regard to which there is no uncertainty** and it is clear that one is liable for *karet* and stoning for its violation.

NOTES

In the desert – במדבר: Rabbi Avraham, son of the Rambam, explains that, according to the Rambam, the answer of the Gemara is to be understood in this manner: When Israel lived in the desert, it was like a field for them, and therefore its legal

status was that of a *karmelit*. On the other hand, when the desert is desolate, and only caravans pass through it, it assumes the legal status of other public thoroughfares (*Kesef Mishne*). In general, there is room to ask what purpose is served by

discussing the legal status of the desert when Israel lived there? The commentaries explain that if a situation would arise where a significant number of people were in the desert, its legal status would revert to the way it was then (*Mitzpe Eitan*).

אמר מר: "אבל ים ובקעה והאיסטווינה והכרמלית אינן לא כרשות היחיד ולא כרשות הרבים, ובקעה אינו לא כרשות היחיד ולא כרשות הרבים? והא תנן: הבקעה, בימות החמה – רשות היחיד לטומאה, ורשות הרבים לטומאה. בימות הגשמים – רשות היחיד (לכאן ולכאן)!"

אמר עולא: לעולם כרמלית הויה, ואמאי קרי לה רשות היחיד – לפי שאינה רשות הרבים.

רב אשי אמר:

It was also taught in the *Tosefta* that the Master said: However, a sea, and a valley, and the colonnade, and the *karmelit* all enter into the general category of *karmelit*, which is neither like the public domain nor like the private domain. The Gemara asks: And is a valley neither like the private domain nor like the public domain? Didn't we learn in a mishna in tractate *Teharot*: The valley, in the days of summer, which is a time when the multitudes frequent it, nevertheless, it is considered the private domain with regard to the *halakhot* of Shabbat, according to the parameters of domains of Shabbat it remains in the realm of a private domain. And, still, it is considered like the public domain with regard to the *halakhot* of ritual impurity,^{NH} where there is a distinction between a place frequented by the multitudes and a place that the multitudes do not frequent. While in the rainy season, the winter, when multitudes do not frequent the fields, the valley is considered like the private domain for this, Shabbat, and for that, ritual purity. A valley is a private domain and not a *karmelit*.

Ulla said: Actually, the valley is a *karmelit*; and why does the mishna call it the private domain? In order to emphasize that it is not the public domain, as the mishna in tractate *Teharot* did not enter into the details of the *halakhot* of Shabbat. It merely underscored the distinction between the *halakhot* of Shabbat and the *halakhot* of ritual purity.

Rav Ashi said:

NOTES

And the public domain with regard to ritual impurity – רשות הרבים – ובקעה: Halakhically, with regard to uncertain impurity, there is a distinction between the private domain and the public domain. When there is uncertainty whether or not something in the public domain became ritually impure, it is deemed ritually pure. On the other hand, in the private domain, it is deemed ritually impure. There is no logical explanation for this *halakha*, and its source is a Torah decree derived from the *halakhot* of *sota*.

HALAKHA

And a valley...with regard to the *halakhot* of ritual impurity – ובקעה...: Whether or not it is surrounded by a fence, during the rainy season that begins with the period of the second rainfall, a valley has the legal status of a private domain as far as the *halakhot* of ritual impurity are concerned. In the summer, when no grain grows there, if it is not surrounded by a fence, its legal status is that of a public domain with regard to the *halakhot* of ritual impurity. If it is surrounded by a fence, it is considered a private domain even in the summer (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTuma* 20:6).

Perek I

Daf 7 Amud a

בגון דאית לה מחיצות, וכי הא דאמר עולא אמר רבי יוחנן: קרפף יותר מבית סאתים שלא הוקף לדירה, ואפילו בור ואפילו בורנים, הזורק לתוכו חיב. מאי טעמא – מחיצה היא, אלא שמוחפרת דירין.

The valley discussed in the mishna in *Teharot* is unusual, as it refers to a case where it has partitions^H that are ten handbreadths high surrounding it. And in accordance with that which Ulla said that Rav Yohanan said: An enclosure [*karpef*], a large courtyard that is not contiguous with the house and does not serve a direct purpose for the house, that is greater than a field that produces a crop of two *se'a*,^{NB} that was not originally surrounded by a fence for the purpose of residence,^H but with a partition to protect his belongings, and even if it is as large as a field that produces a crop of one *kor*, thirty times the size of a *se'a*, and even two *kor*, it is still considered a private domain. And, consequently, one who throws an object into it from the public domain on Shabbat is liable. What is the reason for this? It is a partition that surrounds the enclosure and its legal status is like that of a partition in every sense, except that it is lacking residents. Even though the Rabbis were stringent with regard to this enclosure because of the lack of residents and prohibited carrying in it as if it were a *karmelit*, that does not negate its primary legal status; by Torah law it is a full-fledged private domain. The same is true with regard to the aforementioned valley. The valley is a large area surrounded by partitions erected for the purpose of protection and thereby assumes private domain status.

The Gemara asks: Granted, in explanation of the mishna, Rav Ashi did not say in accordance with the opinion of Ulla,^N as he provided a reason for it. However, what is the reason that Ulla did not say in accordance with his own *halakha* that he cited in the name of Rabbi Yohanan? The Gemara answers: Ulla could have said to you: If the mishna is referring to a case where it has partitions, would it call that place a valley? It is an enclosure. The implication of the word valley is that there are no partitions at all. And Rav Ashi defends his opinion by saying: The language taught in the mishna is: The private domain and not a *karmelit*. Therefore, his explanation more closely approximates the language of the mishna.

בשלמא רב אשי לא אמר בדעולא, אלא עולא מאי טעמא לא אמר בשמעתייה? אמר לך: אי דאית לה מחיצות בקעה קרי לה? קרפף היא! ורב אשי: רשות היחיד קתיני.

HALAKHA

Case where it has partitions – בגון דאית לה מחיצות: A valley that is surrounded by partitions is considered a private domain in terms of the *halakhot* of Shabbat as well, in accordance with the opinion of Rav Ashi, which was undisputed. With regard to the *halakhot* of ritual impurity, even after the rainy season this valley remains a private domain, due to a stringency instituted by the Sages, as explained in tractate *Bava Batra* (Rashbam; Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTuma* 20:6).

Enclosure greater than two *se'a* that was not surrounded for residence – קרפף יותר מבית סאתים שלא הוקף לדירה: A courtyard larger than two *se'a* which is not surrounded for residence, i.e., no one lives there, a house does not open into it, and it is not adjacent to a house, even though it is considered a full-fledged private domain by Torah law, the Sages only permitted carrying there within four cubits, in accordance with the opinion of Rabbi Yohanan (Rambam *Sefer Zemanim, Hilkhot Shabbat* 16:1; *Shulhan Arukh, Orah Hayyim* 346:3 and 358:1).

NOTES

Enclosure greater than two *se'a* – קרפף יותר מבית סאתים: The Sages estimated that a field of two *se'a* is the size of the courtyard of the Tabernacle. Apparently, that is the source for the determination that a courtyard larger than two *se'a* is no longer considered a courtyard. Rather, it is accorded the legal status of a field and the Sages were stringent and applied the *halakhot* of *karmelit* to it.

Granted, Rav Ashi did not say in accordance with the opinion of Ulla – בשלמא רב אשי לא אמר בדעולא: According to Rashi, apparently, the passage: Granted, Rav Ashi did not say in accordance with the opinion of Ulla, is to be understood as if it said: Granted, Rav Ashi did not say in accordance with the opinion of Ulla, based on the opinion of Ulla himself, i.e., Rav Ashi relied on Ulla's other statement with regard to the matter of an enclosure in arriving at his understanding of this statement of Ulla.

BACKGROUND

Field that produces two *se'a* – בית סאתים: A field of two *se'a* is an area in which two *se'a* of wheat are generally grown. Translating a *se'a* into modern measurements is subject to debate. It is approximately 8–14 ℓ. However, the Sages determined that the area of two *se'a* is the equivalent of the area of the Tabernacle courtyard, which was 5,000 square cubits. In modern measures, it is 1,250–1,800 sq m.

NOTES

Karmelit – כְּרַמְלִית: Several explanations were offered for the etymology of this term. In the Jerusalem Talmud, it is said to originate from the word *karmel*, which is a type of partially dried grain. Just as *karmel* is neither dry nor moist, so too, a *karmelit* is an intermediate domain; neither private nor public. Some explain that it is from the word *ke'armelit*, like a widow, neither married nor unmarried. This domain also has intermediate status (Rambam's Commentary on the Mishna).

Upright brick – לְבִינָה יְקוּפָה: A standard brick has the fixed measure of three by three handbreadths, and its thickness is significantly smaller. Therefore, in order to achieve a height of three handbreadths it is necessary to stand the brick up, meaning to stand it on its length or width. Others explain that the length and width of this brick are four by four and it is three handbreadths high. Therefore, the area atop it is considered a *karmelit* (*Me'iri*).

BACKGROUND

Thorns – הַיָּזְמִי: This is probably the thorny bush *Ononis antiquorum* L. from the Papilionaceae family. It is a small thorny bush whose height is 25–70 cm and is commonly found in fields and riverbeds. The leaves of the plant are usually clover-shaped, and its side branches are thorny and tend to branch out.



Young thorn bush

Shrubs – הַיָּזְמִי: The common shrub in the Papilionaceae family, *Alhagi maurorum* Medik is a thorny bush with smooth non-serrated leaves. It usually grows to a height of approximately 30 cm and can grow to a height of 1 m. It is commonly found in fields and salt marshes.



Shrubs

”וְהַכְרַמְלִית” אִטּוּ כּוֹלָהּ נִמְי לְאוּ כְרַמְלִית נִינְהוּ? כִּי אֵתָא רַב דִּימִי אָמַר רַבִּי יוֹחָנָן: לֹא נִצְרְכָה אֲלָא לְקֶרֶן זְוִית הַסְמוּכָה לְרִשּׁוֹת הָרִבִּים. דָּאֵף עַל גַּב דְּזִימְנִין דְּדַחְקִי בֵּיהּ רַבִּים וְעֵינֵילִי לְגִזְהָ, כִּיּוֹן דְּלֹא נִחָא תַשְׁמִישְׁתִּיהָ – כִּי כְרַמְלִית דְּמִי.

כִּי אֵתָא רַב דִּימִי אָמַר רַבִּי יוֹחָנָן: בֵּין הָעַמּוּדִין נִדּוֹן כְּכַרְמְלִית. מֵאֵי טַעְמָא – אֵף עַל גַּב דְּדַרְסִי בְּהָ רַבִּים. כִּיּוֹן דְּלֹא מְסַתְּגִי דְּהוּ בְּהִדְּפָא – כְּכַרְמְלִית דְּמִיָּא. אָמַר רַבִּי יוֹרָא אָמַר רַב יְהוּדָה: אֵי צִטְבָּא שְׁלִפְנֵי הָעַמּוּדִים – נִדּוֹן כְּכַרְמְלִית.

לְמֵאן דְּאָמַר בֵּין הָעַמּוּדִים – כָּל שֶׁבֶן אֵי צִטְבָּא. לְמֵאן דְּאָמַר אֵי צִטְבָּא, אֵי צִטְבָּא הוּא דְּלֹא נִחָא תַשְׁמִישְׁתִּיהָ, אֲבָל בֵּין הָעַמּוּדִים דְּנִחָא תַשְׁמִישְׁתִּיהָ – לֹא. לִישְׁנָא אַחֲרֵינָא: אֲבָל בֵּין הָעַמּוּדִין, דְּזִימְנִין דְּדַרְסִי לֵיהּ רַבִּים – כְּרִשּׁוֹת הָרִבִּים דְּמִיָּא.

אָמַר רַבָּה בַּר שִׁילָא אָמַר רַב הֶסְדָּא: לְבִינָה יְקוּפָה בְּרִשּׁוֹת הָרִבִּים, וְזוּק וְטַח בְּפִנְיָה – חַיִּיב, עַל גַּבָּהּ פְּטוּר.

אֲבֵי וְרַבָּא דְּאָמְרֵי תְרוּוּיָהּ: וְהוּא שְׁגִבּוּהַ שְׁלִשָּׁה, דְּלֹא דַרְסִי לָהּ רַבִּים. אֲבָל הַיָּזְמִי וְהַיָּזְמִי, אֵף עַל גַּב דְּלֹא גְבִיחֵי שְׁלִשָּׁה. וְחֵיילָא בַּר רַב אָמַר: אֲפִילוּ הַיָּזְמִי וְהַיָּזְמִי, אֲבָל צוּאָה לֹא. וְרַב אֲשִׁי אָמַר: אֲפִילוּ צוּאָה.

In the *Tosefta*, the list of places whose legal status is that of a *karmelit* also includes *karmelit*.^N The Gemara asks: **Aren't they, all the other places listed there, i.e., a sea, a valley, and a colonnade, a *karmelit* too?** If so, what is this *karmelit* that is prominently mentioned here? The Gemara answers: **When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yohanan said: This addition of *karmelit* was only necessary in order to teach the case of a corner adjacent to the public domain, where, although at times the multitudes push their way in and enter it, since its use is inconvenient it is considered a *karmelit*.**

Similarly, when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yohanan said: **Between the pillars alongside the public domain is judged like a *karmelit*. What is the reason for this? Although the multitudes stride there, since they cannot walk in it in a direct manner, uninterrupted, it is considered like a *karmelit*.** Rabbi Zeira said that Rav Yehuda said: **The same is true for the bench that is before the pillars^H upon which the merchants place their wares; it is judged to be like a *karmelit*.**

The Gemara comments: **According to the one who said that between the pillars^H is considered like a *karmelit*, all the more so a bench is considered a *karmelit*.** However, according to the one who said that a bench is a *karmelit*, one could say that that is so specifically with regard to a bench because its use is inconvenient. However, the space between the pillars, whose use is convenient, would not be considered a *karmelit*. Another version of that statement: **However, between the pillars where, at times, the multitudes stride there is considered like the public domain.**

With regard to the question to what degree does the use of the multitudes determine whether a specific place is considered a public domain, the Gemara cites the *halakha* that **Rabba bar Sheila said that Rav Hisda said: If an upright brick^N was placed in the public domain and one threw an object from a distance of four cubits and he stuck the object to its side, he is liable for throwing in the public domain. But if the object landed atop the brick, he is not liable.** Because the multitudes do not step on the brick, it is not a full-fledged public domain.

It was **Abaye and Rava, who both said: And that is specifically when that brick is at least three handbreadths high, as then the multitudes do not step on it, and, therefore, even though the brick is standing in the public domain, it is considered an independent domain.** However, **thorns^B and shrubs,^B even though they are not three handbreadths high, are not considered part of the public domain.** Since people do not walk on thorns, those areas cannot be considered part of the public domain. **And Hiyya bar Rav said: Even the place where there are thorns and shrubs in the public domain, if they were low, the place is considered part of the public domain.** However, a place in the public domain where there are feces^H is not considered part of the public domain, as people do not walk there. **And Rav Ashi said: Even a place in the public domain where there are feces is considered part of the public domain, since ultimately people who are rushing to work do not take care to avoid it and will step on it.**

HALAKHA

A bench that is before the pillars – אֵי צִטְבָּא שְׁלִפְנֵי הָעַמּוּדִים: When a fixed bench in a public domain is situated before the pillars, if it is wider than four handbreadths and between three and ten handbreadths high, its legal status is that of a *karmelit*, as Rabbi Zeira also agreed with that opinion (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:4,6; *Shulhan Arukh, Oraḥ Hayyim* 345:14).

Between the pillars – בֵּין הָעַמּוּדִים: The *halakha* is that the area between the pillars is considered a public domain. The ruling is in accordance with the opinion of Rabbi Zeira because he is a later *amora* and the Talmud engages in discussion of his statement

(Rambam and *Tosafot*). The Rosh and the Rashba disagree (*Magen Avraham; Shulhan Arukh HaRav; Rambam Sefer Zemanim, Hilkhot Shabbat* 4:4; see *Mishna Berura* on *Shulhan Arukh, Oraḥ Hayyim* 345:14).

Thorns and shrubs...feces – הַיָּזְמִי וְהַיָּזְמִי...צוּאָה: Anything that is placed in the public domain that is three handbreadths or lower, e.g., feces, has the legal status of the public domain. The *halakha* is in accordance with the opinion of Rav Ashi because he is one of the last *amora'im* (Rambam *Sefer Zemanim, Hilkhot Shabbat* 4:7; *Shulhan Arukh, Oraḥ Hayyim* 345:10).

There is no *karmelit* less than four – אין כרמלית פחותה – מארבעה: A *karmelit* is an area that is at least four by four handbreadths and above or below the public domain by anywhere between three and ten handbreadths, in accordance with the opinion of Rabbi Yohanan (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:4; *Shulhan Arukh, Oraḥ Ḥayyim* 345:11).

LANGUAGE

Keen scholar [*shinnana*] – שיננא: According to many commentaries, Rashi among them, *shinnana* means sharp and it is an honorific that Shmuel conferred upon his most prominent student. However, the *geonim* explain, based on old Aramaic vernacular, that *shinnana* means the one with the large teeth, and that was Rav Yehuda's nickname.

NOTES

One who stuck a stick in the private domain and threw an object and it landed atop it – הניחיד וזרק ונח על גביו: This is difficult. Why would it be considered as if an act of placing was performed when it did not come to rest on a surface of four by four handbreadths? Some explain that the requirement that placement be performed upon a surface of four by four handbreadths only applies to surfaces that are not integral parts of the domain itself. However, since this stick is part of the private domain, its legal status is determined accordingly, even though it lacks the requisite size of a significant place (Ran). Others explain that in the private domain it is customary to build in all shapes and in all areas. Therefore, anything that belongs to a private domain has the legal status of that domain (*Beit Yosef; Levush*).

אמר רבה דבי רב שילא, כי אתא רב דימי אמר רבי יוחנן: אין כרמלית פחותה מארבעה. ואמר רב ששת: ותופסת עד עשרה. מאי ותופסת עד עשרה? אילימא דאי איכא מחיצה עשרה הוא דהוי כרמלית, ואי לא – לא הוי כרמלית; ולא? והאמר רב גידל אמר רב חייא בר יוסף אמר רב: בית שאין בתוכו עשרה, וקריו משלימו לעשרה – על גגו מותר לטלטל בכולו, בתוכו אין מטלטלין בו אלא ארבע אמות!

אלא מאי "ותופסת עד עשרה" – דעד עשרה הוא דהויא כרמלית, למעלה מעשרה טפחים – לא הוי כרמלית. וכי הא דאמר ליה שמואל לרב יהודה: שיננא, לא תיהוי במילי דשבתא למעלה מעשרה, למאי הלכתא? אילימא דאין רשות היחיד למעלה מעשרה – והאמר רב חסדא: נעץ קנה ברשות היחיד וזרק ונח על גביו, אפילו גבוה מאה אמה – חייב, מפני שרשות היחיד עולה עד לרקיע.

Rabba from the school of Rav Sheila said: When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yohanan said: **There is no *karmelit* less than four^H handbreadths. And Rav Sheshet added and said: And the *karmelit* extends up to ten handbreadths.** With regard to the formulation of Rav Sheshet, the Gemara wondered: **What is the meaning of the phrase: And extends up to ten? If you say that it means if there is a partition ten handbreadths high surrounding it then it is considered a *karmelit*, and if not, it is not considered a *karmelit*. And is it not a *karmelit*? Didn't Rav Giddel say that Rav Hiyya bar Yosef said that Rav said: A house that does not have walls inside it that are ten handbreadths high, and with its roofing it reaches a height of ten handbreadths above the ground; on its roof, one may carry on all of it, as its roof is a private domain in every sense, and inside it, one may only carry four cubits, as inside, the height is insufficient to render it a private domain, and it retains *karmelit* status? Apparently, even an area less than ten handbreadths high has the legal status of a *karmelit*.**

Rather, what is the meaning of Rav Sheshet's formulation: **And extends up to ten?** Apparently, **up to ten handbreadths is that which is within the parameters of a *karmelit*, and above ten handbreadths is not a *karmelit*. And as Shmuel said to Rav Yehuda: Keen scholar [*shinnana*],^L do not be involved with questions in the matters of Shabbat above ten handbreadths.** The Gemara elaborates: With regard to what *halakha* and in the context of what issue did Shmuel make this statement? **If you say his intention was that there is no private domain above ten handbreadths, didn't Rav Hysda say: One who stuck a stick in the ground of the private domain and threw an object from the public domain and it landed atop it,^N even if the stick was a hundred cubits high, he is liable, since the private domain extends up to the sky? Apparently, there is a private domain even above ten handbreadths.**

Perek I
Daf 7 Amud b

אלא דאין רשות הרבים למעלה מעשרה – מתניתין היא! דתמן: הזורק ארבע אמות בכותל, למעלה מעשרה טפחים – בזורק באויר, למטה מעשרה טפחים – בזורק בארץ.

Rather, suggest that Shmuel meant that **there is no public domain above ten handbreadths. It is a mishna, and why would he repeat an explicit mishna? As we learned in a mishna: With regard to one who throws an object four cubits in the public domain, and the object came to rest on a wall standing in the public domain above ten handbreadths from the ground, it is as if he were throwing an object in the air and it never landed. If it came to rest below ten handbreadths off the ground, it is as if he were throwing an object to the ground.** That is an explicit mishna stating that the area of the public domain does not go beyond ten handbreadths off the ground.

אלא כרמלית, דאין כרמלית למעלה מעשרה. ואיקלו בה רבנן מקולי רשות היחיד ומקולי רשות הרבים: מקולי רשות היחיד: דאי איכא מקום ארבעה – הוא דהויא כרמלית, ואי לא – מקום פטור בעלמא הוא. מקולי רשות הרבים: דעד עשרה טפחים הוא דהויא כרמלית, למעלה מעשרה טפחים – לא הויא כרמלית.

Rather, it must be that Shmuel's statement was referring to a *karmelit*; **there is no *karmelit* above ten handbreadths. And, if so, the Sages were lenient with regard to a *karmelit* and applied some leniencies of the private domain and some leniencies of the public domain.** The Gemara elaborates: **Some leniencies of the private domain: That if there is an area of four handbreadths, then it is a *karmelit*, and if there is not an area of four handbreadths, it is merely an exempt domain. Some leniencies of the public domain: That until a height of ten handbreadths, it is a *karmelit*, above ten handbreadths is not a *karmelit*.**

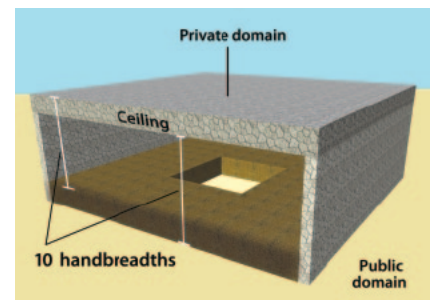
גופא. אמר רב גידל אמר רב חייא בר יוסף אמר רב: בית שאין תוכו עשרה, וקריו משלימו לעשרה, על גגו – מותר לטלטל בכולו, בתוכו – אין מטלטלין בו אלא בארבע אמות.

To the matter itself: It was mentioned above that Rav Giddel said that Rav Hiyya bar Yosef said that Rav said: **A house that does not have inside it walls that are ten handbreadths high,^{HB} and with its roofing it reaches a height of ten handbreadths above the ground; on its roof, one may carry on all of it, as its roof is a private domain in every sense, and inside it, one may only carry four cubits, as inside the height is insufficient to render it a private domain and it retains *karmelit* status.**

A house that does not have inside it walls that are ten handbreadths high – בית שאין תוכו עשרה: If the height inside a house is less than ten handbreadths but the top of the roof is ten handbreadths off the ground, the top of the roof is a full-fledged private domain and inside the house is a *karmelit*. If one dug a space of four by four handbreadths inside the house and thereby increased the height inside the house to ten handbreadths, the entire inside of the house becomes a private domain, even if the area dug out is more than three handbreadths from the walls. Others say that the area dug out must be within three handbreadths of the walls (*Magen Avraham* based upon the opinion of the Rosh; *Shulhan Arukh, Oraḥ Ḥayyim* 345:15).

BACKGROUND

House that does not have inside it walls that are ten handbreadths high, etc. – בית שאין בתוכו עשרה וכו': In this image, the *halakha* of Abaye in a case where one dug out an area of four handbreadths inside is illustrated.



House less than ten handbreadths high with dug-out area

And if he dug out in the floor of the house an area of four by four handbreadths על ואם חקק בו ארבעה על ואם חקק בו ארבעה על – The fundamental principle is that digging out a particular minimal area within the house creates a full-fledged private domain. Consequently, the entire house is considered a private domain. However, it is not clear exactly how the area that he dug out becomes a private domain, since there are no partitions. On the one hand, it is possible to see here an application of the principle: Raise the partition [*gode asik*], i.e., the walls of the dug-out area are considered as if they stretch up to the ceiling of the house. Others explain that the boundaries of the private domain inside the house are its outer walls, which are ten handbreadths above the ground of the dug-out area. The ceiling is considered a continuation of those partitions, based on the *halakha* of a curved wall, which encloses both the private domain and the holes of the private domain (Rosh).

HALAKHA

The holes of the private domain – חורי רשות היחיד: Holes that are in the walls of the private domain and whose openings face the private domain have the legal status of the private domain (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 14:10; *Shulhan Arukh, Oraḥ Hayyim* 345:4).

The holes of the public domain – חורי רשות הרבים: Holes in the walls of the public domain whose openings face the public domain and are three handbreadths or higher above the ground are not considered part of the public domain. Their legal status is dependent on their height off the ground and the size of their area. If their area is four by four handbreadths and they are up to ten handbreadths high, they are considered a *karmelit*. If they are higher than ten handbreadths, they are considered the private domain, in accordance with Rava's opinion, as the *halakha* is ruled in his favor in disputes with Abaye (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 14:10; *Shulhan Arukh, Oraḥ Hayyim* 345:13).

אמר אביי: ואם חקק בו ארבעה על ארבעה והשלימו לעשרה – מותר לטלטל בכלו. מאי טעמא – הוי חורי רשות היחיד, וחורי רשות היחיד כרשות היחיד – חורי רשות הרבים דמו. דאיתמר, דמו: חורי רשות הרבים דמו, ובא אומר: לאו כרשות הרבים דמו.

אמר ליה רבא לאביי: לדידך דאמרת חורי רשות הרבים כרשות הרבים דמו, מאי שנא מהא דכי אתא רב דימי אמר רבי יוחנן: לא נצרכה אלא לקרן וזית הסמוכה לרשות הרבים, ותיהוי כחורי רשות הרבים! הָתָם לֹא נִתְחַבַּת תְּשֻׁמִיתָהּ, הָכָא – נִתְחַבַּת תְּשֻׁמִיתָהּ.

תנן: הזורק ארבע אמות בכותל למעלה מעשרה – בזורק באויר, למטה מעשרה טפחים – בזורק בארץ, והוינן בה: מאי בזורק בארץ? והא לא נח!

ואמר רבי יוחנן: בדבילה שמינה שנו. ואי סלקא דעתך חורי רשות הרבים כרשות הרבים דמו, למה לי לאוקמה בדבילה שמינה? לוקמה בצור וחקף, ודנח בחור!

זימנין משני לה: שאני צור וחקף דמיהדר ואתי. זימנין משני לה: בכותל דלית ביה חור. ממאי – מדקתני רישא: זרק למעלה מעשרה טפחים בזורק באויר. ואי סלקא דעתך בכותל דאית ביה חור, אמאי "בזורק באויר" הא נח בחור!

With regard to this *halakha*, Abaye said: **And if he dug out an area of four by four handbreadthsⁿ in the floor of the house and in the place where the digging took place, its height to the ceiling reaches ten handbreadths, the house becomes a private domain, and it is permitted to carry in the entire house. What is the reason for this?** Since the dug out area is a private domain, the rest of the house is ancillary to it, and it assumes the legal status of the holes of the private domain,ⁿ and the holes of the private domain, although they lack the measure of a private domain, are considered like the private domain itself. As it was stated: Everyone agrees that the holes of the private domain are considered like the private domain; since they are subsumed within the private domain, they are judged to be like it. However, they disagreed with regard to the holes of the public domain.ⁿ Abaye says: **They are considered to be like the public domain. And Rava says: They are not considered to be like the public domain; they are either a *karmelit* or an exempt domain.**

Rava said to Abaye: According to you, who said that the holes of the public domain are considered like the public domain, in what way is it different from this *halakha*? As when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yohanan said: **This addition of *karmelit* to the *Tosefta* was only necessary to teach the case of a corner adjacent to the public domain. And, according to your opinion, let this corner be like the holes of the public domain, and its legal status should be that of a public domain itself and not that of a *karmelit*.** Abaye answered: There is a distinction between the cases. **There, the corner, its use is not convenient; here, the holes of the public domain, their use is convenient.** Since it is convenient to utilize the holes of the public domain, and they are in fact utilized, they are a public domain in every sense.

The Gemara raised an additional difficulty for Abaye's opinion: **We learned in a mishna with regard to one who throws an object four cubits in the public domain, and the object came to rest on a wall standing in the public domain above ten handbreadths from the ground, it is as if he were throwing an object in the air and it never landed. If it came to rest below ten handbreadths off the ground, it is as if he were throwing an object to the ground, and he is liable. And we discussed this *halakha*: What is the reason that when the wall is not ten handbreadths high it is as if he threw it to the ground?** The object did not come to rest on the wall, as presumably the object hit the wall and then fell to the ground. Since there was no act of placement, he did not perform the prohibited labor of carrying in the public domain.

And Rabbi Yohanan said that they learned this mishna as referring to a case when he threw a juicy cake of figs that sticks to the wall and remains there. **And should it enter your mind to say that the holes of the public domain are considered like the public domain, why do I need to establish the mishna as referring to the case of a juicy cake of figs? Let us establish it simply as referring to the case of a run-of-the-mill stone or object, and that it came to rest in a hole.**

Sometimes Abaye would answer the question by saying that a stone or object is different from a juicy fig in that they come back when they are thrown and do not come to rest in the hole. Therefore, it was simpler to establish the mishna in the case of a fig. **And sometimes he would answer it by saying that the mishna is referring to a wall that has no hole. And from where does he find support for this explanation? From that which we learned in the first clause of the mishna: One who throws above ten handbreadths from the ground, it is as if he is throwing in the air and it never landed. And if it should enter your mind to say that we are speaking here about a wall that has a hole in it, why should it be as if he threw it in the air and it never landed? It rested in a hole, and that hole is a private domain, as it is above ten handbreadths, and in that way the prohibited labor of carrying in was performed.**

One carves out to complete it – חוקקין להשלים: One does not carve out an imaginary area in order to increase the size of the space and thereby alter its legal status. Rather, each space is assessed according to its actual size, in accordance with the opinion of the Rabbis (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 14:18; *Shulhan Arukh, Orah Hayyim* 345:10).

One who stuck a stick...because the private domain rises up to the sky – נגעץ קנה...מפני שרשות היחיד עולה עד לרקיע – Every part of the private domain reaches up to the sky. Therefore, if one stuck a stick in the private domain, and threw an object from the public domain that came to rest on top of it, even if the area of the stick's surface is less than four by four handbreadths, it has the legal status of a full-fledged private domain, and he is liable, in accordance with the opinion of Rav Hisda (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 14:17; *Shulhan Arukh, Orah Hayyim* 345:5).

BACKGROUND

One carves out to complete it – חוקקין להשלים: According to Rabbi Meir, since it is possible to complete the opening in the wall and make it square, its legal status is as if it were already carved out in that shape. That is also his opinion in other cases. A space is considered to have appropriate measurements, as long as there is room for it to be completed.



Wall whose area is calculated as if its opening were along the dotted lines

The matter itself [gufa] – גופא: When a certain matter is cited incidentally in the course of a discussion of a different topic, the Gemara often later discusses that incidental topic more extensively. The term used to introduce that discussion is *gufa*. As a rule, *gufa* introduces a subject that is unrelated to the main topic of the tractate or chapter.

NOTES

That Rabbi Meir holds one carves out to complete it and the Rabbis hold one does not carve out to complete it – חוקקין להשלים – דרבי מאיר סבר: חוקקין להשלים. The basic dispute in this matter is with regard to a gate built like an arch: Can it be considered as if it were square in its upper part as well? According to Rabbi Meir, who says that one carves it out to complete it, the space is considered as if it were square-shaped, notwithstanding the archway. Apparently, the dispute here revolves around the question: To what degree is the space evaluated as it is and to what degree is it possible to say that as long as it serves a specific purpose, it is considered to have a shape appropriate for that purpose?

HALAKHA

Boughs and the trunk – נוף ועיקר: If a tree is standing in the private domain and its boughs extend into the public domain, its boughs are not considered part of the trunk, and they constitute a domain unto themselves, an exempt domain (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 14:17).

וכי תימא: מתניתין דלית בהו ארבעה על ארבעה, והאמר רב יהודה אמר רבי חייא: ורק למעלה מעשרה טפחים והלכה ונחה בחור כל שהוא, באנו למחלוקת רבי מאיר ורבנן. דרבי מאיר סבר: חוקקין להשלים, ורבנן סברי: אין חוקקין להשלים. אלא לאו שמוע מינה: בכותל דלית ביה חור, שמוע מינה.

And if you say that the mishna is referring to a case where holes do not have an area of at least four by four handbreadths, which is common for holes in the wall, and therefore the holes have exempt domain status, didn't Rav Yehuda say that Rabbi Hiyya said: One who threw an object above ten handbreadths and the object went and came to rest in a hole of any size, we have arrived in this matter at the dispute between Rabbi Meir and the Rabbis? The decision whether or not there is a prohibition here depends on an analysis of that dispute. Rabbi Meir holds that in all cases where a certain minimum area is required for a specific *halakha* to take effect and the existing area is smaller, if, theoretically, circumstances would allow to carve out and create an area of the requisite size, one considers it as if he carves out the space to complete it,^{HB} i.e., the space has the legal status as if it was actually enlarged. And the Rabbis hold that one does not carve out the space to complete it.^N Rather, the legal status of the area corresponds to its actual size. Consequently, according to Rabbi Meir, if an object landed in a small hole, one considers the area as if it were carved out to complete the hole to four by four handbreadths, and its legal status is like that of a private domain in every sense. Rather, can we not conclude from the mishna that maintains that one who throws an object onto a wall above ten handbreadths it is as if he threw it in the air, that it is referring to a wall that has no hole in it, and the possibility of carving out the space was never raised? The Gemara concludes: Indeed, conclude from it.

The Gemara again returns to the matter that was mentioned above in passing itself [*gufa*].^B Rav Hisda said: One who stuck a stick in the ground of the private domain, and an object that he himself threw from the public domain rested atop it, even if that stick was a hundred cubits high, he is liable. The reason for this is because the private domain rises up to the sky.^H The Gemara suggests: Let us say that when Rav Hisda said his statement, it was in accordance with the opinion of Rabbi Yehuda HaNasi. The *tanna'im* disagreed with regard to a similar issue, as it was taught in a *baraita*: One who threw an object on Shabbat in the public domain, and the object rested on a projection of any size, Rabbi Yehuda HaNasi deems him liable and the Rabbis deem him exempt. Consequently, only according to Rabbi Yehuda HaNasi is there no need for the object to come to rest on an area of a specific size, and therefore the statement of Rav Hisda with regard to the stick can only be in accordance with Rabbi Yehuda HaNasi's opinion.

גופא, אמר רב חסדא: נגעץ קנה ברשות היחיד וזרק ונח על גביו, אפילו גבוה מאה אמה – חייב, מפני שרשות היחיד עולה עד לרקיע. לימא רב חסדא דאמר כרבי? דתניא, ורק ונח על גבי זיו כל שהוא, רבי מתייב, וחכמים פוטרין. (אלמא לא בעינן מקום ארבעה על ארבעה).

Perek I

Daf 8 Amud a

אמר אביי: ברשות היחיד – דכולי עלמא לא פליגי בדרב חסדא. אלא הכא באילן העומד ברשות היחיד ונפו נוטה לרשות הרבים, וזרק ונח אנפו, דרבי סבר: אמרינן "שדי נופו בתר עיקרו" ורבנן סברי: לא אמרינן "שדי נופו בתר עיקרו".

Regarding this assertion, Abaye said: In the private domain, everyone agrees that the *halakha* is in accordance with the opinion of Rav Hisda, i.e., that the private domain is considered one entity filled from the ground to the sky. However, here this *baraita* is referring to a special case involving a tree standing in the private domain and its boughs lean into the public domain, and one threw an object from the public domain and it rested upon the boughs of the tree. Rabbi Yehuda HaNasi holds that we say: Cast its boughs after its trunk.^H The tree's branches are considered an extension of its trunk, therefore the entire tree is considered a private domain, and one who throws onto it is liable. And the Rabbis hold that we do not say: Cast its boughs after its trunk, and therefore the boughs themselves are not considered to be a private domain, but rather an exempt domain, and one who throws atop them from the public domain is not liable.

BACKGROUND

Barrel – כְּבוֹרֵת: A barrel as described in the Gemara: He turned it on its mouth.

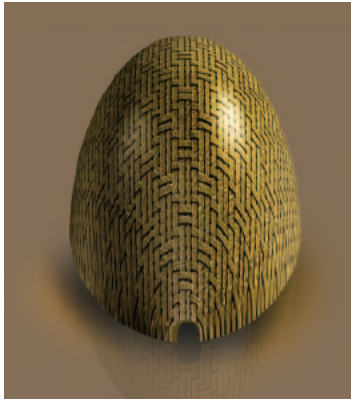


Illustration of a Roman reed barrel from talmudic times

HALAKHA

One who threw a round barrel into the public domain – זרק כְּבוֹרֵת לְרֵשׁוֹת הָרִבִּים: Any vessel that has an area of four by four handbreadths and is ten handbreadths high, i.e., the measurements of a private domain, and is placed in the public domain, is considered a private domain, for example, a cabinet, dresser, or barrel. As a result, if that vessel was thrown from the private domain to the public domain the thrower is exempt. Since its legal status is like that of a private domain, halakhically, the object was actually thrown from a private domain and remained in a private domain (Rambam Sefer Zemanim, Hilkhot Shabbat 14:19; Shulhan Arukh, Orah Hayyim 345:6).

Barrel...ten high – כְּבוֹרֵת...גְבוּהָהּ עֶשְׂרֵה: Any object thrown into the public domain whose upper edge is above ten handbreadths, as long as its length and width are four by four handbreadths for a height of ten handbreadths, is considered to be in its own domain. Consequently, one who threw it is exempt as per the opinion of Rava (Rambam Sefer Zemanim, Hilkhot Shabbat 14:19).

He turned it over on its mouth – כִּפְּאָהּ עַל-פִּיהָ: Apparently, the halakha is in accordance with the opinion of Rav Ashi that a vessel, even if it is turned over on its mouth, is judged according to the actual length of its sides. The principle of lavud is not applied to consider them longer than they are (Ramban; Rashbam).

Pillar that is nine handbreadths in the public domain – עֲמוּד תְּשֻׁעָה בְּרֵשׁוֹת הָרִבִּים: If a pillar in the public domain is less than three handbreadths high, it is part of the public domain. If it is between three and nine handbreadths high, with an area of four by four handbreadths, its legal status is that of a karmelit. If it is less than four by four handbreadths, it is an exempt domain. A pillar that is exactly nine handbreadths high, and others say between nine and ten handbreadths (Rosh), if the multitudes adjust the burden on their shoulders upon it, its legal status is that of the public domain. If the pillar was ten handbreadths or higher, with an area of four by four handbreadths, it is a private domain. If it has an area of less than four by four, it is an exempt domain, as per Ulla's opinion and according to the consensus among the different opinions of the various commentaries (Rambam Sefer Zemanim, Hilkhot Shabbat 14:8; Shulhan Arukh, Orah Hayyim 345:10).

אָמַר אַבְיִי: זָרַק כְּבוֹרֵת לְרֵשׁוֹת הָרִבִּים, גְבוּהָהּ עֶשְׂרֵה וְאֵינָה רְחֵבָה שְׁשָׁה – חַיִּיב, רְחֵבָה שְׁשָׁה – פְּטוּר.

רַבָּא אָמַר: אִפְּלוּ אֵינָה רְחֵבָה שְׁשָׁה – פְּטוּר. מֵאֵי טַעְמָא – אֵי אִפְשָׁר לְקְרוֹמֵיּוֹת שְׁל קְנָה שְׁלֵא יַעֲלוּ לְמַעְלָה מֵעֶשְׂרֵה.

כִּפְּאָהּ עַל פִּיהָ, שְׁבַעַה וּמִשְׁוֵהוּ – חַיִּיב, שְׁבַעַה וּמְחֻצָּה – פְּטוּר.

רַב אֲשִׁי אָמַר: אִפְּלוּ שְׁבַעַה וּמְחֻצָּה חַיִּיב, מֵאֵי טַעְמָא – מְחֻצּוֹת לְתוֹכָן עֲשׂוּיּוֹת.

אָמַר עוּלָא: עֲמוּד תְּשֻׁעָה בְּרֵשׁוֹת הָרִבִּים וְרִבִּים מְכַתְּפִין עָלָיו, וְזָרַק וְנָח עַל גְּבִיּוֹ – חַיִּיב, מֵאֵי טַעְמָא? פְּחוֹת מִשְׁלֹשָׁה – מְדָרְס דְרִסֵּי לִיהּ רִבִּים, מִשְׁלֹשָׁה עַד תְּשֻׁעָה – לֹא מְדָרְס דְרִסֵּי לִיהּ וְלֹא בְּתוֹפֵי מְכַתְּפֵי, תְּשֻׁעָה – וְדַאי מְכַתְּפִין עִילוּיָהּ.

Abaye said: One who threw a round reed barrel^B into the public domain,^H and the barrel is ten handbreadths high^H and its diameter is not six handbreadths wide,^N is liable. Since its diameter is less than six handbreadths, its area is less than the area of four handbreadths squared. Therefore, this barrel is considered an object, and if he threw it from the private domain to the public domain he is liable. However, if the diameter of the barrel was six handbreadths wide, he is exempt. Since the area of the barrel is greater than the area of four handbreadths squared, it is considered an independent private domain, and he did not perform an act of throwing an object from one domain to another domain.

Rava said: Even if it was not six handbreadths wide he is exempt. What is the reason for this? He is exempt because it is impossible that the ends of the reeds protruding from the weave of the barrel will not extend above ten handbreadths. Consequently, the entire barrel never entered the public domain, as part of it remains in a non-labile place, i.e., ten handbreadths off the ground of the public domain.

If he turned the barrel that is less than six handbreadths wide over on its mouth,^{HN} i.e., if he threw it with its mouth facing down, even if the barrel was only seven handbreadths and a bit^N high, he is still liable, as the legal status of this barrel is equivalent to that of any other object that lands there. However, if the height of this barrel was seven and a half handbreadths, he is exempt. Within three handbreadths of the ground, the principle of lavud takes effect: An object within three handbreadths of the ground has the legal status of being connected to the ground. The sides of the barrel extend to the ground and then it is considered as if the barrel already touched the ground of the public domain, even though it is actually still three handbreadths away, while its upper part remains an exempt domain. It is as if this was a barrel higher than ten handbreadths.

Rav Ashi said: Even if the height of the barrel was seven and a half handbreadths, he is liable, as the sides of the barrel are not considered to be higher than they are in reality. What is the reason for this? The reason is because partitions are made exclusively for the inside of the barrel. The sides of the barrel play no role beyond the barrel itself, and therefore there is no room to extend the sides by means of the principle of lavud. Therefore, if the barrel itself is not higher than ten handbreadths, it is merely an object.

Ulla said: A pillar that is nine^N handbreadths high, standing in the public domain,^H and many people adjust the burden on their shoulders upon it, and one threw an object from the private domain and it rested atop the pillar, he is liable. What is the reason for this? It is based on this principle: Anything protruding from the public domain: If it is less than three handbreadths off the ground, and the multitudes step on it, it is considered to be part of the ground. If it is from three to nine handbreadths, they, the multitudes, neither step on it nor adjust the burden on their shoulders on it, and it is not considered part of the public domain. However, a protrusion nine handbreadths high, certainly the multitudes adjust the burden on their shoulders on it. Since the multitudes utilize it, it is considered a public domain, despite its height.

NOTES

Six wide – רְחֵבָה שְׁשָׁה: The commentaries wondered: Why does the barrel need to be six handbreadths wide? For its top to have an area of four by four handbreadths, it is sufficient if its diameter is a bit more than five and a half handbreadths, 5.656 handbreadths to be exact. Some explain that this calculation is of the area within the barrel. Including the thickness of the sides of the barrel, it is six handbreadths wide on the outside (Rabbeinu Hananel). According to Rashi and Tosafot, the Gemara rounded off the number slightly upward to be stringent. Rambam explains that numbers are rounded off because there is no way to achieve complete precision in numbers that denote the smallest fractions of the whole (Rambam's Commentary on the Mishna).

He turned it over on its mouth – כִּפְּאָהּ עַל פִּיהָ: The Ra'avad reads here: He bent it over on its mouth. He explains that the reference here is to a barrel that is ten handbreadths high, however, he folded the upper sides of the barrel down into it. The folded sides are considered as if they were upright.

And a bit – וּמִשְׁוֵהוּ: A bit is not quantifiable. However, it too has a certain minimum measure, although it is smaller than the standard

measures. That is how the expression: Two bits, in the sense of twice this minimal measure, is possible (Tosafot).

Pillar that is nine – עֲמוּד תְּשֻׁעָה: There are many different opinions among the Sages with regard to the conditions relevant to this pillar. Some say that the pillar in question is one whose height is precisely nine handbreadths (Rashi and others). Others say that any pillar between nine and ten handbreadths high is included in this halakha (Rosh; Me'iri; and others). There are also differing opinions with regard to the width of the pillar. Some say that this only applies if it is four by four handbreadths (Ra'avad). Others say that the halakha is the same even if it is less than four by four (Rashi; Rambam). They also differ with regard to adjusting the burden on one's shoulders. Some say that this applies specifically to a case where the multitudes actually adjust the burden on their shoulders upon it (Rashi in tractate Eiruvin; Ra'avad according to Rashba and Maggid Mishne), but if they do not actually do so, the halakha does not apply. Others say that if it is the appropriate size for adjusting one's burden that is sufficient (Rambam). There are other opinions that combine these views (see the corresponding note in the Halakha section).

אמר ליה אביי לרב יוסף: גומא מאי?
אמר ליה: וכן בגומא. רבא אמר:
בגומא לא. מאי טעמא? תשמיש
על ידי הדחק לא שמייה תשמיש.

איתיביה רב אדא בר מתנא לרבא:
היתה קופתו מונחת ברשות הרבים
גבוהה עשרה ורחבה ארבעה – אין
מטלטלין לא מתוכה לרשות הרבים
ולא מרשות הרבים לתוכה, פחות
מין – מטלטלין. וכן בגומא. מאי
לא אסיפא? לא, ארישא.

איתיביה:

Based on Ulla's statement, **Abaye said to Rav Yosef: A hole in the ground of the public domain, which is several handbreadths deep, what is its legal status?** Is it also considered, in accordance with Ulla's principle, part of the public domain? In general, with regard to the *halakhot* of Shabbat, there is no distinction between an area elevated above its surroundings and an area depressed below its surroundings. Rav Yosef said to him: **And the same is true in a hole;**^{NH} these *halakhot* apply. **Rava said: In a hole, these halakhot do not apply. What is the reason for this?** Since **use under duress is not considered use**, and the use of a pit even if it is nine handbreadths deep is inconvenient, and it is not comparable to a pillar of the same height.

Rav Adda bar Mattana raised an objection to Rava's opinion from that which was taught in a *baraita*: **One whose basket was placed in the public domain and it was ten handbreadths high and four wide, one may neither move an object from it to the public domain nor from the public domain to it**, since its legal status is that of a private domain. If it were **less than that height, one may carry from it to the public domain and vice versa**. The *baraita* adds: **And the same is true for a hole. Is this statement not referring to the latter clause of the baraita: One may carry from a pit which is less than ten handbreadths deep to the public domain?** This supports the opinion of Rav Yosef, that a hole is subsumed within the public domain. Rava rejected this: This statement is **not referring to the latter clause of the baraita**, but rather **to the first clause of the baraita**: It is like a basket in that one may not carry from a hole ten handbreadths deep to the public domain because it is a full-fledged private domain. However, no conclusion may be drawn with regard to a hole less than ten handbreadths deep.

Rav Adda bar Mattana raised another objection to Rava's opinion from what was taught in a different *baraita*, which deals with the laws of joining of borders:

NOTES

In a hole – בגומא: In addition to the practical similarity between a pit and a pillar, some explain the use of a pit in other ways. Some say that it is common for the multitudes to utilize a pit in the public domain to conceal their belongings. Since they utilize it, its legal status is like that of the public domain (Rashba; see Rashi). Others explain that the reference is to a pit which is easily accessible; if the pit is nine handbreadths deep, people enter it and adjust the burdens on their shoulders on the ground of the public domain.

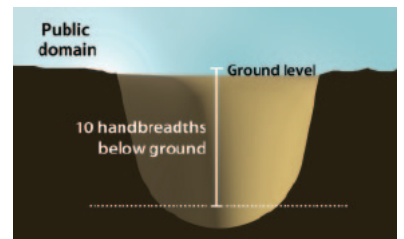
HALAKHA

In a hole – בגומא: A pit in the public domain that is less than three handbreadths deep is part of the public domain. A hole between three and nine handbreadths deep with an area of four by four handbreadths is a *karmelit*. If it is not four by four handbreadths, it is an exempt domain. If it is ten or more handbreadths deep and four by four handbreadths, it is a private domain. In that case as well, if it is less than four by four, it is an exempt domain, as per the statement of Rava (*Shulhan Arukh, Orah Hayyim* 345:11).

BACKGROUND

Above and below ten – למעלה ולמטה מעשרה: In order to determine the halakhic status of the pit, draw an imaginary line which is ten handbreadths below ground level.

Consequently, the expression above ten handbreadths refers to a case where the bottom of the pit is above that line, and therefore it is a *karmelit*. Below ten handbreadths is referring to a case where the bottom of the pit is below that line, and therefore it is a private domain.



Measurements to determine the halakhic status of a pit

Perek I
Daf 8 Amud b

נתכוון לשבות ברשות הרבים והניח עירובו בבור, למעלה מעשרה טפחים – עירובו עירוב, למטה מעשרה טפחים – אין עירובו עירוב.

היכי דמי? אילימא בבור דאית ביה עשרה, ולמעלה – דדלאי ואותביה, ולמטה – דתתאי ואותביה, מה לי למעלה ומה לי למטה? הוא במקום אחד ועירובו במקום אחר הוא!

One who intended to establish his Shabbat abode in the public domain at a specific site must place food sufficient for two meals for that site to be considered his legal residence. **And if he placed the food used for his *eiruv*^N in a pit above ten handbreadths, i.e., less than ten handbreadths below ground level, his *eiruv* is an *eiruv*.** If he placed the *eiruv* **below ten^B handbreadths** from ground level, **his *eiruv* is not an *eiruv*.** Because the pit is a private domain and he may not carry the *eiruv* from that private domain to a public domain, where he has established his residence, the *eiruv* is invalid.

The Gemara seeks to clarify the details of this case. **What are the exact circumstances? If you say that the baraita is referring to a pit that has ten handbreadths in depth and the phrase: And he placed it above ten handbreadths, means that he raised the *eiruv* and placed it within ten handbreadths of ground level, and the phrase: Below ten handbreadths, means that he lowered the *eiruv* and placed it ten handbreadths or more below ground level, what difference does it make to me if the *eiruv* is above ten handbreadths and what difference does it make to me if it is below ten handbreadths?** In any case, the pit is a private domain, and the principle states that the private domain extends from its lowest point to the sky. There is no difference whether the *eiruv* was placed higher or lower. In any case, **he is in one place, in the public domain, and his *eiruv* is in another place, in the private domain.** Since he cannot take the *eiruv* out of the pit, his *eiruv* is not an *eiruv*.

NOTES

He intended to establish his Shabbat...and placed his *eiruv*, etc. – נתכוון לשבות...והניח עירובו וכו': The *eiruv* mentioned here is the joining of borders [*eiruv tehumin*]. The Sages decreed that one may not go more than two thousand cubits beyond the limits of the city in which one is located on Shabbat. However, in special circumstances, primarily for the sake of a mitzva, they allowed one to place food sufficient for two meals within two thousand cubits of the city limits

during the day, before Shabbat. One thereby establishes that place as his residence and, consequently, is permitted to walk within a 2,000 cubit radius of that place. Although there is no obligation to eat the *eiruv*, the food set aside for the *eiruv* must be fit for consumption when Shabbat begins because that is the moment when one's place of residence is determined. It is then that he must have the possibility to take it and eat it if he so desires.

He was in the public domain and his *eiruv* was in a *karmelit* – הוא ברשות הרבים ועירובו בכרמלית – If one placed his *eiruv* in a *karmelit* and he was in a different domain, it is an effective *eiruv*, as at the time that the *eiruv* took effect on Shabbat eve at twilight he was permitted to take it, as per the opinion of Rabbi Yehuda HaNasi (Rambam *Sefer Zemanim, Hilkhoh Eiruvim* 6:9; *Shulhan Arukh, Orah Hayyim* 409:2).

Anything that is due to a rabbinical decree they did not issue the decree during twilight – כל דבר – שהוא משום שבות לא גזרו עליו בין השמשות: The Sages did not issue decrees during twilight, especially in cases of a mitzva or exigent circumstances (Rambam *Sefer Zemanim, Hilkhoh Shabbat* 24:10; *Shulhan Arukh, Orah Hayyim* 307:22).

Swamp – רקק מים: A swamp shallower than ten handbreadths that passes in a public domain through which the multitudes walk is part of the public domain. If it is ten handbreadths deep and it is four by four handbreadths, it is a *karmelit*. If it is not four by four, it is an exempt domain (Rambam *Sefer Zemanim, Hilkhoh Shabbat* 14:24).

NOTES

Anything that is due to a rabbinical decree they did not issue the decree during twilight – כל דבר – שהוא משום שבות לא גזרו עליו בין השמשות: Although the term *shevut* has a more limited definition, in several places the Sages use this concept to connote any decree that they issued with regard to Shabbat. Some explain that during twilight there is uncertainty whether it is day or night and since the *shevut* is a decree by rabbinic law, the guiding principle should be: An uncertainty with regard to a case involving rabbinic law should be resolved with leniency. Consequently, decrees would not apply at that time (Rashi).

Passage under duress...usage under duress, etc. – הילוך על ידי הדחק...תשמיש על ידי הדחק – Some explain that Rav Yosef, who ruled that a pit nine handbreadths deep is considered part of the public domain, did not base his statement on its similarity to a pillar nine handbreadths high. Rather, he based the *halakha* on the mishna that a swamp, which is a pit in the public domain, is considered like that domain. As a result, it was necessary for Rava to emphasize that there is a difference between passing under duress and other uses under duress (Rashba in the name of Rabbeinu Yona).

אֵלָּא לָאוּ – בְּבוֹר דְּלִית בֵּיה עֶשְׂרָה, וְקַתְנֵי "עִירוּבוּ עִירוּב", אֵלְמָא: תְּשַׁמֵּישׁ עַל יְדֵי הַדְּחָק שְׂמִיָּה תְּשַׁמֵּישׁ!

זְמַנֵּין מְשַׁנֵּי לֵיה: הוּא וְעִירוּבוּ בְּכַרְמְלִית, וְאִמְנָאי קָרִי לֵה "רְשׁוּת הַרְבִּים" – לְפִי שְׂאִינְה רְשׁוּת הַיְחִיד.

זְמַנֵּין מְשַׁנֵּי לֵיה: הוּא בְּרְשׁוּת הַרְבִּים וְעִירוּבוּ בְּכַרְמְלִית, וְרַבֵּי הֵיא: דְּאָמְרוּ: כָּל דְּבַר שְׂהוּא מְשׁוּם שְׂבוּת – לֹא גְזָרוּ עָלָיו בֵּין הַשְּׁמֶשׁוֹת.

וְלֹא תִימָא דְחַוֵּי קָא מְדַחֵינָא לְךָ, אֵלָּא דְיֻקָּא קְאָמֵינָא לְךָ. דְתַנֵּן: אִם הָיָה רֻקָּק מִיָּם וְרִשׁוּת הַרְבִּים מְהֻלְכָת בּוּ, הַזְּרוּק לְתוֹכָהּ אַרְבַּע אַמּוֹת חַיִּיב. וְכַמְּהָ הוּא רֻקָּק מִיָּם – פְּחוֹת מֵעֶשְׂרָה טְפָחִים. וְרֻקָּק מִיָּם שְׂרִשׁוּת הַרְבִּים מְהֻלְכָת בּוּ – הַזְּרוּק לְתוֹכּוֹ אַרְבַּע אַמּוֹת חַיִּיב.

בְּשַׁלְמָא רֻקָּק רֻקָּק תֵּרִי זִימְנֵי – חַד בִּימּוֹת הַחֶמְהָ וְחַד בִּימּוֹת הַגְּשָׁמִים, וְצְרִיכָא: דְאִי אֲשַׁמְעִינָן בִּימּוֹת הַחֶמְהָ דְעֵבִידֵי אֵינְשֵׁי לְקֻרְוֵי נְפֻשֵׁיהּ, אֲבָל בִּימּוֹת הַגְּשָׁמִים – אֵימָא לֹא. וְאִי אֲשַׁמְעִינָן בִּימּוֹת הַגְּשָׁמִים – אֲגַב דְמִטְנִיף מְקָרִי וְנַחֲתִי, אֲבָל בִּימּוֹת הַחֶמְהָ – לֹא, צְרִיכָא.

אֵלָּא הִילּוּךְ תֵּרִי זִימְנֵי לְמָה לִי? אֵלָּא לָאוּ שְׂמַע מִינָה: הִילּוּךְ עַל יְדֵי הַדְּחָק – שְׂמִיָּה הִילּוּךְ, תְּשַׁמֵּישׁ עַל יְדֵי הַדְּחָק – לֹא שְׂמִיָּה תְּשַׁמֵּישׁ, שְׂמַע מִינָה.

Rather, is the *baraita* not referring to a pit that does not have in it a depth of ten handbreadths? And the *baraita* should be understood as follows: If he placed his *eiruv* below ten handbreadths, refers to a pit whose lowest point is ten handbreadths or more below ground level. If he placed his *eiruv* above ten handbreadths, refers to a pit that is less than ten handbreadths deep and is not a private domain. And, with regard to that case, it was taught that his *eiruv* is an *eiruv*. Consequently, usage under duress in a pit that is less than ten handbreadths deep is considered usage, and a pit of that kind is a full-fledged part of the public domain.

Rava suggested various responses to this objection. At times he would answer him that it is referring to a case where both he and his *eiruv* are in a *karmelit*, i.e., that he intended to establish residence in a *karmelit* and placed his *eiruv* there. The pit is less than ten handbreadths deep, and consequently, both he and his *eiruv* are in the same domain. And why does the *baraita* call his place of residence the public domain? Because it is not the private domain.

And at times he would answer him that it is referring to a case where he was, indeed, in the public domain and his *eiruv* was in a *karmelit*,^h as a pit that is not ten handbreadths deep is not part of the public domain, rather it is a *karmelit*. With regard to the question, how can this be considered a legitimate *eiruv* as it is forbidden to carry from a *karmelit* to a public domain as well, this *baraita* is in accordance with the opinion of Rabbi Yehuda HaNasi, who said: Anything that is prohibited on Shabbat and its prohibition is not by Torah law, rather it is due to a rabbinic decree [*shevut*], the Sages did not issue the decree to apply during twilight,^h which is neither definitive day nor definitive night. Consequently, at the time that the *eiruv* was placed in the *karmelit* it was permissible for him to carry it to the public domain. Since an *eiruv* takes effect even if it is fit for use just one moment during twilight on Shabbat eve, his *eiruv* is effective.

And Rava said to Rav Adda bar Mattana: Do not say that I am just putting you off with these answers. Rather, what I am saying to you is accurate. The opinion that usage under duress is not considered usage is a bona fide opinion and the suggested answers are appropriate explanations of that *baraita*. As we learned in a mishna: If there was a swamp^h and the public domain passes through it, one who throws an object into it at a distance of four cubits is liable just like anyone who carried four cubits in the public domain. And how deep is this swamp? It is less than ten handbreadths. The mishna adds: And with regard to a swamp that the public domain passes through it, one who throws four cubits into the swamp is liable.

The difficulty concerning the repetition of the same topic with virtually identical words is clear, and therefore: Granted, it is possible to explain, that swamp swamp was repeated twice; one case is referring to the summer, and one case is referring to the rainy season. And it is necessary to emphasize that this ruling is in effect both in the summer and in the winter. As, had the mishna told us this *halakha* only in the summer, we would have said that since people commonly pass through the swamp to cool themselves, it is considered part of the public domain. However, in the rainy season I would have said it is not part of the public domain. And conversely, had the mishna told us this *halakha* only in the rainy season, I would have said that since he is filthy anyway, it happens that he is not cautious and enters into the swamp. However, in the summer, when he is not dirty with mud, I would have said that it is not part of the public domain. Therefore, it was necessary for the mishna to repeat swamp twice, to teach us that this *halakha* applies at all times.

However, why do I need the mishna to state twice that the public domain passes through that swamp? Rather, shouldn't one conclude from this that passage, even when it is under duress, and not free and easy, is considered passage, but usage under duressⁿ is not considered usage? It was necessary to emphasize that the public domain actually passes through it. If the multitudes do not pass through it and it was only used under duress, it would not have been considered a public domain. The Gemara concludes: Indeed conclude from this.

That bundle of reeds that he stood upright and threw down, stood upright and threw down – **הָאֵי יוֹרָא דְקָנִי** – **רָמָא וְזָקְפִיה רָמָא וְזָקְפִיה**: If he stood an object, e.g., a bundle of reeds, upright and threw it down on Shabbat, it is not considered lifting, as long as he did not lift it completely off the ground, as per the statement of Rav Yehuda. However, one who rolls or drags an object four cubits on the ground is considered to have carried in every sense (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:11).

Rather, a threshold that is merely an exempt domain... as long as they do not exchange – **אֵלָא אֶסְקוּפָה מְקוּם** – **פְּטוּר בְּעֵלְמָא הוּא... וּבְלִבְדָּ שְׁלֵא יַחְלִיפוּ**: One standing in either the private or public domain is permitted to bring an object into and take it out of an exempt domain, as in the case of a threshold. By rabbinic law, it is prohibited for one standing in an exempt domain to transfer an object between a private domain and a public domain (Rambam *Sefer Zemanim, Hilkhot Shabbat* 14:15; *Shulḥan Arukh, Oraḥ Hayyim* 346:1).

אָמַר רַב יְהוּדָה: הָאֵי יוֹרָא דְקָנִי, רָמָא וְזָקְפִיה רָמָא וְזָקְפִיה – לֹא מִיַּחֲבִיב עַד דְּעָקַר לֵיהּ.

Somewhat related to the case of the barrel discussed earlier which was a case of moving an object without liability, the Gemara cites that **Rav Yehuda said: That bundle of reeds that he stood upright and threw down, stood upright and threw down^h repeatedly, he is not liable** for carrying it four cubits in the public domain **until he lifts it off the ground**. As long as he did not lift it from the ground, even though he moved it a long way, he did not perform the acts of lifting and placing which are prohibited by Torah law, as at least one part of the bundle always remained on the ground.

אָמַר מַר: אָדָם עוֹמֵד עַל הָאֶסְקוּפָה נוֹטֵל מִבְּעַל הַבַּיִת וְנוֹתֵן לוֹ, נוֹטֵל מִעַנֵּי וְנוֹתֵן לוֹ. הָאֵי אֶסְקוּפָה מֵאֵי?

The Master said: A person standing on the threshold may take an object from the homeowner standing in the private domain **and may give an object to him**. Similarly, while standing there, **he may take an object from a poor person** standing in the public domain **and may give an object to him** because there is no element of prohibition or liability in carrying in and carrying out in an exempt domain on Shabbat. The Gemara asks: **This threshold, what is it; to what type of threshold is it referring?** Different thresholds have different halakhic status.

אֵילִימָא אֶסְקוּפַת רְשׁוּת הָרַבִּים, נוֹטֵל מִבְּעַל הַבַּיִת? הָאֵי מִפִּי מְרֻשׁוֹת הַיְחִיד לְרְשׁוֹת הָרַבִּים!

If you say that it is referring to a **threshold that is the public domain**, i.e., the threshold of an alleyway that is fewer than three handbreadths off the ground and is not covered, and the post that demarcates the parameters of the alleyway is situated between the public domain and the alleyway, how can the *Tosefta* say that **he may take an object from the homeowner? Isn't he carrying out from the private domain to the public domain?**

וְאֵלָא, אֶסְקוּפַת רְשׁוֹת הַיְחִיד – נוֹטֵל מִן הָעַנֵּי? הָאֵי קָא מַעֲיִל מְרֻשׁוֹת הָרַבִּים לְרְשׁוֹת הַיְחִיד!

Rather, say that the *Tosefta* is referring to a **threshold that is the private domain**, in a case where it is covered, or it is situated between the post that demarcates the parameters of the alleyway and the private domain, or it is ten handbreadths high and its area is at least four by four handbreadths. How then can the *Tosefta* say that **he may take an object from a poor person? Isn't he carrying in from the public domain to the private domain?**

אֵלָא אֶסְקוּפַת כְּרַמְלִית, נוֹטֵל וְנוֹתֵן לְכַתְחָלָה? סוּף סוּף אִיסוּרָא מִיָּהָא אֵיתָא!

Rather, say that the *Tosefta* is referring to a **threshold that is a karmelit**, i.e., it is not ten handbreadths high and it is four by four handbreadths; how can the *Tosefta* say that **he may take and give even ab initio? Ultimately, in this case, there is nevertheless a prohibition**. Even though a *karmelit* does not engender liability by Torah law, carrying from it is prohibited by rabbinic law and is certainly not permitted *ab initio*.

אֵלָא אֶסְקוּפָה מְקוּם פְּטוּר בְּעֵלְמָא הוּא, כְּגוֹן דְּלִית בֵּיהּ אַרְבַּעָה עַל אַרְבַּעָה. וְכִי הָא דְכִי אֵתָא רַב דִּימִי אָמַר רַבִּי יוֹחָנָן: מְקוּם שְׂאִין בּוֹ אַרְבַּעָה עַל אַרְבַּעָה טַפְחִים – מוֹתֵר לְבְנֵי רְשׁוֹת הַיְחִיד וְלְבְנֵי רְשׁוֹת הָרַבִּים לְכַתְחָ עָלָיו, וּבְלִבְדָּ שְׁלֵא יַחְלִיפוּ.

Rather, say that the *Tosefta* is referring to a **threshold that is merely an exempt domain**, and therefore there is no prohibition at all. In what circumstances is it an exempt domain? **In a case where it does not have an area of four by four handbreadths**, and it is therefore not considered a domain with regard to liability on Shabbat. **And that halakha is similar to that statement made when Rav Dimi came from Eretz Yisrael to Babylonia and he said that Rabbi Yoḥanan said: A place that does not have an area of four by four handbreadths and is set apart, it is permissible for both the people of the private domain and for the people of the public domain to adjust the burden on their shoulders upon it on Shabbat, as long as they do not exchange^h objects between them from one domain to the other domain.**

אָמַר מַר: "וּבְלִבְדָּ שְׁלֵא יִטוּל מִבְּעַל הַבַּיִת וְנוֹתֵן לְעַנֵּי, מִעַנֵּי וְנוֹתֵן לְבְּעַל הַבַּיִת, וְאִם נִטְלָ וְנוֹתֵן – שְׁלִשְׁתֵּן פְּטוּרִין". לֵימָא תִּיהוּי תִּיּוּבְתָא דְרַבָּא, דְּאָמַר רַבָּא: הַמְעַבֵּיר חֶפֶץ מִתְחִילַת אַרְבַּע לְסוּף אַרְבַּע בְּרְשׁוֹת הָרַבִּים, אַף עַל פִּי שְׁהַעֲבִירוּ

The Master also said in the Tosefta: A person standing on the threshold may take an object from the homeowner and give an object to him, and he may take an object from the poor person or give an object to him, as long as he does not take the object from the homeowner and give it to a poor person or from a poor person and give it to the homeowner. And, however, if he took an object from one and gave it to the other, certainly no labor prohibited by Torah law was performed in that case, and all three of them are exempt. The Gemara asks: **Say that this will be a conclusive refutation of Rava's opinion, as Rava said: One who transfers an object from the beginning of four cubits to the end of four cubits in the public domain, even though he transferred it above the upper boundary of the public domain**

HALAKHA

Though he transferred it via the airspace above it – אף על פי שהעבירו דרך – עליו: One who transfers an object four cubits in the public domain, even though he transferred it while holding it above his head, is liable. The Ra'avad explains the phrase: Via the airspace above it, in accordance with the explanation of Rabbeinu Hananel as referring to one standing in the public domain and passed an object from his right side four cubits to his left side. When the object is directly opposite him, it is as if the object was placed in an exempt domain. Nevertheless, since he did not actually place it there, he is liable. Apparently, the Rambam also agrees with this *halakha* (*Maggid Mishne*; Rambam *Sefer Zemanim Hilkhot Shabbat* 12:14).

BACKGROUND

Post within the entrance – לחי בתוך הפתח: Since there is an area within the entrance, it is considered like a small alleyway. In order to permit carrying in this area, it is necessary to establish a post at the outer edge of the entrance.



Post on the left side of the entrance

דרך עליו – תיביל התם לא נח, הקא – נח.

via the airspace above it,^{HN} i.e., he raised the object more than ten handbreadths above the ground of the public domain, which is an exempt domain, still he is liable for carrying in the public domain. On the other hand, in the *Tosefta* it says that if the object passed through an exempt domain, he is exempt by Torah law from punishment for passing it from domain to domain. The Gemara rejects that refutation as there is room to distinguish between the cases: **There**, in the *halakha* stated by Rava, the object **did not come to rest** in an exempt domain; it merely passed through its airspace. However, **here**, when transferred via the threshold, the object **came to rest** in an exempt domain, and as a result, the act of carrying out was divided into two separate actions, neither of which involves a Torah prohibition.

”אחרים אומרים: אסקופה משמשת שתי רשויות, בזמן שהפתח פתוח – כלפנים, פתח נעול – בלחיצו.”

Later in the *Tosefta*, *Aherim* say: Depending on the circumstances, a threshold serves two domains: **When the entrance is open**, the threshold is subsumed within the house and it is considered to be a private domain like the inside of the house. And when **the entrance is locked**, the threshold is not subsumed within the house, and it is considered to be a public domain like the outside.

ואף על גב דלית ליה לחי? והאמר רב חמא בר גוריא אמר רב: תוך הפתח צריך לחי אחר להתירו!

The Gemara wonders: When the entrance is open the threshold is considered to be like a private domain, and is this so even though it does not have a post on its side? Didn't Rav Hama bar Gurya say that Rav said: **The opening in the wall, i.e., the doorway, requires another post in order to permit carrying there?** A symbolic partition must be established at the side of the opening for that doorway to be considered closed and render carrying within it permissible like a full-fledged private domain. In the *Tosefta*, no mention was made of the need for a post of that kind.^{BN}

וכי תימא: דלית ביה ארבעה על ארבעה – והאמר רב חמא בר גוריא אמר רב: תוך הפתח, אף על פי שאין בו ארבעה על ארבעה – צריך לחי אחר להתירו!

And if you say that the *Tosefta* is referring to a threshold that does not have an area of four by four handbreadths, which is not considered an independent area and therefore does not require a post, didn't Rav Hama bar Gurya say that Rav said explicitly: **The opening, even though it does not have an area of four by four handbreadths, requires another post in order to permit carrying there?**

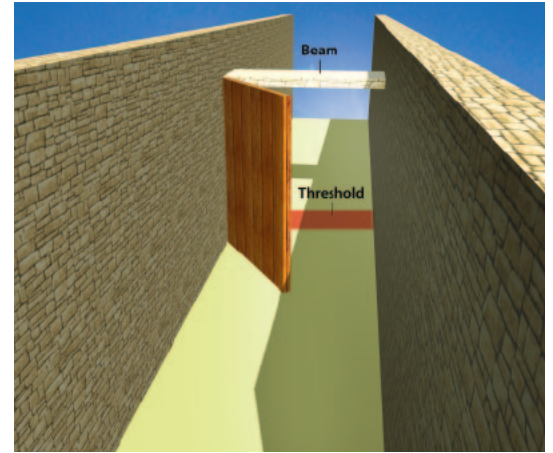
NOTES

Though he transferred it via the airspace above it – אף על פי שהעבירו דרך עליו: Some explain that this is referring to a case where he transferred the object from his right hand to his left and he passed it over his head (Rabbeinu Hananel).

The laws of partitions – דיני מחיצות: The *halakhot* of Shabbat and many other *halakhot* are dependent upon the existence of partitions. A solid, high partition that seals a certain opening is a definite boundary. However, in reality, boundaries of that kind are not present in every case. Thus, the question arises: What constitutes a full-fledged boundary and what constitutes a symbolic boundary? The determining

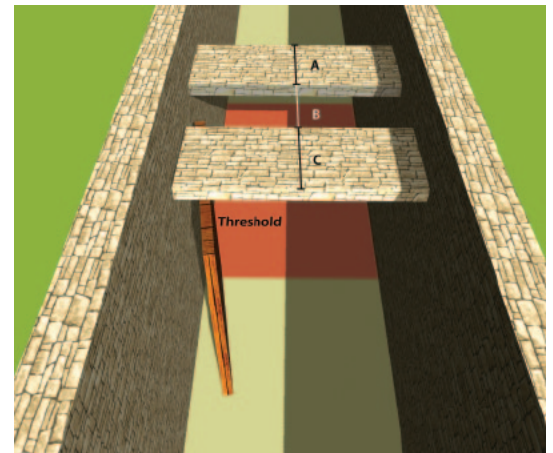
principles in this matter are complex, detailed *halakhot* transmitted to Moses from Sinai. The principle of *lavud* establishes that a space less than three handbreadths wide is considered sealed. The principle of *gode*, which means extend, states that certain boundaries are considered to be extended and lowered or extended and raised. Another principle that applies here is: The edge of the roof descends and seals, which states that the outer edge of the roof over a house or an alleyway is considered as if it descends and creates a partition that reaches the ground. However, the principle is relevant only when the roof has an edge of some sort, and when its area is more than four by four handbreadths.

Alleyway, half of it is covered – מבוי שהציו מקורה – When the door is open, as in the image below, the alleyway, which is a full-fledged private domain, as it is surrounded on three sides, extends until the far edge of the beam, which is the symbolic fourth partition. The threshold beneath the beam is then part of the private domain. However, when the door is closed, the door serves as the fourth partition. In that case, the beam and the area beneath it are beyond the private domain.



Partially covered alleyway

Threshold with two beams – איסקופה בשתי קורות – When the door is open, as in the image below, the two beams are considered attached, based upon the principle of *lavud*. The threshold, even under the outer beam, is a private domain, based upon the principle: The edge of the roof descends and seals. However, when the door is locked, there is only one beam less than four handbreadths wide outside, and the threshold under it does not have the legal status of a private domain.



- A) Beam less than four handbreadths wide
- B) Space between the beams, less than three handbreadths
- C) Beam less than four handbreadths wide

NOTES

שתי רשויות והן רשות אחת – Two domains and they are one domain – Some explain that Rabbi Meir only established this principle in a domain that belongs to different people and is a private domain only as far as Shabbat is concerned; it constitutes two domains as far as transactions are concerned. He did not issue the decree in a private domain that belongs to one person (Rashba).

אמר רב יהודה אמר רב: הכא באיסקופת מבוי עסקינן, קציו מקורה וחציו שאינו מקורה, וקירויו כלפי פנים; פתח פתוח – כלפנים, פתח נעול – כלחוץ.

Rav Yehuda said that Rav said: Here we are dealing with the threshold of an alleyway open to the public domain on only one side. Although, by Torah law, it is considered a private domain, the Sages required him to establish a fourth symbolic partition on the side open to the public domain. This alleyway was covered, and this covering extended to part of the threshold in a manner that **half of it is covered^B and half of it is not covered, and the covering is over the part of the threshold toward the inside.** In that case, if the entrance is open, its legal status is like that of the inside, as it is considered as if there were a partition extending from the edge of the roofing above to below, based on the halakhic principle: Lower the partition. The opening of the alleyway is thereby sealed, rendering it a private domain. However, when the entrance is locked, it is no longer possible to consider the covering as a partition, and therefore the part of the threshold that is beyond the locked door of the alleyway is considered like the outside, i.e., like a public domain.

רב אשי אמר: לעולם באיסקופת בית עסקינן, וכגון שקירה בשתי קורות שאין בו ארבעה ואין בו ארבעה, ואין בין זו לזו שלשה, ודלת באמצע; פתח פתוח – כלפנים, פתח נעול – כלחוץ.

Rav Ashi said: Actually, we can say that we are dealing with the threshold of a house, and in a special circumstance, a case where he covered the threshold with two beams.^B Furthermore, neither this beam is four handbreadths wide, nor is that beam four handbreadths wide, and there is not a gap of three handbreadths between this one and that one, and there is a door between the two beams. In this case, when the entrance is open, since there is a space of less than three handbreadths between the beams and, based on the principle of *lavud*, any space less than three handbreadths is considered non-existent, the two beams are considered to be one wide beam. It is considered as if there were a partition extending from the edge of the roofing above to below, based on the halakhic principle: Lower the partition. The threshold is thereby sealed and considered a full-fledged private domain like the inside. However, when the entrance is locked, the two beams do not join together to become one anymore. Since the door creates a separation between them and the outer beam is less than four handbreadths wide, it is not considered a roof from which a partition extends to the ground, and the area under this beam is considered to be a public domain like the outside.

ואם היתה איסקופה גבוהה עשרה ורחבה ארבעה – הרי זו רשות לעצמה. מסייע ליה לרב יצחק בר אבדימי. דאמר רב יצחק בר אבדימי, אומר היה רבי מאיר: כל מקום שאתה מוצא שתי רשויות והן רשות אחת, כגון עמוד ברשות היחיד גבוה עשרה ורחב ארבעה – אסור לכתף עליו, גזירה משום תל ברשות הרבים.

The Sage also said in the *Tosefta* that if the threshold was ten handbreadths high and four by four handbreadths wide, it is an independent domain, even if it was inside a private domain. The Gemara comments: This supports the opinion of Rav Yitzhak bar Avdimi, as Rav Yitzhak bar Avdimi said that Rabbi Meir used to say: Any place that you find two domains, i.e., two places, each of which is sufficiently distinct to be an independent domain, and even though they are halakhically one domain,^N i.e., in a case where a pillar that is ten handbreadths high and four by four wide is standing in the private domain, even though the pillar is a private domain based on its measurements, it is prohibited by rabbinic law to adjust a burden on one's shoulders upon it and to lift an object from the ground of the private domain and place it atop the pillar, as the pillar is deemed by its measurements to be an independent domain. It is prohibited by a decree issued by the Sages due to a similar situation, the case of a mound of that size in the public domain. In the public domain, lifting an object from the ground and placing it on the mound constitutes a violation of the Torah prohibition of carrying out from the public domain to the private domain. Therefore, the Sages prohibited placing an object on a pillar even in the private domain.

NOTES

A person may not sit before the barber, etc. – לא ישב אדם: This mishna does not discuss the *halakhot* of Shabbat at all, as these activities are prohibited on weekdays as well. The commentaries explained its relevance here in various ways. Some explained that since the next mishna deals specifically with prohibitions in effect before Shabbat, as a prelude, this mishna enumerates actions prohibited throughout the afternoon on Shabbat eve (*Me'iri*). Others explain that the prohibitions here are among the eighteen decrees issued that day, enumerated later in this chapter. These decrees were issued first (Rambam's Commentary on the Mishna).

Minha gedola and *minha ketana* – מנחה גדולה וקטנה: The times of the afternoon prayer are dependent on the times when the daily afternoon offering was sacrificed. There are two significant times for this offering, which are characterized as between the evenings [*bein ha'arbayim*]. One is slightly after noon, when the sun begins to tend westward. The second is when the sun is already clearly in the west, at approximately the midpoint between the time that the sun begins to set, slightly after noon, and sunset.

LANGUAGE

Tannery [*burseki*] – בורסקי: The fundamental origin of the word is from the Greek *βυρσεύς*, *byrseus*, meaning one who processes hides. The word *burseki* developed to mean a place where animal hides are tanned, as *bursikos* is the term for matters relating to tanning hides.

מתני' לא ישב אדם לפני הספר סמוך למנחה עד שיתפלל, לא יבגס אדם למרחץ ולא לבורסקי ולא לאכול ולא לדין. ואם התחילו – אין מפסיקין. מפסיקין לקרות קריאת שבע ואין מפסיקין לתפלה.

גמ' הי סמוך למנחה? איילימא למנחה גדולה – אמאי לא? האיכא שהות ביום טובא! אלא סמוך למנחה קטנה.

”אם התחילו אין מפסיקין“. נימא תיהוי תיובתא דרבי יהושע בן לוי. דאמר רבי יהושע בן לוי: כיון שהגיע זמן תפלת המנחה – אסור לאדם שיטעום כלום קודם שיתפלל תפלת המנחה!

MISHNA After having dealt with the limited and defined topic of the *halakhot* of carrying out on Shabbat, the mishna begins to deal with the *halakhot* of Shabbat chronologically, beginning with activities that one may not perform prior to the onset of Shabbat. With regard to one's daily conduct, the mishna says: **A person may not sit before the barber^{HH} adjacent to the time of *minha* until he recites the afternoon prayer. And a person may not enter the bathhouse and may not enter to work in a tannery [*burseki*].^{HL} And he may neither begin to eat^H a meal nor to sit in judgment^H until he prays. And however, if they already began engaging in those activities, they need not stop^H and recite the *Amida* prayer. The *tanna* articulated a principle: **One stops engaging in all of these activities to recite *Shema*^H and one does not stop to recite the *Amida* prayer.****

GEMARA First, the Gemara seeks to clarify: Which “adjacent to *minha*,” in other words, adjacent to which *minha* is the mishna referring? There is a difference between the time of greater *minha* [*minha gedola*], which begins approximately a half hour after noon, and the time of lesser *minha* [*minha ketana*],^N which begins approximately two and a half hours before sunset. The Gemara elaborates: **If you say that it is prohibited to perform all of these activities adjacent to *minha gedola*, why not? Isn't there still much time remaining in the day? Rather, the mishna means adjacent to *minha ketana*.**

The Gemara asks: In that case, **if they started, they need not stop. Let us say that this will be a conclusive refutation of the opinion of Rabbi Yehoshua ben Levi, as Rabbi Yehoshua ben Levi said: Once the time of the afternoon prayer has arrived, it is prohibited for a person to taste anything before he recites the afternoon prayer.** The implication is that even if one began to eat he must stop.

HALAKHA

A person may not sit before the barber, etc. – לא ישב אדם: One may not begin even a standard haircut or uncomplicated work adjacent, i.e., a half-hour prior, to the time of *minha gedola*, as there is room for concern that unforeseen circumstances may arise, causing the activity to extend until the evening, as per the opinion of Rav Aha bar Ya'akov (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 6:5; *Shulhan Arukh*, *Orah Hayyim* 232:2 and see *Magen Avraham*).

A person may not enter the bathhouse and may not enter to work in a tannery, etc. – לא יבגס אדם למרחץ ולא לבורסקי וכו': A person may neither enter a bathhouse, even if he enters merely to sweat (*Magen Avraham*), nor a tannery adjacent to the time of *minha gedola*, as there is room for concern that unforeseen circumstances may arise, causing the activity to extend until the evening (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 6:5; *Shulhan Arukh*, *Orah Hayyim* 232:2).

And he may neither enter to eat – ולא לאכול: There are several opinions with regard to the practical halakhic ramifications of the talmudic discussion here. Some ruled that even a small meal is prohibited adjacent to *minha gedola*, in accordance with the opinion of Rav Aha bar Ya'akov (Rif; Rambam; *Shulhan Arukh*). Others ruled that only a big meal is prohibited adjacent

to *minha gedola* (Tur in the name of Rabbeinu Tam). According to that opinion, the *halakha* is in accordance with the first, unattributed version of the Gemara, with regard to which there was a consensus (*Beit Yosef*). Others say that even a big meal is permitted adjacent to *minha gedola*, as the opinion of Rabbi Yehoshua ben Levi was not accepted as *halakha* (tractate *Be'ra'khot* 28b, p. 185). Consequently, the *halakha* in the mishna is relevant only with regard to *minha ketana* and applies even to a small meal (Ran and Rashba in the name of Rabbeinu Zerahya Halevi; *Beit Yosef*). Some say that even adjacent to *minha ketana*, a small meal is permitted (*Tur* in the name of Rabbeinu Yitzhak; Rosh in the name of Rabbeinu Tam). According to that opinion, Rabbi Yehoshua ben Levi's statement was rejected and the opinion that maintains that one need not be concerned if matters continue longer than usual was accepted (*Beit Yosef*). The Rema rules that the custom is in accordance with the most lenient opinion, although it is proper for one to be stringent and refrain from partaking of a big meal even adjacent to *minha gedola* (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 6:5; *Tur*, *Orah Hayyim* 232; *Shulhan Arukh*, *Orah Hayyim* 232:2).

Nor to sit in judgment – ולא לדין: A person may not sit in judgment adjacent to *minha gedola*, even if he already heard the

claims of the litigants. The reason is that, conceivably, even at that stage, he could adopt a different approach and reconsider his decision. Meanwhile, the time of the afternoon prayer will pass (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 6:5; *Shulhan Arukh*, *Orah Hayyim* 232:2, *Hoshen Mishpat* 5:4).

And if they already began they need not stop – ואם התחילו – אין מפסיקין: The *halakha* was established in accordance with our mishna. One who began any of the activities that were enumerated, i.e., work, meal or judgment, even if he started after *minha gedola*, is not obligated to interrupt the activity to recite the afternoon prayer. However, that is the *halakha* only if sufficient time would remain for him to recite the prayer after he completed the activity. If not, he must stop immediately (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 6:5; *Shulhan Arukh*, *Orah Hayyim* 235:2 and *Hoshen Mishpat* 5:4).

One stops to recite *Shema* – מפסיקין לקרות קריאת שבע: Half an hour prior to the time that the obligation to recite *Shema* begins, it is prohibited to eat, sleep, or engage in any of the activities prohibited adjacent to *minha* (*Mishna Berura*). If he began, he must interrupt his meal to recite *Shema*, but he need not interrupt his meal to recite the *Amida* prayer (*Shulhan Arukh*, *Orah Hayyim* 232:2 and in the comment of the Rema).

Haircut of ben Elasa – תְּסֻפּוֹת בֶּן אֵלְעָשָׂה – According to the Gemara in tractate *Nedarim*, the haircut of ben Elasa was similar to the one depicted in this photograph of a Roman statue.



Roman statue

NOTES

The reference is to a big meal – בְּסַעֲדָה גְּדוֹלָה – Some explain that the Gemara is referring to a celebratory banquet, e.g., a wedding feast, but an individual's meal is always considered a small meal (*Tosafot*). Others say that in certain circumstances a private meal has the legal status of a big meal (Ran).

This is for us and that is for them – הָאֵל לָנוּ וְהָאֵל לְהוֹ – Some explain that the residents of Eretz Yisrael would close their belts tightly, and the residents of Babylonia would eat without loosening their belts (Rabbeinu Hananel). The rationale for that explanation is that Rabbi Hanina, who mentioned loosening the belt, lived in Eretz Yisrael and Rav lived in Babylonia.

HALAKHA

From when is it considered the beginning of the haircut – מֵאֵימְתֵי הַתְּחִלַּת תְּסֻפּוֹת – The beginning of the haircut is when he places the barber's cloth on his knees. The beginning of the bath is when he removes his outer garment. The beginning of the visit to the tannery is when he ties an apron between his shoulders as the tanners do. The beginning of the meal is when he washes his hands for the meal. For one who generally loosens his belt prior to the meal, it is when he loosens his belt, even if he has yet to wash his hands (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 6:6; *Shulhan Arukh*, *Orah Hayyim* 232:2).

לא, לעולם סמוך למנחה גדולה, ובתספורת בין אלעשה. ולא למרחץ – לבולא מילתא דמרחץ. ולא לבורסקי – לבורסקי גדולה. ולא לאכול – בסעודה גדולה. ולא לדין – בתחלת דין.

Rather, that explanation is rejected and the Gemara says: **Actually** the mishna is referring to **adjacent to minḥa gedola**, and the statement of Rabbi Yehoshua ben Levi is dealing with adjacent to *minḥa ketana*. In response to the question: If the mishna means adjacent to *minḥa gedola* isn't there significant time remaining in the day? The Gemara explains that each of the activities enumerated in the mishna is performed in an especially time-consuming manner. When the mishna said: A person may not sit before the barber, it was referring to a haircut of ben Elasa,^b whose haircut was very complicated and required several hours to complete. When the mishna said: A person may not go into the bathhouse adjacent to *minḥa*, it was referring to all matters involved in a visit to the bathhouse; not only washing, but also washing one's hair, rinsing, and sweating. And he may not enter the tannery adjacent to *minḥa*, the reference is to a large tannery where there are many hides that require tanning and he must initiate the tanning process from the beginning. And he may not enter to eat, the reference is to a big meal,ⁿ which lasts a long time. And he may not enter to sit in judgment, refers to a judge who enters at the beginning of the trial, and, generally, it will take a long time until a verdict is reached.

רב אחא בר יעקב אמר: לעולם בתספורת דידן, לכתחילה אמאי לא ישב – גזירה שמא ישבר הזוג. ולא למרחץ – להזיע בעלמא, לכתחילה אמאי לא – גזירה שמא יתעלפה. ולא לבורסקי – לעיזני בעלמא. לכתחילה אמאי לא – דילמא חזי פסידא בוביניה ומטריד. ולא לאכול – בסעודה קטנה. לכתחילה אמאי לא – דילמא אתי לאמשוכי. ולא לדין – בגמר הדין, לכתחילה אמאי לא – דילמא חזי טעמא וסתר דינא.

Rav Aḥa bar Ya'akov said: Indeed the mishna can be explained as referring to *minḥa gedola* and **actually**, even our ordinary haircut is prohibited. *Ab initio*, why may he not sit before the barber adjacent to the time of *minḥa*? Due to a decree lest the scissors break, and considerable time pass until they repair the scissors or obtain others. When the mishna said: A person may not enter the bathhouse adjacent to *minḥa*, it is prohibited even if he is entering just to sweat. *Ab initio*, why may he not enter? Due to a decree issued by the Sages lest he faint in the bathhouse and considerable time elapse until he recovers. And he may not enter the tannery adjacent to *minḥa*, even if he intends just to examine the skins. *Ab initio*, why may he not enter? Due to the concern that perhaps he will notice damage to his merchandise and become anxious and come to restore what was ruined. And he may not enter to eat a meal adjacent to the time of *minḥa* is referring even to a small meal. *Ab initio*, why may he not enter? There is concern that perhaps he will come to extend his meal for a long time. And he may not enter to sit in judgment adjacent to the time of *minḥa*, the mishna is referring even at the conclusion of the trial. *Ab initio*, why may he not enter? Due to concern that perhaps he will find a reason, contrary to what he originally thought, and will overturn the verdict completely, necessitating the restart of the trial from the beginning.

מאימתי התחלת תספורת? אמר רב אבין: משנייח מעפורת של ספרין על ברקיו. ומאימתי התחלת מרחץ? אמר רב אבין: משזיערה מעפרתו הימנו. ומאימתי התחלת בורסקי? משזיק שור בין בתיפיו. ומאימתי התחלת אכילה? רב אמר: משזיטול ידיו. ורבי חנינא אמר: משזיתור חגורה.

We learned in the mishna that if he began one of the aforementioned activities, haircut, bath, tannery, meal, and judgment, he is not required to stop. The Gemara asked: **From when is it considered the beginning of the haircut?**²¹ Rav Avin said: **From when he places the barber's wrap over his knees. And from when is it considered the beginning of the bath?** Rav Avin said: **From when the one entering the bathhouse to bathe removes his outer wrap, his cloak. And from when is it considered the beginning of his visit to the tannery?** **From when he ties the leather apron between his shoulders (*Me'iri*).** **And from when is it considered the beginning of eating?** Rav said: **From when he ritually washes his hands for the meal. And Rabbi Hanina said: From when he loosens his belt.**

ולא פליגי. הא – לן, והא – להו.

The Gemara comments: **And they do not disagree.** Rather **this**, the statement of Rabbi Hanina, who said that the beginning of the meal is considered from when he loosens his belt, **is for us**, for the people of Babylonia, who are accustomed to close their belts tightly, and therefore the beginning of the meal is when one loosens his belt. **And that**, the statement of Rav, who said that the beginning of the meal is considered from when he ritually washes his hands, **is for them**,ⁿ the people of Eretz Yisrael who did not close their belts tightly, and therefore only when one washes his hands does the meal begin.

HALAKHA

The obligation to wear a belt during prayer – חובת הגירת
אָבִיט בַּתְּפִלָּה: One should wear a belt during prayer even if he has an additional barrier between his heart and his nakedness due to the verse: “Prepare to greet your God, Israel” (Amos 4:12). This is also the custom of those with kabbalistic tendencies. Others (*Magen Avraham*) say that one who does not wear a belt all day is not required to do so. That is the Ashkenazic custom (*Beit Yosef*; *Rabbeinu Yeruham*; *Shulhan Arukh, Orah Hayyim* 91:2).

Don expensive socks and pray – רַמִּי פּוּזְמִי וּמְצַלִּי: In a place where it is customary to stand before an important person while wearing socks, one must wear socks during prayer. In a place where it is customary to stand barefoot even before great people, one is permitted to do so even in prayer, as per the custom of Rabba bar Rav Huna (*Rambam Sefer Ahava, Hilkhot Tefilla* 5:5; *Shulhan Arukh, Orah Hayyim* 91:5).

And would clasp his hands – וּפָכַר יָדָיו: It is proper to recite the *Amida* prayer with one hand placed over the other while standing in awe and reverence before God. In general, one must conduct himself in accordance with the local customs for one standing before his master (*Magen Avraham*). One holds his hands in this manner to show his deference to God (*Taz*). Some say that one should hold his hands in that way only during a time of suffering. However, during peaceful times, he should adorn himself, in accordance with the custom of Rav Kahana (*Rema*; *Rambam Sefer Ahava, Hilkhot Tefilla* 5:5; *Shulhan Arukh, Orah Hayyim* 95:3).

And wrap himself and pray – וּמְתַעֲטֵף וּמְצַלִּי: The custom of the Sages was to wrap themselves in an important garment and pray, as per the custom of Rav Kahana (*Rambam Sefer Ahava, Hilkhot Tefilla* 5:4 and *Hilkhot Tzitzit* 3:11; *Shulhan Arukh, Orah Hayyim* 91:6).

NOTES

And they were engaged in halakha... “One who turns his ear, etc.” – וְהוּוּ עֲסָקִי בְּשִׁמְעָתָא... מְסִיר אָזְנוֹ וְכוּ’ – Some said that this statement refers specifically to one whose Torah is his vocation, as it is incumbent upon him to engage in Torah study all the time (*Rosh*). As far as the meaning of the verse is concerned, apparently his intent was to explain: “One who turns his ear from hearing Torah,” not only is he demeaning the Torah by doing so, but “also his prayer is an abomination” (*Rav Yoshiya Pinto*).

אָמַר אַבְיִי: הֵנּוּ חֲבָרִין בְּבִלְלָאֵי, לְמַאן דְּאָמַר: “תְּפִלַּת עֶרְבִית רְשׁוּתָא”, בֵּינָן דְּשָׂרָא לִיָּה הִמְיָיְנִיָּה – לֹא מְטַרְחִינָן לִיָּה. וְלְמַאן דְּאָמַר ‘חֻבָּה’ – מְטַרְחִינָן לִיָּה? וְהָא תְּפִלַּת מְנַחָה, דְּלְכוּלֵי עֲלֵמָא חֻבָּה הִיא, וְתַנּוּ: “אִם הִתְחִילוּ אֵין מְפַסְקִין”. וְאָמַר רַבִּי חֲנִינָא: מְשִׁיתֵיר חֲגוּרוֹ!

Similarly, Abaye said: Those Babylonian Torah scholars, according to the opinion of the one who said: The evening prayer is voluntary, once one of them loosens his belt, we do not impose upon him to stop his meal and pray. And the Gemara wonders: And according to the opinion of the one who said that the evening prayer is obligatory, we do impose upon him? Doesn’t everyone agree that the afternoon prayer is obligatory? And we learned in our mishna that if they started eating, they need not stop. And with regard to that *halakha*, Rabbi Hanina said: The beginning of the meal is from when he loosens his belt.

הֵתָם לֹא שְׂכִיחָא שְׁכוּרוֹת, הֲכָא – שְׂכִיחָא שְׁכוּרוֹת. אֵין נָמִי: בְּמְנַחָה בֵּינָן דְּקָבִיעָא לָהּ זִמְנָא – מִירְתָּת וְלֹא אֲתִי לְמַפְשָׁע, עֶרְבִית בֵּינָן דְּכוּלָא לִילֵיא זְמַן עֶרְבִית – לֹא מִירְתָּת וְאֲתִי לְמַפְשָׁע. מִתְקִיף לָהּ רַב שֵׁשֶׁת: טְרִיחוּתָא לְמִסַּר הִמְיָיְנִיָּה?! וְעוּד: לִיקוּ הָכִי וְלִיצְלִי! מְשׁוּם שְׁנַאמַר: “הֲכֹן לְקִרְאוֹת אֱלֹהֵיךָ יִשְׂרָאֵל”.

The Gemara responds that there is a difference between the cases. There, at the time of the afternoon prayer, drunkenness is uncommon, as it is unusual to drink excessively during the day. However, here, in the case of the evening prayer, drunkenness is common, and therefore there was room to issue a decree requiring one to interrupt his meal to recite the evening prayer. Alternatively, it is possible to explain that with regard to the afternoon prayer, since its time is fixed, he is anxious, and he won’t come to be negligent and forget to pray. However, with regard to the evening prayer, since all night is the time for the evening prayer, he is not anxious, and he will come to be negligent. Rav Sheshet strongly objects to this: Is it a burden to tie his belt? In addition, if it is a burden, let him stand that way, without a belt, and pray.^h The Gemara answers: It is necessary to wear a belt while praying, since it is stated: “Prepare to greet your God, Israel” (Amos 4:12). One must prepare and adorn himself when standing before God.

רַבָּא בַר רַב הוּנָא רַמִּי פּוּזְמִי וּמְצַלִּי, אָמַר: “הֲכֹן לְקִרְאוֹת וְכוּ’”. רַבָּא שְׂדִי גְלִימִיָּה וּפָכַר יָדָיו, וּמְצַלִּי. אָמַר: כְּעַבְדָּא קַמִּיָּה מְרִיָּה. אָמַר רַב אֲשִׁי: חֻינָא לִיָּה לְרַב כְּהָנָא – כִּי אֵיכָא צַעֲרָא בְּעֵלְמָא – שְׂדִי גְלִימִיָּה וּפָכַר יָדָיו וּמְצַלִּי. אָמַר: כְּעַבְדָּא קַמִּי מְרִיָּה. כִּי אֵיכָא שְׁלָמָא – לְבִישׁ וּמְתַבְסָפִי וּמְתַעֲטֵף וּמְצַלִּי. אָמַר: “הֲכֹן לְקִרְאוֹת אֱלֹהֵיךָ יִשְׂרָאֵל”.

Since the verse: “Prepare to greet your God, Israel,” was cited with regard to the obligation to prepare and adorn oneself before prayer, the Gemara cites that indeed Rava bar Rav Huna would don expensive socks and pray^h and he said he would do this as it is written: “Prepare to greet your God, Israel.” On the other hand, Rava would not do so; rather, in his prayer he would remove his cloak and clasp his hands^h and pray. He said that he would do so as a slave before his master, who appears before him with extreme submission. Rav Ashi said: I saw that Rav Kahana, when there is suffering in the world, would remove his cloak and clasp his hands and pray. And he said that he did so as a slave before his master. When there is peace in the world, he would dress, and cover himself, and wrap himself in a significant garment, and pray,^h and he said that he did so in fulfillment of the verse: “Prepare to greet your God, Israel.”

רַבָּא חֻינָא לְרַב הַמְנוּנָא דְקָא מְאַרְיָן בְּצִלוֹתֵיהּ, אָמַר: מְנִיחִין חַיֵּי עוֹלָם וְעוֹסְקִים בְּחַיֵּי שְׁעָה! וְהוּא סָבַר: זְמַן תְּפִלָּה לְחוּד, וְזְמַן תּוֹרָה לְחוּד. רַבִּי יִרְמְיָה הָיָה יְתִיב קַמִּיָּה דְרַבִּי זִירָא, וְהוּוּ עֲסָקִי בְּשִׁמְעָתָא. נִגְהָ לְצִלוֹי, וְהוּוּ קָא מְסַרְהֵב רַבִּי יִרְמְיָה, קָרִי עֲלֵיהּ רַבִּי זִירָא: “מְסִיר אָזְנוֹ מִשְׁמוּעַ תּוֹרָה גַם תְּפִלָּתוֹ תּוֹעֵבָה”.

Speaking of prayer, the Gemara relates that Rava saw Rav Hamnuna, who was prolonging his prayer. He said about him: They abandon eternal life, the study of Torah, and engage in temporal life, prayer, which includes requests for mundane needs. The Gemara explains: And Rav Hamnuna held that the time for prayer is distinct and the time for Torah is distinct. The time that one devotes to prayer is not at the expense of the time devoted to Torah study. Similarly, the Gemara relates that Rabbi Yirmeya was sitting before Rabbi Zeira and they were engaged in the study of *halakha*. The time for prayer was approaching and it was getting late and Rabbi Yirmeya was hurrying to conclude the subject that they were studying in order to pray. Rabbi Zeira read this verse as applying to Rabbi Yirmeya: “One who turns his earⁿ from hearing Torah, his prayer is also an abomination” (Proverbs 28:9).

From when is it considered the beginning of a trial – **מאימתי התחלת דין**: If the judges had already been engaged in judgment, i.e., they had presided over a different trial beforehand, then the trial begins when the litigants begin to articulate their claims. If they did not preside over a different trial beforehand, it begins when the judges wrap themselves in their prayer shawls. According to our custom that judges do not wrap themselves in prayer shawls, the beginning of judgment is when they take their seats with the intention to begin the trial (Jerusalem Talmud; Rambam *Sefer Ahava, Hilkhot Tefilla* 6:6; *Shulhan Arukh, Oraḥ Hayyim* 232:2).

Until when do they sit in judgment – **עד מתי יושבין**: A court is in session until the end of the fifth hour of the day. Others hold that court is in session until just before the end of the sixth hour (*Sefer Me'irat Einayim; Bah*). They are not obligated to sit in judgment thereafter (Rema in the name of the *Tur*; Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 3:1; *Shulhan Arukh, Hoshen Mishpat* 5:3 in the comment of the Rema).

The time of eating – **זמן אכילה**: The appropriate time to eat for anyone who rises at dawn is during the fourth hour after dawn. For those who rise later, it is four hours after they awaken. For Torah scholars, it is during the sixth hour. If one did not taste anything in the morning, he should not eat after that hour, as eating then is useless (*Shulhan Arukh, Oraḥ Hayyim* 157:1).

NOTES

טפחי אעברא דדשא – Knock on the bolt of the door: They were the permanent judges in their city of Tiberias and they announced that they were prepared to sit in judgment if necessary (*Iyyun Ya'akov*). Others explain that after concluding the study of one topic, before they proceeded to the next topic, they would grant permission to the litigants to come before them (*Oraḥ Eliyahu*).

קא חליש לבניהו – Their hearts would grow weak: Some understand Rashi's first explanation as follows: Since, ostensibly, Torah study takes precedence over sitting in judgment because it is preferable to engage in the great, sublime matters in the Torah than to involve oneself in quarrels between people, it was necessary to console and reassure them that judgment is a realization of the Torah ideal, tantamount to the act of Creation (*HaKotev*). With regard to the significance of Torah, Rav Hiyya bar Rav said to them that even one hour of engaging in Torah study is tantamount to the act of Creation.

דין אמת לאמיתו – True judgment truthfully: The repetition of the word truth came to underscore that it is not sufficient for the judgment to be true based on the claims of the litigants or in accordance with the halakhic conclusions. The judge must be certain that his decision is the absolute truth (*Netivot Olam*).

כיורק אבון – As if he is throwing a stone into a barrel: People used to throw rocks into empty barrels to create the false impression that they were filled with wine. Eating at the wrong time is similar to that behavior. In both instances a vessel is apparently, but not actually, full (*Shenei Luhot HaBerit*).

LANGUAGE

Ludim – לודים: Some say that the *Ludim* are a people indigenous to a land in Asia Minor called Ludiya whose residents were both ravenous and pampered. However, from other sources it seems that the word *Ludim* referred to *Ludadiim*, from the Latin *ludarii*, gladiators who fought each other as well as wild animals in the Roman circus. Because of their need for frequent training and their desire to enjoy life until their inevitable demise in the arena, they would eat early and eat ravenously.

מאימתי התחלת דין? רבי ירמיה ורבי יונה, חד אמר: משיתעטפו הדיינים, וחד אמר: משיתפתחו בעלי דינים. ולא פליגי, הא – דעסקי ואתו בדניא, הא – דלא עסקי ואתו בדניא.

רב אמר ורב אסי הוו יתבי וגרסי ביני עמודי וכל שעתא ושעתא הוו טפחי אעברא דדשא ואמרי: אי איכא דאית ליה דינא – ליעול וליתי. רב חסדא ורבה בר רב הונא הוו יתבי בדניא כולי יומא, הוה קא חליש לבניהו. תנא להו רב חייה בר רב מדפתי: "ויעמד העם על משה מן הבקר עד הערב" וכי תעלה על דעתך שמושה יושב וידן כל היום כולו? תורתו מתי נעשית? אלא לומר לך: כל דין שדן דין אמת לאמיתו אפילו שעה אחת – מעלה עליו הכתוב כאילו נעשה שותף להקדוש ברוך הוא במעשה בראשית. בתיב הקא: "ויעמד העם על משה מן הבקר עד הערב" וכתביה התם: "ויהי ערב ויהי בקר יום אחד".

עד מתי יושבין בדניא? אמר רב ששת: עד זמן סעודה. אמר רב חמא: מאי קרא – דכתביב: "אי לך ארץ שמלכך נער ושרוך בבקר יאכלו אשריך ארץ שמלכך בן חורים ושרוך בעת יאכלו בגבורה ולא בשתי" בגבורה של תורה, ולא בשתייה של יין.

תנו רבנן: שעה ראשונה – מאכל לודים, שניה – מאכל לסטים, שלישית – מאכל יורשין, רביעית – מאכל פועלים, חמישית – מאכל כל אדם.

איני? והאמר רב פפא: רביעית זמן סעודה לכל אדם! אלא: רביעית – מאכל כל אדם, חמישית – מאכל פועלים, ששית – מאכל תלמידי חכמים. מכאן ואילך – כוורק אבון לתמת. אמר אבוי: לא אמרן אלא דלא טעים מידי בצפרא, אכל טעים מידי בצפרא – לית לן בה.

We learned that if one enters to sit in judgment adjacent to *minha*, he need not interrupt the trial and pray. The Gemara clarifies: **From when is it considered the beginning of a trial?**^H Rabbi Yirmeya and Rabbi Yona disagreed. **One** said that it begins from when the judges wrap themselves in their prayer shawls, as judges were accustomed to do before sitting in judgment. **And one** of them said that the beginning of judgment is **from when the litigants begin** articulating their claims. The Gemara comments: **And they do not disagree**. Rather, **this amora**, who says that it is from when the litigants begin, refers to a case **where they were already engaged** in a previous trial, and the judges were already wrapped in their prayer shawls. **And that amora**, who says that it is from when the judges wrap themselves in their prayer shawls, refers to a case where **they were not engaged** in a previous trial, and, as a result, the trial begins when they wrap themselves in the prayer shawls.

Speaking of judgment, the Gemara relates that **Rav Ami and Rav Asi would sit and study between the pillars** beneath the study hall. **And each and every hour they would knock on the bolt of the door^N and say: If there is someone who has a case that requires judgment, let him enter and come before us.** The Gemara also relates that **Rav Hisda and Rabba bar Rav Huna would sit in judgment all day and their hearts would grow weak^N from hunger.** Therefore, **Rav Hiyya bar Rav from Difti taught them a baraita** with regard to the verse: "And it was the next day and Moses sat to judge the people and the people stood over Moses from the morning until the evening" (Exodus 18:13). **Does it enter your mind that Moses would sit and judge all day long? If so, when was his Torah study accomplished? Rather, surely the verse is coming to tell you: Any judge who judges a true judgment truthfully,^N even if he sits in judgment only one hour, the verse ascribes to him as if he became a partner to the Holy One, Blessed be He, in the act of Creation, as by means of a true judgment he upholds the world (*Me'iri*).** This conclusion is derived by means of a verbal analogy [*gezera shava*]: **It is written here: "And the people stood over Moses from the morning until the evening."** **And it is written there, in the act of Creation: "And it was evening and it was morning, one day"** (Genesis 1:5). The evening and part of the morning are considered a whole day. With regard to this issue as well, it is sufficient for the judges to sit in judgment for only part of the day and there is no need for them to starve themselves by sitting in judgment all day.

The Gemara questions further: **Until when do they sit in judgment?**^H What is the usual time that court adjourns? **Rav Sheshet said: Until mealtime, noon.** **Rav Hama said: What is the verse that alludes to this? As it is written: "Woe to you, land that your king is a lad and your ministers eat in the morning. Happy are you, land that your king is free and your ministers eat on time in strength and not in drunkenness"** (Ecclesiastes 10:16–17). He interprets the verse: The ministers in a proper country sit to eat only after they engaged in the strength of Torah and in judgment and not in the drunkenness of wine.

The Sages taught in a baraita: Eating in the first hour of the morning is the time of eating for *Ludim*,¹ who are members of a nation of cannibals, and they are ravenous and hurry to eat. **The second hour is the time of the eating of robbers.** Since they spend the night stealing, they eat early in the morning. **The third hour is the time of eating for heirs, i.e., people who inherited a lot of money and do not work for their sustenance.** Their only preoccupation in the early hours of the morning is eating. **The fourth hour is the time of eating for workers. The fifth hour is the time of eating for all people.^H**

The Gemara asks: **Is that so? Didn't Rav Pappa say that the fourth hour is mealtime for all people?** Rather, emend the statement and say: **The fourth hour is the time of eating for all people. The fifth hour is the time of eating for workers** who do not have time to eat beforehand. **The sixth hour is the time of eating for Torah scholars** as, until then, court is in session. The Gemara adds: **One who eats from then on is as if he is throwing a stone into a barrel,^N meaning that by then it does not contribute to the body's health.** Abaye said: **We only said that eating from the sixth hour on is not beneficial, when he did not taste anything in the morning; however, if he tasted something in the morning, we have no problem with it.**

BACKGROUND

Rooms of the bathhouse – תְּדַרְי מְרַחֵץ:

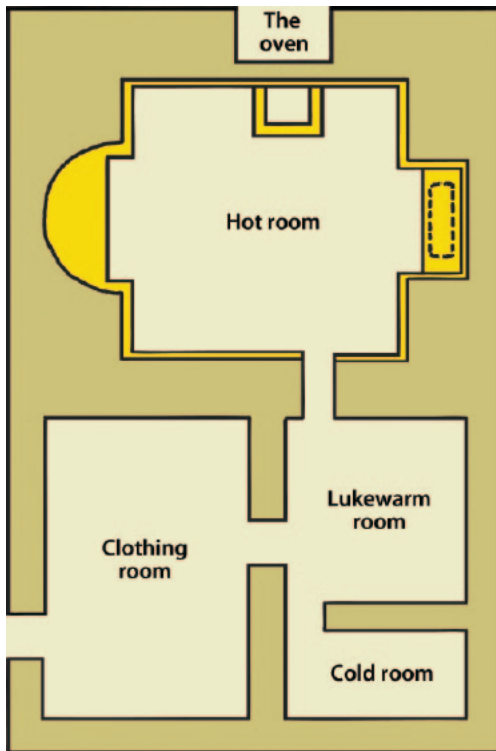


Diagram of the rooms of the bathhouse at Masada

HALAKHA

Reciting sacred matters in the bathhouse – אֲמִירַת דְּבָרֵי קְדוּשָׁה – בְּמֶרְחֵץ: The room in the bathhouse in which everyone is dressed does not have the legal status of a bathhouse. Therefore, it is permitted to recite sacred matters there. In the room where, generally, some are dressed and some are not, it is permitted to greet others with *shalom*, but it is prohibited to recite passages from the Torah, prayers, and blessings. However, contemplating passages from the Torah is permitted (Rema). In the room where everyone is naked, it is prohibited even to greet others with *shalom*, as per the *Tosefta* (Rambam *Sefer Ahava, Hilkhot Keriat Shema* 3:3; *Shulhan Arukh, Orach Hayyim* 84:1).

A place that is repugnant – מְקוֹם שֶׁאֵינוֹ מְכֻבָּד: With regard to reciting sacred matters, the legal status of a bathroom and a bathhouse without partitions, even if they are cleaned, is the same as when they are dirty (Rambam *Sefer Ahava, Hilkhot Keriat Shema* 3:2; *Shulhan Arukh, Orach Hayyim* 83:1).

To a new bathhouse – בְּתֵדָתִי: One may recite sacred matters in a new bathhouse in which no one has ever bathed (*Mishna Berura*; Rambam *Sefer Ahava, Hilkhot Keriat Shema* 3:3; *Shulhan Arukh, Orach Hayyim* 84:1).

Perek I
Daf 10 Amud b

אָמַר רַב אֲדָא בַר אֲהָבָה: מִתְפַּלֵּל אָדָם תְּפִלָּתוֹ בְּבֵית הַמְּרַחֵץ. מִיִּתְבַּי: הַנִּכְנָס לְבֵית הַמְּרַחֵץ, מְקוֹם שֶׁבְּנֵי אָדָם עוֹמְדִין לְבוּשֵׁין – יֵשׁ שָׁם מְקָרָא וְתַפְלָה, וְאִין צְרִיךְ לומר שְׁאִילַת שְׁלוֹם, וּמִנִּיחַ תְּפִלִּין וְאִין צְרִיךְ לומר שְׁאִינוֹ חוֹלֵץ.

מְקוֹם שֶׁבְּנֵי אָדָם עוֹמְדִים עְרוּמִים וְלְבוּשֵׁין – יֵשׁ שָׁם שְׁאִילַת שְׁלוֹם, וְאִין שָׁם מְקָרָא וְתַפְלָה, וְאִינוֹ חוֹלֵץ תְּפִלִּין, וְאִינוֹ מְנִיחַ לְכַתְּחִלָּה.

מְקוֹם שֶׁבְּנֵי אָדָם עוֹמְדִין עְרוּמִים – אִין שָׁם שְׁאִילַת שְׁלוֹם, וְאִין צְרִיךְ לומר מְקָרָא וְתַפְלָה, וְחוֹלֵץ תְּפִלִּין וְאִין צְרִיךְ לומר שְׁאִינוֹ מְנִיחֵן!

כִּי קָאָמַר רַב אֲדָא בַר אֲהָבָה – בְּמֶרְחֵץ שְׁאִין בּוֹ אָדָם. וְהָא אָמַר רַבִּי יוֹסֵי בַר חֲנִנְיָא: מְרַחֵץ שְׁאָמְרוּ – אֵף עַל פִּי שְׁאִין בּוֹ אָדָם, בֵּית הַכֶּסֶּא שְׁאָמְרוּ – אֵף עַל פִּי שְׁאִין בּוֹ צוֹאֵה!

אֲלָא: כִּי קָאָמַר רַב אֲדָא – בְּתֵדָתִי. וְהָא מְבַעֵי אֲבָעָא לִיה רַבִּינָא: הַזְּמִינוּ לְבֵית הַכֶּסֶּא מֵהוּ? יֵשׁ זִימוּן אוֹ אִין זִימוּן? וְלֹא אִיפְשִׁיטָא לִיה; לֹא הוּא הֵדִין לְמֶרְחֵץ? לֹא, דִּילְמָא

Rav Adda bar Ahava said: A person may, *ab initio*, recite his prayer in the bathhouse.⁸ The Gemara raises an objection from what was taught in the *Tosefta*: One who enters the bathhouse, in the first room, a place where all people stand dressed, it is like any other place and reading the Torah and prayer are permitted there, and, needless to say, in that room greeting [*shalom*] others is permitted. And he may don phylacteries there, and, needless to say, if he was already donning phylacteries that he need not remove them.

In the next room, a place where people dress and undress and they stand both naked and dressed, greeting others is permitted there. However, reading the Torah and prayer are not permitted there. And if one was already donning phylacteries there, he need not remove the phylacteries. However, he may not don phylacteries there *ab initio*.

In the innermost room, which is a place where people stand naked, greeting others is not permitted there, and, needless to say, reading the Torah and prayer are prohibited there. And if he is donning phylacteries there, he must remove the phylacteries, and, needless to say, he may not don them there *ab initio*. Apparently, the *Tosefta* contradicts the statement of Rav Adda bar Ahava as he was, no doubt, referring to the innermost room in the bathhouse, which alone is referred to simply as a bathhouse, and, according to him, one may pray there *ab initio*.⁹

The Gemara answers: When Rav Adda bar Ahava said his *halakha*, he was referring to an empty bathhouse in which there are no people. The Gemara asks: Didn't Rabbi Yosei bar Hanina say: With regard to the bathhouse in which they said that it is prohibited to pray, the prohibition exists even though there are no people in it? With regard to the bathroom in which they said that it is prohibited to pray, the prohibition exists even though there are no feces in it. Certainly, since the place serves a repugnant¹⁰ purpose, it is inappropriate to pray there at any time.

The Gemara answers: Rather, when Rav Adda made his statement, he was referring to a new bathhouse¹¹ that had not yet been used for bathing. The Gemara asks: Didn't Ravina raise a dilemma before Rav Adda with regard to this matter: A place that one designated as a bathroom, what is its legal status as far as praying there is concerned? Is there designation as a significant and determining factor in this case? Or, is designation not a halakhically significant matter? And the dilemma was not resolved for him. Is the same not true with regard to the bathhouse? Doesn't the same dilemma exist there? The Gemara answers: No, perhaps

שְׁאִין בֵּית הַכֶּסֶּא דְּמֵאִיס.

the bathroom is different, as it is disgusting. Once a place is called a bathroom it is disgusting and no longer fit for prayer. However, until he actually bathes in a bathhouse it remains fit for prayer.

“אִין שָׁם שְׁאִילַת שְׁלוֹם” מְסִייעַ לִיה לְרַב הַמְּנוּנָא מִשְׁמִיחָא דְּעוּלָא, דְּאָמַר: אָסוּר לְאָדָם שְׁיַתֵּן שְׁלוֹם לְחֵבִירוֹ בְּבֵית הַמְּרַחֵץ, מִשּׁוּם שֶׁנֶּאֱמַר: “וַיִּקְרָא לוֹ ה' שְׁלוֹם.”

It was taught in the *Tosefta*: There is no greeting [*shalom*] others permitted in the bathhouse. The Gemara comments that this statement supports the opinion of Rav Hamnuna in the name of Ulla, who said: It is forbidden for a person to greet [*shalom*] his friend in the bathhouse because *Shalom* is one of the names of God, as it is stated: “And Gideon built there an altar for God and he called Him Lord *Shalom*” (Judges 6:24). Therefore, it is prohibited to utter the word *shalom* in a dishonorable place.

It is permitted to say faithfulness in the bathroom – שְׂרֵי לְמִימְרֵי הַיְמִנוּתָא בְּבֵית הַכֶּסֶּא – It is permitted to utter descriptions of God, e.g., compassionate, faithful, etc. in the bathroom, because appellations that refer to God but are not names of God may be recited in filthy places. Others say that it is prohibited to utter the word compassionate in reference to God because that is a name of God of sorts (Ra'avad; Bah). All appellations for God in languages other than Hebrew are permitted (Rambam *Sefer Ahava, Hilkhot Keriat Shema* 3:5; *Shulḥan Arukh, Oraḥ Ḥayyim* 85:2).

NOTES

The name of God Himself is called Shalom – שָׁלוֹם גּוֹפִיָּה אִיקְרֵי שְׁלוֹם: In terms of the meaning of the verses themselves, it is not that obvious that God's name is Shalom. The Gemara explains that the other good traits, e.g., faithful, compassionate, and merciful, which are used as appellations for God, are appellations of greatness, and can also be used with regard to people. That is not the case with regard to Shalom, as Shalom transcends the capabilities of man and describes God alone (Maharsha).

One who gives a gift to another must inform him – הַנּוֹתֵן מַתְּנָה לְחֵבֵירוֹ צָרִיךְ לְהוֹדִיעֵו: The reason that one giving a gift must inform the recipient is explained in various ways. First, the commentaries emphasize that this applies only to a case where the recipient is wealthy and he gave it to him as a gift. However, one who gives a charitable gift must be certain to give it anonymously (Rosh). Others explain that the reason that he must inform him is because otherwise the recipient will wonder who gave it to him (Rashi). With regard to the matter of informing the child's mother, some say that the reason is so that people will be aware of each other's affection, and thereby their love will grow (Rashi). Others explain that since, in general, there is a requirement to inform the recipient of a gift and a child would not take notice, his mother becomes aware of the gift by means of the conspicuous sign (*Adderet Eliyahu*).

He would take in his hand two gifts of an ox – נִקְיֵט בְּיָדָהּ תְּרֵמֵי מַתְּנָתָא דְתוֹרָא – By Torah law (Deuteronomy 18:3), portions from every animal slaughtered, are given to the priest, i.e., the foreleg, the jaw, and the maw, as gifts. These gifts do not have consecrated status and are the property of the priest. Consequently, he can give them to whomever he pleases. Rav Hisda, as a priest, held in his hand gifts of priesthood that he received and sought to give them to anyone who would provide him with a new insight. However, several generations later, the practice of giving gifts of the priesthood from the meat of animals outside Eretz Yisrael, for all intents and purposes, ceased.

Fine wool [*meilta*] is precious to those who wear it – מִיִּלְתָּא אֶלְבִישֵׁיהּ יְקָרָא – Some explain *meilta* as a variation of the word *me'ilta*, a coat. The adage means that the coat is precious to one who wears it. Others explain that the coat is the garment worn closest to the skin and is therefore significant to the one who wears it (*Divrei Sh'ul*).

אלא מעתה, הימנותא נמי אסור למימר בבית הכסא, דכתביב: "האל הנאמן"! וכי תימא: הכי נמי, והאמר רבא בר מחסאי אמר רב חמא בר גוריא אמר רב: שרי למימר הימנותא בבית הכסא! התם שם גופיה לא איקרי הכי, דמתרגמינן: "אלהא מהימנא", הכא – שם גופיה איקרי שלום, דכתביב: "ויקרא לו ה' שלום".

ואמר רבא בר מחסאי אמר רב חמא בר גוריא אמר רב: הנותן מתנה לחבירו – צריך להודיעו, שנאמר: "לדעת כי אני ה' מקדשכם". תנא נמי הכי: "לדעת כי אני ה' מקדשכם". אמר לו הקדוש ברוך הוא למשה: מתנה טובה יש לי בבית גני ושבת שמה, ואני מבקש ליתנה לישראל – לך והודיעם. מכאן אמר רבן שמעון בן גמליאל: הנותן פת לתינוק צריך להודיע לאמו. מאי עביד ליה? אמר אבוי: שאיף ליה משחא ומלי ליה כוחלא. והאידנא דחיישינן לכשפים מאי? אמר רב פפא: שאיף ליה מאותו המין.

אימי? והאמר רב חמא (בר) תנינא: הנותן מתנה לחבירו – אין צריך להודיעו, שנאמר: "ומשה לא ידע כי קרן עור פניו בדברו אתו"! לא קשיא, הא – במילתא דעבידא לאגלויי, הא – במילתא דלא עבידא לאגלויי. והא שבת דעבידא לגלויי! מתן שכרה לא עביד לגלויי.

רב חסדא הוה נקיט בידיה תרתי מתנתא דתורה אמר: כל מאן דאתי ואמר לי שמעתתא חדתא משמיה דרב – יהיבנא ליה ניהליה. אמר ליה רבא בר מחסאי, הכי אמר רב: הנותן מתנה לחבירו צריך להודיעו, שנאמר: "לדעת כי אני ה' מקדשכם". יהבה ניהליה. אמר: תביבין עלך שמעתתא דרב כולי האי? אמר ליה: אין. אמר ליה, היינו דאמר רב: מילתא אלבישיהו יקרא. אמר ליה: אמר רב הכי? בתרייתא עדיפא לי מקמייתא! ואי הוה נקיטנא אחריתי – יהיבנא לך.

The Gemara asks: But if so, words connoting faithfulness are also forbidden to say in the bathroom, as it is written "The faithful God who keeps the covenant and the kindness" (Deuteronomy 7:9). And if you say that it is indeed so, that it is forbidden to use the language of faithfulness in the bathroom, didn't Rava bar Mehasseya say that Rav Hama bar Gurya said that Rav said: It is permitted to say faithfulness in the bathroom?¹¹ The Gemara answers: There is a difference between the terms: **There, the name of God itself is not called in that way, as we translate it as "the faithful God."** However, **here, the name of God Himself is called Shalom,¹² as it is written: "And he called Him Lord Shalom."** It is not an adjective, but a holy name in and of itself.

Incidental to the halakhic statement in his name, the Gemara also cites another statement that Rava bar Mehasseya said that Rav Hama bar Gurya said that Rav said: **One who gives a gift to another must inform him¹³** that he is giving it to him. **As it is stated:** "Only keep My *Shabbatot* for it is a sign between Me and you for your generations to know that I am God Who sanctifies you" (Exodus 31:13). When the Holy One, Blessed be He, gave Shabbat to Israel, He told Moses to inform them about it. **That was also taught in a baraita:** The verse states: "For I am God Who sanctifies you," meaning that the Holy One, Blessed be He, said to Moses: **I have a good gift in My treasure house and Shabbat is its name, and I seek to give it to Israel. Go inform them about it. From here Rabban Shimon ben Gamliel said: One who gives a gift of bread to a child needs to inform his mother that he gave it to him.** The Gemara asks: **What does he do to the child, so that his mother will know that he gave him a gift? Abaye said: He should smear him with oil or place blue shadow around his eye** in an obvious manner. When the mother of the child notices and asks him about it, he will tell her that so-and-so gave him a piece of bread. The Gemara asks: **And now that we are concerned about witchcraft involving oil or eye shadow, what should one who gives a gift do? Rav Pappa said: He should smear him with food of the same type that he gave him to eat.**

With regard to the *halakha* itself, the Gemara asks: **Is that so? Didn't Rav Hama bar Hanina say: One who gives a gift to his friend need not inform him, as God made Moses' face glow, and nevertheless it is stated with regard to Moses: "And Moses did not know that the skin of his face shone when He spoke with him"** (Exodus 34:29)? The Gemara answers: **This is not difficult. When Rav Hama bar Hanina said that he need not inform him, he was referring to a matter that is likely to be revealed. When Rabban Shimon ben Gamliel said that he needs to inform him, he was referring to a matter that is not likely to be revealed.** The Gemara asked: **If so, isn't Shabbat likely to be revealed, as it will be necessary to inform them of Shabbat together with the other mitzvot? Why was Moses asked to inform them about Shabbat separately? The Gemara answers: The giving of its reward is not likely to be revealed, and it was necessary to inform them about so extraordinary a gift.**

The Gemara relates that Rav Hisda would take in his hand two gifts of the priesthood separated from an ox.¹⁴ **He said: Anyone who comes and tells me a new halakha in the name of Rav, I will give these gifts to him. Rava bar Mehasseya said to him, Rav said as follows: One who gives a gift to his friend needs to inform him, as it stated: "To know that I am God Who sanctifies you."** He gave the gift to Rava bar Mehasseya. **Rava bar Mehasseya said to Rav Hisda: Are the halakhot of Rav so beloved to you? Rav Hisda said to him: Yes. Rava bar Mehasseya said to him, this is what Rav said: Fine wool is precious to those who wear it¹⁵** (Rav Ya'akov Emden), meaning only a person who is used to delicate items can appreciate their quality. **Rav Hisda said to him excitedly: Did Rav say that? The latter statement is preferable to me more than the first. And if I were holding another gift I would give it to you.**

HALAKHA

A person should never distinguish one of his sons from among the other sons – לעולם אל ישנה אדם בנו בין הבנים: In order to avoid inciting strife among one's sons, he should not treat one son differently, even slightly, from his other children (Rambam Sefer Kinyan, Hilkhot Nahalot 6:13; Tur, Hoshen Mishpat 282).

LANGUAGE

Fine wool [meilat] – מילת: Apparently the origin of this word is from the Greek city of Μίλητος, Miletos, in Asia Minor, where the finest wool was produced in antiquity.

Based on the Gemara, meilat is the highest quality wool, made from the wool of lambs and sheep raised particularly for that purpose.

NOTES

And our forefathers descended to Egypt – וירדו אבותינו למצרים: The emphasis is specifically on the fact that they descended to Egypt. It had already been decreed to Abraham that his descendants would be enslaved in a foreign land. However, the fact that the enslavement took place in that particularly distant and difficult land came about due to Joseph and his brothers (Panim Masbirot, Iyyun Ya'akov).

In a city whose settling is recent – בעיר שישבתה קרובה: Since the people of the city have not grown accustomed to sinning and set in their evil ways, repentance is still possible (Me'ir).

ואמר רבא בר מחסאי אמר רב חמא בר גוריא אמר רב: לעולם אל ישנה אדם בנו בין הבנים, שבשביל משקל שני סלעים מילת שנתן יעקב ליוסף יותר משאר בניו – נתקנאו בו אחיו, ונתגלגל הדבר וירדו אבותינו למצרים.

ואמר רבא בר מחסאי אמר רב חמא בר גוריא אמר רב: לעולם יחור אדם וישב בעיר שישבתה קרובה. שמתוך שישבתה קרובה עונותיה מועטין. שנאמר: "הנה נא העיר הזאת קרובה לנו שמה והיא מצער". מאי קרובה? אילימא קרובה דמיקרבא וזוטא – והא קא חו לה! אלא: מתוך שישבתה קרובה – עונותיה מועטין. אמר רבי אבין: מאי קרא? דכתב: "אמלטה נא שמה", נ"א בגימטריא חמשין ואחת הוי, ושל סודם חמישים ושתיים ושלותה

And Rava bar Mehasseyā said that Rav Ḥama bar Gurya said that Rav said: A person should never distinguish one of his sons from among the other sons⁴ by giving him preferential treatment. As, due to the weight of two sela of fine wool [meilat]⁵ that Jacob gave to Joseph, beyond what he gave the rest of his sons, in making him the striped coat, his brothers became jealous of him and the matter unfolded and our forefathers descended to Egypt.⁶

And Rava bar Mehasseyā said that Rav Ḥama bar Gurya said Rav said: A person should always seek and dwell in a city whose settling took place in the recent⁷ past, meaning that it was recently established, as due to the fact that its settling is recent its sins are few, as its residents have not yet had the opportunity to commit many sins there. As it is stated that Lot said to the angel: "Behold, here is this city that is close to run away to and it is small" (Genesis 19:20). What is the meaning of the word close? If you say: That it is close in distance and truly small, why did he need to say that to the angel? Didn't they see it? Rather, the meaning of the word close must be because its settling was close, that it had been recently settled, and therefore its sins were few. Rabbi Avin said: What is the verse that teaches us that Zoar was newer than the other cities? As it is written: "I will escape there please [na]" (Genesis 19:20); the numerological value of num alef, the letters of the word na, is fifty-one, while Sodom was fifty-two years old. And Sodom's tranquil period

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NOTES

Any city whose roofs are higher than the synagogue – עיר שגגותיה גבוהין מבית הכנסת: It is not appropriate for people to live or perform any activity in a house higher than the permanent synagogue (Tur in the name of the Rosh). One of the commentaries explained that the Sages prohibited raising other houses specifically when they were built as an expression of grandeur. In that case, the primacy of the synagogue must be underscored. However, with regard to floors added for the purpose of housing more people, the halakha is not strictly applied (Me'ir).

LANGUAGE

Poles [kashkushei] – קשקושי: There are some whose version of the text is kushki (Arukh and others). Apparently, the word is from the Persian kōšk, meaning palace or villa. Perhaps this word was also assimilated into the Arabic (ge'anim).

Towers [abrurei] – אברורי: Apparently, the word is Persian (ge'anim). Modern scholars believe it is from the Middle Persian, perhaps from the word parwār, meaning towers.

עשרים וישו. דכתב: "שתיים עשרה שנה עבדו את כדורלעומר ושלש עשרה שנה מרדו ובארבע עשרה שנה" וגו'.

ואמר רבא בר מחסאי אמר רב חמא בר גוריא אמר רב: כל עיר שגגותיה גבוהין מבית הכנסת לסוף חרבה, שנאמר: "לרומם את בית אלהינו ולהעמיד את חרבותינו". והני מילי – בבתיים אבל בקשקושי ואברורי – לית לן בה. אמר רב אשי: אנא עבדי למתא מחסאי דלא חרבה. והא חרבה! מאותו עון לא חרבה.

during which they committed their sins was altogether twenty-six years, as it is written: "Twelve years they served Chedorlaomer and thirteen years they rebelled, and in the fourteenth year Chedorlaomer came" (Genesis 14:4-5). The twelve years plus the fourteen years during which they were enslaved were not years of tranquility, leaving only twenty-six tranquil years when they were sinful.

And Rava bar Mehasseyā said that Rav Ḥama bar Gurya said that Rav said: Any city whose roofs are higher than the synagogue⁸ will ultimately be destroyed because of the contempt shown the synagogue. Allusion to this is from that which is stated: "To uplift the house of our God and restore its ruins" (Ezra 9:9). The house that is devoted to God needs to be elevated above the other houses of the city. The Gemara adds: And this applies only to the height of the houses themselves. However, if the poles [kashkushei]⁹ and the towers [abrurei]¹⁰ that extend from the house are higher than the synagogue, we have no problem with it. Rav Ashi said: I caused the city of Mata Mehasseyā to not be destroyed by building the synagogue higher than the other houses. The Gemara asks: Wasn't Mata Mehasseyā ultimately destroyed? The Gemara answers: It was not destroyed because of that sin; other sins caused its destruction.

HALAKHA

Any city whose roofs are higher than the synagogue – עיר שגגותיה גבוהין מבית הכנסת: When a synagogue is constructed, it should be constructed higher than the other dwellings in the city. Constructing the houses of the city higher than the synagogue is prohibited. One who did so must diminish the height of his building. However, towers and other building adornments, which are not dwellings, may be constructed higher than the synagogue. In places

where the Jews fear the gentile authorities, who prohibit constructing synagogues higher than their houses, Jews need not construct their dwellings lower than the synagogue. Since the houses of the gentiles are higher than the synagogue, the primacy of the synagogue would not, in any case, be noticeable even if it were higher than Jewish homes (Magen Avraham; Rambam Sefer Ahava, Hilkhot Tefilla 1:2; Shulḥan Arukh, Oraḥ Ḥayyim 150:1-2).

Ḥabar – חֶבֶר: *Ḥabar* is the accepted name for the Persian Zoroastrian fire priests. The origin of the word is not clear. However, the assumption is that its root is from the Semitic *ḥabar*, meaning sorcerer, and from there it passed to Aramaic. With the rise of the Sassanid dynasty, the power of the Persian fire religion was also ascendant and its priests were among the factors that negatively influenced the situation of the Jews of Babylonia, in contrast to the period of the Parthian rule which was more favorable for the Jews.

NOTES

The unquantifiable space of governmental authority – חִלְלָה שֶׁל רְשׁוֹת: One of the commentaries explained that this statement was intended to prevent people from complaining about the government by explaining that the authorities face considerable responsibilities that are difficult for the ordinary person to appreciate (*Me'iri*). Perhaps it comes to emphasize that the success of the authorities comes exclusively by the grace of God, as even governments are incapable of overcoming all of the problems confronting them without divine intervention.

Even on Shabbat – אֶפִּילוֹ בַּשַּׁבָּת: Rav Yehoshua, son of Rav Idi, said this to emphasize that even a Shabbat meal, which is a mitzva, is superseded by a fast to neutralize a bad dream (Rabbi Elazar Moshe Horowitz).

Third-born calf – עֵינֵילָא תִּילְתָא: Some explain that *tilta* refers to a calf that reached only a third of its size, which has the choicest meat (Rashi). Others say that *meshulash* in the Bible and *tilta* here means the best, similar to the term in the verse: "And captains [*shalishim*] over them all" (Exodus 14:7), which refers to the highest ranking soldiers (*Tosafot*).

וְאָמַר רַבָּא בְרַּחְמֵי אֲמַר רַב חָמָא בַּר גּוּרְיָא אָמַר רַב: תַּחַת יִשְׁמַעְאֵל וְלֹא תַחַת נְכָרִי, תַּחַת נְכָרִי וְלֹא תַחַת חֶבֶר, תַּחַת חֶבֶר וְלֹא תַחַת תַּלְמִיד חֶכֶם, תַּחַת תַּלְמִיד חֶכֶם וְלֹא תַחַת יְתוֹם וְאַלְמָנָה.

And Rava bar Meḥasseya said that Rav Ḥama bar Gurya said that Rav said: It is preferable to be under the yoke of Ishmael and not under the yoke of a stranger, the Romans; under a stranger and not under a *Ḥabar*,^B a Persian Zoroastrian fire priest; under a *Ḥabar* and not under a Torah scholar, as if one offends a Torah scholar who is greater than he, the scholar will be exacting with him and he will be punished at the hand of Heaven; under a Torah scholar and not under an orphan or a widow, as they are easily insulted and God promised to hear their cries and punish those who offend them.

וְאָמַר רַבָּא בְרַּחְמֵי אֲמַר רַב חָמָא בַּר גּוּרְיָא אָמַר רַב: כָּל חוֹלִי וְלֹא חוֹלִי מַעִים, כָּל כְּאָב – וְלֹא כְּאָב לֵב, כָּל מִיחוּשׁ – וְלֹא מִיחוּשׁ רֹאשׁ, כָּל רַעָה – וְלֹא אִשָּׁה רַעָה.

And Rava bar Meḥasseya said that Rav Ḥama bar Gurya said that Rav said: It is preferable to suffer from any extended illness and not from an intestinal illness. Similarly, it is preferable to suffer any pain, even if it is sharp and excruciating, and not heart pain; any slight ache and not a headache; any evil and not an evil wife.

וְאָמַר רַבָּא בְרַּחְמֵי אֲמַר רַב חָמָא בַּר גּוּרְיָא אָמַר רַב: אִם יִהְיוּ כָּל הַיָּמִים דִּין, וְאֲגָמִים קוֹלְמוֹסִים, וְשָׁמִים יְרִיעוֹת, וְכָל בְּנֵי אָדָם לְבַלְרִין – אִין מִסְפִּיקִים לְכַתּוּב חִלְלָה שֶׁל רְשׁוֹת. מַאי קְרָאָה? אָמַר רַב מִשְׁרָשִׁיא: "שָׁמַיִם לְרוּם וְאַרְצָא לְעוֹמֵק וְלֵב מְלָכִים אִין חֶקֶר".

And Rava bar Meḥasseya said that Rav Ḥama bar Gurya said that Rav said: Even if all the seas would be ink, and the reeds that grow near swamps would be quills, and the heavens would be parchment upon which the words would be written, and all the people would be scribes; all of these are insufficient to write the unquantifiable space of governmental authority,^N i.e., all the considerations with which a government must concern itself and deal. Rav Mesharshiya said: What is the verse that alludes to this? "The Heavens on High and the land to the depth and the heart of kings are unsearchable" (Proverbs 25:3).

וְאָמַר רַבָּא בְרַּחְמֵי אֲמַר רַב חָמָא בַּר גּוּרְיָא אָמַר רַב: יָפָה תַעֲנִית לְחִלּוּם כְּאִשׁ לְנַעֲוֹת. אָמַר רַב חֲסֵדָא: דּוּבּוּ בַיּוֹם. וְאָמַר רַב יוֹסֵף: אֶפִּילוֹ בַּשַּׁבָּת.

And Rava bar Meḥasseya said that Rav Ḥama bar Gurya said that Rav said: A fast is effective to neutralize a bad dream like fire burns chaff. Rav Ḥisda said: And a fast is effective specifically on that day^H that he dreamed. And Rav Yosef said: One suffering from a bad dream that he dreamed is permitted to fast even on Shabbat.^{NH}

רַב יְהוֹשֻׁעַ בְּרִיהַ דְּרַב אִידִי אִיקְלַע לְרַבִּי רַב אֲשֵׁי עֲבָדֵי לֵיהּ עֵינֵילָא תִּילְתָא. אָמַר לֵיהּ: לְטַעוּם מִרְ מִיְדֵי! אָמַר לֵיהּ: בְּתַעֲנִית יְהִיבָנָא. אָמַר לֵיהּ: וְלֹא סָבַר לֵיהּ מִרְ לְהָא דְרַב יְהוּדָה, דְּאָמַר רַב יְהוּדָה: לְוָה אָדָם תַּעֲנִיתוּ וּפּוֹרַע? אָמַר לֵיהּ: תַּעֲנִית חִלּוּם הוּא, וְאָמַר רַבָּא בְרַּחְמֵי אֲמַר רַב חָמָא בַּר גּוּרְיָא אָמַר רַב: יָפָה תַעֲנִית לְחִלּוּם כְּאִשׁ לְנַעֲוֹת. וְאָמַר רַב חֲסֵדָא: וּבּוּ בַיּוֹם, וְאָמַר רַב יוֹסֵף: אֶפִּילוֹ בַּשַּׁבָּת.

The Gemara relates: Rav Yehoshua, son of Rav Idi, happened to come to the house of Rav Ashi. They prepared a third-born calf,^N whose meat is high quality, for him. They said to him: Let the Master taste something. He said to them: I am sitting in the midst of a fast. They said to him: And does the Master not hold in accordance with this *halakha* of Rav Yehuda, as Rav Yehuda said: A person can borrow his fast and not fast on the day that he originally designated, and repay it by fasting on another day? You can postpone your fast to another day. He said to them: It is a fast for a dream. And Rava bar Meḥasseya said that Rav Ḥama bar Gurya said that Rav said: A fast is effective to neutralize a bad dream like fire burns chaff. And Rav Ḥisda said that the fast is effective specifically on that day that he dreamed. And Rav Yosef said that a person suffering due to a bad dream is permitted to fast even on Shabbat.

HALAKHA

A fast is effective to neutralize a bad dream...on that day – יָפָה תַעֲנִית לְחִלּוּם...וּבּוּ בַיּוֹם: One who experiences a bad dream and is disturbed by it, should fast to allay his concern. Some say that there is no obligation to do so (*Magen Avraham* in the name of the Rashba). Although fasting is as effective in neutralizing a bad dream as fire is in burning chaff, one who experiences a bad dream is not obligated to fast, as the Sages quoted the verse: "And the dreams speak falsely" (Zechariah 10:2). One fasts specifically on the day following the night of the dream. If he interrupted the fast for some reason, he cannot compensate

for it another day (Rambam *Sefer Zemanim, Hilkhot Ta'aniyot* 1:12; *Shulḥan Arukh, Oraḥ Hayyim* 220:2 and 568:2).

A fast is effective to neutralize a dream...even on Shabbat – יָפָה תַעֲנִית לְחִלּוּם...אֶפִּילוֹ בַּשַּׁבָּת: It is permitted to fast on Shabbat to counteract a bad dream. In modern times, it is undertaken only for rare dreams, which are a source of concern. Even then, a fast is only undertaken if the emotional discomfort caused by the dream is more painful than the fast (*Magen Avraham; Rambam Sefer Zemanim, Hilkhot Ta'aniyot* 1:12; *Shulḥan Arukh, Oraḥ Hayyim* 220:2 and in the comment of the Rema, 288:4–5).

NOTES

They stop to recite Shema – מְפָסְקִין לְקִרְיַת שְׁמַע – Some explain that the difficulty is not with regard to the repetition of the halakha but with the following language: They stop, etc., which appears to be introducing a new case and not continuing to discuss the previous matters (Rashash). Others understand that, according to the Gemara's conclusion, when the mishna said: They stop for prayer, in our mishna, it is referring to when there is insufficient time remaining in the day to pray. When the mishna said: They do not stop, it is referring to when there is sufficient time left in the day. In fact, the mishna is not dealing with the case of Rabbi Shimon bar Yoḥai and his friends (Korban Netanel).

The attendant sees – הַחֲזַן רוֹאֶה: In the Jerusalem Talmud, it is explained that there is no concern that the children will adjust the wick. As far as they are concerned, they would prefer that the light extinguish faster so as not to read. Others explain that the attendant sees only the beginning of the section, opens it for his students, and shows them where they need to read, but he himself does not read at all (Rambam's Commentary on the Mishna).

LANGUAGE

Scribe [lavlar] – לַבְלָר: This word was borrowed from the Greek λιβλάριος, liblarios, and it came to the Greek in a slightly different form from the Latin librarius. In all of its forms, it means scribe or secretary.

Quill [kulmos] – קוּלְמוֹס: From the Greek κάλαμος, kalamos, meaning a quill or pen.

BACKGROUND

In truth they said – בְּאֵמַת אָמְרוּ: Tradition has it that each time this phrase appears in a mishna, it denotes an established halakha. Certain versions of the text underscore that it denotes a law transmitted to Moses from Sinai (Jerusalem Talmud, Shabbat 1:2). Others emphasize that every use of this phrase denotes a practical halakha (ge'onim).

‘וְאִם הִתְחִילוּ אֵין מְפָסְקִין, מְפָסְקִין לְקִרְיַת שְׁמַע.” הָא תְנָא לִיה רִישָׁא אֵין מְפָסְקִין! סִפָּא אֲתָאן לְדַבְרֵי תוֹרָה. דְתֵנָּא: חֲבֵרִים שְׁהֵו עוֹסְקִין בְּתוֹרָה – מְפָסְקִין לְקִרְיַת שְׁמַע, וְאֵין מְפָסְקִין לְתַפְלָה. אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא בְּגוֹן רַבִּי שְׁמַעוֹן בֶּן יוֹחִי וְחֲבֵרָיו, שְׁתוֹרְתָן אוּמְנוֹתָן. אֲבָל בְּגוֹן אֲנוּ – מְפָסְקִין לְקִרְיַת שְׁמַע וְלְתַפְלָה.

וְהִתְנַיָּא: בְּשֵׁם שְׂאֵין מְפָסְקִין לְתַפְלָה בְּךְ אֵין מְפָסְקִין לְקִרְיַת שְׁמַע! כִּי תֵנִי הֵיאָה – בְּעֵיבוֹר שָׁנָה. דְאָמַר רַב אֲדָא בַר אֲבָהָה, וְכֵן תֵּנוּ סָבִי דְהַגְרוּנָא, אָמַר רַבִּי אֶלְעָזָר בַּר צְדוּק: בְּשִׁהֵינּוּ עוֹסְקִין בְּעֵיבוֹר הַשָּׁנָה בִּיבְנָה לֹא הֵינּוּ מְפָסְקִין לֹא לְקִרְיַת שְׁמַע וְלֹא לְתַפְלָה.

מִתְנִי לֹא יֵצֵא הַחַיִּט בְּמַחְטוֹ סְמוּךְ לַחֲשֵׁבָה – שְׂמָא יִשְׁבַּח וְיֵצֵא, וְלֹא הַלְבָּל בְּקוּלְמוֹסוֹ, וְלֹא יִפְלֵה אֶת בְּלִיָּו, וְלֹא יִקְרָא לְאוֹר הַיָּר. בְּאֵמַת אָמְרוּ: הַחֲזַן רוֹאֶה הֵיכָן תֵּינֻקוֹת קוֹרְאִין, אֲבָל הוּא לֹא יִקְרָא. כִּיֹּצֵא בּוֹ: לֹא יֵאָכַל הַזָּב עִם הַזָּבָה, מִפְּנֵי הַרְגֵּל עֵבִירָה.

גַּמְ' תֵּנִן הֵתֵם: לֹא יַעֲמוֹד אָדָם בְּרִשׁוֹת הַיְחִיד וְיִשְׁתָּה בְּרִשׁוֹת הָרִבִּים, בְּרִשׁוֹת הָרִבִּים וְיִשְׁתָּה בְּרִשׁוֹת הַיְחִיד. אֲבָל אִם הִכְנִים רִאשׁוֹ וְרוּבּוֹ לְמָקוֹם שֶׁהוּא שׁוֹתָה – מוֹתָר

We learned in the mishna that if they already began any one of the activities mentioned in the mishna they need not stop to recite the Amidah prayer; however, they stop to recite Shema.^N The Gemara asks: Didn't the first clause of the mishna already teach that they need not stop? Why does the mishna repeat it? The Gemara answers: In the latter clause of the mishna, we came to discuss matters of Torah. With regard to those engaged in Torah study, they need not stop for prayer, but they are required to stop to recite Shema. As it was taught in a baraita: Torah scholars, who were engaged in the study of Torah, stop their Torah study for Shema, and they do not stop for prayer.^H Rabbi Yoḥanan said a caveat to this statement: They only taught that they need not stop for prayer with regard to the likes of Rabbi Shimon ben Yoḥai and his colleagues, whose Torah is their vocation and they never interrupt their Torah study. However, for the likes of us, who also engage in other activities, we stop both for Shema and for prayer.

With regard to the essence of the statement the Gemara asks: Didn't we learn in a different baraita: Just as they do not stop for prayer, they do not stop for Shema? The Gemara answers: When that baraita was taught, it was taught with regard to those engaged in the intercalation of the year.^H Since their activity is crucial and all the Festivals of the year are determined through that activity, the Sages allowed them to continue and not stop to recite Shema. As Rav Adda bar Ahava said, and the Elders of the city of Hagronya also taught that Rabbi Elazar, son of Rabbi Tzadok, said: When we were engaged in the intercalation of the year in Yavne, we would stop neither for Shema nor for prayer.

MISHNA This mishna deals with various decrees, especially with regard to the halakhot of Shabbat, which were issued in order to distance a person from transgressions that he is liable to commit through habit and routine. The mishna said: The tailor may not go out with his needle adjacent to nightfall on Shabbat eve, lest he forget that he is carrying the needle and go out with it to the public domain even after Shabbat begins. And, similarly, the scribe [lavlar]¹ may not go out with his quill [kulmos]^{1H} for the same reason. And one may not shake his clothes on Shabbat to rid them of lice; and one may not read a book by candlelight, so that he will not come to adjust the wick of the lamp. However, in truth they said^B an established halakha: The attendant sees^N where in the book the children under his supervision are reading in the Torah, even by candlelight on Shabbat. However, he himself may not read. Similarly, the Sages issued a similar decree with regard to other halakhot, as they said: The zav may not eat even with his wife the zava, despite the fact that they are both ritually impure, because, by eating together, they will come to excessive intimacy and become accustomed to sin.

GEMARA Among the halakhot concerning decrees that were issued lest one come to commit a transgression, we learned in a mishna there: A person may not stand in the private domain and drink water located in the public domain,^H or vice versa, stand in the public domain and drink water located in the private domain, lest he transfer the vessel from which he is drinking the water to the place where he is standing and become liable to bring a sin-offering. However, if he introduced his head and most of his body into the place where the water that he is drinking is located, there is no longer room for concern, and it is permitted,

HALAKHA

They stop for Shema and they do not stop for prayer – מְפָסְקִין לְקִרְיַת שְׁמַע, וְאֵין מְפָסְקִין לְתַפְלָה: A Torah scholar, whose Torah is his vocation, like Rabbi Shimon bar Yoḥai and his colleagues, interrupts his Torah study to recite Shema but not to recite the Amidah prayer, even if the time designated to recite the Amidah prayer will consequently pass. We, who are not on that level, interrupt our Torah study both to recite Shema and to pray. If one is teaching Torah to others, he does not stop, even to recite Shema. Nevertheless, he must pause to recite the opening verse of Shema (Rema) in order to accept the yoke of Heaven upon himself. In addition, he should seek to include a halakha relating to the exodus from Egypt in his lecture, so that he will mention the Exodus during the time designated to recite Shema (Mishna Berura). If he is certain that time will remain after

his lecture to recite Shema and pray, he need not pause at all (Rambam Sefer Ahava, Hilkhoh Keriat Shema 2:5; Hilkhoh Tefilla 6:8; Shulḥan Arukh, Orah Ḥayyim 106:3 and in the comment of the Rema). In the intercalation of the year – בְּעֵיבוֹר שָׁנָה: Those engaged in seeing to the needs of the community, e.g., intercalating the year, do not stop to recite Shema, as their legal status is like that of those studying Torah (Jerusalem Talmud). They should complete their task and, if time remains, recite Shema thereafter (Rambam Sefer Ahava, Hilkhoh Keriat Shema 2:5). The tailor may not go out with his needle... the scribe not with his quill – לֹא יֵצֵא הַחַיִּט בְּמַחְטוֹ... הַלְבָּל בְּקוּלְמוֹסוֹ: It is prohibited for the tailor to go out with his needle in his hand and

for the scribe to go out with his quill on Shabbat eve just prior to nightfall. However, if it is stuck in his clothing, it is permitted according to Rabbi Meir, as per the conclusion of the Gemara (Magen Avraham). Others dispute this leniency and hold that the halakha is in accordance with Rabbi Yehuda in this case as well (Rambam Sefer Zemanim, Hilkhoh Shabbat 19:26; Shulḥan Arukh, Orah Ḥayyim 252:6; Vilna Gaon). A person may not stand in the private domain and drink in the public domain – לֹא יַעֲמוֹד אָדָם בְּרִשׁוֹת הַיְחִיד וְיִשְׁתָּה בְּרִשׁוֹת הָרִבִּים: By Torah law, a person may only stand in one domain and drink from a different domain if he put his head and most of his body into the domain from which he is drinking (Rambam Sefer Zemanim, Hilkhoh Shabbat 15:2; Shulḥan Arukh, Orah Ḥayyim 350:1).

וכן בגת. and the same is true in the wine press.

איבעיא להו: כרמלית מאי? אמר אביי: היא היא. רבא אמר: היא גופה גזירה, ואנן ניקום ונגזור גזירה לגזירה!

In light of the *halakha* that was taught in this mishna a **dilemma was raised** before the Sages: **What is the legal status of a *karmelit* in this matter?** Is it permissible to stand in one domain and drink from a *karmelit* or not?^H **Abaye said: That case is equal to that case, i.e., the same way that the Sages prohibited drinking from the private domain to the public domain and vice versa, so too, they prohibited drinking from the *karmelit* to another domain. Rava said: It is not prohibited. It, the prohibition to carry between a *karmelit* and another domain, itself is merely a rabbinic decree. And will we arise and issue one decree to prevent violation of another decree?**^N Although the Sages prohibited doing so in one of the domains by Torah law, i.e., the public and the private domains, a similar decree was not issued in a *karmelit*, which is a domain by rabbinic law.

אמר אביי: מנא אמינא לה – דקתני: “וכן בגת”. מאי גת? אי רשות היחיד – תנינא, אי רשות הרבים – תנינא. אלא לאו – כרמלית.

Abaye said: From where do I say that *halakha*, i.e., that the decree applies to a *karmelit*? From that **which we learned** at the end of the mishna in tractate *Eiruvim*: **And the same is true in the wine press.** The question arises: **What is the status of the wine press in terms of the domains of Shabbat? If you say that it is the private domain, we already learned that in the mishna. If it is the public domain, we already learned that as well. Rather, isn't this press a *karmelit*?** Apparently, a *karmelit* was also prohibited in the mishna.

רבא אמר: “וכן בגת” – לענין מעשר. וכן אמר רב ששת: “וכן בגת” – לענין מעשר, דתני: שותין על הגת בין על החמין בין על הצונן ופטור. דברי רבי מאיר. רבי אלעזר ברבי צדוק מחייב, וחקמים אומרים: על החמין – חייב, על הצונן – פטור, מפני שהוא מחזיר את המותר.

Rava said: That which we learned in the mishna: And the same is true in the wine press, is not relevant to the *halakhot* of Shabbat. It refers to the matter of the *halakhot* of tithes.^N And Rav Sheshet also said: That which we learned in the mishna: And the same is true in the wine press, refers to the matter of tithes,^H as we learned in a mishna: One may *ab initio* drink grape juice directly on the press without tithing, whether the juice was diluted with hot water, even though he will then be unable to return the leftover wine to the press, as it would ruin all the wine in the press, or whether the juice was diluted with cold water, in which case he could return the leftover wine without ruining the rest, and he is exempt. Drinking that way is considered incidental drinking, and anything that is not a fixed meal is exempt from tithing. That is the statement of Rabbi Meir. Rabbi Elazar, son of Rabbi Tzadok, obligates one to separate the tithe in both cases. And the Rabbis say: There is a distinction between these two cases; when the wine was diluted with hot water, since he cannot return what is left of the wine to the press, he is obligated to tithe, as it is like fixed drinking for which one is obligated to tithe. However, when the wine was diluted with cold water, he is exempt, because he returns the leftover wine to the press, and it is incidental drinking, which is exempt from tithing. Our mishna, which says: And the same is true in the press, means that only if his head and most of his body was in the press is he permitted to drink without separating the tithe, and that *halakha* is not at all related to matters of Shabbat (Rabbeinu Hananel).

תני: לא יצא החייט במחטו סמוך לחשיכה שמה ישכח ויצא, מאי לאו דתחובה לו בבגדו? לא, דנקיט ליה בידיה.

As proof for Abaye's opinion, the Gemara states that **which we learned** in our mishna: **The tailor may not go out with his needle adjacent to nightfall on Shabbat eve, lest he forget that he is carrying the needle and go out with it to the public domain even after Shabbat begins. Is it not speaking here in a case where the needle was stuck in his clothing?** In that case, even if he was to go out into the public domain with the needle, he would not be liable by Torah law, since that is not the typical manner of carrying out; carrying out an object in that manner is prohibited only by rabbinic decree [*shevut*]. Nevertheless, not only did the Rabbis issue a decree to prohibit going out with the needle on Shabbat, they issued a decree to prevent violation of another decree and prohibited the tailor from going out with his needle adjacent to nightfall. Apparently, the Sages institute a decree to prevent violation of another decree with regard to the *halakhot* of carrying out on Shabbat (*Tosafot*). Consequently, with regard to the *halakhot* of *karmelit*, the Sages issued a decree as well, and this is proof for Abaye's opinion. The Gemara rejects this: **No, the mishna is referring to a case where he is holding the needle in his hand, which constitutes performance of the full-fledged prohibited labor of carrying out.**

HALAKHA

Drinking in a *karmelit* – שתייה בכרמלית: One who is standing in a public domain or in a private domain is permitted to move his head into a *karmelit* and drink there. Since the *halakha* of the *karmelit* itself is a rabbinic decree, they did not issue a decree upon a decree. This ruling is according to Rava, as the *halakha* is ruled in his favor in disputes with Abaye (Rambam *Sefer Zemanim, Hilkhot Shabbat* 15:2; *Shulhan Arukh, Oraḥ Hayyim* 350:1).

And the same is true in the wine press, refers to the matter of tithes – וכן בגת לענין מעשר: One may drink the wine in a wine press if the drinking is near the wine press and incidental. If he put the wine into a hot dish of food, even if he did so near the wine press, it is considered a fixed meal and he may not eat it until he tithes (Rambam *Sefer Zera'im, Hilkhot Ma'aser* 5:16).

NOTES

Decree to prevent violation of another decree – גזירה לגזירה: The principle that a decree is not issued upon a decree is accepted in the Gemara and has support from the Torah. Although there is a directive to establish protection for mitzvot, protection for that protection is not established. Of course, if that were to be done, it could continue *ad infinitum*. Although Abaye agrees with the principle, he holds that since carrying out on Shabbat is an insubstantial labor that hardly seems like a bona fide prohibited labor, it was necessary to establish extra protection for it (Ritva).

Establishing the obligation for tithes – קביעה קביעה: There is a principle with regard to the *halakhot* of tithes that, as a rule, there is only an obligation to tithe produce on which work has been completed and not produce that is still being processed. Therefore, one who eats and drinks in an incidental manner from fruit that has not been completely processed is not required to tithe it. Some explain that here, in a winery, the reason for the distinction between hot and cold water is not between wine mixed with hot water that cannot be returned to the wine press and wine that can be returned. Rather, the reason is that wine mixed with hot water is already a drink whose processing has been completed and nothing more need be done. Therefore, one is obligated to tithe it (Rambam's Commentary on the Mishna).

HALAKHA

The tailor may not go out with his needle stuck in his clothing – לֹא יֵצֵא הַחַיִּיט בְּמַחְטוֹ הַתְּחוּבָה לוֹ – בְּבִגְדוֹ: It is prohibited for a tailor to go out with a needle stuck in his clothes. If he did so, he is exempt from bringing a sin-offering (Rambam *Sefer Zemanim, Hilkhot Shabbat* 19:21; *Shulhan Arukh, Orah Hayyim* 301:12).

The zav may not go out with his pouch – לֹא יֵצֵא הַזָּב בְּכִיסוֹ: It is prohibited for a zav to go out with a small leather pouch that he places in order to protect himself from the filth of his emission, as per the statements of Abaye and Rava. If he went out, he is liable because in this matter they ruled that he is liable for a prohibited labor not necessary for its own sake (Rambam *Sefer Zemanim, Hilkhot Shabbat* 19:22; *Shulhan Arukh, Orah Hayyim* 301:13).

LANGUAGE

Weaver [*gardi*] – גָּרְדִי: From the Greek γέρδιος, *gerdios*, meaning weaver.

Bit of wool [*ira*] – אִירָא: From the Greek ἄωτον or ἄωτος, *aoton* or *aotos*, meaning wool. The weaver displays a small swatch of wool for work purposes.

Layman [*hedyot*] – הֶדְיוֹט: From the Greek ἰδιώτης, *idiotes*, and it has various meanings such as private, a private man, or a simple man. Several of them are used in the language of the Sages.

Other meanings of the word are also in use, for example, one who does not occupy a special position, e.g., a common priest.

NOTES

A layman who carved out a vessel the size of a kav in a piece of wood on Shabbat – הֶדְיוֹט שֶׁחָקַק – קָב בְּבִקְעַת בְּשֵׁבֶת: Some explain that he carved the shape of a kav from the piece of wood, which is a type of prosthetic for leg amputees (*Arukh*).

The halakhot of emissions of a zav – דִּינֵי זִיבָה: The portion dealing with the halakhot of the emissions of a zav is written in the Torah (Leviticus 15:1–15). From those verses, the Sages derived a distinction between one who sees an emission once, twice, and three times. One who sees an emission once, although he is ritually impure, he does not have the ritual impurity of a zav at all. If one sees an emission twice, all the laws of the impurity of a zav apply to him but he is not required to bring a sacrifice with his purification. After one who sees an emission three times completes counting seven clean days without an emission, he is obligated to bring a sacrifice of purification.

תָּא שָׁמַע: לֹא יֵצֵא הַחַיִּיט בְּמַחְטוֹ הַתְּחוּבָה לוֹ בְּבִגְדוֹ, מֵאִי לֹא בְּעֶרְבַּ שַׁבָּת? לֹא, כִּי תִנְיָא הֵיא – בְּשַׁבָּת. וְהִתְנַאי: לֹא יֵצֵא הַחַיִּיט בְּמַחְטוֹ הַתְּחוּבָה בְּבִגְדוֹ בְּעֶרְבַּ שַׁבָּת עִם חֲשִׁיכָה! הָא מִנִּי – רַבִּי יְהוּדָה הֵיא, דְּאָמַר: אוּמָן דְּרַךְ אוּמְנָתוֹ חַיִּיב.

דִּתְנַאי: לֹא יֵצֵא הַחַיִּיט בְּמַחְטוֹ הַתְּחוּבָה לוֹ בְּבִגְדוֹ, וְלֹא נִגְרַב בְּקִיסָם שְׁבָאֲזוֹ, וְלֹא סוּרָק בְּמִשְׁיחָה שְׁבָאֲזוֹ, וְלֹא גְרָדִי בְּאִירָא שְׁבָאֲזוֹ, וְלֹא צַבֵּעַ בְּדוּגְמָא שְׁבָאֲזוֹ, וְלֹא שׁוֹלְחָנִי בְּדִינֵי שְׁבָאֲזוֹ, וְאִם יֵצֵא – פְטוּר אֲבָל אָסוּר, דְּבָרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוּמָר: אוּמָן דְּרַךְ אוּמְנָתוֹ – חַיִּיב, וְשָׂאֵר כָּל אֲדָם – פְטוּר.

תַּנִּי חֲדָא: לֹא יֵצֵא הַזָּב בְּכִיסוֹ, וְאִם יֵצֵא – פְטוּר אֲבָל אָסוּר. וְתַנַּאי אֵידִךְ: לֹא יֵצֵא, וְאִם יֵצֵא – חַיִּיב חֲטָאָת.

אָמַר רַב יוֹסֵף: לֹא קִשְׁיָא, הָא – רַבִּי מֵאִיר, הָא – רַבִּי יְהוּדָה.

אָמַר לֵיה אַבְיִי: אִימור דְּשִׁמְעַתָּ לֵיה לְרַבִּי מֵאִיר – בְּמִידֵי דְלָאוּ הֵינּוּ אוּרְחִיה, בְּמִידֵי דְהֵינּוּ אוּרְחִיה מִי שִׁמְעַתָּ לֵיה! דְּאִי לֹא תִימָא הָכִי – אֶלָּא מֵעַתָּה, הֶדְיוֹט שֶׁחָקַק קָב בְּבִקְעַת בְּשַׁבָּת לְרַבִּי מֵאִיר הָכִי נִמְי דְלֹא מְחַיִּיב!

אֶלָּא אָמַר רַב הַמְנוּנָא: לֹא קִשְׁיָא, כָּאן – בְּזָב בְּעַל שְׁתֵּי רְאִיּוֹת, כָּאן – בְּזָב בְּעַל שְׁלֹשׁ רְאִיּוֹת.

Come and hear another proof from that which was taught explicitly in the *baraita*: The tailor may not go out with his needle stuck in his clothing.¹⁴ Is it not speaking of a case where he goes out on Shabbat eve, and the Sages issued a decree to prevent violation of another decree, just as Abaye said? The Gemara rejects this: No, when that was taught in the *baraita*, it was only with regard to carrying out on Shabbat itself. The Gemara asks further: Wasn't it taught explicitly in a *baraita*: The tailor may not go out with his needle stuck in his clothing on Shabbat eve at nightfall, and the Sages issued a decree to prevent violation of another decree, just as Abaye said? The Gemara rejects this: Whose opinion is cited in this *baraita*? It is the opinion of Rabbi Yehuda, who said: A craftsman who carries out an object in the manner common to his craft, even if others do not generally carry it out in that manner, the craftsman is liable, because he carried the object out in a manner standard for him.

As it was taught in a *baraita*: The tailor may not go out with his needle that is stuck in his clothing, and a carpenter may not go out with the wood chip that is behind his ear for use as a measuring stick, and a comber of wool may not go out with a cord with which he ties bundles of wool and which is usually placed that is on his ear, and a weaver [*gardi*]¹⁵ may not go out with a bit of wool [*ira*]¹⁶ that is on his ear which he uses for the purpose of his work, and the painter may not go out with the sample of dyed wool that is on his neck, and a money changer may not go out with the dinar that is in his ear. In all of these cases the *halakha* is that if he went out, he is exempt by Torah law, but it is prohibited for him to do so by rabbinic decree. This is the statement of Rabbi Meir. Rabbi Yehuda says: A craftsman who carries out an object in the manner common to his craft on Shabbat is liable by Torah law; any other person who carries it out in that manner is exempt, but it is prohibited for him to do so.

Since the dispute between Rabbi Meir and Rabbi Yehuda with regard to the legal status of one who carries out an object in an atypical manner was mentioned, the Gemara discusses a contradiction between two related *baraitot*. It was taught in one *baraita*: The zav may not go out on Shabbat with his pouch¹⁷ that he ties to his organ in order to absorb his emission. And if he went out, he is exempt by Torah law but it is prohibited for him to do so by rabbinic law. And it was taught in another *baraita*: The zav may not go out on Shabbat with his pouch. And if he went out unwittingly, he is liable to bring a sin-offering.

Rav Yosef said: This is not difficult. There is no contradiction between the *baraitot*, as this *baraita*, which deems him exempt, is in accordance with the opinion of Rabbi Meir; that, the other *baraita*, which deems him liable, is in accordance with the opinion of Rabbi Yehuda.

Abaye said to Rav Yosef: Say that you heard that Rabbi Meir deems him exempt with regard to an object that is not carried out in its typical manner. However, with regard to a matter that is carried out in its typical manner, did you hear that he deems him exempt? In general, one carries out a needle in his hand. Rabbi Meir exempts one who carries it out in his clothing, even if he is a craftsman. However, this pouch of a zav, even though it is not held in his hand, is always carried out in that manner, and, even according to Rabbi Meir, that constitutes a bona fide act of carrying out. As, if you do not say so, that the specifics of various prohibited labors can be performed in different manners, in the case of a layman [*hedyot*],¹⁸ who carved out a vessel the size of a kav in a piece of wood on Shabbat,¹⁹ would you say that Rabbi Meir also does not deem him liable for performing a prohibited labor on Shabbat because he is not a craftsman and he did not craft the vessel according to the standards of a craftsman? Certainly, the layman performed a full-fledged labor to the best of his ability and he is liable.

Rather, Rav Hamnuna said: This is not difficult, as the two *baraitot* are referring to two different cases. Here, in the *baraita* that deemed him liable by Torah law, it is referring to a zav who experienced two sightings of an emission. Liability to bring an offering as part of the purification process is only after he sees three emissions. Therefore, the zav requires the pouch in order to ascertain whether or not he experienced a third emission. However, there, in the *baraita* that deems him exempt, it is referring to a zav who already experienced three sightings.²⁰ For him there is no significance whether or not he experiences an additional emission. Therefore, the pouch is insignificant and he has no interest in carrying it out.

הכופה קערה על הכותל – הכופה קערה על הכותל – When one places a bowl on the wall while it is raining with the intention of rinsing the bowl, the water renders fruit susceptible to ritual impurity. If one placed the bowl for the purpose of protecting the wall from rain, the water does not render fruit susceptible to ritual impurity, as per the mishna (Rambam *Sefer Tahara, Hilkhot Tumat Okhlin* 12:3).

NOTES

That is under the rubric of the verse: “If water be placed” – הרי זה ב'כי יותן: In the Torah (Leviticus 11:37–38), it is stated that if a dead creeping animal, a primary source of ritual impurity, came into contact with food items, a planted seed, it does not render them impure. However, if the foods came into contact with water beforehand, even if they subsequently dried, the food is susceptible to ritual impurity. The Sages derived that water's contact with the foods needs to have been willful, i.e., the person had an interest in the liquid touching the food. If he did not want the water to come into contact with the food, it does not render it susceptible to ritual impurity. The extensive *halakhot* associated with this matter revolve around determining when it is considered that the liquids have made contact with the foods willfully, and when it is considered that they did so against one's will.

מאי שנא זב בעל שתי ראיות דחייב – דמיבעי ליה לבדיקה, זב בעל שלש נמי מיבעי ליה לספירה! לא נצרכא אלא לבו ביום.

The Gemara asks: **What is different about a zav who had two sightings, who is liable, as he requires the pouch for the purpose of examination to ascertain whether or not he experienced a third sighting, and a zav who already experienced three sightings and requires the pouch for the purpose of counting clean days?** In order to become ritually pure, he must count seven clean days without experiencing an emission. If so, even a zav who had three sightings requires the pouch, in order to ascertain whether or not he experienced another emission. The Gemara answers: That *baraita* was only needed for that day when he already saw his third emission. In any case, that day will not be a clean day.

וקא מיבעי ליה כדי שלא יטנפו פליו! אמר רבי זירא: האי תנא, הוא דאמר כל אצולי טינוף – לא קא חשיב. דתנן: הכופה קערה על הכותל, אם בשביל שתודח הקערה – הרי זה ב'כי יותן, אם בשביל

The Gemara asks: **Doesn't even that zav need the pouch so that his clothes will not get soiled by the emission?** Although he does not need the pouch for a halakhic determination, he needs it for practical considerations. **Rabbi Zeira said: This tanna is the one who said that any usage intended to prevent filth is not considered a special purpose that will render a certain object an actual vessel. As we learned in a mishna: One who places a bowl on the wall^h while it is raining, if he did that so that the bowl would be rinsed with the rainwater, that is under the rubric of the verse: “If water be placed.”ⁿ** The water has the legal status of a liquid that he poured of his own volition on fruit and seeds. It renders them liable to become ritually impure, as it is written: “If water be placed upon seed and any of their carcass fell on it, it is impure to you” (Leviticus 11:38). However, if he placed the bowl so

עריבה שירד דלף – עריבה שירד דלף – A bowl that the drip dropped into it – Water that splashed into a bowl that one placed to receive a drip renders foods susceptible to impurity. If it then splashed out of that bowl, the water outside the bowl does not render foods susceptible to impurity, as per the mishna (Rambam *Sefer Tahara, Hilkhot Tumat Okhlin* 12:8).

NOTES

Water is not under the rubric of the verse: “If water be placed”... is under the rubric of the verse: “If water be placed” – אינו ב'כי יותן... הרי זה ב'כי יותן: As previously mentioned, the *halakhot* of rendering food susceptible to ritual impurity are dependent on the question of whether or not the water that is on the food was placed there willfully. However, there is no simple definition of will for this matter, as there is no requirement that a person specifically intend to moisten the fruit with water. Nevertheless, if a person wanted this water to be in a specific place, that is tantamount to placing it there for that purpose.

Perek I
Daf 12 Amud a

שלא ילקה הכותל – אינו ב'כי יותן. מי דמי? התם – לא קא בעי להו להני משקין פלל, הכא – קא בעי להו להאי בים לקבולי ביה זיבה!

that the wall will not be damaged, it is not under the rubric of the verse: “If water be placed.” The water does not have the legal status of water poured for that purpose. This *tanna* does not consider protecting the wall from dirt as a significant usage. Similarly, protecting the zav from being soiled by the emission would not be considered a significant usage and the pouch used for that purpose would not be considered a significant vessel. The Gemara rejects this: **Are these cases comparable? There, he does not need those liquids at all, and therefore the vessel is not considered to have been placed to receive them. However, here he needs this pouch to absorb the emission, to ascertain whether or not he experienced an emission. Although on that particular day he does not require the pouch, the zav typically requires his pouch for the purpose of ascertaining whether or not there is another emission.**

הא לא דמיא אלא לספא: עריבה שירד דלף לתוכה, מים הניתזין והנצפין – אינו ב'כי יותן, ושבתוכה – הרי זה ב'כי יותן.

Rather, this *halakha* with regard to the zav is comparable only to the latter clause of the mishna dealing with rainwater, in which we learned: **A bowl that the drip of rain from the roof dropped into it,^h the water that splashes or overflows from the bowl does not have the legal status of water collected for a purpose, and is not under the rubric of the verse: “If water be placed.” And the water that is in the bowl has the legal status of water collected for a purpose and is under the rubric of the verse: “If water be placed.”ⁿ** Although, fundamentally, one has no interest in the drip of water, once the water already dripped, he wants it to remain in the bowl and not dirty the house. That desire is sufficient to accord the water in the bowl the legal status of water placed there willfully. The same is true with regard to the pouch of the zav. In the current situation of the zav, he is interested in keeping the emission in its place, and therefore the original difficulty posed by the contradiction between the two *baraitot* remains intact.

A person may go out donning phylacteries on Shabbat eve at nightfall – יוצא אדם בתפילין בערב – שבת עם השיכה: It is permitted for a man to go out wearing phylacteries on Shabbat eve at nightfall. Since he is required to touch them at all times, he will not forget them and carry them out to another domain on Shabbat (Rambam *Sefer Zemanim, Hilkhot Shabbat* 19:26; *Shulhan Arukh, Oraḥ Hayyim* 252:6).

A person is obligated to touch his phylacteries at all times – חייב אדם למשמש בתפילין כל שעה ושעה – One is obligated to touch his phylacteries at all times, i.e., whenever he thinks of them (*Magen Avraham*), so he will not be distracted from them (Rambam *Sefer Zemanim, Hilkhot Shabbat* 19:26 and *Sefer Ahava, Hilkhot Tefillin* 4:14; *Shulhan Arukh, Oraḥ Hayyim* 28:1).

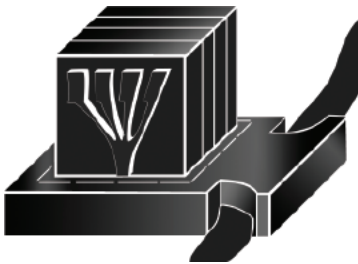
A person is required to feel his clothing Shabbat eve at nightfall – חייב אדם למשמש בבגדו ערב שבת עם – תשיכה: A person is obligated to examine his clothes Shabbat eve at nightfall to determine whether there is an object there set aside from use on Shabbat (*Magen Avraham*) or an object that, due to the fact that he is unaware that it is in his pocket, he will come to carry it out on Shabbat (Rambam *Sefer Zemanim, Hilkhot Shabbat* 19:26; *Shulhan Arukh, Oraḥ Hayyim* 252:7).

One may not shake by the light of the lamp – אין פולין לאור הנר: One does not use the light of the lamp on Shabbat for anything that requires scrutiny and examination (Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:16; *Shulhan Arukh, Oraḥ Hayyim* 275:1).

NOTES

Just as the frontplate [tzitz]... that he should not be distracted from it – שלא יסיח דעתו ממנו – This is derived as follows: That which was stated in the Torah: “And it should be always upon his forehead” (Exodus 28:38), is certainly not to be taken literally since the High Priest removes the frontplate from time to time. Rather, the meaning is that whenever the frontplate is on his head, he should be constantly aware that it is there.

Phylacteries of the head – שפראש תפילין: There are four compartments in the phylacteries of the head, which appear like thin slots. One of the four Torah portions, in which the mitzva of phylacteries is mentioned, is inserted into each of these slots. On the side of the phylacteries, the letter shin is carved into the leather, the first letter of one of God’s names, *Shaddai*.



Phylacteries of the head

אלא אביי ורבא דאמרי תרויהו: לא קשיא. הא – רבי יהודה, והא – רבי שמעון.

תני דבי רבי ישמעאל: יוצא אדם בתפילין בערב שבת עם השיכה. מאי טעמא – בין דאמר רבה בר רב הונא: חייב אדם למשמש בתפילין כל שעה ושעה, קל וחמר מצוי: מה ציץ שאין בו אלא אזכרה אחת – אמרה תורה: “והיה על מצחו תמיד” – שלא יסיח דעתו ממנו, תפילין שיש בהן אזכרות הרבה – על אחת כמה וכמה! הלכך: מידבר דכיר להו. תנא, חנניא אומר: חייב אדם למשמש בבגדו ערב שבת עם השיכה. אמר רב יוסף: הלכתא רבתי לשבת.

“לא יפלה את בליו כו.” איבעיא להו: לא יפלה את בליו – ביום, שמוא יהרוג, ורבי אליעזר היא. דתנא, אמר רבי אליעזר: ההורג בינה בשבת כאילו הורג גמל. ולא יקרא לאור הנר שמוא יטה. או דילמא: תרויהו שמוא יטה?

תא שמע: אין פולין ואין קורין לאור הנר. מי אלימא ממתינתין?

תא שמע: אין פולין לאור הנר, ואין קורין לאור הנר, אלו מן ההלכות שאמרו בעליית חנניה בן חזקיה בן גרון. שמע מינה: דתרויהו שמוא יטה, שמע מינה.

Rather, it is Abaye and Rava, who both said that this is not difficult. There is no contradiction between the *baraitot*. This *baraita*, which deems a *zav* liable by Torah law for going out with his pouch, is in accordance with the opinion of Rabbi Yehuda. His opinion is that one who performs a prohibited labor that is not needed for its own sake, but rather for a different consequence of that prohibited labor, is liable. And that *baraita*, which deems him exempt, is in accordance with the opinion of Rabbi Shimon. He holds that one who performs a prohibited labor that is not needed for its own sake is exempt. Since the *zav* is not at all interested in the flow and the pouch, he is exempt by Torah law for carrying the pouch.

The Sage of the school of Rabbi Yishmael taught in a *baraita*: A person may go out *ab initio* donning phylacteries on Shabbat eve at nightfall.^h Although one does not don phylacteries on Shabbat and going out donning them involves an element of carrying, there is no concern lest he forget and remove them on Shabbat. What is the reason for this? Because Rabba bar Rav Huna said: A person is obligated to touch his phylacteries at all times^h that he is donning them. This is derived from an *a fortiori* inference [*kal vahomer*] from the frontplate [*tzitz*] of the High Priest. Just as with regard to the frontplate, which has only one mention of God’s name, the Torah said: “And it should be always upon his forehead” (Exodus 28:38), which means that the High Priest must always be aware that the *tzitz* is placed on his head and that he should not be distracted from it;ⁿ phylacteries that have numerous mentions of God’s name, all the more so one should always be aware of them. Therefore, he remembers that the phylacteries are on his head and is not likely to come to carry them on Shabbat.ⁿ On a related note, the Gemara mentions that it was taught in a *baraita* that Hananya says: A person is required to feel his clothing on Shabbat eve at nightfall^h to ascertain whether he forgot an object in his pockets that he might come to carry on Shabbat. And Rav Yosef commented and said: That is a significant *halakha* for Shabbat, and it is fitting to do so in order to refrain from violating a prohibition.

We learned in the mishna: One may not shake his clothes on Shabbat to rid them of lice; and one may not read a book by candlelight, so that he will not come to adjust the wick of the lamp. A dilemma was raised before the Sages: Does this mean that one may not shake his clothes even during the day due to the concern lest he kill the louse that he finds in his clothing, and our mishna is in accordance with the opinion of Rabbi Eliezer? As it was taught in a *baraita* that Rabbi Eliezer said: One who kills a louse on Shabbat, even though it is a very small creature, it is as if he killed a camel, and there is no difference in the severity of the prohibition. And what was said in the mishna: And he may not read by candlelight, is due to concern lest he adjust the wick, a totally independent matter. Or, perhaps both of these *halakhot* are due to the concern lest he adjust the wick, and both *halakhot* apply exclusively at night. During the day he is permitted to shake his clothes, and there is no concern lest he kill a louse.

Come and hear a resolution to this dilemma from that which was taught in a *baraita*: One may not shake clothing and one may not read a book by candlelight on Shabbat. The style of the *baraita* indicates that both actions are prohibited for the same reason. The Gemara rejects this: Is this proof from the *baraita* a stronger proof than our mishna? In our mishna, both *halakhot* are also cited together, and that was insufficient proof that they share a common rationale.

Come and hear a resolution to this dilemma from that which was taught in another *baraita*: One may not shake clothing by the light of the lamp^h and one may not read by the light of the lamp. These two decrees are among the *halakhot* that the Sages said in the upper story of Hananya ben Hizkiya ben Garon. Learn from this that both of the decrees are due to the concern lest he adjust the wick. In both decrees, the prohibition of doing so by the light of the lamp, lest he come to adjust the wick, was mentioned. Indeed, learn from this.

Even to distinguish between his garments and the garments of his wife – אָפּילוּ לְהַבְחִין בֵּין בְּגָדוֹ לְבְגְדֵי אִשְׁתּוֹ: It is prohibited to examine vessels or clothes that require scrutiny in order to distinguish between them by the light of the lamp on Shabbat, for example, a man's clothes and the clothes of his wife (Rambam *Sefer Zemanim, Hilkhot Shabbat* 19:16; *Shulhan Arukh, Orah Hayyim* 275:1).

Killing lice on Shabbat – הִרְגַת כְּנֵס בְּשַׁבָּת: The *halakha* is that it is permitted to kill lice on Shabbat in accordance with the opinion of Beit Hillel. However, one who shakes his clothes and finds a louse should not kill it, as he may inadvertently come to kill another creature. Rather, he should take it between his fingers and toss it aside (Rambam *Sefer Zemanim, Hilkhot Shabbat* 11:3; *Shulhan Arukh, Orah Hayyim* 316:9).

Mitzva activities on Shabbat – הִפְצֵי מִצְוֹה בְּשַׁבָּת: Although it is prohibited to close a deal on Shabbat, it is permitted to speak about anything involving an element of mitzva, even if it involves an aspect of business, e.g., making mitzva calculations, allotting charity, supervising communal projects, matchmaking (see *Mishna Berura*), and teaching children Torah or a profession (*Tur*). This is in accordance with the opinion of Beit Hillel (Rambam *Sefer Zemanim, Hilkhot Shabbat* 24:5; *Shulhan Arukh, Orah Hayyim* 306:6).

Visiting the sick on Shabbat – בִּיקוּר חוֹלִים בְּשַׁבָּת: Visiting the sick and comforting mourners are permitted on Shabbat as per the opinion of Beit Hillel (Rambam *Sefer Zemanim, Hilkhot Shabbat* 24:5; *Shulhan Arukh, Orah Hayyim* 287).

LANGUAGE

Appiktoizin – אִפּיקטוֹיזִין: A noun produced from the Greek verb ἀποκοτταβίζειν, *apokottabizein*, meaning to throw out the last drops of wine in a cup. The noun, undocumented in Greek, may mean spitting or making a loud noise. When playing a Sicilian game called *cottabus*, much in vogue in Athens, each person threw the wine left in his cup so that it would fall into a metal basin. If it fell with a clear sound, it was a good sign.

Cup [lekna] – לֶקְנָא: From the Greek λεκάνη, *lekane*, meaning a bowl or a trough.

Make matches [meshaddekhin] – מְשַׁדְּכִין: Apparently, the source of the word is in the Aramaic root *shadakh*, which means serenity or calm. Finding a match for a woman means finding a place where she can exist in tranquility and security (Ran).

BACKGROUND

סְנוּתֵי – Combs:



Ancient comb from the era of the Judges, found in Megiddo

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: אָפּילוּ לְהַבְחִין בֵּין בְּגָדוֹ לְבְגְדֵי אִשְׁתּוֹ. אָמַר רַבָּא: לֹא אֲמַרְן אֲלָא דְבַנְי מַחוּזָא. אָבְל דְּבַנְי קְהֵלִיתָא – מִידַע יְדַעֵי, וְדְבַנְי מַחוּזָא נִמְי לֹא אֲמַרְן אֲלָא דְּקֻנּוֹת, אָבְל דִּילְדוֹת – מִידַע יְדַעֵי.

Rav Yehuda said that Shmuel said: It is prohibited to use candle-light even to distinguish between his garments and the garments of his wife.^h Because that requires a certain degree of scrutiny, there is concern lest he adjust the wick in order to see better. To qualify this statement, Rava said: We only said this with regard to the garments of the people of the city of Mehoza, as there the men's garments are wide and ornamented similar to the women's garments; however, with regard to farmers and village residents, they know the difference between men's and women's garments. There is no concern lest they adjust the wick to distinguish between the garments, as the differences between men's garments and women's garments are obvious. Even with regard to the clothing of the people of Mehoza, we only said that it is prohibited to distinguish between men's and women's garments with regard to the garments of old women; however, with regard to the garments of young women, they know the difference and there is no concern lest one adjust the wick to distinguish between them.

תְּנֵנוּ רַבְנָן: אִין פּוֹלִין בְּרִשּׁוֹת הַרְבִּים מִפְּנֵי הַכְּבוֹד. כִּיּוֹצֵא בּוּ אָמַר (רַב) יְהוּדָה, וְאָמְרֵי לֵה רַבִּי נַחֲמֵיהּ: אִין עוֹשִׂין אִפּיקטוֹיזִין בְּרִשּׁוֹת הַרְבִּים מִפְּנֵי הַכְּבוֹד. תְּנֵנוּ רַבְנָן: הַמְּפִלֶה אֶת כְּלָיו מוֹלֵל וְזוֹרֵק, וּבִלְבָד שְׁלֵא יִהְיֶה. אָבָא שְׂאוּל אָמַר: נוֹטֵל וְזוֹרֵק, וּבִלְבָד שְׁלֵא יִמְלֹל. אָמַר רַב הוֹנָא: הֲלֵכָה – מוֹלֵל וְזוֹרֵק וְזֶהוּ כְּבוֹדוֹ, וְאִפּילוּ בַּחוּל. רַבָּה מְקַטֵּעַ לֵהוּ, וְרַב שִׁשְׁתַּי מְקַטֵּעַ לֵהוּ, רַבָּא שְׂדֵי לֵהוּ לְקַנָּא דְּמֵיא. אָמַר לֵהוּ רַב נַחֲמָן לְבִנְתֵיהּ: קְטוּלִין, וְאִשְׁמַעְיָן לִי קְלָא דְּסַנּוּתֵי.

The Sages taught: One may not shake clothing to rid them of lice in the public domain in deference to human dignity, as passersby would be offended by this. Similarly, Rabbi Yehuda said, and some say that Rabbi Nehemya said it: One may not make an *appiktoizin*,^l a drug to induce vomiting, in the public domain in deference to human dignity. With regard to the matter of shaking clothing to rid them of lice on Shabbat, the Gemara cites that which the Sages taught in the *Tosefta*: One who shakes his clothing may squeeze the louse and throw it, as long as he does not kill it. Abba Shaul says: He may take the louse and throw it, as long as he does not squeeze it. In his opinion, killing a louse is prohibited by Torah law. Therefore, even squeezing it is prohibited, lest he come to kill it. Rav Huna said: The *halakha* is that he may squeeze and throw the louse, and that is the dignified way to get rid of a louse, and even during the days of the week, when it is not Shabbat and there is no concern lest he violate the prohibition of killing a louse. Even then, it is preferable not to kill it because it is disgusting and it is sufficient to simply throw it (*Me'iri*). The Gemara relates that Rabba would kill the lice. And Rav Sheshet would also kill them. Rava would throw them into a cup [lekna]^l of water and he would not kill them directly with his hands. The Gemara relates that Rav Nahman would say to his daughters: Kill them, and let me hear the sound of the combs,^b meaning, you may kill the lice in the usual manner on the comb.

תֵּנֵינָא, רַבִּי שְׁמַעוֹן בֶּן אֶלְעָזָר אָמַר: אִין הוֹרְגִין אֶת הַמַּאֲכֹלֹת בְּשַׁבָּת, דְּבַרֵּי בֵּית שְׁמַאי, וּבֵית הַלֵּל מִתְּיָרִין.

As far as the basic *halakha* is concerned, it was taught in a *baraita* that Rabbi Shimon ben Elazar says that Beit Shammai and Beit Hillel disagreed with regard to killing a louse on Shabbat: One may not kill a louse on Shabbat,^h this is the statement of Beit Shammai; and Beit Hillel permit doing so. In their opinion, a louse is unlike the other creatures for which one is liable for killing them on Shabbat.

וְכֵן הִיָּה רַבִּי שְׁמַעוֹן בֶּן אֶלְעָזָר אָמַר מִשּׁוּם רַבָּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל: אִין מְשַׁדְּכִין אֶת הַתֵּינוּקוֹת לְאָרֶס, וְלֹא אֶת הַתֵּינוּקָא לְלִמְדוֹ סֵפֶר וְלִלְמְדוֹ אוֹמְנוֹת, וְאִין מְנַחֲמִין אֲבָלִים, וְאִין מְבַקְרִין חוֹלִין בְּשַׁבָּת, דְּבַרֵּי בֵּית שְׁמַאי, וּבֵית הַלֵּל מִתְּיָרִין.

And Rabbi Shimon ben Elazar would also say in the name of Rabban Shimon ben Gamliel: One may not make matches [meshaddekhin]^l for the children, to betroth them on Shabbat, and one may not enter into an agreement to take the child and teach him to read a sacred book or to teach him a trade, and one may not comfort mourners on Shabbat, and one may not visit the sick on Shabbat, this is the statement of Beit Shammai, as in their opinion, those are weekday activities and not appropriate on Shabbat. And Beit Hillel permit performing all of these activities on Shabbat, as they each include an aspect of mitzva.^h

תְּנֵנוּ רַבְנָן: הַנִּכְנָס לְבַקֵּר אֶת הַחוֹלֶה אָמַר: "שַׁבָּת הִיא מְלֻעָזָה, וְרַפּוּאָה קְרוּבָה לָבָא," וְרַבִּי מֵאִיר אָמַר: "כִּיּוֹלָה הִיא שְׁתֵּרְחִם."

The Sages taught in a *baraita*: One who enters to visit a sick person on Shabbat^h does not address him in the manner customary during the week; rather, he says: It is on Shabbat that it is prohibited to cry out and ask for compassion, and healing is soon to come. And Rabbi Meir says that it is appropriate to add: The merit of Shabbat is capable of engendering compassion.

NOTES

Among the sick people of Israel – בתוך חולי ישראל – As a rule, the objective is to have each individual include himself in the collective, as God's compassion is greater on the collective and He also shows compassion to the individual members of the collective. Therefore, *halakhot* and stringencies relevant to individuals do not apply to the nation as a whole.

Anyone who requests that his needs be met in the Aramaic language, the ministering angels do not attend to him – **כל השואל צרכיו בלשון ארמי אין** – מלאכי השרת נזקקין לו The statements of the Sages in this matter are difficult in every sense. With regard to the essence of the matter that the ministering angels are not familiar [*makkirin*] with the Aramaic language, some explained that *makkirin* here means to hold close or to endear, as in the verse: "May those who hold you close [*makkirekh*] be blessed" (Ruth 2:19; see *Kaftor VaFerah*). Others explained that this statement was said specifically with regard to the Aramaic language, which is despicable, but requests in other languages are permitted (Rosh). The matter itself is astonishing because it is forbidden to pray to an emissary or interlocutor. What, then, do angels have to do with our prayers? Some explained that this teaches us that one should not pray in the Aramaic language because it is the language of common speech. A person would come to treat his prayer like he does common speech and fail to have appropriate intent. However, when praying in Hebrew, where the formula of the prayers is of the highest quality, he will have the proper intent. The matter of the ministering angels was only said as a platitude. If he does not have intention in his prayer, even ministering angels cannot invest his prayer with meaning (*HaKotev*).

רבי יהודה אומר: "המקום ירחם עליך ועל חולי ישראל". רבי יוסי אומר: "המקום ירחם עליך בתוך חולי ישראל". שבנא איש ירושלים, בכניסתו אומר: שלום. וביציאתו אומר: "שבת היא מלועוק, ורפואה קרובה לבא, ורחמי מרובין, ושבתו בשלום". כמאן אולא הא דאמר רבי חנינא: מי שיש לו חולה בתוך ביתו צריך שיערבנו בתוך חולי ישראל. כמאן – ברבי יוסי.

ואמר רבי חנינא: בקושי התירו לנחם אבילים ולבקר חולים בשבת. אמר רבה בר בר חנה: כי הוה אולינן בתריה דרבי אלעזר לשיילי בתפוחה. וימנין אמר: "המקום יפקדך לשלום" וימנין אמר (ליה): "רחמנא ידרינגך לשלום". היכי עביד הכי? והאמר רב יהודה: לעולם אל ישאל אדם צרכיו בלשון ארמי! ואמר רבי יוחנן: כל השואל צרכיו בלשון ארמי – אין מלאכי השרת נזקקין לו. שאין מלאכי השרת מכירין בלשון ארמי! שאני חולה, דשכינה עמו.

דאמר רב ענן אמר רב: מנין ששכינה סועד את החולה – שנאמר: "ה' יסעדנו על ערש דוי". תנאי נמי הכי: הנכנס לבקר את החולה לא ישב על גבי מטה ולא על גבי כסא, אלא מתעטף ויושב לפניו, מפני ששכינה למעלה מראשותיו של חולה, שנאמר: "ה' יסעדנו על ערש דוי". ואמר רבא אמר רבין: מנין שהקדוש ברוך הוא זן את החולה – שנאמר: "ה' יסעדנו על ערש דוי".

Rabbi Yehuda says that it is appropriate to say: May the Omnipresent have compassion upon you and upon all the sick people of Israel. Rabbi Yosei says that it is appropriate to say: May the Omnipresent have compassion upon you among the sick people of Israel,^{NH} thereby including this sick person within the community of Israel. When Shevna of Jerusalem would visit a sick person on Shabbat, upon entering, he would say *shalom*. And when he exited he would say: It is Shabbat when one is prohibited to cry out, and healing is soon to come, and His compassion is abundant, and rest on Shabbat in peace. The Gemara asks: In accordance with whose opinion is the *halakha* that Rabbi Hanina said: One who has a sick person in his house must include him among the sick people of Israel^H in his prayer? In accordance with whose opinion? In accordance with the opinion of Rabbi Yosei.

And Rabbi Hanina said: It was only with great difficulty that the Sages permitted to comfort the mourners and visit the sick on Shabbat, as both the visitor and the comforter experience suffering on Shabbat. They permitted it only due to the mitzva involved in these activities. Rabba bar bar Hana said: When we would follow Rabbi Elazar to inquire about the health of a sick person; sometimes he would say in Hebrew: May the Omnipresent remember you for peace, and sometimes he would say to him in Aramaic: May the all-Merciful remember you for peace. He would say it in Aramaic when the sick person did not understand Hebrew (Rav Elazar Moshe Horowitz). The Gemara asks: How did he do this, pray in Aramaic? Didn't Rav Yehuda say: A person should never request that his needs be met in the Aramaic language?^H And, similarly, Rabbi Yohanan said: Anyone who requests that his needs be met in the Aramaic language, the ministering angels do not attend to him^N to bring his prayer before God, as the ministering angels are not familiar with the Aramaic language, but only with the sacred tongue, Hebrew, exclusively. The Gemara responds: A sick person is different. He does not need the angels to bring his prayer before God because the Divine Presence is with him.^H

As Rav Anan said that Rav said: From where is it derived that the Divine Presence cares for and aids the sick person? As it is stated: "God will support him on the bed of illness" (Psalms 41:4). The Gemara comments: That was also taught in a *baraita*: One who enters to visit the sick person should sit neither on the bed nor on a chair; rather, he should wrap himself in his prayer shawl with trepidation and awe, and sit before the sick person below him, as the Divine Presence is above the head of the sick person, as it is stated: "God will support him on the bed of illness," and he must treat the Divine Presence with deference. On a similar note, Rava said that Ravin said: From where is it derived that the Holy One, Blessed be He, feeds the sick person during his illness? As it is stated: "God will support him on the bed of illness."

HALAKHA

Visiting the sick on Shabbat – ביקור חולים בשבת – One who visits a sick person on Shabbat says: It is Shabbat when it is prohibited to cry out, and healing is soon to come, and His compassion is abundant, and rest on Shabbat in peace. That is in accordance with the statement of Shevna of Jerusalem, whose statement includes and explains the opinion of the first *tanna* (*Tur*; *Shulhan Arukh*). The custom is in accordance with others who say that it is not necessary to say: His compassion is abundant (Rema; Rambam *Sefer Zemanim, Hilkhot Shabbat* 24:5; *Shulhan Arukh, Oraḥ Hayyim* 287:1 and *Yoreh De'a* 335:6).

One who has a sick person... must include him among the sick people of Israel – בתוך חולי ישראל – מי שיש לו חולה... צריך שיערבנו בתוך חולי

ישראל – One who visits the sick must include him in his prayers among all the sick people of Israel, as per the statement of Rabbi Yosei (*Shulhan Arukh, Yoreh De'a* 335:6).

A person should never request that his needs be met in the Aramaic language – **כל השואל צרכיו בלשון ארמי אין** – לעולם אל ישאל אדם צרכיו בלשון ארמי: Because of the various explanations of this matter, the opinions of the authorities were also divided. Some say that communal prayer may be recited in any language that the community understands, unless it is in Hebrew, in which case they fulfill their obligation even without understanding (*Magen Avraham*), while the prayer of the individual may be recited only in Hebrew (Rif). Others say that even an individual may pray

in any language; however, personal requests must be exclusively in Hebrew (the Sages of France). Yet others ruled that one is permitted to make even personal requests in any language other than Aramaic (Rosh; *Shulhan Arukh, Oraḥ Hayyim* 101:4).

A sick person is different because the Divine Presence is with him – **שאני חולה, דשכינה עמו** – When a person is praying for a sick person in the presence of the sick person, he may pray in any language because the Divine Presence rests upon the sick person. If one is praying for the sick person when the sick person is not present, he should pray only in Hebrew in order to satisfy all opinions (*Taz; Shulhan Arukh, Yoreh De'a* 335:5).

Notebook [pinkas] – פנקס: From the Greek πίναξ, *pinax*. Its primary meaning is a tablet on which one writes. Over time, the notebook became several tablets connected to each other in the form of a small book. The notebooks in the time of the Talmud varied in shape and were made from various materials. It seems that the most common of them was a notebook made of tablets of wood on which they smeared a layer of wax, in which they would carve words and erase them to write again.



Illustration of a talmudic-era notebook

וְלֹא יִקְרָא לְאוֹר הַנֵּר. אָמַר רַבָּה: אֶפְיִלוּ גְבוּהַ שְׁתֵּי קוֹמוֹת, וְאֶפְיִלוּ שְׁתֵּי מִרְדְּעוֹת, וְאֶפְיִלוּ עֶשְׂרֵה בֵּתִים זו עַל גִּבּ זוּ. חָד הוּא דְלֹא לִיקְרִי, הָא תַּרֵּי – שְׁפִיר דְּמִי, וְהִתְנַּא: לֹא אֶחָד וְלֹא שְׁנַיִם! אָמַר רַבִּי אֶלְעָזָר: לֹא קְשִׁיָּא, כָּאֵן – בְּעֵנִין אֶחָד, כָּאֵן – בְּשְׁנֵי עֵנִינִים. אָמַר רַב הוֹנָא: וּבִמְדוּרָה – אֶפְיִלוּ עֶשְׂרֵה בְּנֵי אָדָם אֶסְוֵר.

We learned in the mishna that **one may not read a book by candlelight** on Shabbat. **Rabba said:** Since a decree was issued, there is no distinction whether or not the lamp was near enough to him to enable him to adjust the wick. The prohibition applies **even** if the lamp was **two statures of a person high**,^h **and even as high as two plow handles, and even if it was as high as ten houses one atop the other.** We learned in the mishna that one may not read, and the Gemara infers: **One may not read, but for two**, apparently he may well do so. They will not violate any prohibition, as two people together will certainly not forget the Shabbat prohibition. The Gemara asks: **Wasn't it taught** in a *baraita* that **neither one nor two** are permitted to read by the light of the lamp? **Rabbi Elazar said:** This is **not difficult**, as there is room to distinguish between them and say that **here**, where two were permitted to read by candlelight, it is referring to a case where they are both engaged in **one matter**^h and will remind each other to refrain from adjusting the wick. **There**, where two were prohibited to read by candlelight it is referring to a case where they are engaged in **two different matters**. Since each is preoccupied with a different text, they will not pay attention and remind each other. **Rav Huna said:** **And with regard to a bonfire**,^h where everyone is sitting around it and not adjacent to it, **even if they were ten people, it is prohibited** to read by its light. When sitting around a bonfire, everyone sits at a distance from the others, and therefore they do not notice each other, and each is liable to adjust the firebrands to provide himself with more light.

אָמַר רַבָּא: אִם אָדָם חָשׁוּב הוּא – מוֹתֵר. מִיִּתְיָבִי: לֹא יִקְרָא לְאוֹר הַנֵּר שְׁמַא יִטָּה. אָמַר רַבִּי יִשְׁמַעְיָאֵל בֶּן אֱלִישֶׁע: אֲנִי אֶקְרָא וְלֹא אֶטָּה. פְּעַם אַחַת קָרָא וּבִקֵּשׁ לְהַטּוֹת. אָמַר: כְּמָה גְדוּלִים דְּבָרֵי חֲכָמִים, שְׁהֵיוּ אוֹמְרִים: לֹא יִקְרָא לְאוֹר הַנֵּר! רַבִּי נִתָּן אוֹמֵר: קָרָא וְהִטָּה וְכָתַב עַל פְּנִקְסוֹ: אֲנִי יִשְׁמַעְיָאֵל בֶּן אֱלִישֶׁע קְרִיתִי וְהִטִּיתִי נֵר בְּשַׁבָּת, לְכַשְׁיִבְנָה בֵּית הַמִּקְדָּשׁ אָבִיָּא חֲטָאֵת שְׁמַנְהָ. אָמַר רַבִּי אֲבָא: הוֹאִיל וּמְשִׁים עֲצָמוֹ עַל דְּבָרֵי תוֹרָה כְּהִדְיוּט.

Rava said: Even though they prohibited reading by candlelight due to a decree lest they adjust the wick, **if he is an important person, it is permitted**,^h as even on weekdays he is not accustomed to adjust a lamp that is dirty with oil. The Gemara **raises an objection** from that which was taught in a *Tosefta*: **One may not read a book on Shabbat by the light of the lamp, lest he adjust it.** The *Tosefta* relates that **Rabbi Yishmael ben Elisha said: I will read and will not adjust**, as I will certainly not forget that it is Shabbat. However, **once he read a book by candlelight and he sought to adjust the wick. He said: How great are the words of the Sages, who would say that one may not read by candlelight**, as even a person like me sought to adjust the wick. **Rabbi Natan says:** That was not the way it happened. Rather, **he read and actually adjusted the wick, and he wrote afterward in his notebook [pinkas]:^b I, Yishmael ben Elisha, read and adjusted a lamp on Shabbat. When the Temple will be rebuilt I will bring a fat sin-offering as atonement for this sin.** This proves that even an important person like Rabbi Yishmael ben Elisha is liable to adjust the wick. **Rabbi Abba said: Rabbi Yishmael ben Elisha is different, since with regard to the study of Torah, he comports himself like a simple man with no air of importance, but generally, an important person would not dirty his hands and adjust the wick.**

HALAKHA

One may not read a book by candlelight...even if the lamp was two statures high – **וְלֹא יִקְרָא לְאוֹר הַנֵּר...אֶפְיִלוּ גְבוּהַ שְׁתֵּי קוֹמוֹת:** When the Sages prohibited reading on Shabbat by candlelight, they prohibited doing so even if the lamp is placed so high that there is no room for concern that one might adjust it. The ruling is in accordance with the opinion of Rabba. For types of lights with regard to which there is no significant concern that one might adjust them, e.g., wax candles, some permitted reading by their light to fulfill a mitzva (Maharshal). Others permit reading by the light of a lantern locked with a key (*Magen Avraham*; Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 5:14; *Shulḥan Arukh*, *Orah Hayyim* 275:1).

Here, in one matter – כאן בְּעֵנִין אֶחָד: Two are permitted to read by candlelight on Shabbat if they are reading one matter. The Rema wrote that this applies only if they are reading from one

book, but two books, even if it is one matter, are prohibited. One of the commentaries holds that one matter is permitted even with two books (*Magen Avraham*). Others say that the leniency with regard to one matter and two people applies only with regard to fulfilling a mitzva (*Magen Avraham*; Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 5:14; *Shulḥan Arukh*, *Orah Hayyim* 275:2).

And with regard to a bonfire – וּבִמְדוּרָה: One may not read by the light of a bonfire on Shabbat, even if ten people are seated around it, as per the opinion of Rav Huna (*Shulḥan Arukh*, *Orah Hayyim* 275:5).

If he is an important person, it is permitted – אִם אָדָם חָשׁוּב הוּא – מוֹתֵר: An important person, who generally would not adjust a lamp even on weekdays, is permitted to read by candlelight on Shabbat, as per the *Tosefta* (*Shulḥan Arukh*, *Orah Hayyim* 275:4).

NOTES

Servant may examine cups – שָׁמֵשׁ בּוֹדֵק כּוֹסוֹת: There are many variant readings and explanations of this matter. Some explain that it is prohibited for a servant who is not regularly employed to examine the cups because he is unfamiliar with them and will examine them more carefully. A regularly employed servant who is familiar with them will examine them only minimally (Ran). According to this opinion and reading, the story of Rabbi Yirmeya bar Abba's servant is cited because he was not regularly employed in the house of Rav Asi. Another opinion explains that a servant who is not regularly employed may not examine the cups because he is concerned that the master might not hire him if he does not check them carefully; however, a regularly employed servant with job security does not share that concern, and may, therefore, examine the cups. According to this approach, the question was asked with regard to a regular servant and an oil lamp, and Rabbi Yirmeya's servant was a regular servant (Tosafot). Some explain the final question as also referring to a regular servant according to the opinion that he examines them only minimally. However, the Gemara repeats the question in order to clarify which of these variant readings is the basis for the accepted halakha (Rambam).

LANGUAGE

Naphtha [nafta] – נַפְתָּא: This word reached the Hebrew language from the Greek νάφθα or νάφθα, nafta or nafthas, and the Greeks borrowed it from the Persian naft, meaning mineral oil. Some believe that the word has a Semitic root, from the Akkadian naptu, meaning to inflame.

Lamp [sheraga] – שֶׁרָגָא: This word was borrowed from the Iranian in several Aramaic dialects. In Modern Persian, the form of the word is chirāgh, which means lamp or candle-labrum.

BACKGROUND

Halakha and a public ruling is not issued to that effect – הִלְכָה וְאֵין מוֹרִין בָּן: This principle is applied to several matters in the Torah. There are actions that are permitted, and a Torah scholar, who is aware that they are permitted, may act accordingly. Nevertheless, a public ruling on the matter is not issued, as that is liable to lead the less educated masses to sin.

תִּנּוּ חֲדָא: שָׁמֵשׁ בּוֹדֵק כּוֹסוֹת וְקִעְרוֹת לְאוּר הֵנָּה. וְתַנְיָא אֵידֶךָ: לֹא יְבַדֹּק! לֹא קִשְׂיָא. כָּאֵן – בְּשָׁמֵשׁ קְבוּעַ, כָּאֵן – בְּשָׁמֵשׁ שְׂאִינוּ קְבוּעַ. וְאֵי בְּעֵית אֵימָא: הָא וְהָא בְּשָׁמֵשׁ קְבוּעַ. וְלֹא קִשְׂיָא: הָא – בְּדַמְשֶׁחָא, וְהָא בְּדַנְפֶּטָא.

אֵיבַעֲיָא לְהוּ: שָׁמֵשׁ שְׂאִינוּ קְבוּעַ בְּדַמְשֶׁחָא מַהוּ? אָמַר רַב: הִלְכָה וְאֵין מוֹרִין בָּן. וְרַבִּי יִרְמְיָה בַר אֲבָא אָמַר: הִלְכָה וְמוֹרִין בָּן. רַבִּי יִרְמְיָה בַר אֲבָא אֵיקָלַע לְבֵי רַב אֲסִי, קָם שְׁמַעְיָה קָא בְּדִיק לְנִהוּרָא דְשֶׁרָגָא אֲמַרָה לֵיהּ: דִּבִּיתָהּ: וּמַר לֹא עֲבִיד חֲבִי! אָמַר לָהּ: שְׁבִקֶיהָ, כְּרַבְיָה סְבִירָא לֵיהּ.

”בְּאֵמַת אָמְרוּ הֵחֵן כּוֹ” וְהָאֲמַרְתָּ רִישָׁא דְרוּאָה: מַאי לָאוּ לְקוֹרֵת? לֹא, לְסִדְרָא שִׁי פְּרָשִׁיתּוּ. וְכֵן אָמַר רַבָּה בַר שְׁמוּאֵל: אֲבָל מְסִידָר הוּא רָאשֵׁי פְּרָשִׁיתּוּ. וְכוּלָהּ פְּרָשָׁה לֹא?

On this subject, the Gemara cites two apparently contradictory baraitot. It was taught in one baraita that a servant may examine cups^{NH} and bowls by candlelight to check if they are clean. And it was taught in another baraita that he may not examine them. The Gemara explains: This is not difficult. Rather, here, the baraita that prohibited examining the cups, is referring to a regularly employed servant who fears his master and examines the dishes meticulously. Therefore, there is concern lest he come to adjust the wick. While there, the baraita that permitted examining the cups, is referring to a servant who is not regularly employed, does not fear his master, and therefore will not check meticulously. There is no concern lest he come to adjust the wick. And if you wish, say instead that this baraita and that baraita are both referring to a regularly employed servant. And this is not difficult, as they are not referring to the same kind of lamp. This baraita, which prohibited examining the dishes, is referring to an oil lamp, where there is room for concern lest he adjust it. And that baraita, which permitted examining the dishes, is referring to a naphtha [nafta]^L lamp. Since the naphtha lamp is dirty, the servant certainly will not touch it while checking the cups and dishes.

A dilemma was raised before the Sages: What is the ruling with regard to a servant who is not regularly employed in terms of examining cups and dishes by the light of an oil lamp? Is he permitted to examine the cups by candlelight, or not? From the perspective of his being a servant not regularly employed, it should be permitted. On the other hand, because it is an oil lamp it should be prohibited. Rav said: The halakha is that it is permitted, and, however, ab initio a public ruling is not issued to that effect^B so that they will not come to sin. However, one who knows the halakha that it is permitted may practice accordingly. Rabbi Yirmeya bar Abba said: That halakha is that it is permitted and a public ruling is issued to that effect. The Gemara relates that Rabbi Yirmeya bar Abba happened to come to the house of Rav Asi on Shabbat. Rabbi Yirmeya's servant stood and examined the cups by the light of a lamp [sheraga],^L as he was not a regularly employed servant in the house of Rav Asi. Rav Asi's wife said to Rav Asi: But the Master, you, does not do so. You prohibit doing so. Why is the servant of Rabbi Yirmeya examining the cups? He said to her: Leave him, he holds in accordance with the opinion of his master.

We learned in the mishna that in truth they said that the attendant sees where in the book the children under his supervision are reading, but he himself should not read. The Gemara asked: Didn't you say in the first clause of the mishna that the attendant sees? Doesn't that mean that he sees in order to read? How can that part of the mishna conclude by saying that he may not read? The Gemara answers: No, it does not mean that the attendant is permitted to actually read; rather, he is only permitted to look and arrange the beginning of his sections^H of the Torah that he must read the next day. And so too, Rabba bar Shmuel said: However, he may arrange the beginning of his sections that he must read the next day. The Gemara asks: And may he not read the entire section?

HALAKHA

A servant may examine cups – שָׁמֵשׁ בּוֹדֵק כּוֹסוֹת: Due to the alternative readings of this passage, there are various explanations resulting in varying halakhic rulings. The authorities ruled that it is prohibited for a servant who is not a regular employee is to examine cups by candlelight on Shabbat altogether (Rambam). It is permitted for a regular servant to do so with a naphtha lamp whose light is substantial. However, with regard to an oil lamp, examination is permitted de jure, but a public ruling is not issued to that effect, in accordance with

the opinion of Rav. Others say that even a servant who is not a regular employee is permitted to examine the cups by the light of a naphtha lamp, since it is disgusting (Rema, based on Tur and Beit Yosef; Rambam Sefer Zemanim, Hilkhot Shabbat 5:16; Shulhan Arukh, Oraḥ Ḥayyim 275:12).

To arrange the beginning of his sections – לְסִדְרָא שִׁי פְּרָשִׁיתּוּ: A teacher teaching his students may find the place where the students are to begin reading by candlelight. He

may also arrange the beginning of the sections by reading them from the book, but may only read the entire section orally. The same is true with regard to anyone who does not want to actually read by candlelight but only to look at something that he already knows. It is permitted to look at it even by candlelight, as his legal status is equivalent to that of the teacher arranging the beginning of the sections (Rambam Sefer Zemanim, Hilkhot Shabbat 5:15; Shulhan Arukh, Oraḥ Ḥayyim 275:10).

מיתבי רבן שמעון בן גמליאל אומר: התינוקות של בית רבן היו מסדרין פְּרָשִׁיּוֹת וְקוֹרִין לָאוֹר הַנֵּר! – אי בעית אימא – ראשי פְּרָשִׁיּוֹתֵינוּ, ואי בעית אימא – שאני תינוקות, הואיל ואימת רבן עליהן לא אתי לאצלוי.

”כיוצא בו לא יאכל הזב” תנא, רבי שמעון בן אלעזר אומר: בוא וראה עד היכן פְּרָצָה טְהוֹרָה בְּיִשְׂרָאֵל, שלא שנינו: ”לא יאכל הטהור עם הטמאה” אלא: לא יאכל הזב עם הזבה מפני הרגל עבירה. כיוצא בו, לא יאכל זב פרוש עם זב עם הארץ שְׂמָא יִרְגְּלוֹ אֶצְלוֹ.

וכי מרגילו אצלו מאי הוי? אלא אימא: שְׂמָא יִאֲכִילֵנוּ דְּבָרִים טְמֵאִין. אטו זב פרוש לאו דְּבָרִים טְמֵאִין אכיל? אמר אביי: גזירה שְׂמָא יִאֲכִילֵנוּ דְּבָרִים טְמֵאִין מִתּוֹקְמֵנוּ. וְרַבָּא אָמַר: רוב עמי הארץ מעשרין הן, אלא: שְׂמָא יִהְיֶה רְגִיל אֶצְלוֹ, וְיִאֲכִילֵנוּ דְּבָרִים טְמֵאִין בְּיָמֵי טְהוֹרָתוֹ.

איבעיא להו: נדה, מהו שתישן עם בעלה היא בבגדה והוא בבגדו? אמר רב יוסף, תא שמע: ”העוף עולה עם הגבינה על השלחן ואינו נאכל, דברי בית שמאי. בית הלל אומר: לא עולה ולא נאכל”. שאני התם דליבא דיעוזה.

The Gemara raises an objection from that which was taught in a *Tosefta*: Rabban Shimon ben Gamliel says: The schoolchildren would organize the sections and read the book by candlelight.^{nh} Apparently, it is permitted to read by candlelight on Shabbat. The Gemara answers: If you wish, say that the *Tosefta* is only referring to the beginning of the sections. And if you wish, say instead that children are different in this regard. Since the fear of their teacher is upon them, they will not come to adjust the wick. Even on a weekday, fear of their teacher will prevent them from tending to the lamp during their study.

We learned in the mishna: Similar to this decree of Shabbat, the Sages issued a decree that the *zav* may not eat with his wife, the *zava*, even though they are both ritually impure, because by eating together they will come to excessive intimacy and become accustomed to sin. It was taught in a *Tosefta* that Rabbi Shimon ben Elazar says: Come and see to what extent ritual purity was widespread in Israel, as we did not learn: The ritually pure may not eat with the ritually impure woman; but rather, the *zav* may not eat with the *zava*,^h although they are both ritually impure, lest he become accustomed to sin. Needless to say, a pure and an impure person certainly would not eat together, as everyone was careful with regard to ritual purity. On a similar note, the Sages said: A *zav* who generally distances himself from ritual impurity, eats ritually pure food, and is careful about separating tithes, may not eat with a *zava* who is an *am ha'aretz*, who does not distance himself from ritual impurity and is not careful about separating tithes, due to the concern lest the *am ha'aretz* accustom him to frequently spend time with him, by means of a shared meal.

The Gemara wonders: And if he accustoms him to be with him, what of it, what is the problem? Rather, say: Lest he feed him impure items.ⁿ The Gemara asks: Is that to say that the *zav* who generally distances himself from ritual impurity does not eat impure things? In his impure state, everything he touches automatically becomes impure, so why would he be concerned with regard to impure items? Abaye said: This prohibition is due to a decree issued by the Sages lest the *am ha'aretz* feed him food items that are not tithed. Rava said: He needn't worry about items that are not tithed. Even if his friend was an *am ha'aretz*, there is a general principle in effect that most *amei ha'aretz* tithe their fruits. Rather, the Sages were concerned lest he become accustomed to spending time with the *am ha'aretz* even after the period of his impurity and he feed him impure items even during the days of his purity.

An additional dilemma was raised before the Sages with regard to the requirement to distance oneself from prohibition and impurity: What is the *halakha* with regard to a menstruating woman? May she sleep with her husband in one bed while she is in her clothes and he is in his clothes? Rav Yosef said: Come and hear a resolution to this dilemma from what we learned in a mishna: The fowl is permitted to be placed together with the cheese on the table, although it may not be eaten with cheese. This is the statement of Beit Shammai. Beit Hillel say: The fowl is neither permitted to be placed together with the cheese on the table, nor may it be eaten with it. According to the opinion of Beit Hillel, which is the *halakha*, not only must one distance himself from the sin itself, but one must also make certain that items that are prohibited together are not placed together. The Gemara rejects this: There it is different as there are not several consciousnesses. When the fowl and the cheese are on one person's table, he is liable to err and eat them both, as there is only one consciousness there, his. That is not the case when there are two people in one bed. In that case, there are two consciousnesses and there is no concern that they will both forget the prohibition.

NOTES

The schoolchildren would organize the sections and read by candlelight – מסדרין פְּרָשִׁיּוֹת וְקוֹרִין לָאוֹר – הַנֵּר: The Sages differ in explaining this matter. Some say that children are permitted to read only in their teacher's presence because they fear him (Rambam). Others explain that children are permitted to read even without their teacher present. Because they fear their teacher, even when he is not there they dare not reach out their hand to adjust the wick (Rashba).

שְׂמָא יִאֲכִילֵנוּ דְּבָרִים טְמֵאִין – Lest he feed him impure items – It is important to remember that eating impure food items that came into contact with a source of impurity is not prohibited by Torah law. The prohibitions related to ritual impurity apply only to distancing impurity from *teruma*, consecrated items, and the Temple. Nevertheless, over the generations there was a custom to eat even non-sacred food in purity. That custom originated among those who were especially vigilant in the fulfillment of mitzvot, e.g., *perushim* and *haberim*, who accepted this additional sanctity upon themselves.

HALAKHA

The schoolchildren would organize the sections and read by candlelight – מסדרין פְּרָשִׁיּוֹת וְקוֹרִין לָאוֹר – הַנֵּר: Children are permitted to read by the light of a lamp on Shabbat. We are not concerned lest they adjust the wick since the fear of their teacher is upon them (Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:15; *Shulhan Arukh, Orach Hayyim* 275:6).

לֹא יִאֲכִיל הַזָּב עִם הַזֵּבָה – The *zav* may not eat with the *zava* – Even when a man is impure, he is only permitted to eat with his impure, menstruating wife if they make noticeable changes to ensure awareness of their condition and separation (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 11:18 and *Sefer Tahara, Hilkhot Tumat Okhlin* 16:11; *Shulhan Arukh, Yoreh De'a* 195:3).

So too, his wife when menstruating, even when he is in his clothes and she is in her clothes, is prohibited – אף אשתו נדה הוא בבגדו והיא בבגדה אסור – It is prohibited for a husband to sleep in one bed with his wife when her status is that of a menstruating woman, even when they are both dressed and even if each has his own linens. It is prohibited even to sleep in two beds that are touching (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 11:18; *Shulhan Arukh, Yoreh De'a* 195:6).

NOTES

The Torah only prohibited intimacy that involves engaging in prohibited sexual relations – לא אסרה – לא אסרה – תורה אלא קורבה של גלוי עריות בלבד: Some explain that Rabbi Pedat also wanted to prohibit intimacy with a married woman because, clearly, that intimacy will lead to prohibited sexual relations. That is not the case with one's relatives (*Tosafot*). From Joseph's statement to Potiphar's wife, apparently even intimacy that does not involve sexual relations is prohibited with a married woman (see the commentaries on the Torah there). Rabbi Pedat merely said that one should not derive a *halakha* with regard to all prohibited sexual relations from the juxtaposition in the verse in the book of Ezekiel (Ramban).

הכי נמי מסתברא. דהיכא דאיכא דיעות שאני, דקתני סיפא, רבן שמעון בן גמליאל אומר: שני אכסניים אוכלין על שלחן אחד, זה אוכל בשר וזה אוכל גבינה – ואין חוששין. ולא איתמר עלה, אמר רב חנין בר אמי אמר שמואל: לא שנו אלא שאין מכירין זה את זה, אבל מכירין זה את זה – אסורים. והני נמי – מכירין זה את זה מניה. הכי השתא! התם – דיעות איכא, שינוי ליכא. הכא – איכא דיעות, ואיכא שינוי.

איכא דאמרי: תא שמע, רבן שמעון בן גמליאל אומר: שני אכסניים אוכלין על שלחן אחד, זה בשר וזה גבינה. ואתמר עלה, אמר רב חנין בר אמי אמר שמואל: לא שנו אלא שאין מכירין זה את זה, אבל מכירין זה את זה – אסור. והני נמי – מכירין זה את זה מניה. התם – דיעות איכא, שינוי ליכא. הכא – איכא דיעות, ואיכא שינוי.

תא שמע: לא יאכל הזב עם הזבה משום הרגל עבירה. הכא נמי: דיעות – איכא, שינוי ליכא.

תא שמע: "אל ההרים לא אכל וענינו לא נשא אל גלולי בית ישראל ואת אשת רעהו לא טמא ואל אשה נדה לא יקרב", מקיש אשה נדה לאשת רעהו. מה אשת רעהו – הוא בבגדו והיא בבגדה אסור, אף אשתו נדה – הוא בבגדו והיא בבגדה אסור. שמע מינה.

ופליגא דרבי פדת, דאמר רבי פדת: לא אסרה תורה אלא קורבה של גלוי עריות בלבד, שנאמר: "איש איש אל כל שאר בשרו לא תקרבו לגלות ערוה".

The Gemara adds: So too, it is reasonable to say that where there are two or more consciousnesses it is different, as it was taught in the latter clause of that mishna, Rabban Shimon ben Gamliel says: Two guests in one house may eat on one table this one eating meat and this one eating cheese, and they need not be concerned. The Gemara rejects this: That is not a proof. Was it not said with regard to this *halakha* that Rabbi Hanin bar Ami said that Shmuel said: They only taught that the two of them may eat on one table when they are not familiar with each other; however, if they are familiar with each other it is prohibited for them to eat on one table, as there is room for concern that due to their familiarity they will share their food and come to sin. And, if so, these too, the husband and his wife, are familiar with each other. There is room for concern that they will not keep appropriate distance, and therefore they may not sleep together in one bed even if he is wearing his clothes and she is wearing her clothes. The Gemara rejects this: How can you compare these two cases? There, in the case of meat and milk, there are two consciousnesses; however, there is no noticeable change from the norm, as the meat and the cheese are on the table without any obvious indication to remind them not to mix the food items. While, here, in the case of the menstruating woman, there are two consciousnesses and there is also a noticeable change from the norm, as it is unusual for people to sleep in their clothes. The fact that they are both dressed constitutes a change.

Others cite the previous passage as proof for Rav Yosef's opinion and then reject it and say: Come and hear, Rabban Shimon ben Gamliel says: Two guests may eat on one table, this one eating meat and this one eating cheese. And it was stated with regard to this *halakha* that Rabbi Hanin bar Ami said that Shmuel said: They only taught that the two of them may eat on one table when they are not familiar with each other; however, if they are familiar with each other it is prohibited for them to eat on one table, as there is room for concern that due to their familiarity they will share their food and come to sin. And, if so, these too, the husband and his wife are familiar with each other. There is room for concern that they will not act with the appropriate separation, and therefore they cannot sleep together in one bed, even if he is wearing his clothes and she is wearing her clothes. The Gemara distinguishes between the cases: There, in the case of meat and cheese, although there are two consciousnesses, there is no noticeable change. The meat and the cheese are on the table with no obvious indication to remind them not to mix the food items. While here, in the case of the menstruating woman, there are two consciousnesses and there is also a noticeable change.

Come and hear a resolution to the dilemma from what we learned in our mishna: The zav may not eat with the zava due to concern that excessive intimacy will lead them to become accustomed to sin. Even eating together is prohibited. The Gemara answers: Here, too, although there are two consciousnesses, there is no noticeable change.

Come and hear a different resolution from that which was taught in a *baraita*: It is stated: "And he has not eaten upon the mountains, neither has he lifted up his eyes to the idols of the house of Israel, neither has he defiled his neighbor's wife, neither has he come near to a woman in her impurity" (Ezekiel 18:6). This verse juxtaposes a menstruating woman to his neighbor's wife. Just as lying together with his neighbor's wife, even when he is in his clothes and she is in her clothes, is prohibited, so too, lying with his wife when she is menstruating, even when he is in his clothes and she is in her clothes, is prohibited.^h

The Gemara comments: And this conclusion disagrees with the opinion of Rabbi Pedat, as Rabbi Pedat said: The Torah only prohibited intimacy that involves engaging in prohibited sexual relations,ⁿ as it is stated: "None of you shall approach to any that is near of kin to him, to uncover their nakedness" (Leviticus 18:6). The prohibition of intimacy in the Torah applies exclusively to relations, and all other kinds of intimacy that do not include actual relations are not included in the prohibition. When there is separation, they did not issue a decree.

Even any intimacy is prohibited – אִפְּלוּ שׁוֹם קִרְבָּה אִסּוּר: One may not have any physical intimacy, i.e., hugging or kissing, with women with whom sexual relations is forbidden, with the exception of his mother or daughter. This prohibition applies even if he derives no pleasure and his evil inclination is not stimulated, as per the statement of Ulla (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 21:6; *Shulḥan Arukh*, *Even HaEzer* 21:7).

PERSONALITIES

Eliyahu – אֵלִיָּהוּ: In many places in the Talmud and the midrash, Elijah the Prophet appears to people, especially to the Sages, and resolves their dilemmas. As it is stated in the Prophets (11 Kings 2:1), Elijah did not die and he continues to serve as an emissary of God. On the one hand, he is the angel of the covenant. On the other hand, he is a person who alleviates problems in the world.

The midrash named *Tanna Devei Eliyahu* or *Seder Eliyahu Rabba* and *Seder Eliyahu Zuta* is an independent entity. It is said in the Talmud (*Ketubot* 110a) that Elijah revealed *halakha* and *aggada* in these books to Rav Anan.

However, there are those who believe that *Tanna Devei Eliyahu* and the school of Eliyahu are not references to Elijah the Prophet; rather, they are named for one of the *tanna'im* who lived during the Second Temple period (*Sefer Be'er Sheva*). One could possibly draw the same conclusion from one of the variant readings in the Rambam. According to that opinion, *Tanna Devei Eliyahu*, especially those sections where Eliyahu tells of his work and conversations with others, are merely statements of that *tanna*.

NOTES

An incident involving one student, etc. – מַעֲשֵׂה בְּתַלְמִיד אֶחָד וְכוּ: The early commentaries wondered how that student, who was a Torah scholar, could treat Torah matters with such disdain. By Torah law, a menstruating woman is impure until she immerses herself in a ritual bath. They explain that his custom or the prevailing custom (*Tosafot*) was that a woman would immerse herself at the end of the days of her menstrual flow, when her period of impurity ended by Torah law. As a result, during those extra days added due to the stringency that Jewish women imposed upon themselves, he did not conduct himself with the same stringency (Ramban; Rashba).

HALAKHA

During the period of your menstruation, how did he act toward you – בְּיָמֵי נְדוּתְךָ מִהוּ אֵלֶיךָ: A man must distance himself from his wife as long as she has menstruating woman status. He may not touch her at all, even with his little finger. In addition, he may not hand her anything directly nor receive anything directly from her hand (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 11:18; *Shulḥan Arukh*, *Yoreh De'a* 195:2).

In the days of your white garments, how did he act toward you then – בְּיָמֵי לְבוּשׁ מַהוּ אֵלֶיךָ: Even in the days following the menstrual flow, known as the days of white garments, all of the prohibitions and separations of the menstruation period apply until she immerses herself (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 11:18; *Shulḥan Arukh*, *Yoreh De'a* 195:14).

NOTES

As he did not show respect to the Torah – שְׁלֵא נִשָּׂא פָּנִים לְתוֹרָה: Some explain that this means that the Holy One, Blessed be He, did not accord the Torah student preferential treatment. Although he was a Torah scholar, God would not overlook his sin. Because he violated a rabbinic decree, he was punished (*Megillat Esther*).

LANGUAGE

Belt [*sinar*] – סִינָר: The origin of this word is not clear. Apparently it was borrowed from the Greek ζωνάριον, *zonarion*, which means a kind of long belt that women wear on their flesh.

עוֹלָא כִּי הוּי אֲתִי מִבֵּי רַב הוּוּ מְנַשֵּׁק לְהוּ לְאַחֲוֹתֶיהָ אֲבִי חֲדִיָּהוּ, וְאֲמַרִי לָהּ אֲבִי יְדִיָּהוּ. וּפְלִיגָא דִּידִיָּה אֲדִיָּהוּ, דְאָמַר עוֹלָא: אִפְּלוּ שׁוֹם קִרְבָּה אִסּוּר, מִשׁוֹם "לֶךְ לְךָ אֲמַרִי נִירָא סְחוּר סְחוּר, לְכַרְמָא לָא תִקְרַב."

The Gemara relates that Ulla, when he would come from the house of his teacher, would kiss his sisters on their chests. And some say: On their hands. Ulla was not concerned about violating the prohibition of displaying affection toward a relative forbidden to him, as his intention was not to have relations with them. The Gemara adds that his action was in contradiction to a saying of his, as Ulla said: Even any intimacy is prohibited^h with a woman with whom he is forbidden to engage in sexual relations due to the reason formulated as an adage: Go around, go around, and do not approach the vineyard, they say to the nazirite. They advise the nazirite, who is forbidden to consume any product of a vine, that he should not even approach the vineyard. The same is true with regard to the prohibition of forbidden relations. According to Ulla, one must distance himself from them to whatever degree possible.

תַּנִּי דְבֵי אֵלִיָּהוּ: מַעֲשֵׂה בְּתַלְמִיד אֶחָד שְׁשָׁנָה הִרְבָּה וְקָרָא הִרְבָּה, וְשִׁימַשׁ תַּלְמִידֵי חֲכָמִים הִרְבָּה, וּמַת בְּחָצֵי יָמָיו. וְהִזְתָּה אִשְׁתּוֹ נוֹטְלַת תְּפִילּוֹ וּמְחַזְרַתָּם בְּבֵתִי כְּנִסְיוֹת וּבְבֵתֵי מְדֻרָּשׁוֹת, וְאָמְרָה לָהֶם: כְּתוּב בַּתּוֹרָה "כִּי הוּא חַיִּךְ וְאוֹרֶךְ יָמֶיךָ", בְּעַלִּי שְׁשָׁנָה הִרְבָּה וְקָרָא הִרְבָּה,

The Sage in the school of Eliyahu^p taught a *baraita* that deals with this *halakha*: There was an incident involving one studentⁿ who studied much Mishna and read much Bible, and served Torah scholars extensively, studying Torah from them, and, nevertheless, died at half his days, half his life expectancy. His wife in her bitterness would take his phylacteries and go around with them to synagogues and study halls, and she said to the Sages: It is written in the Torah: "For it is your life and the length of your days" (Deuteronomy 30:20). If so, my husband who studied much Mishna, and read much Bible,

Perek I

Daf 13 Amud b

וְשִׁימַשׁ תַּלְמִידֵי חֲכָמִים הִרְבָּה – מִפְּנֵי מַה מֵת בְּחָצֵי יָמָיו? וְלֹא הָיָה אָדָם מְחַזְרָהּ דְּבַר. פְּעַם אַחַת נִתְאַרְחַתִּי אֶצְלָהּ וְהִיתָה מְסִיחָה כָּל אוֹתוֹ מְאוֹרָע, וְאָמְרַתִּי לָהּ: בֵּיתִי בְּיָמֵי נְדוּתְךָ מִהוּ אֵלֶיךָ? אָמְרָה לִּי: חֵם וְשָׁלוֹם, אִפְּלוּ בְּאַצְבָּע קְטַנָּה לֹא נִגַּע [בִּי]. בְּיָמֵי לְבוּשׁ מַהוּ אֵלֶיךָ? אָבֵל עָמִי, וְשָׁתָה עָמִי, וְיָשַׁן עָמִי בְּקִירֹב בֶּשֶׂר, וְלֹא עָלְתָה דַּעְתּוֹ עַל דְּבַר אַחֵר. וְאָמְרַתִּי לָהּ: בְּרוּךְ הַמָּקוֹם שֶׁהֲרֹגוּ, שְׁלֵא נִשָּׂא פָּנִים לְתוֹרָה, שֶׁהָרִי אֲמַרָה תוֹרָה: "וְאַל אִשָּׁה בְּנִדַת טוֹמְאָתָה לֹא תִקְרַב." כִּי אֲתָא רַב דִּימִי אָמַר: מִשָּׂה חֲדָא הוּאִי בְּמַעֲרַבָא אֲמַרִי, אָמַר רַב יִצְחָק בְּרִי יוֹסֵף: סִינָר מְפָסִיק בֵּינוּ לְבֵינָה.

and served Torah scholars extensively, why did he die at half his days? Where is the length of days promised him in the verse? No one would respond to her astonishment at all. Eliyahu said: One time I was a guest in her house, and she was relating that entire event with regard to the death of her husband. And I said to her: My daughter, during the period of your menstruation, how did he act toward you?^h She said to me: Heaven forbid, he did not touch me even with his little finger. And I asked her: In the days of your white garments, after the menstrual flow ended, and you were just counting clean days, how did he act toward you then?^h She said to me: He ate with me, and drank with me, and slept with me with bodily contact and, however, it did not enter his mind about something else, i.e., conjugal relations. And I said to her: Blessed is the Omnipresent who killed him for this sin, as your husband did not show respect to the Torah.ⁿ The Torah said: "And to a woman in the separation of her impurity you should not approach" (Leviticus 18:19), even mere affectionate contact is prohibited. The Gemara relates that when Rav Dimi came from Eretz Yisrael to Babylonia, he said: That student did not actually sleep with her with bodily contact; rather, it was in one bed that they slept without contact. In the West, in Eretz Yisrael, they say that Rav Yitzhak bar Yosef said: When they would sleep together in one bed, she wore a belt [*sinar*]^l from the waist down that would separate between him and her. Nevertheless, since the matter is prohibited, that student was punished.

PERSONALITIES

Ḥananya ben Ḥizkiya – חַנְנִיָּה בֶן חִזְקִיָּה: He was one of the *tanna'im* in the Second Temple period. We are familiar with only a few of the names of Sages from the earlier generations. Apparently, Ḥananya ben Ḥizkiya lived in the days of the students of Shammai and Hillel, although he himself was not among them. His greatest accomplishment, for which he is praised in several places in the Talmud, was his defense of the book of Ezekiel. There are apparent contradictions between the Torah and the book of Ezekiel. In addition, the book of Ezekiel contains the description of God's chariot and other mysteries. As a result, the Sages sought to suppress it. Only thanks to Ḥananya ben Ḥizkiya was the book preserved as part of the canon.

Apparently, his son, Rabbi Eliezer, who is mentioned several times in the sources, assisted him in authoring *Megillat Ta'anit* and perhaps did most of the work.

NOTES

Were counted, and Beit Shammai outnumbered – נִמְנְוּ וְרַבּוּ: The decisions of the Sages were usually reached in a meeting place where the most prominent Sages would gather. They would determine the *halakha* according to a majority vote. This incident was an unofficial gathering of Sages in an attic. In a departure from routine, the majority ruled in favor of Beit Shammai. Many reactions to this incident were noted, among them the expression: And that day was as difficult for Israel as the day the Golden Calf was made. Apparently, the dispute between the parties was very intense, and Beit Shammai's majority was an unexpected development. The arguments with regard to assessment of these decrees continued during the subsequent generations. Nevertheless, due to the intensity of the arguments, the Sages decided not to abrogate the decrees.

מתני' וְאֵלּוּ מִן הַהִלְכוֹת שֶׁאָמְרוּ בְעֵלְמֵית חַנְנִיָּה בֶן חִזְקִיָּה בֶן גָּרוֹן שֶׁעָלוּ לְבִקְרוֹ. נִמְנְוּ וְרַבּוּ בֵּית שַׁמַּי עַל בֵּית הִלֵּל, וְשִׁמּוֹנָה עֶשְׂרֵי דְבָרִים גָּזְרוּ בּוֹ בַּיּוֹם.

גַּמְי' אָמַר לִיה אֲבִי רַבּי יוֹסֵף: 'אֵלּוּ' תִּנּוּ, אוֹ 'וְאֵלּוּ' תִּנּוּ? 'וְאֵלּוּ' תִּנּוּ? הֲנֵי דְאָמְרוּ, אוֹ אֵלּוּ תִּנּוּ – דְּבִעֵינָן לְמִימַר קַמְּזָן? תֵּא שְׁמַע: אִין פּוֹלִין לְאוֹר הַנֵּר, וְאִין קוֹרִין לְאוֹר הַנֵּר, וְאֵלּוּ מִן הַהִלְכוֹת שֶׁאָמְרוּ בְעֵלְמֵית חַנְנִיָּה בֶן חִזְקִיָּה בֶן גָּרוֹן. שְׁמַע מִיָּה: 'וְאֵלּוּ' תִּנּוּ, שְׁמַע מִיָּה.

MISHNA And these are among the *halakhot* that the Sages, who went up to visit him, said in the upper story of Ḥananya ben Ḥizkiya^a ben Garon. The precise nature of these *halakhot* will be explained in the Gemara. These *halakhot* are considered one unit because they share a distinctive element. Since many Sages were there, among them most of the generation's Torah scholars in Eretz Yisrael, they engaged in discussion of various *halakhot* of the Torah. It turned out that when the people expressing opinions were counted, the students of Beit Shammai outnumbered^b the students of Beit Hillel, and they issued decrees with regard to eighteen matters on that day in accordance with the opinion of Beit Shammai.^b

GEMARA With regard to the language that introduces our mishna, Abaye said to Rav Yosef: Did we learn in our mishna: These are among the *halakhot*, or did we learn in our mishna: And these are among the *halakhot*? The difference is significant. Did we learn: And these, and if so the reference would be to those that we said earlier, i.e., that those *halakhot* are included in the decrees? Or did we learn: These, and if so the reference would be to those that we seek to mention below? Come and hear a solution to this dilemma from the fact that these matters were taught together in a *baraita*: One may not shake garments to rid them of lice by the light of the lamp and one may not read by the light of the lamp; and these are among the *halakhot* that the Sages said in the attic of Ḥananya ben Ḥizkiya ben Garon. Conclude from this that we learned: And these in the mishna, and the reference is to the decrees mentioned earlier.

BACKGROUND

Table of the levels of impurity

In the context of this chapter, in the midst of the discussion of the eighteen decrees, many *halakhot* of ritual purity and impurity are discussed. In this chart, the primary framework of these *halakhot* is delineated. It is important to remember that numerous details are not included in these general principles.

Source	Example	Manner in which it transmits impurity
Ultimate source of ritual impurity	Corpse	It renders anything capable of becoming ritually impure a primary source of ritual impurity
Primary source of ritual impurity	Any person or vessel that came in contact with a corpse, a leper, a <i>zav</i> , a dead creeping animal, an animal carcass	Confers first degree ritual impurity status upon any person, vessel, or food item
First degree ritual impurity (Secondary source of ritual impurity)	A person, vessel, or food that comes in contact with a dead creeping animal, a <i>zav</i> , an animal carcass, etc.	Confers second degree ritual impurity status upon any foods or liquids and disqualifies non-sacred foods and liquids
Second degree ritual impurity	Foods and liquids that come in contact with first degree ritual impurity, e.g., one who immersed himself during the day, hands, the rest of the eighteen items with regard to which the decree was issued	Confers third degree ritual impurity status upon consecrated foods and liquids and disqualifies <i>teruma</i>
Third degree ritual impurity (only applies to <i>teruma</i> and consecrated items)	Foods and liquids that come in contact with second degree ritual impurity	<i>Teruma</i> with this status is disqualified and it disqualifies consecrated foods and liquids
Fourth degree ritual impurity (only applies to consecrated items)	Foods and liquids that come in contact with third degree ritual impurity	Consecrated foods and liquids with this status are disqualified

Certain principles relating to the details of ritual purity and impurity must be added to this general outline. The term disqualify appears in this chart. In the context of the *halakhot* of impurity, it means: It causes other items to become ritually impure; however, those items cannot render other items impure. In contrast, an item that is ritually impure is impure itself and can transmit that impurity to other items.

The standard *halakha* is that non-sacred foods are ritually impure when they have first degree ritual impurity status and disqualified when they have second degree status. *Teruma*,

which is of elevated sanctity, is disqualified even when it has third degree status. Consecrated items, which have an even higher level of sanctity, are disqualified when they have fourth degree status. There are additional levels of impurity, though they are not enumerated with the standard levels. During certain periods in Jewish history, there were groups who were especially vigilant in the fulfillment of mitzvot and were careful to eat their non-sacred foods according to the purity standards of *teruma*, i.e., they avoided having their food come in contact with second degree ritual impurity.

There were even those who were careful to eat their non-sacred foods according to the purity standards of consecrated items.

Another principle in the *halakhot* of impurity is that food can only render other food ritually impure by means of liquids, which serve as conductors of ritual impurity. An additional rabbinic decree was added to this *halakha*: All impure liquids, regardless of their degree of impurity, will always have first degree ritual impurity status. There are very few cases where this decree does not apply.

Megillat Ta'anit – **מגילת תענית**: Until the Mishna was written, writing the Oral Torah was prohibited. However, standard practice was to make certain lists exclusively for individual use, e.g., the hidden scrolls.

Megillat Ta'anit was the first book, apart from the Bible, that was written. This scroll, which is available today, includes a list of days on which it is prohibited to eulogize the deceased or fast due to the miraculous and joyous events that transpired on those days.

The scroll is written in two languages: The primary *halakha*, the day and its legal status, is written in Aramaic, while the descriptions of what happened each day are in Hebrew.

The entire scroll was not written by Hananya ben Hizkiya and his son. Events were added in later generations, approximately until the redaction of the Mishna. A citation from *Megillat Ta'anit* with regard to Hanukah appears later on in this tractate (21b, p. 103).

LANGUAGE

Scalpel [izemel] – **איזמל**: From the Greek σμίλη, *smile*. It means a knife for cutting and carving, a surgeon's knife, or a knife for cutting leaves.

NOTES

Scalpel – **איזמל**: The bronze handle of this Roman surgical knife was designed to be held between the thumb and the first two fingers, similar to a modern scalpel. Bronze was the metal of choice for surgical and medical instruments until the introduction of steel and iron.



Roman scalpel

Flesh of the dead – **בשר המת**: Although the body of a deceased person feels nothing, his soul is pained over the body that was its sanctuary (Responsa of the Rashba).

Book of Ezekiel – **ספר יחזקאל**: There are various contradictions between the book of Ezekiel and the Torah, primarily with regard to *halakhot* pertaining to priests and the Temple. In parallel texts, several midrashic statements appear which address this issue. The mention of three hundred jugs of oil is hyperbole. That is the case everywhere that this number appears in rabbinic literature (Maharsha).

תנו רבנן: מי כתב מגילת תענית? אמרו: תנניה בן חזקיה וסייעתו, שהיו מחבבין את הצרות.

אמר רבן שמעון בן גמליאל: אף אנו מחבבין את הצרות, אבל מה נעשה, שאם באנו לכתוב – אין אנו מספקין.

דבר אחר: אין שוטה נפגע.

דבר אחר: אין בשר המת מרגיש באיזמל. איני? והאמר רב יצחק: קשה רימה למת כמחט בבשר החי, שנאמר: "אך בשרו עליו יכאב ונפשו עליו תאבל!" אימא: אין בשר המת שפתי מרגיש באיזמל.

אמר רב יהודה אמר רב: ברם זכור אותו האיש לטוב, ותנניה בן חזקיה שמו, שאלמלא הוא גנו ספר יחזקאל, שהיו דבריו סותרין דברי תורה. מה עשה? העלו לו שלש מאות גרבי שמן, וישב בעלייה ודרשן.

"ושמנה עשר דבר גזרו". מאי גזרו? שמנה עשר דבר? דתנן, אלו פוסלין את התרומה: האוכל אוכל ראשון, והאוכל אוכל שני, והשותה משקין טמאין, והבא ראשו ורובו במים שאובין, וטהור שנפלו על ראשו ורובו שלשה לוגין מים שאובין, והספר, והידים והטבול יום, והאוכלים והכלים שנבטאו במשקין.

מאן תנא האוכל אוכל ראשון והאוכל אוכל שני – מפסל פסלי טמאין

The Sages taught in a *baraita* with regard to *Megillat Ta'anit*, which is a list of days of redemption that were established as celebrations for generations: **Who wrote *Megillat Ta'anit*?**^b This scroll was written by Hananya ben Hizkiya ben Garon and his faction, who held dear the memory of the troubles that befell Israel and their salvation from them.

Rabban Shimon ben Gamliel said: We also hold dear the memory of the troubles from which Israel was saved, but what can we do? If we came to write all the days of that kind, we would not manage to do so, as the troubles that Israel experienced in every generation and era are numerous, and on each day there is an event worthy of commemoration.

Alternatively: Why do we not record the days of salvation from troubles? Just as a crazy person is not hurt, as he is not aware of the troubles that befall him, so too, we cannot appreciate the magnitude of the calamities that befall us.

Alternatively: The flesh of a dead person does not feel the scalpel [izemel]¹ⁿ cutting into him, and we, too, are in such a difficult situation that we no longer feel the pains and troubles. With regard to the last analogy, the Gemara asks: Is that so? Didn't Rav Yitzhak say: The gnawing of maggots is as excruciating to the dead as the stab of a needle is to the flesh of the living, as it is stated with regard to the dead: "But his flesh shall hurt him,"ⁿ and his soul mourns over him" (Job 14:22)? Rather, say and explain the matter: The dead flesh in parts of the body of the living person that are insensitive to pain does not feel the scalpel that cuts him.

Rav Yehuda said that Rav said: Truly, that man is remembered for the good, and his name is Hananya ben Hizkiya, as if not for him, the book of Ezekielⁿ would have been suppressed because its contents, in many details, contradict matters of Torah. The Sages sought to suppress the book and exclude it from the canon. What did he, Hananya ben Hizkiya, do? They brought him three hundred jugs of oil, for light and food, up to his upper story, and he sat isolated in the upper story and did not move from there until he homiletically interpreted all of those verses in the book of Ezekiel that seemed contradictory, and resolved the contradictions.

We learned in the mishna that when the Sages went up to the upper story of the house of Hananya ben Hizkiya ben Garon, they were counted and issued eighteen decrees in accordance with the opinion of Beit Shammai. The Gemara asks: What are those eighteen matters? The Gemara answers: As we learned in a mishna, a list of the decrees that the Sages issued with regard to items whose level of impurity is such that if they come into contact with *teruma* they disqualify it. By means of that contact, the *teruma* itself becomes impure, but it does not transmit impurity to other items. These disqualify *teruma*: One who eats food with first degree ritual impurity status acquired as a result of contact with a primary source of ritual impurity, e.g., a creeping animal; and one who eats food with second degree ritual impurity status acquired as a result of contact with an item with first degree ritual impurity status; and one who drinks impure liquids of any degree of impurity; and one whose head and most of his body come into drawn water after he immersed himself in a ritual bath to purify himself; and a ritually pure person that three log of drawn water fell on his head and most of his body; and a Torah scroll; and the hands of any person who did not purify himself for the purpose of handling *teruma*; and one who immersed himself during the day, i.e., one who was impure and immersed himself, and until evening he is not considered completely pure; and foods and vessels that became impure by coming into contact with impure liquids. Contact with any of these disqualifies the *teruma*. The Gemara seeks to clarify these matters.

The Gemara asks first: Who is the *tanna* who holds that one who eats food with first degree ritual impurity status, and one who eats food with second degree ritual impurity status, disqualify the *teruma*, but

NOTES

The opinions of Rabbi Eliezer and Rabbi Yehoshua – שיטת רבי אליעזר ורבי יהושע: The dispute between Rabbi Eliezer and Rabbi Yehoshua here with regard the laws of impurity is explained in greater detail elsewhere. Apparently, Rabbi Eliezer sought consistency (Rashi, *Tosafot*) and therefore decreed that one who eats food with any degree of ritual impurity will assume ritual impurity status to that same degree. On the other hand, Rabbi Yehoshua contended that if food of first degree ritual impurity status and food of second degree ritual impurity status happen to come into contact with a liquid, they confer upon it first degree ritual impurity status. This is based on the principle that a liquid which becomes impure generally assumes first degree ritual impurity status. That liquid in turn confers upon anyone who touches it second degree ritual impurity status. However, in the case of food of third degree ritual impurity status, which no longer has the potential to make *teruma* impure, it is sufficient to decree upon liquids that come into contact with it second degree ritual impurity status, which would affect only consecrated items.

In the case of non-sacred food items that were prepared as if their level of purity were on the level of the purity of *teruma* – בחולין שנעשו על טהרת תרומה: Those who were especially vigilant in the fulfillment of mitzvot, e.g., *perushim* and *haverim*, would eat even non-sacred food in purity. They would be careful to avoid not only sources of ritual impurity capable of rendering non-sacred items impure, i.e., those with first degree ritual impurity status; they were stringent and treated the non-sacred items as if they were *teruma* and were therefore careful to avoid contact even with items of second degree ritual impurity status. There is a need to establish the *halakha* in this rare case because, although the *halakhot* of items with third degree ritual impurity status apply to *teruma* and consecrated items, this particular case is not discussed, as eating impure *teruma* and consecrated items is punishable by death at the hand of Heaven and *karet* respectively. Cases involving people who commit so severe a transgression are, as a rule, not discussed.

HALAKHA

One who eats food with first...and one who eats food with second degree ritual impurity status – האוכל אוכל: The Sages decreed that one who ate food of first or second degree ritual impurity status assumes second degree ritual impurity status, as per the opinion of Rabbi Yehoshua (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTuma* 8:10).

And one whose head and most of his body come into drawn water – והבא ראשו ורובו במים שאובין: The Sages decreed that if one's head and most of his body are submerged in drawn water, he assumes second degree ritual impurity status until he immerses himself in a ritual bath (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTuma* 9:1).

לא מטמו? אמר רבה בר בר חנה: רבי יהושע היא. דתנן רבי אליעזר אומר: האוכל אוכל ראשון – ראשון, ואוכל אוכל שני – שני, אוכל שלישי – שלישי. רבי יהושע אומר: האוכל אוכל ראשון ואוכל שני – שני, שלישי – שני לקודש ואין שני לתרומה, בחולין שנעשו על טהרת תרומה.

אוכל אוכל ראשון, ואוכל אוכל שני מאי טעמא גזרו ביה רבנן טומאה? דזימנן דאכיל אוכלין טמאין, ושקיל משקין דתרומה ושדי לפומיה, ופסיל להו.

שוותה משקין טמאין מאי טעמא גזרו ביה רבנן טומאה? דזימנן דשתה משקין טמאין, ושקיל אוכלין דתרומה ושדי לפומיה, ופסיל להו. היינו הך! מהו דתימא: הא – שביחי, והא – לא שביחי, קא משמע לן.

”והבא ראשו ורובו במים שאובין” מאי טעמא גזרו ביה רבנן טומאה? אמר רב ביבי אמר רב אסי: שבתחלה היו טובלין במי מערות מכונסין וסרוחין, והיו נותנין עליהן מים שאובין, התחילו ועשאוים קבע – גזרו עליהם טומאה.

do not render it impure; in other words, they do not render the *teruma* capable of transmitting impurity to other items? **Rabba bar Hana said: It is the opinion of Rabbi Yehoshua. As we learned in a mishna: Rabbi Eliezerⁿ says: One who eats food with first degree ritual impurity status assumes first degree ritual impurity status, and anything with first degree ritual impurity status renders *teruma* impure. And one who eats food with second degree ritual impurity status^h assumes second degree ritual impurity status. One who eats food with third degree ritual impurity status assumes third degree ritual impurity status. Rabbi Yehoshua says: One who eats food with first degree ritual impurity status and one who eats food with second degree ritual impurity status assume second degree ritual impurity status. One with second degree ritual impurity status who comes into contact with *teruma* disqualifies it and does not render it impure. One who eats food with third degree ritual impurity status assumes second degree ritual impurity status vis-à-vis consecrated items, and he does not assume second degree ritual impurity status vis-à-vis *teruma*.** Eating an item with third degree ritual impurity status is only feasible in the case of non-sacred items, as eating impure *teruma* is prohibited. It is only possible in the case of non-sacred food items that were prepared as if their level of purity were on the level of the purity of *teruma*.ⁿ

With regard to the decree itself, the Gemara asks: **One who eats food with first degree ritual impurity status and one who eats food with second degree ritual impurity status; what is the reason the Sages decreed impurity upon him, rendering him impure?** The Gemara answers: Because at times one eats impure food, and takes liquids of *teruma*, and casts them into his mouth and disqualifies the liquids, as the impure food comes into contact with the liquid in his mouth and disqualifies it. To prevent this, the Sages decreed that one who eats impure food becomes impure and must refrain from touching *teruma* at all.

Similarly, the Gemara asks: **One who drinks impure liquids; what is the reason the Sages decreed impurity upon him?** The Gemara answers: Because at times one drinks impure liquids, and takes *teruma* foods, and casts them in his mouth, and disqualifies them. The Gemara asks: **This decree is the same as that decree as they were issued for one reason. Why did the mishna list them separately and consider them two different decrees?** The Gemara answers: **Lest you say that this, people who eat impure food, is common;** as it is common for one eating to drink. Consequently, one who eats impure food is likely to drink *teruma* liquid. **And, however, that, one drinking impure liquids who would put food in his mouth while drinking is uncommon.** As a result, it is conceivable to say that the Sages did not issue a decree in an uncommon case. Therefore, the mishna teaches us that even in that instance the Sages decreed impurity.

Among the eighteen decrees that the Sages issued on that day, we also learned: **And one whose head and most of his body come into drawn water^h is impure by rabbinic decree.** The Gemara asks: **What is the reason the Sages decreed impurity upon him?** Rav Beivai said that Rav Asi said: The reason for this is that originally they would immerse to become purified in cave water that was collected, still, and foul. Although this water purified them, due to its stench, the people immersing themselves would pour on themselves drawn water in order to clean themselves. Once they began this custom and transformed it into an established part of the ritual, the Sages issued a decree on the drawn water, rendering it impure, to prevent them from washing with it after immersion.

NOTES

Shimon ben Shataḥ instituted a woman's marriage contract – שְׁמַעוֹן בֶּן שִׁטְחַ תִּיקַן כְּתוּבָה לְאִשָּׁה – Shimon ben Shataḥ was not the one who originally instituted the marriage contract. Rather, he instituted important amendments to enhance its authority. Before his amendment, a certain amount of money was set aside for the marriage contract, which could easily be misplaced or appropriated by heirs. After the amendments of Shimon ben Shataḥ, all of the husband's assets were mortgaged to pay the monetary obligations included in the marriage contract.

BACKGROUND

Glass vessels – כְּלֵי זְכוּכִית –



Ancient glass vessels

“וְטָבֹל יוֹם דְּאוֹרֵייתָא הוּא, דְּכִתְיִב: “וְכֹא הִשְׁמֵשׁ וְטָהַר”! סְמֵי מִכָּאן טָבֹל יוֹם.”

“וְהֵאֻכְלִין שְׁנַטְמָאוּ בְּמִשְׁקִין.” בְּמִשְׁקִין דְּמָאִי? אֵילִימָא בְּמִשְׁקִין הַבָּאִין מִחֲמַת שְׂרָץ – דְּאוֹרֵייתָא נִינְהוּ, דְּכִתְיִב: “וְכֹל מִשְׁקָה אֲשֶׁר יִשְׁתֶּה!” אֵלָּא: בְּמִשְׁקִין הַבָּאִין מִחֲמַת יָדַיִם, וְגִזְרֵיהּ מִשּׁוּם מִשְׁקִין הַבָּאִין מִחֲמַת שְׂרָץ.

“וְהֵבֵלִים שְׁנַטְמָאוּ בְּמִשְׁקִין.” כְּלִים דְּאִיטְמָאוּ בְּמִשְׁקִין דְּמָאִי? אֵילִימָא בְּמִשְׁקִין דְּזָב – דְּאוֹרֵייתָא נִינְהוּ, דְּכִתְיִב: “וְכִי יִרוּק הַזָּב בְּטָהוֹר” – מַה שְׂבִיד טָהוֹר טְמֵאֵי לָךְ! אֵלָּא: בְּמִשְׁקִין הַבָּאִין מִחֲמַת שְׂרָץ וְגִזְרֵיהּ מִשּׁוּם מִשְׁקִין דְּזָב.

וְיָדַיִם תְּלַמְיָדֵי שְׁמָאִי וְהֵלֵל גְּזוּר? שְׁמָאִי וְהֵלֵל גְּזוּר! דְּתַנְיָא: יוֹסִי בֶן יוֹחָנָן יוֹעֵזֶר אִישׁ יְרוּשָׁלַיִם גְּזָרוּ טוּמְאָה עַל אֶרֶץ הָעַמִּים וְעַל כְּלֵי זְכוּכִית. שְׁמַעוֹן בֶּן שִׁטְחַ תִּיקַן כְּתוּבָה לְאִשָּׁה, וְגִזְרֵיהּ טוּמְאָה עַל כְּלֵי מִתְכּוֹת. שְׁמָאִי וְהֵלֵל גְּזָרוּ טוּמְאָה עַל הַיָּדַיִם.

Among the decrees listed in the mishna, there is the decree that contact with one who immersed himself during the day disqualifies *teruma*. The Gemara asks: One who immersed himself during the day transmits impurity by Torah law,¹¹ as it is written: “One who touches it remains impure until evening. He should not eat of the consecrated items and he must wash his flesh with water. And the sun sets and it is purified. Afterward, he may eat from the *teruma*, for it is his bread” (Leviticus 22:6–7). Consequently, until sunset he is prohibited by Torah law from touching consecrated items, and the same is true for *teruma*. The Gemara answers: **Delete from here, from the list of decrees in the mishna, one who immersed himself during the day.**

And among the decrees that were listed, there is also the decree concerning the impurity of the foods that became impure through contact with liquids. The Gemara asks: With liquids that became impure due to contact with what source of impurity? If you say that the mishna is referring to liquids that come to be impure due to contact with a creeping animal,¹² they are impure by Torah law, as it is written with regard to the impurity of creeping animals: “And every liquid that is drunk in any vessel, will be impure” (Leviticus 11:34). Rather, the mishna is referring to liquids that come to be impure due to contact with impure hands.¹³ The Sages issued this decree due to liquids that come to be impure through contact with a creeping animal.

And among the decrees that were listed, there is also the decree concerning the vessels that became impure through contact with liquids. The Gemara asks: Vessels that became impure due to contact with liquids that became impure due to contact with what source of impurity? If you say that they become impure due to contact with liquids secreted by a *zav*, e.g., spittle, urine, etc., they are impure by Torah law, as it is written: “And if a *zav* spits on a pure person and he should wash his clothes and wash in water and he is impure until the evening” (Leviticus 15:8). The Sages interpreted homiletically: **Whatever is in the hand of the pure person I made impure for you.** Not only did the person who came into contact with the liquids of the *zav* become impure, but the objects in his hand did as well. Rather, here it is referring to liquids that come to be impure due to contact with a creeping animal, which by Torah law do not transmit impurity to vessels. And the Sages issued a decree with regard to those liquids due to their similarity to the liquids of a *zav*.

Among the list of items in the mishna with regard to which the disciples of Shammai and Hillel instituted decrees, were the hands of any person who did not purify himself for the sake of purity of *teruma*. If he came into contact with *teruma*, the Sages decreed it impure. The Gemara asks: And with regard to hands, was it the disciples of Shammai and Hillel who issued the decree of impurity? Shammai and Hillel themselves issued the decree. As it was taught in a *baraita*: Yosei ben Yo'ezer of Tzereida and Yosei ben Yoḥanan of Jerusalem decreed impurity on the land of the nations, that the land outside Eretz Yisrael transmits impurity; and they decreed impurity on glass vessels,¹⁴ even though glass is not listed in the Torah among the vessels that can become impure. Shimon ben Shataḥ instituted the formula of a woman's marriage contract¹⁵ and also decreed special impurity on metal vessels. Shammai and Hillel decreed impurity on the hands.

HALAKHA

One who immersed himself during the day transmits impurity by Torah law – טָבֹל יוֹם דְּאוֹרֵייתָא הוּא: One who became impure through contact with one of the primary sources of ritual impurity, and then immersed himself to become ritually pure, remains impure by Torah law until the evening (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTuma* 10:1).

Liquids that come to be impure due to a creeping animal – בְּמִשְׁקִין

הַבָּאִין מִחֲמַת שְׂרָץ: Liquids that became impure due to contact with a creeping animal render even vessels impure by rabbinic decree (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTuma* 7:2).

Liquids that come to be impure due to hands – בְּמִשְׁקִין הַבָּאִין מִחֲמַת יָדַיִם: Liquids that became impure due to contact with hands assume first degree ritual impurity status, as per the decree of the Sages (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTuma* 8:10).

Would be in abeyance – לתלות: Any items whose impurity is unclear, especially items that may not be destroyed, i.e., *teruma* and consecrated items, are, on the one hand, not burned like items that are certainly impure; on the other hand, they may not be eaten. They are in abeyance. The implication is that they are impure, but no action is taken to destroy them. Once the uncertainty is resolved and a particular item is determined to be ritually impure, even by rabbinic decree, it is immediately burned.

And the people did not accept from them – ולא קבלו מיניהו: Since the Sages determined that a decree not accepted by most of the people is null and void, there were many instances where the decrees of earlier Sages were not accepted. Only many years later did other Sages issue the same decree or explicitly declare its nullification.

At the time that Solomon instituted *eiruv* and washing hands – בְּשָׁעָה שֶׁתִּיקַן שְׁלֹמֹה עֵירוּבִין וְנִטְיִילַת יָדַיִם: Some explained in the following manner why Solomon instituted these particular ordinances: Until his days, there were wars in Israel, and in times of war, even today, soldiers are not vigilant with regard to *eiruv* and the ritual washing of hands. In Solomon's reign, when the Temple was built, he thought the time had come to be more vigilant in keeping the *halakhot* of ritual purity and impurity. In addition, due to the respite from wars and the stability of life at home, he decided to discuss a fixed ordinance governing carrying in and out on Shabbat (Rav Hai Gaon).

PERSONALITIES

Ilfa – אילפא: In the Jerusalem Talmud, this *amora* appears as Hilfei. A first generation Eretz Yisrael *amora*, Ilfa was apparently one of the younger students of Rabbi Yehuda HaNasi and studied with his prominent students as well. Years later, he became the good friend of Rabbi Yoḥanan, although Rabbi Yoḥanan was older. Still later, due to dire economic straits, he was forced to leave Eretz Yisrael and travel overseas on business. During his absence, Rabbi Yoḥanan was chosen to head the yeshiva in Eretz Yisrael.

Ilfa was famous for his sharp intelligence and the depth of his understanding both in Mishna and in the various collections of *baraitot* attributed to the students of Rabbi Yehuda HaNasi. Rabbi Yoḥanan treated him with great respect and even cited Torah statements in his name. The Gemara also relates stories of his righteousness and great piety.

HALAKHA

Hands, from the beginning, their decree was to be burned – יָדַיִם, תְּחִלַּת גְּזִירָתָן לְשָׂרִיפָה: In the original decree with regard to the impurity of hands, the Sages decreed that *teruma* or consecrated items that came into contact with one's hands are burned immediately, like food that is definitely impure (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTuma* 8:8).

וכי תימא: שמאי וסיעתו והלל וסיעתו, והאמר רב יהודה אמר שמואל: שמנה עשר דבר גזרו, ובשמנה עשר נחלקו. ואילו הלל ושמאי לא נחלקו אלא בשלושה מקומות, דאמר רב הונא: בשלושה מקומות נחלקו, ותו לא! וכי תימא: אתו אינהו – גזור לתלות, ואתו תלמידיהו – וגזרו לשרוף. והאמר אילפא: ידים תחלת גזירתן לשריפה! אלא: אתו אינהו, גזור ולא קבלו מיניהו, ואתו תלמידיהו – גזרו וקבלו מיניהו.

And if you say that the *baraita* is referring to Shammai and his faction and Hillel and his faction, didn't Rav Yehuda say that Shmuel said: With regard to eighteen matters they issued decrees that day, and with regard to those eighteen matters they disagreed prior to that? The eighteen disputes were only between the disciples of Shammai and Hillel, whereas Hillel and Shammai themselves argued only in three places. Clearly they were neither party to the disputes nor the decrees. As Rav Huna said: Shammai and Hillel disagreed in only three places and no more. And if you say that Hillel and Shammai came and decreed that *teruma* that came into contact with hands would be in abeyance,^N and their students came and decreed to burn *teruma* that came into contact with hands, then the following difficulty arises. Didn't Ilfa,^P one of the Sages, say: With regard to hands, from the beginning their decree was that *teruma* that comes into contact with them is to be burned?^H According to Ilfa, there is no uncertainty. *Teruma* that came into contact with definite impurity is burned. *Teruma* that is in abeyance may not be destroyed. One must wait until it becomes definitely impure or decomposes on its own. Rather, the explanation is that they came and issued a decree and the people did not accept the decree from them,^N and their disciples came and issued a decree and they accepted it from them.

The Gemara asks further: Still, the matter is not clear, as the decree of hands was issued by King Solomon. As Rav Yehuda said that Shmuel said: At the time that Solomon instituted the ordinances of *eiruv* and of washing hands^N to purify them from their impurity, a Divine Voice emerged and said in his praise: "My son, if your heart is wise my heart will be glad, even mine" (Proverbs 23:15), and so too: "My son, be wise and make my heart glad, that I may respond to those who taunt me" (Proverbs 27: 11). The Gemara responds: Came

ואבתי, שלמה גזר! דאמר רב יהודה אמר שמואל: בשעה שתיקן שלמה עירובין ונטילת ידים, יצתה בת קול ואמרה: בני אם חכם לבך ישמח לבי גם אני." "חכם בני ושמח לבי ואשיבה חופי דבר." אתא

Perek I

Daf 15 Amud a

שלמה – גזר לקדשים, ואתו אינהו – וגזור אף לתרומה.

גופא, אמר רב יהודה אמר שמואל: שמנה עשר גזרו, ובשמנה עשר נחלקו. והתניא: הושוו בו ביום נחלקו, ולמחר הושוו.

Solomon and decreed impurity on hands to prohibit contact with consecrated items, and Shammai, Hillel, and their disciples came and decreed impurity on hands even to prohibit contact with *teruma*.

As to the matter itself that was mentioned above in passing, Rav Yehuda said that Shmuel said: With regard to eighteen matters they issued decrees that day, and with regard to those eighteen matters they disagreed prior to that.^N The Gemara asks: Wasn't it taught in a *baraita* that they reached a consensus in their opinions with regard to the eighteen decrees? They answer: On that day they disagreed, and the following day, after the matter was decided in a vote, they reached a consensus in their opinions.

NOTES

And with regard to eighteen matters they disagreed prior to that – ובשמנה עשר נחלקו: Many commentaries hold that the eighteen matters that they decreed and the eighteen matters that they disputed are not the same matters. Rather, there were eighteen matters with regard to which they issued decrees, which the Gemara discusses here, and there were eighteen additional matters, which

they disputed and about which they subsequently came to a consensus. Those are the *halakhot* encountered from the beginning of the tractate to this point (Rambam's Commentary on the Mishna and others). Others add that the eighteen matters that they disputed are the disputes between Beit Hillel and Beit Shammai enumerated later in this chapter (Ramban; Rashba).

The measure of dough that is obligated in *halla* – שיעור עסקה חייב בחלה: Dough made from five-quarters of a *kav* of flour, i.e., forty-three and one-fifth egg-bulks measured in their shells, is obligated in *halla*, in accordance with the opinion of the Rabbis as interpreted by Rabbi Yosei (Rambam *Sefer Zera'im*, *Hilkhot Bikurim* 6:15; *Shulhan Arukh*, *Orah Hayyim* 456:1 and *Yoreh De'a* 324:1).

That three *log* of drawn water disqualify the ritual bath – ששלושה לוגין מים שאובין פוסלים את המקוה – Three *log* of drawn water that falls into a ritual bath that has less than forty *se'a* disqualifies the ritual bath, as per the testimony of the weavers (Rambam *Sefer Tahara*, *Hilkhot Mikvaot* 4:2; *Shulhan Arukh*, *Yoreh De'a* 201:15).

When does a menstruating woman become impure – מאימתי טומאת נדה – A woman who does not have a fixed period and saw a blood flow but did not feel it begin to flow is impure only twenty-four hours retroactively. If she examined herself within that period, she is retroactively impure from the time of that examination, as per the opinion of the Rabbis (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 3:4).

BACKGROUND

Measures – מדות: A *hin* equals twelve *log*, which are three *kav*. Nine *kav* are thirty-six *log*. The measure of a complete ritual bath, which holds forty *se'a*, is 960 *log*. The measure of a *log* in our days is 240–480 ml.

Once the measures increased – משהגדילו המדות: Three systems of measures were mentioned by the Sages: The desert measures, mentioned in the Torah, were used by the children of Israel in the desert. Jerusalem measures were employed in the days of the Second Temple, when the national center was in Jerusalem. Tzippori measures were established after the destruction of the Second Temple, when the national center moved to the Galilean city of Tzippori.

In all of these systems the names of the various measures were preserved, as were the ratios between them. However, from time to time, the size of the measures were increased by one-sixth. As a result, the measures written in the Torah are all desert measures, the ones in the early *mishnayot* are Jerusalem measures, and those in the *halakhot* of the later *tanna'im* and the *amora'im* are Tzippori measures. The desert measure was 0.833 of the Jerusalem measure and 0.694 of the Tzippori measure.

From the Dung Gate – משער האשפה: Some say that the Dung Gate, or, according to a variant reading based on the language in the Bible, Dungs Gate, was a place where they stored weapons, such as quivers of arrows, etc. From the language of the *Tosefta* it appears that the Dung Gate was close to the city dump or, perhaps, it was the exit through which the city trash was removed.

גופא, אמר רב הונא: בשלשה מקומות נחלקו שמאי והלל. שמאי אומר: מקב חלה, והלל אומר: מקבניים, וחכמים אומרים: לא כדברי זה ולא כדברי זה, אלא, קב ומחצה חייב בחלה. משהגדילו המדות אמרו: חמשת רבעים קמח חייבין בחלה. רבי יוסי אומר: חמשה – פטורין, חמשה ועוד – חייבין.

ואידך, הלל אומר: מלא הין מים שאובים פוסלים את המקוה. שחייב אדם לומר בלשון רבו. שמאי אומר: תשעה קבין, וחכמים אומרים: לא כדברי זה ולא כדברי זה, עד שבאו שני גרדיים משער האשפה שבירושלים, והעידו משום שמעיה ואבטליון ששלושה לוגין מים שאובין פוסלים את המקוה, וקימו חכמים את דבריהם.

ואידך, שמאי אומר: כל הנשים דיין שעתה, והלל אומר: מפקידה לפקידה, ואפילו לימים הרבה. וחכמים אומרים: לא כדברי זה ולא כדברי זה, אלא: מעת לעת – ממעט על יד מפקידה לפקידה, ומפקידה לפקידה – ממעט על יד מעת לעת.

As to the matter itself that was mentioned above in passing, Rav Huna said: Shammai and Hillel disagreed in three places. The Gemara cites the disputes. One, Shammai says: From a *kav* of dough, one is required to separate *halla*,^H the portion of the dough given to a priest. From any less than that measure there is no obligation to separate *halla*, as that is not the measure alluded to in the verse: “The first of your dough” (Numbers 15:20), written with regard to the mitzva of separating *halla*. And Hillel says: One must separate *halla* only from two *kav*. And the Rabbis say: The *halakha* is neither in accordance with the statement of this one, who is stringent, nor in accordance with the statement of that one, who is lenient. Rather, one and a half *kav* is the measure from which one is obligated to separate *halla*.^N Once the measures^B increased^B and the Sages recalculated the volume of a *kav* to be greater, they said that based on the measure of the new *kav*, five quarters of a *kav* of flour is the measure from which one is obligated to separate *halla*. Rabbi Yosei says: Five quarters are exempt; only from dough the size of five quarters and a bit more is one obligated to separate *halla*.

And another dispute between Hillel and Shammai is that Hillel says: A full *hin*, twelve *log*, of drawn water poured into a ritual bath in which there was not yet a full measure of forty *se'a* disqualifies the water of the ritual bath and accords even the water that had been there previously the status of drawn water. Even if water fit for a ritual bath is subsequently added to complete the measure of forty *se'a*, the ritual bath remains unfit for immersion. Hillel used the biblical measure, *hin*, because, when quoting one’s teacher, a person must speak employing the language of his teacher.^N Shammai says: Nine *kav* of water is enough to disqualify the ritual bath. And the Rabbis say: The *halakha* is neither in accordance with the statement of this one nor in accordance with the statement of that one.^N The Sages did not determine a measure for the water disqualifying a ritual bath until two weavers came from the Dung Gate^B in Jerusalem and testified in the name of Shemaya and Avtalyon that three *log* of drawn water disqualify the ritual bath,^H and the Rabbis upheld their statement against the opinions of the great Sages of Israel, Hillel and Shammai. The Gemara emphasized their occupation and the place that they lived to underscore that, despite the fact that their occupation was despised and their place was contemptible, there is no preferential treatment when it comes to Torah.

And another dispute between Hillel and Shammai is that Shammai says: All women, their time is sufficient, i.e., a woman who notices that she saw blood of menstruation but did not feel the flow beforehand, need not worry that perhaps the flow of blood began before she saw it, and it is sufficient if she assumes ritual impurity status beginning at that moment. Hillel says: From examination to examination, i.e., a woman who saw blood, if she does not know when the menstrual flow began, she is considered impure retroactive to the last time she examined herself and found herself to be ritually pure, and even if the examination took place several days earlier. Anything that she touched in the interim becomes ritually impure. And the Rabbis say: The *halakha* is neither in accordance with the statement of this one nor in accordance with the statement of that one; rather, the principle is: A full day, twenty-four hours, reduces the time from examination to examination, i.e., if her final self-examination took place a long time before, she need only concern herself with ritual impurity for the twenty-four hour period prior to noticing the blood. And from examination to examination reduces the time from a full day, i.e., if she examined herself in the course of the previous day and discovered no blood, she was certainly ritually pure prior to the examination.^H

NOTES

קב ומחצה חייב בחלה – One and a half *kav* is obligated in *halla*: The law of *halla* is explained in the Torah (Numbers 15:17–21). One is required to separate a small part of the dough as a gift for the priest. However, the Torah neither specified the measure of the dough from which a gift must be separated nor the size of that gift. As a rule, the measure of dough from which *halla* must be separated is dependent on the measure of the *omer*, the daily ration of the manna in the desert, which is a tenth of an *eipha*. However, there is a dispute with regard to determining that measure (*Tosafot*). Some explain that the dispute between Shammai and Hillel stems from reliance on the determination that there is no gift smaller than an egg-bulk. They disagreed whether the gift is one twenty-fourth of the dough, in which

case the dough must be at least a *kav*, which is equal to twenty-four egg-bulks, or one forty-eighth of the dough, in which case the dough must be at least two *kav* (Rashba in the name of Rabbeinu Tam).
A person must speak employing the language of his teacher – שחייב אדם לומר בלשון רבו: It was necessary to explain why Hillel used the measure of a *hin*, which was not used by the Sages, instead of a *log* or a *kav*, which were the standard measures of the Sages. Therefore, the Gemara explained that he employed the language of his teacher. Others explain the expression employing the language of his teacher as referring to the teacher of Israel, Moses our teacher. Hillel said: Since the measure of *hin* is the largest liquid measure in the Torah, there is room to be

lenient and not invalidate a ritual bath if less than that measure of drawn water was poured into it, as the disqualification of a ritual bath due to drawn water is by rabbinic law (*Ra'avad*). According to an ancient tradition, Hillel was careful to pronounce the word *in* instead of *hin*. That was the way he heard it from his teacher, who was unable to pronounce the guttural letters properly (Rambam’s Commentary on the Mishna).
Neither in accordance with the statement of this one nor in accordance with the statement of that one – ולא כדברי זה ולא כדברי זה: Apparently, the Sages recalled that Shemaya and Avtalyon, the teachers of Hillel and Shammai, agreed on one measure. They forgot what that measure was until the weavers came and reminded them (see *Ra'avad*).

And sat in the stores – וישבה לה בתנויות: There was an area on the Temple Mount called the stores. This is where the members of Sanhedrin convened after they left the Chamber of Hewn Stone (Rashi).

BACKGROUND

Capital cases – דיני נפשות: These are cases potentially involving capital punishment, which were adjudicated by a court of twenty-three judges and involved extensive and detailed interrogation of the witnesses. The court had to consist of ordained judges. Capital cases could only be tried during the period in which the Great Sanhedrin convened in the Chamber of Hewn Stone in the Temple courtyard. Capital cases ceased to be tried even before the end of the Second Temple period, except in certain instances where the good of the entire people was involved, e.g., the case of an informer to the non-Jewish authorities.

ותו ליכא? והאיכא: הלל אומר לסמוך, ושמאי אומר שלא לסמוך! כי קאמר רב הונא – היכא דליכא פלוגתא דרבנותא בהדיהו.

The Gemara asks: **And are there no more disputes between them? Isn't there** what we learned that **Hillel** says that it is permitted to **lay hands** on the heads of offerings sacrificed on a Festival, and one performs no prohibited labor and does not desecrate the Festival by doing so; **and Shammai** says **not to lay hands**? The Gemara answers: **When Rav Huna** said his statement, he was referring to disputes **where there is no dispute** between the great **Sages** who predated them **concomitant with theirs**. The dispute with regard to laying hands on the Festival is ancient, and their predecessors, Sages dating back to the beginning of the era of the pairs, already disputed it.

והאיכא: הבוצר לגת, שמאי אומר: הוכשר, והלל אומר: לא הוכשר! בר מיניה דההיא – דהתם קא שתיק ליה הלל לשמאי.

The Gemara asks further: **Isn't there** also the dispute with regard to **one who harvests grapes** in order to take them **to the press** and stomp them as to whether or not the liquid that seeps out of the grapes is considered as having seeped out willfully and renders the grapes susceptible to impurity? **Shammai** says: **It has become susceptible**, and **Hillel** says: **It has not become susceptible**. The Gemara rejects this: **Except for that one, as there**, although they originally disagreed, ultimately **Hillel** was **silent** and did not respond to **Shammai** and ultimately accepted his opinion.

"יוסי בן יועזר איש צרידה ויוסי בן יוחנן איש ירושלים גזרו טומאה על ארץ העמים ועל כלי זכוכית" והא רבנן דשמנים שנה גזרו! דאמר רב כהנא: כשחלה רבי ישמעאל ברבי יוסי שלחו לו רבי, אמור לנו שנים ושלושה דברים שאמרת לנו משום אביך!

Earlier it was mentioned that **Yosei ben Yo'ezer of Tzereida** and **Yosei ben Yoḥanan of Jerusalem** decreed impurity upon the land of the nations and upon glass vessels. The Gemara asks: Was it these two Sages, who were among the first Sages in the era of the pairs, who issued these decrees? **Wasn't it the Sages** who lived in the final **eighty years** of the Second Temple period who issued these decrees? **As Rav Kahana** said: **When Rabbi Yishmael, son of Rabbi Yosei, fell ill, the Sages sent to him: Rabbi, tell us two or three statements that you once told us in the name of your father.**

שלח להם, כך אמר אבא: מאה ושמונים שנה עד שלא חרב הבית פשטה מלכות הרשעה על ישראל. שמונים שנה עד שלא חרב הבית גזרו טומאה על ארץ העמים ועל כלי זכוכית. ארבעים שנה עד שלא חרב הבית גלתה לה סנהדרין וישבה לה בתנויות. למאי הילכתא? אמר רבי יצחק בר אבדימי: לומר שלא דנו דיני קנסות. דיני קנסות סלקא דעתך? אלא אימא: שלא דנו דיני נפשות.

He sent to them: This is what my father said: One hundred and eighty years before the Temple was destroyed, the evil kingdom of Rome invaded Israel. Eighty years before the Temple was destroyed, they decreed impurity on the land of the nations and on glass vessels. Forty years before the Temple was destroyed, the Sanhedrin was exiled^b from the Chamber of Hewn Stones and sat in the storesⁿ on the Temple Mount. With regard to the last statement, the Gemara asks: **What are the halakhic ramifications of this statement? Rabbi Yitzḥak bar Avdimi** said: **To say that they no longer judged cases of fines.** The Gemara wonders: **Does it enter your mind that they no longer judged cases of fines?** Even several generations after the Temple was destroyed they continued to judge cases of fines in Eretz Yisrael. **Rather, emend and say: That they no longer judged capital cases.** The authority to impose the death penalty was stripped from the Sanhedrin, and therefore they willingly left the Chamber of Hewn Stone. Since the Sanhedrin no longer convenes in its designated place, the *halakha* is that it no longer has the authority to judge capital cases (*Tosafot*).^b

BACKGROUND

The order of the generations – סדרי הדורות: The conclusion of that statement of Rabbi Yishmael, son of Rabbi Yosei, about the order of the generations and events in the days before the destruction of the Second Temple is the following:

Sages	Events	Years prior to destruction of the Temple
Yosei ben Yo'ezer Yosei ben Yoḥanan		
Yehoshua ben Perahya Nitai of Arbel	The Evil Kingdom conquered Eretz Yisrael	180
Shemaya Avtalyon		100
Hillel Shammai	The decree on glass vessels was issued	80
Shimon		
Rabban Gamliel the Elder	Sanhedrin went into exile	40
Rabban Shimon ben Gamliel (who was killed)	Temple was destroyed	

Perek I
Daf 15 Amud b

NOTES

The impurity of the land of the nations – טומאת ארץ העמים: The impurity of the land of the nations was already alluded to in the Prophets: “On impure land you will die” (Amos 7:17). However, in the mishna, this impurity is listed as one of the cases of uncertain impurity based on the assumption that a dead person may be buried there. Since graves were not always marked and since cemeteries for burial were not set aside everywhere, there is concern that any clod of dirt could be from a decaying corpse or could have come in contact with the flesh of a corpse.

HALAKHA

The impurity of the land of the nations – טומאת ארץ העמים: Their first decree was with regard to the soil of the land of the nations. The Sages decreed that anything, person or vessel, that comes in contact with or carries that soil becomes impure for seven days, like the impurity of one who comes into contact with a corpse. Water of a purification offering must be sprinkled on him on the third and seventh days of his impurity, and *teruma* that he touches is burned. Afterward, the Sages issued an additional decree that one who enters the airspace of the land of the nations is impure and is required to wait until sunset to purify himself. *Teruma* that entered this airspace is in abeyance, i.e., neither eaten nor burned (Rambam *Sefer Tahara, Hilkhot Tumat Met* 11:1-2).

For six cases of uncertain impurity one burns the *teruma* – **על ששה ספקות שורפין את התרומה** – The six cases are: (1) *Beit haperas*; (2) the earth of the land of the nations; (3) the clothes of an *am ha'aretz*; (4) vessels that were found; (5) saliva that was found; and (6) urine, even if it is mixed with animal urine. Although in all cases the impurity transmitted is based on uncertainty, if *teruma* came into contact with the above items, it is burned. When there is uncertainty whether or not it came into contact with one of these items, it remains in abeyance and is not burned (Rambam *Sefer Tahara, Hilkhot She'ar Avot Ha-Tuma* 13:13).

וכי תימא: בשמנים שנה נמי אינהו הו, והתנא: הלל ושמעון גמליאל ושמעון נהגו נשיאותן (לפני) הבית מאה שנה. ואילו יוסי בן יועזר איש צרידה ויוסי בן יוחנן הו קדמי טובא!

אלא: אתו אינהו גזור אגושא לשרוף, ואאורא ולא כלום, ואתו רבנן דשמנים שנה גזור אאורא לתלות.

למימרא דחדא גזירתא הוה לשריפה? והאמר אילפא: ידים תחלת גזירתן לשריפה. ידים הוא דתחלת גזירתן לשריפה, הא מידי אחרנא – לא!

אלא: אתו אינהו גזור אגושא – לתלות, ואאורא – ולא כלום, ואתו רבנן דשמנים שנה גזור, אגושא – לשרוף, ואאורא לתלות.

ואכתי, באושא גזור! דתנן: על ששה ספקות שורפין את התרומה: על ספק בית הפרס, ועל ספק עפר הבא מארץ העמים, ועל ספק בגדי עם הארץ, ועל ספק כלים הנמצאין, ועל ספק הרוקין, ועל ספק מי רגלי אדם שפנגד מי רגלי בהמה. על ודאי מוגען (ועל) ספק טומאתן שורפין את התרומה.

In any case, we learned that the Sages of the last eighty years before the destruction are the ones who decreed impurity on the land of the nations. **And if you say that Yosei ben Yo'ezer and Yosei ben Yo'hanan were also there during those eighty years, wasn't it taught in a baraita: Hillel, and his son Shimon, and his grandson Gamliel, and his great-grandson Shimon filled their position of Nasi before the House, while the Temple was standing, for a hundred years, while Yosei ben Yo'ezer of Tzereida and Yosei ben Yo'hanan were much earlier than Hillel?**

Rather, this decree was issued in stages. First, Yosei ben Yo'ezer and Yosei ben Yo'hanan came and issued a decree that *teruma* that comes into contact with a clump of earth of the land of the nations^h is to be burned, and they decreed nothing with regard to *teruma* that enters into the air space of the land of the nations. **The Sages of the final eighty years prior to the destruction of the Temple came and issued a decree with regard to *teruma* that enters into the air space of the land of the nations that its legal status is in abeyance, and it is not burned.**

The Gemara asks: **Is that to say that there was one decree issued immediately to subject *teruma* to burning? Didn't Ilfa say:** With regard to hands, from the beginning their decree was that *teruma* that comes into contact with them is to be burned? The Gemara infers from this that, with regard to hands alone, the beginning of their decree was to render *teruma* that came into contact with them impure to the point of burning; however, with regard to other matters, they did not immediately issue so severe a decree.

Rather, the stages of the decree were as follows: Yosei ben Yo'ezer and Yosei ben Yo'hanan came and decreed that any item that came into contact with a clump of earth is to be in abeyance, and they decreed nothing with regard to *teruma* that enters into the air space of the land of the nations. **The Sages of the last eighty years came and were stringent by one more level; they decreed that *teruma* that came into contact with a clump of earth of the land of the nations is to be burned, and, with regard to *teruma* that enters into the air space of the land of the nations, its legal status is in abeyance.**

The Gemara asked further: **And still is the matter clear? Didn't the Sages issue this decree in Usha, many years after the destruction of the Temple? As we learned in a mishna: For six cases of uncertain impurity one burns the *teruma*^h which came into contact with them:**

For the uncertain case of *beit haperas*, meaning *teruma* that entered a field where a grave was plowed and the location of the bones of the corpse is unknown, and it is uncertain whether or not the *teruma* became impure;

And for the uncertain case of earth that comes from the land of the nations, whose impurity itself has the status of uncertain impurity. Therefore, *teruma* that came into contact with it also has the status of uncertain impurity;

And for the uncertain case of the clothes of an *am ha'aretz*. Since an *am ha'aretz* is not careful with regard to purity, we are concerned lest a menstruating woman touch his clothes. Due to that uncertainty, his clothes are considered impure with a severe degree of impurity. If *teruma* came into contact with them there is uncertainty with regard to whether or not they became impure;

And for the uncertain case of vessels that are not his that are found. Since he does not know whether or not those vessels are impure, if *teruma* came into contact with them, there is uncertainty whether or not they are impure;

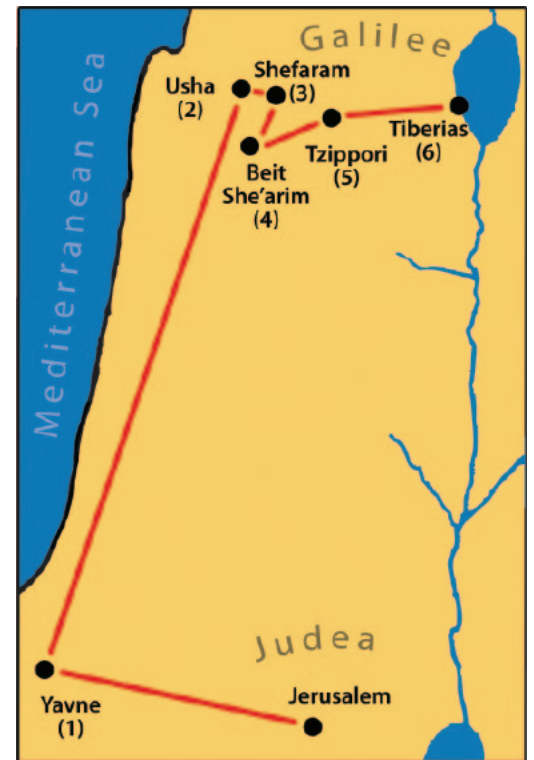
And for the uncertain case of spittle, as perhaps it is the spittle of a *zav* and transmits impurity by Torah law. If *teruma* came into contact with it there is uncertainty whether or not it is impure;

And for the uncertain case of a person's urine, even though it was adjacent to the urine of an animal, there is room for concern that perhaps it is the urine of a *zav*, and impure by Torah law. If *teruma* came into contact with it, there is uncertainty whether or not it is impure.

In all of these cases, the Sages established that **for their definite contact,** when it is clear that these came into contact with *teruma*, and although there is uncertainty with regard to their essential impurity, i.e., it is uncertain whether or not these items are impure, **one burns the *teruma* that came into contact with them.**

The ordinances of Usha – תַּקֻּנוֹת אוּשָׁא: The town of Usha in the Galilee was, for a time, the seat of the Sanhedrin. Many ordinances were instituted there relating to various areas of *halakha*, including *halakhot* of ritual purity and impurity and monetary laws. The Sages disagreed with regard to the exact date of the Usha regulations, since the Sanhedrin's stay there was interrupted. Nevertheless, apparently these ordinances were instituted after the failure of the bar Kokheva rebellion, approximately seventy years after the destruction of the Temple.

According to *Rosh HaShana* (31a), during the period of the destruction of the second Temple God began to withdraw His Divine Presence from the Temple. In parallel, the Sanhedrin removed itself as well, first within the city of Jerusalem, and ultimately to the Galilee. It was first transplanted to Yavne, from there to Usha, Shefaram, Beit She'arim, Tzipori, and Tiberias.



Exile of the Sanhedrin

NOTES

Glass vessels – כְּלֵי זְכוּכִית: Various types of vessels are listed in the Torah along with the methods by which they become impure and pure. These include metal vessels, earthenware vessels, leather vessels, and even woven items and strings. However, among those items not listed are those that are completely ritually pure even by rabbinic law and those that the Sages deemed impure due to their similarity to vessels impure by Torah law.

HALAKHA

Glass vessels – כְּלֵי זְכוּכִית: Although glass vessels do not become impure by Torah law, the Sages decreed that they become impure. The rationale for the decree is as follows: Since glass is produced from sand, like earthenware vessels, the Sages decreed that it should become impure like them. However, unlike earthenware vessels, glass vessels become impure from both their airspace and their outer side. Although the Sages decreed ritual impurity on glass vessels, it was not to the extent that *teruma* and consecrated items that came into contact with them are burned; rather, they are placed in abeyance (Rambam *Sefer Tahara*, *Hilkhot Kelim* 1:5).

רבי יוסי אומר: אף על ספק מגען ברשות היחיד שורפין. וחכמים אומרים: ברשות היחיד – תולין, ברשות הרבים – טהורין.

Rabbi Yosei says: Even in a case of uncertain contact; if it was in the private domain one burns *teruma* that came into contact with it, as with regard to impurity by Torah law an uncertainty that developed in a private domain is also ruled impure. According to Rabbi Yosei, these decrees, even though they are fundamentally cases of uncertainty, are sufficiently stringent that the Sages applied Torah law to them. **And the Rabbis say:** Since these cases are only impure by rabbinic decree, in a case of uncertain contact in the private domain, one does not burn the *teruma* but rather places it in abeyance. While in the public domain, they are ritually pure.

ואמר עולא: אלו שישה ספיקות – באושא התקינו! אלא: אתו אינהו גזיר אגושא לתלות ואאירא ולא כלום, ואתו רבנן דשמנים שנה גזיר: אידי ואידי לתלות. ואתו באושא גזיר אגושא – לשורף, ואאירא – בדקאי קאי.

And Ulla said with regard to these six uncertain cases: In Usha^b they instituted how one must act in terms of practical *halakha*. If so, a clump of earth from the land of the nations transmits impurity from the time of the Usha ordinances and not from eighty years prior to the destruction of the Temple. Rather, Yosei ben Yo'ezer and Yosei ben Yo'hanan came and decreed that if *teruma* came into contact with a clump of earth from the land of the nations, its legal status is in abeyance and one does not burn it, and upon *teruma* that entered the air space of the land of the nations they decreed nothing. And the Sages of the last eighty years of the Temple came along and issued a decree upon this, earth, and upon that, air, that in both cases the *teruma* is in abeyance. And the Sages of the city of Usha came along and decreed that *teruma* that came into contact with a clump of earth from the land of the nations is burned. And *teruma* that entered the air space of the land of the nations, as it stood, it continues to stand in abeyance. They did not impose any greater stringency in this matter.

כלי זכוכית מאי טעמא גזיר בהו רבנן טומאה? אמר רבי יוחנן אמר ריש לקיש: הואיל ותחלת ברייתן מן החול – שויניהו רבנן ככלי חרס. אלא מעתה לא תהא להן טהרה במקוה, אלמה תנן: ואלו חוצצין בכלים: הזפת והמור בכלי זכוכית!

One of the matters mentioned above was the decree of impurity on glass vessels. With regard to glass vessels,^{NH} what is the reason that the Sages decreed impurity upon them? Rabbi Yo'hanan said that Reish Lakish said: Since the beginning of the manufacture of glass vessels is from sand, the Sages equated them to earthenware vessels. The Gemara asks: But if what you say is so, if the Sages truly equated the impurity of glass vessels to the impurity of earthenware vessels, there should not be purification in the ritual bath for glass vessels, just as there is no purification for earthenware vessels. Why, then, did we learn in a mishna with regard to the *halakhot* of immersing vessels: **And these materials interpose in vessels**, i.e., if they were stuck to the vessel when it was immersed the vessel is not purified: **The pitch and the myrrh that were stuck on glass vessels obstruct their immersion.** Apparently, glass vessels are purified in a ritual bath.

הכא במאי עסקינן – כגון שניקבו והטיף לתוכן אבר. ורבי מאיר היא דאמר: הכל הולך אחר המעמיד דתנא. כלי זכוכית שניקבו והטיף לתוכן אבר, אמר רבן שמעון בן גמליאל: רבי מאיר מטמא וחכמים מטהרין.

The Gemara answers that glass cannot usually be purified in a ritual bath. However, with what are we dealing here? With a special case where the glass vessels were perforated and he dripped molten lead into them to seal the hole. This *halakha* is in accordance with the opinion of Rabbi Meir, who said: **Everything follows the nature of the facilitator**, i.e., if an object that is not fit for use on its own is reinforced with a different material that facilitates its use, the entire object assumes the legal status of the that material. Therefore, since the substance that sealed the holes in these glass vessels is lead, which can be purified through immersion like other metals, these glass vessels can also be purified in a ritual bath. As it was taught in a *baraita*: **Glass vessels that were perforated and one dripped lead into them; Rabban Shimon ben Gamliel said that Rabbi Meir deems them ritually impure and the Rabbis deem them ritually pure.**

אלא מעתה

The Gemara asks further: **But if that is so**, and glass vessels are equated with earthenware vessels,

BACKGROUND

Vessels made from natron – כְּלֵי נֶטֶר: The natron mentioned here, which is apparently bisodium carbonate, is also found in crystal form. When mixed with mortar, vessels were formed from these crystals. These vessels could not be used to hold liquids; however, in a dry climate, it is conceivable that they could do so for a limited period of time.

The back of the vessels and their outer side – גַּב כְּלִים – וְאַחֲרֵיהֶם:



Illustration based on a vessel found at Megiddo. The hollow under the base is referred to as the outer side.

HALAKHA

Previous impurity in glass vessels – טוּמְאָה יְשָׁנָה בְּכֵלֵי – וְכֹכֵיט: Although the Sages decreed impurity on glass vessels and they have status equal to that of metal vessels, the decree of previous impurity does not apply to them. Consequently, if they became impure and were later liquefied and recast into new vessels, they do not reassume their previous impurity (Rambam *Sefer Tahara, Hilkhot Kelim* 12:10).

לֹא לִטְמוֹ מִגִּבּוֹ, אֲלֵמָּה תִּנּוּ: כְּלֵי חָרָס וְכֵלֵי נֶטֶר טוּמְאָתָן שׁוֹה; מִיִּטְמְאִין וּמִיִּטְמְאִין מֵאֲוִירֵיהֶן, וּמִיִּטְמְאִין מֵאֲחֻרֵיהֶן וְאִין מִיִּטְמְאִין מִגִּבְיֵיהֶן, וְשִׁבְרֵיהֶן מִטְהַרְתָּן. כְּלֵי נֶטֶר וְכֵלֵי חָרָס הוּא דְטוּמְאָתָן שׁוֹה, אֲבָל מִיִּדֵי אַחֲרֵינָא – לֹא! אָמְרֵי: בֵּין דְּכִי נִשְׁבְּרוּ יֵשׁ לְהֵם תִּקְנָה – שׁוֹינְהוּ בְּכֵלֵי מִתְכּוֹת.

אֲלֵא מַעֲתָה – יְחֻזּוּ לְטוּמְאָתָן יְשָׁנָה, בְּכֵלֵי מִתְכּוֹת. דִּתְנִן: כְּלֵי מִתְכּוֹת, פְּשׁוּטֵיהֶן וּמְקַבְּלֵיהֶן – טְמֵאִין, נִשְׁבְּרוּ – טְהָרוּ, חֲזַר וְעָשָׂה מֵהֵן כְּלִים חֻזּוּ לְטוּמְאָתָן יְשָׁנָה. וְאֵילוּ גִבֵי כְּלֵי וְכֹכֵיט תִּנּוּ: כְּלֵי עֵץ וְכֵלֵי עוֹר וְכֵלֵי עֶצֶם וְכֵלֵי זְכוּכֵיט – פְּשׁוּטֵיהֶן טְהוֹרִין וּמְקַבְּלֵיהֶן טְמֵאִין, נִשְׁבְּרוּ – טְהָרוּ, חֲזַר וְעָשָׂה מֵהֵן כְּלִים – מְקַבְּלִין טוּמְאָה מִכָּאן וּלְהֵבָא – אִין, לְמַפְרַע – לֹא!

טוּמְאָת כְּלֵי זְכוּכֵיט דְרַבְנָן, וְטוּמְאָה יְשָׁנָה דְרַבְנָן, בְּטוּמְאָה דְאֲוִירֵיטָא – אַחֲרֵיהֶן בְּהַ רַבְנָן טוּמְאָה, בְּטוּמְאָה דְרַבְנָן – לֹא אַחֲרֵיהֶן לְהַ רַבְנָן טוּמְאָה.

they should not become impure from their outer side. Why, then, did we learn this in a mishna? With regard to earthenware vessels and vessels made from natron [neter],^B the halakhot of their impurity are equal in that they become impure if a primary source of impurity enters their airspace, and, once impure, they render food that enters their airspace impure from their air space. And they become impure from behind, i.e., if a primary source of impurity enters into the bottom of the vessel, where there is an empty space and a receptacle, the vessel becomes impure. However, earthenware vessels do not become impure from their outer side,^{BN} i.e., if a primary source of impurity came into contact with the outer side of the vessel, the inside of the vessel does not become impure. And the breaking of earthenware vessels renders them pure. By inference, specifically natron vessels and earthenware vessels are those whose halakhot of impurity are equal, as is their status. However, with regard to other matters that is not the case.^N Why, then, were glass vessels not listed together with those vessels? The Gemara answers: Since if the glass vessels broke they have the capacity to be repaired, as the glass can be liquefied and recast into a new vessel, the Sages equated them to metal vessels that can also be liquefied and recast.

The Gemara asks: But if so, if glass vessels were truly equated with metal vessels, then broken glass vessels that were liquefied and recast should reassume their previous impurity,^H like metal vessels. As we learned in a mishna: Metal vessels, both their flat vessels,^N which have no airspace, and their receptacles, which have airspace, are all impure if they came into contact with a primary source of ritual impurity. If they broke, they thereby became purified. However, if one remade the broken vessels into new vessels, they reassume their previous impurity. While, with regard to glass vessels, we learned in a mishna: Wooden vessels and leather vessels and bone vessels and glass vessels, their flat vessels are pure when they come into contact with impurity, and only their receptacles are impure. If they broke, they thereby became purified. However, if he remade the broken vessels into new vessels, they can become impure from that point, when they were recast, forward. By inference: From that point forward, yes, they become impure; retroactively, no, they do not reassume their previous impurity. Apparently, there is no halakha of previous impurity as far as glass vessels are concerned.

The Gemara answers: The entire impurity of glass vessels is by rabbinic decree, and previous impurity, which takes effect on recast metal vessels, is by rabbinic decree. With regard to impurity by Torah law, the Sages imposed a decree of previous impurity. With regard to impurity by rabbinic law, the Sages did not impose a decree of previous impurity. The Sages did not impose the decree of previous impurity, which is by rabbinic decree, on glass vessels whose fundamental impurity is itself only by rabbinic decree.

NOTES

They become impure, and they render food impure from their airspace, and they become impure from behind; however, they do not become impure from their outer side – מִיִּטְמְאִין – וּמִיִּטְמְאִין מֵאֲוִירֵיהֶן, וּמִיִּטְמְאִין מֵאֲחֻרֵיהֶן וְאִין מִיִּטְמְאִין מִגִּבְיֵיהֶן: There is a variant reading: They become impure and make foods impure from their airspace, and they make others impure from behind. According to this version and this explanation, the term from behind means from their outer side (Ramban).
However, with regard to other matters that is not the case – אֲבָל מִיִּדֵי אַחֲרֵינָא לֹא: By means of a precise reading of the mishna, it is also possible to explain that glass vessels do not become impure from their airspace. That ruling is in fact the halakha. In that case, there is another distinction between glass vessels and

earthenware vessels. However, the Gemara did not seek to detail all the differences. It sufficed with showing this difference, both in terms of impurity from their outer side and in terms of impurity from behind (Tziyyun LeNefesh Hayya).
כְּלֵי מִתְכּוֹת, פְּשׁוּטֵיהֶן – מִתְכּוֹת: Some explain that the impurity of flat metal vessels is derived from the language of the verse: “Anything that comes in the fire” (Numbers 31:23), with no distinction between vessels (Ramban). Others explain that the principle that only a receptacle can become ritually impure is derived from the juxtaposition of wood and leather to a sack, which is a receptacle. With regard to metal vessels, there is no such juxtaposition (Rabbeinu Shimshon; Rosh).

פְּשׁוּטֵיהֶן מִיָּהָא לִיטְמָא, דְּהָא פְּשׁוּטֵי כְּלֵי מִתְּכֹת דְּאֹרִייתָא מִנְהוּ! עֲבָדֵי בַּהוּ רִבְנָן הֵפִירָא, כִּי הֵיכִי דְּלֹא לְשֹׂרֵף עֲלֵיהוּ תְּרוּמָה וְקִדְּשִׁים.

The Gemara asks further: **Their flat vessels should in any case become impure.**^h Since the impurity of flat metal vessels is by Torah law, isn't it appropriate, therefore, to decree this impurity on flat glass vessels by rabbinic decree? The Gemara answers: **The Sages made a distinction with regard to glass vessels,ⁿ in order to prevent burning *teruma* and consecrated items for coming into contact with them.** Through this distinction between glass vessels and metal vessels, everyone will understand that the impurity of glass vessels is not by Torah law. They will not come to burn *teruma* and consecrated items that came into contact with impure glass vessels; rather, their legal status will remain in abeyance.

HALAKHA

Their flat vessels should in any case become impure – פְּשׁוּטֵיהֶן מִיָּהָא לִיטְמָא: Glass vessels become impure only when they are receptacles; flat glass objects do not become impure (Rambam *Sefer Tahara, Hilkhot Kelim* 1:5).

NOTES

The Sages made a distinction with regard to glass vessels – עֲבָדֵי בַּהוּ רִבְנָן הֵפִירָא: We find that these distinctions are especially common with regard to *halakhot* of ritual impurity. With regard to other decrees, the Sages strictly observed the principle: The Sages modeled their ordinances after comparable Torah laws. Here, because imposing stringencies with regard to glass vessels could create a situation where one might come to burn consecrated items, the obvious distinction was necessary. This is the rationale in other places where the Sages introduced distinctions as well.

HALAKHA

הוֹאִיל וְנִרְאָה תּוֹכוֹ – הוֹאִיל וְנִרְאָה תּוֹכוֹ: The decree of impurity on glass vessels is based on the manufacture of glass from sand, which led their legal status to be equated to that of earthenware vessels. Nevertheless, unlike earthenware vessels, they become impure from both inside and outside, like metal vessels (Rambam *Sefer Tahara, Hilkhot Kelim* 1:5).

Perek I
Daf 16 Amud b

רַב אֲשִׁי אָמַר: לְעוֹלָם לְכֵלֵי חָרָס דְּמוּ וְדִקָּא קָשִׁיא לָךְ לָא לִיטְמוּ מִגְבָּן – הוֹאִיל וְנִרְאָה תּוֹכוֹ כְּבָרוּ.

Rav Ashi said: There was never a need to equate glass vessels and metal vessels. **Actually, glass vessels are likened to earthenware vessels in every sense. And that which was difficult for you, that if so, glass vessels, like other earthenware vessels, should not become impure from contact of their outer side with a source of ritual impurity; since in glass vessels its inner side looks like its outer side,^h the legal status of the outer side was equated with that of the inner side, as there is no visible separation between them.**

”שָׁמְעוּן בֵּן שָׁטַח תִּיקֵן כְּתוּבָה לְאִשָּׁה וְגוֹר טוּמְאָה עַל כְּלֵי מִתְּכֹת.” כְּלֵי מִתְּכֹת – דְּאֹרִייתָא מִנְהוּ! דְּכִתְבִּי: ”אֵךְ אֵת הַזֶּהָב וְאֵת הַכֶּסֶף” וְגוֹ! לֹא נִצְרְכָה אֶלָּא לְטוּמְאָה יִשְׁנָה. דְּאָמַר רַב יְהוּדָה אָמַר רַב: מִעֲשָׂה בְּשֵׁל צִיּוֹן הַמְּלִכָּה שְׁעֵשְׂתָה מִשְׁתָּה לְבָנָה, וְנִטְמָאוּ כָּל כְּלֵיהּ, וְשִׁבְרְתָן וְנִתְנָתָן לְצוֹרֵף וְרִיתְכֵן וְעֲשָׂה מִהֵן כְּלִים חֲדָשִׁים, וְאָמְרוּ חֲכָמִים: יַחֲזוּרוּ לְטוּמְאָתָן יִשְׁנָה.

We learned that **Shimon ben Shataḥ instituted the formula of the marriage contract for a woman and decreed impurity upon metal vessels.** The Gemara asks: **Aren't metal vessels impure by Torah law, as it is written: “But the gold, and silver, and the bronze, and the iron, and the tin, and the lead. Anything that came in fire, make it pass through fire and it will be pure, but with the water of sprinkling it will be purified and anything that did not come in fire make it pass through water”** (Numbers 31:22–23)? The Gemara answers: This ordinance of Shimon ben Shataḥ with regard to the impurity of metal vessels in general **was only needed with regard to previous impurity reassumed by metal vessels after they are recast. As Rav Yehuda said that Rav said: There was an incident involving Shimon ben Shataḥ's sister, Shel Tziyyon the queen,^p who made a wedding feast for her son. All of her vessels became impure, and she broke them and gave them to the smith, and he welded the broken vessels together and made new vessels. And the Sages said: What she did was ineffective, as all the vessels will reassume their previous impurity.**

PERSONALITIES

Shel Tziyyon the queen – שְׁל צִיּוֹן הַמְּלִכָּה: She was a queen of the Hasmonean dynasty, the wife of King Alexander Yannai, and the sister of Shimon ben Shataḥ. Shel Tziyyon, or Shlomtziyyon, and in some sources Shalminon or Shlomit, was originally the wife of the Hasmonean king Aristobolus. After his death, his brother Yannai performed an act of levirate marriage with her. Although the Hasmonean kings, and specifically Alexander Yannai, had Sadducee tendencies,

Queen Shlomtziyyon followed the Pharisees, and even during her husband's reign she labored to achieve unity. After the death of Alexander Yannai, she continued to rule over Israel for nine years. Those years, in which she served as the political leader, and her brother Shimon ben Shataḥ guided daily life and religious life, were considered the happiest years for the people of Israel during the Second Temple period.

BACKGROUND

Water of a purification offering – מי הקטאת – This is water mixed with the ashes of the Red Heifer, which was used to purify people and objects that had contracted ritual impurity imparted by a corpse. Specifically, potable, running spring water was placed in a container, and a small amount of ashes from the Red Heifer was added. The resulting mixture, called water of a purification offering, or water of separation, was sprinkled on the people or objects to be purified. The process of mixing the ashes with water is called sanctification of the waters of a purification offering. This may be performed by anyone except a deaf-mute, an imbecile, or a minor. Even though these waters purify those who are ritually impure, a ritually pure person who touches or carries them becomes ritually impure for one day. The ceremony of purification involves taking a bundle of three hyssop branches and using it to sprinkle the purification waters on the ritually impure person on the third and the seventh day after he became ritually impure.

מאי טעמא? משום גדר מי הקטאת נגעו בה.

With regard to the essence of the matter, the Gemara asks: **What is the reason** that they imposed a decree of previous impurity on metal vessels? The Gemara answers: **Due to a fence** constructed to maintain the integrity of the **water of a purification offering**,⁸ the Sages **touched upon it**. In order to purify a vessel that came into contact with a corpse, one is required to have the water of a purification offering sprinkled on the vessel on the third day and the seventh day after it became impure, as it is written: “He should be purified with it on the third day and on the seventh day he will become pure, and if he is not purified with it on the third day and on the seventh day he will not become pure” (Numbers 19:20). This involves a significant inconvenience. If people will prefer to break or damage impure metal vessels in order to purify them more easily, the use of water of a purification offering will become obsolete. As a result, the Sages decreed that metal vessels will remain impure until they undergo the purification process.

הניחא למאן דאמר לא לכל הטומאות אמרו אלא לטומאת המת בלבד אמרו – שפיר.

The Gemara asks: **Granted**, according to the one who said that they did not say the decree of previous impurity on metal vessels with regard to all forms of impurity; rather, they only said the decree with regard to the impurity caused by contact with a corpse, it works out well. In the case of impurity caused by contact with a corpse, the Sages issued this decree because its purification process is demanding. It requires immersion and sprinkling of the water of a purification offering on the third and the seventh days. However, with regard to other forms of impurity, whose purification is accomplished by means of immersion alone, a person will not break a vessel in order to avoid immersion. Consequently, there is no need to institute a decree in those cases.

אלא למאן דאמר “לכל הטומאות אמרו” מאי איכא למימר? אמר אביי: גזירה שמה לא יקבנו בכדי טהרתו.

However, according to the one who said that they said the decree of previous impurity in metal vessels with regard to all forms of impurity, which includes those forms of impurity that do not require sprinkling of the water of a purification offering for their purification, **what is there to say** as a rationale for the decree? **Abaye said:** Shimon ben Shatah instituted a **decree** due to the concern that perhaps he would not perforate that vessel with a hole large enough to render it ritually pure. To purify a vessel by breaking it, one must make a hole large enough to ensure that the vessel will no longer be able to hold the contents that it was designed to hold. Abaye explained that Shimon ben Shatah’s concern was that one who values the vessel will not break it sufficiently to render it ritually pure.

רבא אמר: גזירה שמה יאמרו טבילה בת יומא עולה לה. מאי בינייהו? איכא בינייהו דרצפינהו מרצף.

Rava said: It is a decree lest they say that immersion on the same day is sufficient^h for this vessel to be purified. People will be unaware of the manner in which the metal vessel became pure, and they will assume that its purity was achieved by means of immersion and not by means of breaking. That will lead them to the conclusion that any vessel becomes pure immediately upon immersion, and there is no need to wait for sunset, contrary to Torah law. Therefore, the Sages decreed that repaired vessels retain previous impurity. The Gemara asks: **What is the practical difference between the reasons of Abaye and Rava?** The Gemara answers: **The difference between them is found in a case where he broke the vessel completely.** If there was concern that perhaps he will not perforate it sufficiently, there is no longer room for concern. However, if there was concern lest people say that immersion is effective on that day, there remains room for concern.

HALAKHA

Decree lest they say that immersion on the same day is sufficient – יומא עולה לה – Any metal vessel that is impure, even if it was liquefied and recast, retains its previous impurity by rabbinic decree. The reason for his is as fol-

lows: If others see one using such a vessel on the same day that it became impure, they will conclude that immersion is effective immediately, even before sunset (Rambam *Sefer Tahara, Hilkhhot Kelim* 12:2).

One who places vessels under the pipe, etc. – **המניח כלים**: Since the Sages prohibited adding drawn water to a ritual bath, and they set the measure of water that disqualifies the ritual bath at three *log*, it was necessary to define what is considered a vessel as far as the *halakhot* of drawn water are concerned. Clearly, when one takes a bona fide receptacle filled with water and pours its contents into a ritual bath, the water has the legal status of drawn water and disqualifies the ritual bath. However, there is uncertainty in cases where the water spills from the vessel on its own, e.g., by overflowing, or if the vessel overturns. In addition, in order to determine that this water is indeed drawn water, the manner in which it was drawn into the vessel is significant. It is here that one's intention or lack thereof to fill the vessels with water comes into play. In that sense, it is parallel, to a degree, to the *halakhot* of water that renders produce susceptible to ritual impurity.

The daughters of Samaritans [*kutim*] are considered to have the status of menstruating women from their cradle – **בנות בותים נדות מעריסתן**: Others explain that this decree was enacted not due to concern for actual impurity of a menstruating woman, which would affect daughters of the Samaritans in their infancy only in a rare situation. Rather, the Sages issued this decree only to separate the Jewish people from the Samaritans (*Tosafot*).

HALAKHA

One who places vessels under the pipe – **המניח כלים**: If vessels of any kind are placed under a pipe draining rainwater, the water in the vessels is deemed drawn water and disqualified for use in a ritual bath (Rambam *Sefer Tahara, Hilkhot Mikvaot* 4:4).

If he placed them at the time of the massing of the clouds – **כִּשְׁהִינְחָם בְּשַׁעַת קִישׁוֹר עָבִים**: If one forgot vessels under the pipe when the clouds were massing, and, before they dispersed, rain fell and the vessels were filled, the water in them has the legal status of drawn water because the vessels were filled in accordance with his will. This ruling is according to the opinion of Beit Shammai, as that was the decree issued. It is also in accordance with the opinion of Rabbi Meir, as the discussion in the Gemara apparently follows his approach (Rambam *Sefer Tahara, Hilkhot Mikvaot* 4:4; *Shulhan Arukh, Yoreh De'a* 201:41).

At the time of dispersal of the clouds – **בְּשַׁעַת פִּיּוּר**: If one forgot the vessels while the clouds were dispersing, and then the clouds massed anew and rain fell and filled them, everyone agrees that the water does not have the status of drawn water, since they were not filled in accordance with his will. If one placed them at the time of the massing of clouds and then the clouds dispersed, massed again, rain fell, and the vessels were filled, the water is likewise not considered drawn water. Even in that case it is not considered that the vessels were filled in accordance with his will. According to this opinion, Beit Shammai and Beit Hillel did not dispute this matter; rather, Rabbi Yosei said this opinion and the *halakha* is in accordance with his opinion (Rambam *Sefer Tahara, Hilkhot Mikvaot* 4:4; *Kesef Mishneh, Shulhan Arukh, Yoreh De'a* 201:41).

ואיך מאי היא? דתנן: המניח כלים תחת הצינור לקבל בהן מי גשמים אחד כלים גדולים ואחד כלים קטנים, ואפילו כלי אבנים וכלי אדמה וכלי גללים – פוסלין את המקוה. אחד המניח ואחד השוכח, דברי בית שמאי. ובית הלל מטהרין בשוכח. אמר רבי מאיר: נמנו ורבו בית שמאי על בית הלל. ומודים בית שמאי בשוכח בחצר, שהוא טהור. אמר רבי יוסי: עדיין מחלוקת במקוה עומדת.

To this point, several, but not all, of the eighteen decrees were enumerated. The Gemara asks: **And what is the other decree?** The Gemara answers: **As we learned in a mishna in tractate Mikvaot: One who places vessels under the drain pipe^{nh} in order to collect rainwater,** the water collected in the vessels is considered drawn water. This is true **both** in the case of **large vessels** which, due to their size, do not become impure, **and** in the case of **small vessels**. **And even** if they were **stone vessels and earth vessels and dung vessels**, made from dry cattle dung, which are not considered vessels in terms of ritual impurity and do not become impure at all, this ruling applies. The water in the vessels is considered drawn water in all respects. If it leaked from those vessels and flowed into a ritual bath that had not yet reached its full measure, forty *se'a*, and filled it, **the water invalidates the ritual bath**. The Gemara adds that this *halakha* applies **both** in a case where **one places** the vessels beneath the drainpipe with premeditated intent to collect the water flowing through it **as well as** in a case where **one forgets** the vessels there and they are filled unintentionally; this is **the statement of Beit Shammai**. **And Beit Hillel deem** the ritual bath **pure**, i.e., fit to complete the full measure of the ritual bath, **in a case where one forgets** the vessels. **Rabbi Meir said: They were counted** in the attic of Hananya ben Hizkiya **and Beit Shammai outnumbered Beit Hillel**. **And Rabbi Meir said that Beit Shammai agree** with Beit Hillel that **in a case where one forgets** vessels in the courtyard and they fill with rainwater, the water is **pure**. **Rabbi Yosei said: The dispute still remains in place**, and Beit Shammai did not agree with Beit Hillel at all.

Rav Mesharshiya said: The Sages of the school of Rav say: **Everyone agrees that if he placed** the vessels in the courtyard **at the time of the massing of the clouds,**^h a sign that it is about to rain, just before it began to rain, then the water in the vessels **is impure**, unfit, as he certainly intended that the water fill the vessels. If one placed the vessels **at the time of the dispersal of the clouds,**^h and then the clouds massed together, and then rain fell and the vessels filled with the rainwater, **everyone agrees that the water is pure**. It is fit to fill the ritual bath to its capacity because at the time that he placed the vessels under the drainpipe his intention was not that they fill with rainwater. **They only disagreed** in a case where he **placed them at the time of the massing of the clouds,** and the clouds **dispersed**, and rain did not fall then, **and only later** the clouds **massed again**, and rain fell and filled the vessels. In that case, this Sage, Beit Hillel, **holds** that because the clouds dispersed after he placed the vessels, **his thought to fill the vessels with water was negated**. The vessels remained in the courtyard due to his forgetfulness, and when they filled afterward it was not his intention that they fill. **And this Sage, Beit Shammai, holds** that **his thought was not negated**, as his original intention was ultimately fulfilled despite the delay in its fulfillment.

The Gemara wonders: Indeed, according to Rabbi Meir, another decree was added to the total. However, according to **Rabbi Yosei, who said** that in this case **the dispute still remains in place**, the tally of eighteen decrees **is lacking**. **Rav Nahman bar Yitzhak said:** The decree that the **daughters of the Samaritans** [*kutim*] **are considered** to already have the status of **menstruating women from their cradle,**ⁿ their birth, **they issued on that day**. The *halakha* is that any female who sees blood of menstruation is impure, regardless of her age, even if she is a day old. The Samaritans did not accept that *halakha*. Consequently, it is possible that there were girls among them who saw blood of menstruation before their coming-of-age, and the Samaritans ignored their impurity. Therefore, due to this uncertainty, the Sages decreed impurity on all daughters of the Samaritans from birth.

The Gemara asks: **And what is the other decree?** The Gemara answers that another decree is **as we learned** a halakhic tradition in a mishna that **all movable objects with the width of an ox goad,** a long stick for prodding and directing a plowing animal, **transmit impurity**. If one side of the object was over a corpse and the other side of the object was over vessels, the vessels become impure due to the impurity of a tent over a corpse. **Rabbi Tarfon said:**

אמר רב משרשיא, דבי רב אמרי: הכל מודים כשהניחם בשעת קישור עבים – טמאים. בשעת פיזור עבים – דברי הכל טהורין, לא נחלקו אלא שהניחם בשעת קישור עבים, ונתפזרו, וחזרו ונתקשרו. מר סבר: בטלה מחשבתו, ומר סבר: לא בטלה מחשבתו.

ולבי יוסי דאמר: מחלוקת עדיין במקוה עומדת, בצרי להו! אמר רב נחמן בר יצחק: אף בנות בותים נדות מעריסתן – בו ביום גזרו.

ואיך מאי היא? דתנן: כל המטלטלין מביאין את הטומאה בעובי המרדע. אמר רבי טרפון:

NOTES

I will bury my sons – אֶקַּח אֶת בְּנֵי אֲקַפָּה: Some explain that it was so clear to Rabbi Tarfon that the *halakha* was wrong that he swore on the life of his children (see *Tosafot*; Rav Tzvi Hirsch Hayot).

The tent of the dead – אֹהֶל הַמֵּת: The laws of the impurity imparted by a corpse, including the laws of a tent covering a corpse, are cited in great detail in tractate *Ohalot*. The essential *halakhot* of the tent over a corpse are detailed in the Torah (Numbers 19). The Sages derived that the place in which a corpse is located becomes completely impure and renders everything in that place impure. The Torah refers to a complete tent in which the corpse is located. However, the Sages concluded that even the smallest area that can be deemed a tent, an object with the width of a cubic handbreadth, also falls under the same rubric of law: The covering itself and what is under it become impure with impurity imparted by the corpse. The decree with regard to the ox goad was issued to expand this *halakha* somewhat, so that in certain cases even a covering less than a handbreadth wide has the legal status of a tent and renders an object impure. Some commentaries said that this decree was not originally based on the *halakhot* of a tent over a corpse but was issued for a different reason. Only later was it associated with the *halakhot* of tents (*Tosafot*).

BACKGROUND

Farmer and his ox goad – אֲכִיר וּמְרִדְעוּ:



Farmer uses his ox goad as he walks with his cattle

HALAKHA

And his ox goad was on his shoulder, and it covered, etc. – וּמְרִדְעוּ עַל כַּתְּפוֹ, וְאֵיֵהָל וְכוּ': The Sages decreed that one carrying a round pole, one end of which is over a corpse, becomes impure with impurity like that caused by a tent over a corpse. This applies only if the pole's circumference is a handbreadth, as per the opinion of Rabbi Yannai. However, it only transmits impurity to another person or vessel beneath it if its width is a handbreadth, in accordance with the opinion of Rabbi Akiva (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 12:5).

One who harvests grapes to take them to the press – הַבּוֹצֵר לְגֵת: If one gathers grapes in order to squeeze the liquid out of them in a wine press and juice seeps out of them, the juice renders the grapes susceptible to ritual impurity. The reason for the stringency is that people squeeze these grapes for various needs and have an interest that the emerging liquids will not spill. Since he wants these liquids, they render the grapes susceptible to impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhlin* 11:7).

אֶקַּפָּה אֶת בְּנֵי שׂוֹז הַלֵּכָה מְקוּפַחַת, שְׂשֻׁמְעַי הַשּׁוֹמֵעַ וְטַעְמִי הָאֵיכָר עוֹבֵר וּמְרִדְעוּ עַל כַּתְּפוֹ, וְאֵיֵהָל צִדּוֹ אַחַת עַל הַקֶּבֶר – טִימְאוּ אוֹתוֹ מִשּׁוּם בָּלִים הַמְאֵהִילִים עַל הַמֵּת.

אָמַר רַבִּי עֲקִיבָא: אֲנִי אֶתְקַן שִׁיְהוּ דְּבָרֵי חֲכָמִים קַיָּמִים; שִׁיְהוּ כָּל הַמְּשַׁלְּטִים מִבְּיַאֵין אֶת הַטּוֹמְאָה עַל הָאָדָם שְׁנוֹשֵׂא אוֹתוֹ בְּעוֹבֵי הַמְּרִדְעָה, וְעַל עֲצָמָן – בְּכָל שֶׁהָיָה, וְעַל שְׂאֵר אֲדָם וְכֵלִים – בְּפֹתֵחַ טַפַּח.

וְאָמַר רַבִּי יַנָּאי: וּמְרִדְעָה שְׂאֵמְרוֹ אֵין בְּעַבְיָו טַפַּח וְיֹשֵׁב בְּהִיקָפוֹ טַפַּח, וְגוֹרֵז עַל הִיקָפוֹ מִשּׁוּם עֲבִיּוֹ.

וְלִרְבִּי טַרְפוֹן, דְּאָמַר "אֶקַּפָּה אֶת בְּנֵי שֶׁהַלֵּכָה זֶה מְקוּפַחַת" בְּצִרוּ לְהוּ! אָמַר רַבִּי נַחֲמָן בַּר יִצְחָק: אִף בְּנֹת כּוֹתִימִים נְדוֹת מְעַרְסָתָן בּוֹ בַּיּוֹם גְּזוּרֵי, וּבְאִידֻךְ – סְבִירָא לֵיהּ כְּרַבִּי מֵאִיר.

וְאִידֻךְ: הַבּוֹצֵר לְגֵת, שְׂמֵאֵי אוֹמַר: הוֹכֵשֶׁר, הִלֵּל אוֹמַר: לֹא הוֹכֵשֶׁר. אָמַר לוֹ הִלֵּל לְשִׂמְאֵי: מִפְּנֵי מָה בּוֹצְרִין בְּטַהֲרָה, וְאֵין מוֹפְקִין בְּטַהֲרָה?

I will bury my sons^N if this is not a truncated *halakha*, i.e., that the one who heard it, heard a halakhic ruling concerning a different situation and erred. He thought this *halakha* was established with regard to the following: Movable objects with the thickness of an ox goad transmit impurity to another vessel when the movable object is over both the source of impurity and the vessel at the same time. However, the original *halakha* is as follows: If the farmer was passing and his ox goad^B was on his shoulder and one side of the ox goad covered^H the grave, the Sages deemed the ox goad itself impure due to the impurity of vessels that cover a corpse.^N Any object located over a grave becomes impure. However, just because the ox goad itself became impure, this does not necessarily mean that it transmits impurity to other objects.

Rabbi Akiva said: I will correct and explain the *halakha* so that the statements of the Sages will be upheld as they were originally said, and this *halakha* will be explained as follows: All movable objects transmit impurity to the person carrying them if the objects are at least as thick as an ox goad. As will be explained below, there is room to decree that a round object with the circumference of an ox goad should have the legal status of a tent over a corpse. Something that serves as a covering over a corpse not only becomes impure itself, but also transmits impurity, as it is written: "Anything that is in the tent will become impure for seven days" (Numbers 19:14). Therefore, even the person carrying the ox goad becomes impure due to the ox goad. And, however, movable objects that covered the corpse bring impurity upon themselves by means of this makeshift tent at any size, and there is no minimum measure. And, however, those objects that cover the corpse do not transmit impurity to other people who are not carrying them. And the same is true with regard to vessels, unless the width of these vessels is at least one handbreadth.

And Rabbi Yannai said: And the ox goad that they mentioned is specifically one in which its width is not a handbreadth and, however, its circumference is a handbreadth, and they, the Sages, issued a decree on its circumference due to its width. If its width was a handbreadth it would transmit impurity as a tent by Torah law. Therefore, they issued a rabbinic decree with regard to an object whose circumference is a handbreadth. This is another of the eighteen decrees.

The Gemara asks: And according to Rabbi Tarfon, who said: I will bury my son if this is not a truncated *halakha*, the tally of the decrees is lacking, and there are not eighteen. Rav Nahman bar Yitzhak said: The decree that the daughters of the Samaritans are considered to already have the status of menstruating women from their cradle, they issued on that day. And in the other matter of drawn water, he holds in accordance with the opinion of Rabbi Meir, and thereby the tally of the decrees is complete.

And another of those decrees is the matter of one who harvests grapes in order to take them to the press.^H Shammai says: It has become susceptible, and Hillel says: It has not become susceptible. Hillel said to Shammai: If so, for what purpose do they harvest grapes in purity, i.e., utilizing pure vessels, as in your opinion, since the grapes are susceptible to impurity by means of the juice that seeps from them, care must be taken to avoid impurity while gathering; and, however, they do not harvest olives in purity? According to your opinion that liquid that seeps out renders the fruit susceptible to impurity, why is there not a similar concern with regard to the liquid that seeps out of olives?

If you provoke me – אַם תִּקְנִיטֵנִי: This expression, said by Shammai to Hillel, must be understood. Although Shammai finds room to distinguish between gathering grapes and gathering olives, if Hillel proves that there is no distinction between the two, Shammai will issue a decree conferring impurity on gathering olives as well, and the decrees will be uniform (*ge'onim*).

They stuck a sword in the study hall – נִעְצוּ הָרֶבֶב: It is not clear exactly what took place in the study hall then. According to the tradition cited in a similar matter in the Jerusalem Talmud, there was a harsh dispute in the study hall to the point of bloodshed. Some explain that Hillel sat bowed before Shammai trying to convince Shammai through a discussion of the issues like a student deliberating before his teacher. However, at that point the students of Beit Shammai outnumbered the students of Beit Hillel and the *halakha* was established in accordance with Shammai's opinion (*ge'onim*).

Due to the grapes that were stuck together – מִשּׁוֹם הַנוֹשְׁכוֹת: Some explain that when grapes are attached, the liquid that seeps out does not drip to the ground but remains in the cluster (*ge'onim*). Others explain that people tend to bite the cluster, and therefore the juice that drips out renders the grapes susceptible to impurity (Rabbeinu Hananel).

BACKGROUND

Like one of the students – כְּאֶחָד מִן הַתְּלָמִידִים: In the times of the Mishna and the Talmud the students would sit in rows on the floor of the study hall, according to their level of learning. The Sage teaching the *halakha* would sit elevated on a chair or on several cushions, facing them.

Hillel, who was the *Nasi* of the Sanhedrin, should have been facing the people, with Shammai and the rest of the members of the Sanhedrin alongside him. Motivated by humility and by a desire to avoid dispute, Hillel descended from his place and sat before Shammai in one of the students' places. The submission of the *Nasi* of the Sanhedrin and his humiliation was a shocking event in the eyes of the people. The situation that developed involved a certain amount of violence on the part of the students of Beit Shammai, and the leader of Israel was forced to demean himself due to external pressure. This was considered a tragic event, tantamount to the sin of the Golden Calf.

LANGUAGE

Bird hunter [*rishba*] – רִישְׁבָּא: According to Rashi, *rishba* is identical to the Aramaic *nishba*, which means a net. *Rishba* or *nishba* refers to the man who spreads the nets, i.e., a bird or animal hunter. However, some explain that *rishba* is an acronym for *reish beit abba*, the head of a paternal household. It is an honorific for a person who is the most prominent member of his family (*ge'onim*; see the *Arukh*).

אָמַר לוֹ: אִם תִּקְנִיטֵנִי – גּוֹרְמֵי טוֹמְאָה אֵף עַל הַמְּסִיקָה. נִעְצוּ הָרֶבֶב בְּבֵית הַמְּדֻרָשׁ, אָמְרוּ: הַנִּכְנָסִים יִכְנָסוּ וְהַיּוֹצֵא אֵל יֵצֵא. וְאוֹתוֹ הַיּוֹם הָיָה הַלֵּל כְּפוֹר וְיוֹשֵׁב לִפְנֵי שְׂמַאי כְּאֶחָד מִן הַתְּלָמִידִים, וְהָיָה קוֹשֶׁה לְיִשְׂרָאֵל כִּיּוֹם שֶׁנִּעְשָׂה בּוֹ הָעֵגֶל. וְגוֹזֵר שְׂמַאי וְהַלֵּל – וְלֹא קִבְּלוּ מִיְּמֵיהֶוּ, וְאֵתוֹ תְּלָמִידֵיהֶוּ גּוֹזֵר וְקִבְּלוּ מִיְּמֵיהֶוּ.

מֵאֵי טַעְמָא? – אָמַר (רַבִּי זְעִירִי) אָמַר רַבִּי חֲנִינָא: גּוֹזְרָה שְׂמַאי יִבְצְרֵנוּ בְּקוֹפּוֹת טְמֵאוֹת.

הַנִּיחָא לְמֵאן דְּאָמַר: "כְּלֵי טְמֵא חוֹשֵׁב מְשַׁקֵּין" – שְׁפִיר, אֲלֵא לְמֵאן דְּאָמַר: "אֵין כְּלֵי טְמֵא חוֹשֵׁב מְשַׁקֵּין" – מֵאֵי אֵיכָא לְמִימַר? אֲלֵא אָמַר זְעִירִי אָמַר רַבִּי חֲנִינָא: גּוֹזְרָה שְׂמַאי יִבְצְרֵנוּ בְּקוֹפּוֹת מְזוּפּוֹפּוֹת.

רַבָּא אָמַר: גּוֹזְרָה מִשּׁוֹם הַנוֹשְׁכוֹת. (דְּאָמַר) רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהַ: פְּעָמִים שְׂאֵדָם הוֹלֵךְ לְכַרְמוֹ לִידַע אִם הִגִּיעוּ עֲנָבִים לְבִצְרָהּ אוֹ לֹא, וְנוֹטֵל אֶשְׁכוֹל עֲנָבִים לְסוֹחְטוֹ, וּמְזַלֵּף עַל גְּבִי עֲנָבִים. וּבְשַׁעַת בְּצִירָהּ עֲדִיין מְשַׁקָּה טוֹפֵת עֲלֵיהֶם.

וְאֵיךְ? אָמַר

Shammai said to him: If you provoke me^N and insist that there is no difference between gathering olives and grapes, then, in order not to contradict this, I will decree impurity on the gathering of olives as well. They related that since the dispute was so intense, they stuck a sword in the study hall,^N and they said: One who seeks to enter the study hall, let him enter, and one who seeks to leave may not leave, so that all of the Sages will be assembled to determine the *halakha*. That day Hillel was bowed and was sitting before Shammai like one of the students.^B The Gemara said: And that day was as difficult for Israel as the day the Golden Calf was made, as Hillel, who was the *Nasi*, was forced to sit in submission before Shammai, and the opinion of Beit Shammai prevailed in the vote conducted that day. And Shammai and Hillel issued the decree, and the people did not accept it from them. And their students came and issued the decree, and the people accepted it from them.

As to the essence of the matter, the Gemara asks: What is the reason they decreed that liquids that seeped from the grapes unintentionally render the grapes susceptible to impurity? Rabbi Ze'iri said that Rabbi Hanina said: The Sages issued a decree due to concern lest he gather the grapes in impure baskets. The impurity of the vessel would accord the liquid in it the status of a liquid that renders food items susceptible to impurity.

The Gemara asks: This works out well, according to the one who said that an impure vessel accords liquids in it the halakhic status as if they were placed there willfully, and they render foods susceptible to impurity even if he did not want the liquids in the vessel. However, according to the one who said that an impure vessel does not accord liquids that status, what can be said in explanation of the decree? Rather, Rabbi Ze'iri said that Rabbi Hanina said the following: The reason is not as we suggested; rather, this is a decree instituted by the Sages lest he gather them in pitched baskets, which are sealed. Since liquids that seep out of the grapes do not spill out of the baskets, it is opportune for him to have the liquids seep out of the grapes as he thereby accelerates the production of wine in the press. Because the seeping of the liquid is opportune, it renders the grapes susceptible to impurity.

Rava said: The reason for the decree is due to the case of liquid that squirted out when one separated clusters of grapes that were stuck together.^N Since he did so by his own hand, consciously and willfully, the liquid that seeps out renders the grapes susceptible to impurity. Just as Rav Nahman said that Rabba bar Avuh said: Sometimes a person goes to his vineyard in order to ascertain whether or not the grapes have reached the time for gathering, and he takes a cluster of grapes to squeeze it, and he sprays the juice onto the grapes. Based on the quality of the juice, he determines whether or not the grapes are sufficiently ripe. If so, this grape juice was squeezed by his own hand willfully and it renders the grapes susceptible to impurity, as even at the time of gathering it is conceivable that the liquid is still moist upon the grapes.

Since all eighteen decrees decreed that day have not yet been enumerated, the Gemara asks: And what is the other? Said

Perek I

Daf 17 Amud b

טְבִי רִישְׁבָּא אָמַר שְׂמוּאֵל: אֵף גִּידוּלֵי תְרוּמָה תְרוּמָה בּוֹ בַיּוֹם גּוֹזֵר. מֵאֵי טַעְמָא? אָמַר רַבִּי חֲנִינָא: גּוֹזְרָה מִשּׁוֹם תְרוּמָה טְהוֹרָה בְּיַד יִשְׂרָאֵל.

Tavi the bird hunter [*rishba*]¹ that Shmuel said: The decree that growths of *teruma*, i.e., produce that grows from *teruma* that was planted in the ground, are considered *teruma*, the Sages also issued on that day. The Gemara asks: What is the reason for this decree? Rabbi Hanina said: A decree due to pure *teruma* in the hand of a non-priest Israelite. One who seeks to avoid giving *teruma* to a priest would plant it in the ground and thereby negate its *teruma* status. To prevent him from doing so, the Sages decreed that that which grows from the *teruma* is also considered *teruma*. Consequently, one would gain nothing by replanting the *teruma*.

Since it is possible to perform the mitzva of *teruma* by separating merely one grain of wheat – כִּיּוֹן דְּאֶפְשָׁר לְמַעַבְדַּר – חֻטָּה אַחַת: The Torah does not explicitly state how much must be separated for *teruma*, which is given by the Jew to the priest. However, there is a fixed measure for the *teruma* of the tithe, which the Levite gives to the priest from the first tithe that he receives: One tenth of the tithe. As mentioned above, the *teruma* of the Israelite neither has a fixed measure by Torah law nor by rabbinic law. It remained dependent on the generosity of the giver and ranged from one-fortieth of the crop, which was considered generous, to as little as one-sixtieth of the crop, which was considered miserly. Shmuel, on the other hand, held that even separating one grain from the entire pile of grain was sufficient to rid that produce of the prohibition of untithed produce [*tevel*].

אָמַר רַבָּא: אִי דְחֻשְׁדֵי לְהָכִי – אֶפְרוּשֵׁי נָמִי לֹא לִיפְרִישׁוּ! (אֶלְא אָמַר רַבָּא: יִשְׂרָאֵל) כִּיּוֹן דְּאֶפְשָׁר לְמַעַבְדַּר חֻטָּה אַחַת בְּדִשְׁמוּאֵל, וְלֹא קַעְבִּיד – הֵימוּנֵי מְהִימְנֵי. אֶלְא: גִּיּוּרָה מִשּׁוּם תְּרוּמָה טְמֵאָה בְּיַד בְּהֵן, דִּילְמָא מִשְׁהֵי לָהּ גְּבִיּה וְאִתֵּי לִידֵי תַקְלָה.

Rava said: If they are suspected of that, let them refrain from separating *teruma* altogether. Rather, Rava said: We know that with regard to an Israelite, as opposed to a Levite, fundamentally it is possible to perform the mitzva of *teruma* by separating merely one grain of wheat,ⁿ in accordance with the opinion of Shmuel, who said that by Torah law there is no fixed measure for *teruma*. By separating one grain of wheat as *teruma* for all the wheat on the threshing floor, one fulfills his obligation. Since he nevertheless did not take advantage of that possibility to exempt himself from the obligation of separating *teruma*, he is trustworthy, and there is no reason to suspect that he will seek to avoid giving *teruma* to the priest by planting it. Rather, the reason for the decree is due to impure *teruma* in the hand of a priest.^h A priest is forbidden to eat impure *teruma* and he is required to burn it. However, the priest is permitted to derive benefit from its burning. The Sages were concerned lest he keep the impure *teruma* with him until the season of sowing and sow his field with it, and, as a result, he encounter a stumbling-block because over time he is liable to forget that the *teruma* is impure and eat it.

וְאִידֶךָ? אָמַר רַבִּי חֵיָא בַר אֲמִי מִשְׁמִיָּה דְּעוּלָא: אַף מִי שְׁהַחֲשִׁיד לֹא בְּדַרְךָ נֹתֵן בִּיסוּ לְגוֹי – בּוּ בַיּוֹם גְּזוּר.

With regard to the total of eighteen decrees, the Gemara asks: And what is the other decree? Rabbi Ḥiyya bar Ami said in the name of Ulla: In a case of one who was carrying a purse with money in it on Shabbat eve, and it got dark for him on the way, the Torah law permitted him to carry the purse in increments, each of which is less than four cubits. However, the Sages issued the following decree: It is prohibited to carry in increments; he should give his purse to a gentile accompanying him. This decree was also issued on that day.

וְאִידֶךָ אָמַר בְּאֵלֵי אָמַר אֲבִימִי סְנוּתָאָה: פְּתָן וְשִׁמְנָן וְיֵינָן וּבְנוּתֵיהֶן – כּוּלָן מִשְׁמוּנָה עָשָׂר דְּבַר הֵן. הֵנִיחָא לְרַבִּי מְאִיר, אֶלְא לְרַבִּי יוֹסִי שְׁבַסְרֵי הָוִינָן! אִיכָא הָא דְרַב אַחָא בַר אֲדָא, דְּאָמַר רַב אַחָא בַר אֲדָא אָמַר רַבִּי יִצְחָק: גְּזוּר עַל פְּתָן מִשּׁוּם שְׁמֵנָן, וְעַל שְׁמֵנָן מִשּׁוּם יֵינָן.

And the other decree: The Sage Bali said that Avimi of Sanvata said: The decrees with regard to gentiles that prohibit their bread, and their oil, and their wine, and their daughters are all one decree of the eighteen matters. The Gemara asks: This works out well according to Rabbi Meir, as according to his opinion the Gemara already enumerated eighteen decrees. However, according to Rabbi Yosei, who holds that the dispute remains with regard to the matter of vessels in the courtyard, they are only seventeen. The Gemara answers: There is also that statement of Rav Aḥa bar Adda, as Rav Aḥa bar Adda said that Rabbi Yitzḥak said: The Sages issued a decree prohibiting eating their bread^h due to their oil. And they issued a decree prohibiting their oil due to their wine.^h Consequently, there are two separate decrees.

HALAKHA

Growths of *teruma*... due to impure *teruma* in the hand of a priest – גִּיּוּרָה מִשּׁוּם תְּרוּמָה טְמֵאָה בְּיַד בְּהֵן – Produce that grows from seeds of *teruma* is fundamentally not sacred at all. However, the Sages decreed that it should be prohibited to non-priests, like *teruma*. The reason for the decree is concern for the problems that could ensue if the priest keeps impure *teruma* in his possession in order to sow it and render it non-sacred, as per the opinion of Rava (Rambam *Sefer Zera'im*, *Hilkhot Terumat* 11:21).

The Sages issued a decree on their bread – גְּזוּר עַל פְּתָן – The Sages decreed a prohibition on eating bread baked by gentiles due to concern that the goodwill engendered might lead to marriage between the families. The Rema wrote that even in a case where that concern is not relevant the bread is prohibited. This prohibition is restricted to bread baked from the five species of grain. However, bread baked from legumes, rice, or

millet is permitted. Some places where there is no Jewish baker the authorities are lenient and they buy bread from a gentile baker. Some authorities are lenient even where Jewish-baked bread is available (*Mordekhai*, *Sefer Mitzvot Katan*, *Terumat Ha-Deshen*). However, everyone agrees that it is prohibited to buy bread that a gentile homeowner baked for his own personal use (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Asurot* 17:9 and 12; *Shulḥan Arukh*, *Yoreh De'a* 112:1–2).

Oil of gentiles is permitted. Although at first it was prohibited, Sages of a later generation rescinded the decree and permitted it (Rabbi Yehuda Nesia). One who deems it prohibited is guilty of flouting the authority of the court that permitted it, a serious transgression (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Asurot* 17:22; *Shulḥan Arukh*, *Yoreh De'a* 114:7).

Due to something else – משום דבר אחר: Usually the Talmud uses this expression to avoid explicit mention of matters that, due to politeness or disgust, are better left unmentioned, e.g., pigs, leprosy, idolatry, sexual relations, and others. In this passage, “something else” has several meanings. The common denominator among them is the desire to avoid mentioning unpleasant matters.

They issued a decree on a gentile baby that he transmits impurity with the legal status of a great zav – גזרו על תינוק גוי שמתמא בויבה: By Torah law, there is no impurity for gentiles, and all *halakhot* of impurity apply specifically to Jews. However, for various reasons the Sages added several decrees of impurity on gentiles for the purpose of separation. The decree on a gentile baby is twofold: First, the very perception of the gentile as impure; second, that a baby has the status of the impurity of the emission of a *zav*, even if he saw no emission.

For them to be trapped while it is still day – כדי שיצודו: In the Jerusalem Talmud, it is explained that the Gemara is referring to a case where he lays the traps in a place where many animals are found, and it is clear to him that they will be trapped quickly. Otherwise, there is no way to determine the measure for them to be trapped while it is still day.

BACKGROUND

Vetch [*karshinin*] – כרשנין: The *karshina* or *bikit karshina*, *Vicia ervilia*, is an annual plant of the legume family. It reaches a height of 10–50 cm. The *karshina* is a winter and spring crop in Mediterranean countries, and it is still grown in Arab villages today.

The plant and its seeds serve as food for animals. To soften the seeds, they are sometimes soaked in water overnight. The seeds are brown, round or polygonal, and their diameter is 3.5–5.5 mm.



Vetch plant

“על פתן משום שמנן” מאי אולמיה דשמן מפתן? אלא: גזרו על פתן ושמנן משום יין, ועל יין משום בנותיהן, ועל בנותיהן משום דבר אחר, ועל דבר אחר משום דבר אחר. מאי “דבר אחר”? אמר רב נחמן בר יצחק: גזרו על תינוק גוי שמתמא בויבה, שלא יהא תינוק ישראל רגיל אצלן במשכב זכור. אי הכי לרבי מאיר נמי, תשסרי הוין! – אוכלין וכלים שנתמאו במשקין בחדא חשיב להו.

The Gemara wonders: They issued a decree on their bread because of their oil. In what way is the prohibition on oil stronger than the prohibition on bread? Rather, say that they issued a decree prohibiting their bread and their oil due to their wine. And they issued a decree prohibiting their wine^h due to the fact that it leads to familiarity, and people will come to marry their daughters. And they issued a decree prohibiting their daughters^h due to something else,ⁿ idolatry. And they further issued a decree on something else, idolatry, due to something else. The Gemara asks: What is the something else alluded to here? Rav Nahman bar Yitzhak said: They issued a decree on a gentile baby, according him the legal status that he transmits impurity as one with the legal status of a great *zav*,^{nh} who experienced three emissions, even though he did not experience an emission. This was in order to distance Jewish children from gentile children so that a Jewish boy should not be accustomed to be with a gentile in homosexual relations. The Gemara asks: If so, according to Rabbi Meir it is difficult as well, as they are now nineteen decrees. The Gemara answers: Rabbi Meir counts the decrees of food items and vessels that became impure through contact with liquids as one. Consequently, according to Rabbi Meir, too, there are only eighteen decrees.

MISHNA In this mishna there is a fundamental dispute between Beit Hillel and Beit Shammai: Must one begin refraining from actions prohibited on Shabbat on Shabbat eve? Or, may one initiate an action prior to Shabbat, even if he knows that it will continue on its own on Shabbat itself? These are the details of that dispute: **Beit Shammai say: One may only soak dry ink in water and dry plants, which produce dyes, in water and vetch^b for animal food to soften them in water on Shabbat eve, adjacent to Shabbat, if there is clearly sufficient time for them to soak for their designated purpose while it is still day, before Shabbat begins, and their continued soaking on Shabbat will have no effect.^h And Beit Hillel permit doing so. Beit Shammai say: One may only place bundles of combed flax inside the oven on Shabbat eve if there is sufficient time so that they will be heated while it is still day. And one may only place wool into the dyer’s kettle if there is sufficient time for the wool to absorb the dye while it is still day. And Beit Hillel permit doing so.**

Beit Shammai say: One may spread traps for an animal and birds and fish only if there is sufficient time remaining in the day for them to be trapped in them while it is still day,ⁿ and Beit Hillel permit doing so even if there is not sufficient time remaining in the day. Beit Shammai say: One may only sell an item to a gentile on Shabbat eve, and one may only load a burden on his donkey with him, and one may only lift a burden on him if there remains sufficient time for the gentile to arrive to a near place prior to Shabbat, and the Jew will play no role in the performance of a prohibited labor by the gentile on Shabbat. And Beit Hillel permit doing so. Beit Shammai say: One may not give skins to a gentile tanner, nor clothes to a gentile launderer, unless there is sufficient time for work on them to be completed while it is still day, before Shabbat begins. And in all of them Beit Hillel permit^h doing so with

מתני' בית שמאי אומרים: אין שורין דיו וסמנים וכרשנין אלא כדי שיצודו מבעוד יום, ובית הלל מתירין. בית שמאי אומרים: אין נותנין אונן של פשתן לתוך התנור אלא כדי שיהבילו מבעוד יום, ולא את הצמר לזרה אלא כדי שיקלוט העין, ובית הלל מתירין.

בית שמאי אומרים: אין פורסין מצודות חיה ועופות ודגים אלא כדי שיצודו מבעוד יום, ובית הלל מתירין. בית שמאי אומרים: אין מוצרין לגוי, ואין טוענין עמו, ואין מגביהין עליו אלא כדי שיגיע למקום קרוב, ובית הלל מתירין. בית שמאי אומרים: אין נותנין עורות לעבדן, ולא כלים לכוּבס גוי אלא כדי שיעשו מבעוד יום, ובבבולן בית הלל מתירין עם

HALAKHA

ועל יין – ועל פתן משום שמנן: A Jew is forbidden to drink the wine of gentiles, even if there is no concern that it might have been poured as libation for idolatry. This ruling is in order to discourage familiarity with gentiles. This applies specifically to wine fit for use as a libation for idolatry. Since there is no element of idolatry connected to other alcoholic beverages, they were not included in the decree (Rambam *Sefer Kedusha, Hilkhoh Ma'akhalot Asurot* 11:3; *Shulhan Arukh, Yoreh De'a* 123:1).

ועל – ועל פתן משום שמנן: The prohibition against marrying a gentile is explicitly stated in the Torah, along with its rationale: To distance Jews from idolatry. Nevertheless, in this case the Sages instituted an additional stringency: By Torah law, sexual relations with gentiles is prohibited exclusively within the framework of mar-

riage. The Sages, however, prohibited all such contact. A man is forbidden to be alone with gentile women. They have the status of a menstruating woman at all times as far as separation is concerned (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 12:1-2; *Shulhan Arukh, Even HaEzer* 16:1).

They issued a decree on a gentile baby that he transmits impurity with the legal status of a great *zav* – גזרו על תינוק גוי – שמתמא בויבה: The Sages decreed that all gentile children, male, from the age of nine, and female, from the age of three, have the legal status of a *zav* and a *zava* respectively and transmit ritual impurity. The rationale for the decree is to distance Jewish children from them (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 4:4; *Sefer Tahara, Hilkhoh Tumat Met* 1:14 and *Hilkhoh Metamei Mishkav UMoshav* 2:10).

Performing prohibited labor on Shabbat eve at nightfall –

עשיית מלאכה ערב שבת עם חשיכה: It is permitted to initiate a prohibited labor prior to Shabbat, even if it continues on its own and is completed on Shabbat, as per the opinion of Beit Hillel (Rambam *Sefer Zemanim, Hilkhoh Shabbat* 3:1; *Shulhan Arukh, Oraḥ Hayyim* 252:1).

One may not give skins to a tanner...and in all of them Beit Hillel permit – ובבבולן בית הלל מתירין: On Shabbat eve, while it is still day, it is permissible for a Jew to give an item to a gentile so that the gentile will perform one of the labors prohibited on Shabbat on his behalf, in accordance with the opinion of Beit Hillel. However, the Jew may not insist that he perform the labor specifically on Shabbat. In addition, if the gentile is a regular employee of the Jew it is prohibited (Rambam *Sefer Zemanim, Hilkhoh Shabbat* 6:19; *Shulhan Arukh, Oraḥ Hayyim* 244:1).

NOTES

The ancestral house of my father, the dynasty of *Nesi'im* from the house of Hillel, was accustomed – נהגין היו בית – אבא: Several times, the special customs of the ancestral house are related by members of the house of the *Nasi* or by those closely affiliated with them, e.g., Rabbi Eliezer, son of Tzadok. Most of the time, the customs called for stringency. Although the members of the house of the *Nasi* were descendants of Hillel the Elder, they would at times accept the stringencies of Beit Shammai upon themselves alone.

HALAKHA

Soil which can be kneaded – עפר דבר גיבול הוא – Everyone agrees that soil can be kneaded and that one who kneads it on Shabbat is liable. As for ashes, the opinions are divided. Some say that ashes cannot be kneaded, and even if they are kneaded, there is no liability, as per the Gemara on this matter (*Shabbat* 155b, and in *Beitza*; Rambam). Others say that because it does not require kneading, its kneading is accomplished simply by adding water without mixing (Ra'avad in accordance with the opinion of Abaye; Rambam *Sefer Zemanim, Hilkhot Shabbat* 8:16).

BACKGROUND

Were they taught next to each other – מידי גבי הדדי תניא – This common phrase comes to reject a proof based on differences in language and style between two *baraitot*. In the Mishna, a proof based on an almost negligible difference between two similar phrases is considered absolute proof, and one can draw conclusions both with regard to what is written and what is not written there. However, that is not the case with *baraitot*. The question will always be: Were they taught next to each other? There were different study halls where *baraitot* were edited, e.g., the *baraitot* of Rabbi Hiyya, the *baraitot* of Rabbi Oshaya, and many others. Therefore, a difference in formulation between two *baraitot* could be attributed to nothing more than the different styles of the two editors. For our purposes, since the *halakha* that ashes have the legal status of soil was established in tractate *Hullin*, it is conceivable that one of the *tanna'im* was not sensitive to the distinction, and when he said ashes, he meant soil specifically.

השמש. אמר רבן שמעון בן גמליאל: נהגין היו בית אבא שהיו נוהגין כלי לכן לכוּבס גוי שלשה ימים קודם לשבת. ושׁוין אלו ואלו שטוּענין קורת בית הכרד ועגולי הגת.

the sun, i.e., as long as the sun is shining on Friday. Rabban Shimon ben Gamliel said: The ancestral house of my father, the dynasty of *Nesi'im* from the house of Hillel, was accustomedⁿ to give its white clothes to a gentile launderer no fewer than three days before Shabbat. And, however, these, Beit Shammai, and those, Beit Hillel, agree that, *ab initio*, one may load the beam of the olive press on the olives on Shabbat eve while it is still day, so that the oil will continue to be squeezed out of the olives on Shabbat. So too, one may load the circular wine press to accelerate the process of producing wine from the grapes.

גמ' מאן תנא נתינת מיס לדין זו היא שריתתן? אמר רב יוסף: רבי היא. דתניא: "אחד נותן את הקמח ואחד נותן את המים – האחרון חייב, דברי רבי רבי יוסי אומר: אינו חייב עד שיגביל".

GEMARA Before clarifying the matters themselves, the Gemara seeks to determine: **Who is the *tanna*** who holds that merely adding water to ink without any additional action constitutes its soaking, and one is liable for doing so on Shabbat, as he performed an act of kneading, one of the primary categories of labor? Rav Yosef said: It is the opinion of Rabbi Yehuda HaNasi. As it was taught in a *baraita*: In a case where one person adds the flour and another one adds the water into one vessel, the latter one is liable for kneading the dough, which is a prohibited labor on Shabbat, even though he did not actually knead the dough; that is the statement of Rabbi Yehuda HaNasi. Rabbi Yosei says: He is not liable for the prohibited labor of kneading until he actually kneads the dough. According to Rabbi Yehuda HaNasi, merely soaking the dough in water is considered a prohibited labor.

אמר ליה אביי: ודילמא עד כאן לא קאמר רבי יוסי – אלא בקמח דבר גיבול הוא. אבל דיו דלאו בר גיבול הוא – אימא ליתחייב! לא סלקא דעתך, דתניא: אחד נותן את האפר ואחד נותן את המים – האחרון חייב, דברי רבי רבי יוסי ברבי יהודה אומר: עד שיגביל.

Abaye said to Rav Yosef: And perhaps Rabbi Yosei only stated that actual kneading is required to be liable for performing the prohibited labor of kneading in the case of flour, which can be kneaded; however, ink, which cannot be kneaded, say that its soaking is considered a full-fledged prohibited labor, and he will therefore be liable, even according to the opinion of Rabbi Yosei. The Gemara rejects this: It should not enter your mind to say so, as it was taught in a *baraita*: In a case where one places the ashes and one adds the water, the latter one is liable, although he did not knead them. That is the statement of Rabbi Yehuda HaNasi. Rabbi Yosei, son of Rabbi Yehuda, says: He is not liable until he actually kneads them. Apparently, according to the opinion of Rabbi Yosei, son of Rabbi Yehuda, he is only liable for committing the prohibited labor of kneading on Shabbat if he actually kneads the mixture, as he stated his *halakha* even with regard to ashes, which cannot be kneaded.

ודילמא: מאי אפר – עפר, דבר גיבול הוא. והתניא: אפר, והתניא: עפר! מידי גבי הדדי תניא!?

The Gemara asks: And perhaps, what is the meaning of ashes [*efer*] mentioned here? Perhaps it is soil [*afar*], which can be kneaded.^h In that case he is not liable until he actually kneads the mixture. However, with regard to ashes, which cannot be kneaded, Rabbi Yosei, son of Rabbi Yehuda, also holds that even if he did not actually knead the mixture he is liable. The Gemara rejects this: Wasn't the dispute taught in one *baraita* with regard to ashes, and wasn't it taught in another *baraita* with regard to soil? In both cases, Rabbi Yosei, son of Rabbi Yehuda, disagreed. The Gemara rejects this proof: Were they taught next to each other?^b Had both of these *baraitot* been taught together, it would have been truly possible to arrive at the conclusion that Rabbi Yosei, son of Rabbi Yehuda, disagrees both in the case of ashes and in the case of soil. However, since the *baraita* that speaks about ashes was taught elsewhere by a different *amora* who cited it in the name of Rabbi Yosei, the difference in language does not prove that Rabbi Yosei disagrees in both cases.

תנו רבנן: פותקין מים לגינה ערב שבת עם חשיכה, ומתמלאת והולכת כל היום כולו. ומניחין מוגמר תחת הכלים (ערב שבת) ומתגמרין והולכין כל היום כולו ומניחין גפרית תחת הכלים (ערב שבת עם חשיכה) ומתגמרין והולכין כל השבת כולה. ומניחין קילור על גבי העין, ואיספלינית על גבי מכה (ערב שבת עם חשיכה) ומתפאות והולכת כל היום כולו. אבל אין נותנין חטין לתוך הריחים של מים אלא בכדי שישחכו מבעוד יום.

מאי טעמא? אמר רבה: מפני שמשמעת קול. אמר ליה רב יוסף: ולמא מר משום שביתת כלים! דתניא: "ובכל אשר אמרתי אליכם תשמרו" – לרבות שביתת כלים. אלא אמר רב יוסף: משום שביתת כלים.

והשתא דאמרת לבית הלל אית להו שביתת כלים דאורייתא – גפרית ומוגמר, מאי טעמא שרו? משום דלא קעביד מעשה. אונין של פשתן מאי טעמא שרו? משום דלא קעביד מעשה, ומינח נייחא. מצודת חיה ועוף ודגים, דקא עביד מעשה, מאי טעמא שרו? התם נמי בלחי וקוקרי, דלא קעביד מעשה.

The Sages taught in a *Tosefta*: One may open a canal that passes adjacent to a garden on Shabbat eve at nightfall, so that water will flow into a garden^a and the garden continuously fills with water all day long on Shabbat. Similarly, one may place incense, perfumed herbs placed on coals to produce a fragrance, on coals beneath the clothes on Shabbat eve and the clothes may be continuously perfumed all day long. And, similarly, one may place sulfur beneath the silver vessels on Shabbat eve at nightfall for the purpose of coloring the vessels, and they may be continuously exposed to sulfur all day long.^b And one may place an eye salve [*kilor*]^c on the eye and a bandage [*ispelanit*]^d smeared with cream on a wound on Shabbat eve at nightfall, and the wound may continuously heal all day long on Shabbat. However, one may not place wheat kernels into the water mill unless he does so in a way so that they will be ground while it is still day on Friday and not on Shabbat.^e

The Gemara asks: What is the reason that the *baraita* prohibited a mill and permitted other prohibited labor? Rabba said: Because it makes noise and the public will hear the mill grinding on Shabbat. Although no prohibited labor is being performed, doing so displays contempt for Shabbat. Therefore, the Sages prohibited it. Rav Yosef said to Rabba: And let the Master say a better reason, due to the obligation to ensure the resting of utensils.^f Even the utensils of a Jewish person may not be used for prohibited labor on Shabbat. As it was taught in halakhic midrash, the *Mekhilta*: That which is stated: "And in all that I said to you, take heed" (Exodus 23:13), is an allusion to matters mentioned in the Oral Torah. It comes to include the resting of utensils on Shabbat. Rather, Rav Yosef said: The reason for the prohibition of the mill on Shabbat is due to the resting of utensils.

Since the obligation of resting utensils on Shabbat was mentioned, the Gemara says: Now that you said that Beit Hillel also hold that resting utensils on Shabbat is required by Torah law, with regard to sulfur and incense on coals that are placed under silver vessels and clothes, respectively, what is the reason that the Sages permitted this on Shabbat? Isn't that performed on Shabbat in utensils? The Gemara answers: Because the utensil itself does not perform an action when the incense or sulfur is burning. With regard to the bundles of flax, what is the reason that they permitted placing them in the oven on Shabbat eve at nightfall to dry, even though the oven is performing a prohibited labor on Shabbat? Because it does not perform an action; rather, on the contrary, it sits idle in its place and the prohibited labor occurs on its own. However, with regard to traps of an animal, and a bird, and a fish, which perform a bona fide action of trapping, what is the reason that they permitted spreading them on Shabbat eve at nightfall? The Gemara explains: There too, it is referring to a fish hook^g and nets [*kokrei*],^h which perform no action. They stand in place, and the fish comes to them and is trapped. Indeed, a trap that performs an action is prohibited.

HALAKHA

One may open a canal so that water will flow into a garden – פותקין מים לגינה: One may open a water canal into a garden on Shabbat eve so that the water will continue to irrigate the garden on Shabbat. Similarly, one may place an eye salve [*kilor*] on his eye on Shabbat eve so that it will continuously cure the eye during Shabbat, even though it is prohibited to administer the remedy on Shabbat itself. It is also permitted to place incense on coals beneath clothing on Shabbat eve so that the clothes become perfumed on their own throughout Shabbat,

in accordance with the *baraita* (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:2; *Shulhan Arukh, Oraḥ Ḥayyim* 252:5).

Placing wheat kernels in the water mill – נותנין חטין לתוך: One may place wheat kernels in a water mill while it is still day so that they will be ground on their own on Shabbat. Some prohibited doing so because it is noisy and dishonors Shabbat (*Taz*). The custom was to permit this in a situation of monetary loss, or even in a case where there is no

BACKGROUND

Exposing silver vessels to sulfur – גיפור כלים: Throughout the generations, sulfur was used to beautify silver vessels. Since silver is a light hue and engravings are not easily visible, one manner to accentuate the inscriptions was by means of sulfur. The silver vessels were exposed to sulfur fumes and oxidized sulfur, creating a thin layer of black silver sulfate on the vessel. After the vessel was treated with sulfur, it was thoroughly cleaned, restoring all of the surfaces to their original silver sheen while the recesses and sunken areas remained black. In modern times, similar methods are employed.

Fish hook – להי:



Reproduction of a fish hook from the First Temple period, found in Etzyon Gaver

LANGUAGE

Eye salve [*kilor*] – קילור: From the Greek *κολλύριον, kollyrion*, meaning a salve for the eyes.

Bandage [*ispelanit*] – איספלינית: From the Greek *σπληνιον, splenion*, meaning a piece of cloth placed on a wound.

Nets [*kokrei*] – קוקרי: The fisherman's utensil like the nets in the Gemara. The utensil is made like a basket with one wide end and one narrow end. The fish enter the wide end but are unable to exit the narrow end. The origin of the word *kokrei* is unclear. It may be from the Greek *κροκός* or *κροκίς, krokys* or *krokis*, meaning a fly trap. Alternatively, according to the *ge'onim*, *kokrei* is a stone tablet resting on pieces of wood or on bait. When the animals pull the bait, they are crushed or trapped under the stone. According to this interpretation, the word is derived from the Greek *κρόκη, kroke*, meaning a pebble.



Ancient Egyptian picture of fishing in Egypt. The fisherman is holding nets similar to the *kokrei*.

NOTES

The resting of utensils – שביתת כלים: The reason that the Gemara spoke specifically of a water mill is because a mill powered by an animal is certainly prohibited on Shabbat, due to the mitzva explicitly stated in the Torah to rest one's animal. Since the Gemara's conclusion is that the obligation to rest one's utensils is according to Beit Shammai's opinion, the *baraita*, which derives the law of resting utensils from the verse, comes only to prohibit Jews from performing labor with their utensils (*ge'onim*).

monetary loss (Rema; *Magen Avraham; Shulhan Arukh, Oraḥ Ḥayyim* 252:5). Therefore, a Jew is permitted to lend or rent his utensils to a gentile, even if it is clear that they will be utilized to perform labor on Shabbat. By renting the mill, a Jew's utensils will not be involved in labor on Shabbat. Some say that utensils utilized in the performance of labor prohibited by Torah law, e.g., a plow or a mill (Rosh), may not be rented to a gentile on Shabbat eve (Rambam *Sefer Zemanim, Hilkhot Shabbat* 6:16; *Shulhan Arukh, Oraḥ Ḥayyim* 246:1).

NOTES

And now that you said that according to Beit Shammai, etc. – והשתא דאמר רב אושעיא אמר רב אסי: מאן תנא שביתת כלים דאורייתא – בית שמאי היא ולא בית הלל. לבית שמאי, בין קעביד מעשה בין דלא קעביד מעשה – אסור. לבית הלל, אף על גב דקעביד מעשה – שרי. והשתא דאמר: דלבית שמאי אף על גב דלא קעביד מעשה – אסור, אי הכי

And now that Rav Oshaya said that Rav Asi said: Who is the *tanna* who states that the obligation of resting utensils on Shabbat is by Torah law? The *tanna* is Beit Shammai and not Beit Hillel. Consequently, according to Beit Shammai, whether the utensil performs an action or whether it does not perform an action, it is prohibited. And according to Beit Hillel, even though it performs an action, it is nevertheless permitted. The Gemara asks: And now that you said that according to Beit Shammai^N even though the utensil does not perform an action it is prohibited, if so,

Perek I
Daf 18 Amud b

LANGUAGE

Spit [*shapud*] – שפוד: The origin of the word is apparently the Greek εἰσπυτίζω, *eispytizein*, meaning to spit into frequently. In the language of the Mishna, as well as in Syrian, the word means a pole stuck through meat to facilitate its roasting.

HALAKHA

A woman may not fill up a pot with pounded wheat... a baker may not fill a barrel of water – לא תמלא אשה קדרה עססיות... לא ימלא נחתום חבית של מים: A person may not fill a pot with pounded wheat or lupines and place it in an oven whose coals were not swept or covered with ashes (*Ma-gen Avraham*) on Shabbat eve at nightfall, due to the concern that he might stoke the coals. Similarly, he may not fill a barrel with water and place it in the oven on Shabbat eve at nightfall. In all of these cases, if he did so, the items are prohibited at the conclusion of Shabbat for a time sufficient for them to be prepared (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 3:12; *Shulhan Arukh, Oraḥ Ḥayyim* 254:8–9).

מוגמר וגפרית מאי טעמא שרו בית שמאי? התם מנח אארעא. גיגית ונר וקדרה ושפוד מאי טעמא שרו בית שמאי? דמפקר להו אפקורי.

with regard to placing incense and sulfur beneath clothes and silver vessels, respectively, what is the reason Beit Shammai permitted this? The Gemara answers: The case under discussion was not one where the incense was placed in a vessel; rather, there, the incense was placed on the ground, and therefore there was no utensil that was obligated to rest. The Gemara asks further: A tub in which fruit or grains are placed to ferment into beer, and where they stay for an extended period; and a Shabbat lamp; and a pot in which food is being cooked, which they place on the fire while it is still day; and a spit [*shapud*]¹ on which they placed food to roast while it is still day; what is the reason Beit Shammai permitted placing them on Shabbat eve while it is still day even though the prohibited labor continues over time, including on Shabbat? The Gemara answers: These are cases where he declares the utensils ownerless.^N According to Beit Shammai, the utensils must be declared ownerless while it is still day. Once the utensils are declared ownerless, they no longer belong to a Jew and, consequently, there is no obligation to let them rest.

מאן תנא להא, דתנו רבנן: לא תמלא אשה קדרה עססיות ותורמסין ותניח לתוך התנור ערב שבת עם חשכה. ואם נתנן – למוצאי שבת אסורין בכדי שייעשו. ביוצא בו, לא ימלא נחתום חבית של מים ויניח לתוך התנור ערב שבת עם חשכה, ואם עשה כן – למוצאי שבת אסורין בכדי שייעשו. לימא בית שמאי היא ולא בית הלל! אפילו תימא בית הלל, גזירה שפא יחתה בגחלים.

The Gemara asks: Based on these conclusions, who is the *tanna* who taught this *Tosefta* that the Sages taught: A woman may not fill up a pot with pounded wheat and lupines,^N a type of legume, and place them in the oven to cook on Shabbat eve at nightfall. And if she placed them in the oven, not only may they not be eaten on Shabbat itself, but even at the conclusion of Shabbat they are forbidden for a period of time that would be sufficient for them to be prepared, i.e., the time it takes to cook the dish from the beginning, so that he will derive no benefit from a prohibited labor performed on Shabbat. Similarly, the *Tosefta* said: A baker may not fill a barrel of water^H and place it in the oven on Shabbat eve at nightfall to boil the water that is in the barrel, and if he did so, even at the conclusion of Shabbat it is forbidden for the period of time that would be sufficient for it to be prepared from the beginning. Let us say that this *Tosefta* is in accordance with the opinion of Beit Shammai and not in accordance with the opinion of Beit Hillel. The Gemara answers: Even if you say that it is in accordance with the opinion of Beit Hillel, in those cases the Sages issued a decree due to concern lest the one cooking stoke the coals^N on Shabbat in order to accelerate the cooking.

NOTES

Where he declares the utensils ownerless – דמפקר להו אפקורי: *Tosafot* wondered: How could he declare the utensils ownerless when the Sages clearly stated a *halakha* that in order to declare possessions ownerless, one must relinquish ownership in front of three people? From the Gemara it is apparent that since everyone relinquishes ownership of his pots on Shabbat, everyone is aware that this obviates the need for a specific declaration rendering them ownerless. Others say that this is a relinquishing of ownership declared by the court, since the court stipulates that all pots and bowls are ownerless on Shabbat.

Pounded wheat and lupines – עססיות ותורמסין: The common explanation is that the Gemara cited this example because pounded

wheat and lupines take a long time to cook, leading to concern that one may seek to accelerate their cooking by stoking the coals. Others say, to the contrary, that these items were prohibited because they cook very quickly, and as a result he will constantly have them in mind and will come to tend to them on Shabbat (Rambam).

Decree lest the one cooking stoke the coals – גזירה שפא יחתה בגחלים: Although this decree is accepted *halakha*, nevertheless the questioner asked: Why did they apply it to pounded wheat and water? It did not seem reasonable to him that, due to concern lest one stoke the coals, he would be forced to wait at the conclusion of Shabbat for a period of time that would be sufficient for them to be prepared before consuming them (*Derush VeHidush*).

אי הכי, מוגמר וגפרית נמי לגזור!
התם לא מחתמי להו, דאי מחתמי –
סליק בהו קיטרא, וקשי להו. אונין
של פשתן נמי ליגזור! התם, בין
דקשי להו זיקא – לא מגלו ליה.
צמר ליורה ליגזור! אמר שמואל:
ביורה עקורה. וניחוש שפא מגיס
בה! בעקורה וטוחה.

The Gemara asks: **If so**, with regard to **incense and sulfur**, the Sages **should also issue a decree** that prohibits placing them beneath clothes and silver vessels, respectively, on Shabbat eve at nightfall. The Gemara answers: **There**, in that case, **he will not stoke them**, as **if he stokes them smoke will rise into the garments and the silver, and that is damaging for them**. The smoke from the wood will ruin the fragrance and the coating of sulfur. The Gemara asks further: With regard to **bundles of flax**,^h the Sages **should also issue a decree**. The Gemara answers: **There, since wind is damaging for them, he does not expose them**, and he will not come to stoke the coals. The Gemara asks further: With regard to **wool placed in the dyer's kettle**,^h the Sages **should also issue a decree**. **Shmuel said**: The mishna is referring to a **pot that is removed** from the fire, where there is no concern lest he stoke the coals. The Gemara still asks: **Let us be concerned lest he stir** that same pot, thereby accelerating the cooking, which is prohibited by Torah law. Rather, the mishna is referring to a **pot that is removed** from the fire **and sealed with clay** spread around its cover to prevent it from opening.

והשתא דאמר מר: גיורה שפא יחקה
בגחלים, האי קדרה חיייתא – שרי
לאנוחה ערב שבת עם חשיכה
בתנורא. מאי טעמא – בין דלא חזי
לאורתא אסוחי מסח דעתייה מיניה,
ולא אתי לחתויי גחלים. ובשיל –
שפיר דמי, בשיל ולא בשיל – אסור.
ואי שדא ביה גרמא חייא – שפיר
דמי.

The Gemara comments: **And now that the Master said** that in these cases the prohibition of placing the pot on the fire is due to a **decree** issued by the Sages **lest he stoke the coals**; with regard to **this pot of raw meat**,^h **it is permitted to place it in an oven on Shabbat eve at nightfall**. **What is the reason for this?** **Since it is not fit for consumption during the night**, as it will not be cooked by then, **he diverts his thoughts from it and will not come to stoke the coals**. **And the same is true of cooked meat; it is permitted** to place it on the fire on Shabbat eve at nightfall. Since it is reasonably cooked, one will not come to stoke the coals to cook it more. **Meat that is cooked and not sufficiently cooked is prohibited**, as there is concern lest he come to stoke the coals. **And if he threw a raw bone into this pot**, he may well do so, as due to the bone he will not remove the meat to eat it in the evening.

והשתא דאמר מר: כל מידי דקשי
ליה זיקא – לא מגלו ליה, האי בשרא
דגדיא ושריק – שפיר דמי, דברחא
ולא שריק – אסור, דגדיא ולא שריק,
דברחא ושריק, רב אשי – שרי, ורב
ירמיה מדיפתני – אסור. ולרב אשי
דשרי (והתנא): אין צולין בשר בצל
וביצה אלא כדי שיצולו מבועוד יום!
התם דברחא ולא שריק.

And now that the Master said that anything for which wind is damaging one does not expose, one could say that with regard to **meat of a kid** and an oven whose opening is **sealed with clay**, he may well place it there on Shabbat eve at nightfall. Since the meat of the kid cooks quickly and the opening of the oven is sealed, there is no concern lest he come to stoke the coals. If it is the meat of a **ram** [*barha*]^{lh} and the opening of the oven is **not sealed with clay**, it is **prohibited** to place it there on Shabbat eve at nightfall. The above are cases where the ruling is clear. However, with regard to the case of the meat of a **kid** and the opening of the oven is **not sealed with clay**, or the case of a **ram** and the opening of the oven is **sealed**, there is a dispute. **Rav Ashi permitted** placing it in the oven on Shabbat eve at nightfall, and **Rav Yirmeya from Difti prohibited** doing so. The Gemara asks: **And according to the opinion of Rav Ashi, who permitted** placing it there on Shabbat eve at nightfall, **wasn't it taught in a baraita that one may not roast meat, an onion, and an egg on Shabbat eve unless there is sufficient time for them to be roasted while it is still day?** Apparently, one may not place meat that is not sufficiently roasted in an oven on Shabbat eve. The Gemara answers: **There**, the *baraita* is referring to the meat of a **ram** and the opening of the oven is **not sealed with clay**. However, in other cases it is permitted.

HALAKHA

Bundles of flax – אונין של פשתן: It is permitted to place bundles of flax in the oven on Shabbat eve. Since the wind harms them, there is no room for concern lest he open the oven and stoke the coals (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:14; *Shulhan Arukh, Oraḥ Hayyim* 254:1).

Wool in the kettle – צמר ליורה: Even if the wool already absorbed the dye, one may only place wool in a boiling kettle on Shabbat eve if the kettle were removed from the fire and its cover sealed so he will not be able to stoke the coals or stir the pot, as per the conclusion of the Gemara (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:17; *Shulhan Arukh, Oraḥ Hayyim* 252:1).

This pot of raw meat – האי קדרה חיייתא: It is permitted to place raw meat in a pot on a stove or an oven on Shabbat eve

adjacent to nightfall. The same is true with regard to meat that is completely cooked, if additional cooking does not enhance its taste. It is forbidden to do so with meat that is not yet cooked completely, or even with meat that is completely cooked if additional cooking enhances its taste. However, if he placed a raw bone into the pot, it is permitted (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:8; *Shulhan Arukh, Oraḥ Hayyim* 253:1).

Meat of a kid... of a ram – בשרא דגדיא... דברחא: According to the second version of the dispute and according to the opinion of Rav Yirmeya from Difti, it is prohibited to place the meat of a goat or an ox in the oven to roast. Because they cook quickly, he is liable to stoke the coals to accelerate the process. That prohibition applies only if the meat is uncovered; if it is in a covered pot, it is permitted. However, the meat of a young goat or fowl

that is cut into pieces, both covered and uncovered, is permitted; there is no concern that one might stoke the coals, because this would cause such meat to be overcooked and ruined. That is the ruling because the discussion here is conducted based on the opinion of Rav Yirmeya (Rif), as is the later discussion with regard to the Paschal lamb (Ran). Others disagreed. In their opinion, the meat of a young goat and fowl is permitted only when it is roasted in an oven whose opening is covered, even though it is not sealed with clay; in that case there is no concern that he will open the oven because the wind is liable to ruin the meat. However, that concern does exist when the meat is roasted exposed (Rema based on the *Tur, Beit Yosef, Sefer Mitzvot Gadol* and others; see *Mishna Berura*; Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:13; *Shulhan Arukh, Oraḥ Hayyim* 254:1).

Ram [*barha*] – ברחא: The origin of the word is unclear. Some think that it is from the Middle Persian warrag, which means a lamb or a ram. The word appears in New Persian as barra.

Gourd – קָרָא: Also called the bottle gourd or *Lagenaria vulgaris*, the *kerá* is a leafy summer vegetable. Usually it grows extended on the ground, but at times it is trellised on trees. The greenish-white gourd produced by the plant is 40–50 cm long and 25–30 cm wide and shaped like a jug or a bottle. The young fruit is generally eaten cooked and its seeds are commonly eaten as dessert.



Gourd

כְּדֵי שְׂגִיעַ – כְּדֵי שְׂגִיעַ – כְּדֵי שְׂגִיעַ – כְּדֵי שְׂגִיעַ: If the gentile reaches the house adjacent to the wall of the city, he could place the object there. Consequently, he will have performed no prohibited labor on Shabbat. Although there is no way to predict whether or not the gentile will, in fact, place the object there, it is necessary to provide him with sufficient time to do so. There is certainly no prohibition for a gentile to perform prohibited labor on Shabbat. However, if the Jew fails to provide him with sufficient time to place the object prior to Shabbat, the impression is that he sent the gentile to perform a prohibited labor for him on Shabbat.

That is the statement of Rabbi Akiva; that is the statement of Beit Hillel – הֵן הֵן דְּבָרֵי בֵּית – הֵן הֵן דְּבָרֵי בֵּית: At times, the most prominent *tanna'im*, Rabbi Akiva among them, disputed the opinion of Beit Hillel. However, it is difficult to say that Rabbi Akiva would disagree with the Sages of early generations. Therefore, Rabbi Yosei son of Rabbi Yehuda, the student of Rabbi Akiva's student, came to explain that Rabbi Akiva did not state his own opinion. Rather, he stated a tradition that he received with regard to the opinion of Beit Hillel.

אֵיכָּא דְאָמְרִי: דְּגִדְיָא. בֵּין שְׂרִיק
בֵּין לֹא שְׂרִיק – שְׂפִיר דְּמִי, דְּבִרְחָא
נְמִי וְשְׂרִיק – שְׂפִיר דְּמִי, כִּי פְּלִיגִי –
דְּבִרְחָא וְלֹא שְׂרִיק; דְּרַב אֲשִׁי שְׂרִי,
וְרַב יִרְמְיָה מְדַפְתֵּי אֲסִיר. וְלִרְב אֲשִׁי
דְּשְׂרִי, (וְהִתְנַּיָּא): אֵין צוֹלִין בְּשַׂר בְּצֶל
וּבִיצָה אֶלְיָא כְּדֵי שְׂגִיעוּלוּ מִבְּעוֹד יוֹם!
הֵתֵם בְּבִשְׂרָא אֲגוּמְרִי. אָמַר רַבִּינָא:
הָאֵי קָרָא חֵיָא – שְׂפִיר דְּמִי, בֵּין
דְּקָשִׁי לִיהּ וְיָקָא, כְּבִשְׂרָא דְּגִדְיָא
דְּמִי.

”בֵּית שְׂמַאי אוֹמְרִים אֵין מוֹכְרִין תְּנִי
רַבְנָן, בֵּית שְׂמַאי אוֹמְרִים: לֹא יִמְכּוֹר
אָדָם חֶפְצוֹ לְגוֹי, וְלֹא יִשְׂאֵלְנוּ וְלֹא
יִלְוֵנוּ וְלֹא יִתְּנוּ לוֹ בְּמִתְנָה, אֶלְיָא כְּדֵי
שְׂגִיעַ לְבֵיתוֹ. וּבֵית הֵלֵל אוֹמְרִים:
כְּדֵי שְׂגִיעַ לְבֵית הַסְּמוּךְ לְחוּמָה.
רַבִּי עֲקִיבָא אוֹמֵר: כְּדֵי שְׂגִיעַ מִפְּתַח
בֵּיתוֹ. אָמַר רַבִּי יוֹסֵי בְּרַבְּבִי יְהוּדָה: הֵן
הֵן דְּבָרֵי רַבִּי עֲקִיבָא. הֵן הֵן דְּבָרֵי בֵּית
הֵלֵל, לֹא בָּא רַבִּי עֲקִיבָא אֶלְיָא לְפָרֵשׁ
דְּבָרֵי בֵּית הֵלֵל.

תְּנִי רַבְנָן, בֵּית שְׂמַאי אוֹמְרִים: לֹא
יִמְכּוֹר אָדָם חֶפְצוֹ לְגוֹי אֶלְיָא אִם כֵּן
יִוָּדַע בּוֹ שְׂיִכְלָה קוֹדֵם הַפֶּסַח, דְּבָרֵי
בֵּית שְׂמַאי. וּבֵית הֵלֵל אוֹמְרִים: כֹּל
זְמַן שְׂמוּתָר לְאוֹכְלוֹ מוּתָר לְמוֹכְרוֹ,
רַבִּי יְהוּדָה אוֹמֵר:

Others say that with regard to the meat of a kid, whether it is in an oven that is sealed or whether it is in one that is not sealed, everyone agrees that he may well do so. With regard to the meat of a ram, when the opening of the oven is sealed, one may well do so too. Where they disagreed was in the case of the meat of a ram and the opening of the oven was not sealed. Rav Ashi permitted placing it in the oven on Shabbat eve at nightfall, and Rav Yirmeya from Difti prohibited doing so. The Gemara asks: And according to the opinion of Rav Ashi, who permitted this, wasn't it taught in a *baraita* that one may only roast meat, an onion, and an egg on Shabbat eve if there is sufficient time for them to be roasted while it is still day? Apparently, one may not place meat that is not sufficiently roasted in an oven on Shabbat eve. The Gemara answers: There, the *baraita* is referring to the case of meat roasted directly on the coals.^h In that case, there is greater concern that he will come to stoke the coals. Ravina said: With regard to that raw gourd,ⁿ one may well place it in a pot on the fire on Shabbat eve at nightfall. The reason for this is that since the wind is damaging for it, it is considered like the meat of a kid.

The full text of the *baraita* is: Beit Shammai say: One may only sell an item to a gentile on Shabbat eve, and one may only load a burden onto his donkey with him, and one may only lift a burden onto him if the destination of the gentile is near enough that there remains sufficient time for the gentile to arrive at a place near there prior to Shabbat. The Sages taught in a *baraita* that elaborated upon this dispute between Beit Shammai and Beit Hillel with regard to selling to a gentile on Shabbat eve: Beit Shammai say: A person may not sell his object to a gentile,^h and lend it to him, and loan him money, and give him an object as a gift on Shabbat eve, unless there is sufficient time for him, the gentile, to reach his house while it still day. And Beit Hillel say: He is permitted to do this if there is sufficient time for him to reach a house adjacent to the wallⁿ of the place where he is going. Rabbi Akiva says: It is permitted to give an object to a gentile on Shabbat eve if there is sufficient time for him to exit the entrance of the Jewish person's house. What the gentile does afterward is irrelevant. Rabbi Yosei, son of Rabbi Yehuda, said: That is the statement of Rabbi Akiva; that is the statement of Beit Hillel.ⁿ Rabbi Akiva came only to explain the statement of Beit Hillel. The *tanna* whose version of Beit Hillel's statement was: Until he reaches the house adjacent to the wall, held that Beit Hillel's opinion was similar to Beit Shammai's opinion. Rabbi Akiva came to elucidate the actual opinion of Beit Hillel.

The Sages taught a similar principle in a *baraita* with regard to another tannaitic dispute. Beit Shammai say: A person may not sell his leaven to a gentile^h on Passover eve unless he knows that the leaven will be finished before Passover. And Beit Hillel say: As long as it is permitted for the Jew to eat leaven, it is also permitted for him to sell it to a gentile. The Jew ceases to be responsible for the leaven sold to a gentile from the moment it is sold. And Rabbi Yehuda says:

HALAKHA

Meat roasted directly on the coals – כְּבִשְׂרָא אֲגוּמְרִי: Meat, even that of a young goat, onions, and eggs, as well as all other foods that are not eaten raw (*Mishna Berura*), may not be left on coals on Shabbat eve at nightfall as there is concern lest one stoke the coals. This is true unless he placed them on the coals long enough before Shabbat to enable them to be roasted like the food of ben Drosai, which is half-cooked, while it is still day, in accordance with the answer of Rav Ashi. Others say that the food of ben Drosai was one-third cooked. If he roasted them

in a prohibited manner, they are prohibited at the conclusion of Shabbat for a time sufficient for them to be roasted (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:9,16; *Shulḥan Arukh, Oraḥ Ḥayyim* 254:2–3).

לֹא יִמְכּוֹר – לֹא יִמְכּוֹר: One may only lend, sell, or make a gift of an object to a gentile on Shabbat eve at nightfall if there remains sufficient time for the gentile to carry it out of the Jew's house while it is still day, as per the opinion of Beit Hillel according to

Rabbi Akiva. In a walled city, it is permitted in times of need even if sufficient time does not remain (*Taz; Magen Avraham; Rambam Sefer Zemanim, Hilkhot Shabbat* 6:19; *Shulḥan Arukh, Oraḥ Ḥayyim* 246:2).

לֹא יִמְכּוֹר – לֹא יִמְכּוֹר: As long as one is permitted to eat leaven, he may certainly sell it to a gentile, as per the opinion of Beit Hillel (Rambam *Sefer Zemanim, Hilkhot Ḥametz UMatza* 3:11; *Shulḥan Arukh, Oraḥ Ḥayyim* 443:1).

בוֹתַח הַבְּבִילִי וְכֹל מִינֵי בּוֹתַח – אָסוּר לְמַכּוֹר שְׁלִישִׁים יוֹם קוֹדֵם הַפֶּסַח.

תִּנְיָן רַבְנָן: נוֹתְנִין מְזוּנוֹת לְפָנֵי הַכֶּלֶב בְּחֵצֵר, נִטְלוּ וַיִּצְאָ – אֵין נִזְקְקִין לוֹ.

כִּי־יֵצֵא בּוֹ, נוֹתְנִין מְזוּנוֹת לְפָנֵי הַגּוֹי בְּחֵצֵר, נִטְלוּ וַיִּצְאָ – אֵין נִזְקְקִין לוֹ. הָא תוֹ לְמָה לִּי? הֵינְנוּ הֵדָּ! מֵהוּ דְתִימָא: הָאֵי – רַמֵּי עֲלֵיהּ, וְהָאֵי לֹא רַמֵּי עֲלֵיהּ, קָא מְשַׁמְעֵ לָן.

תִּנְיָן רַבְנָן: לֹא יִשְׁכִּיר אָדָם כֶּלִּיו לְגוֹי בְּעֶרֶב שַׁבָּת, בְּרַבֵּיעֵי וּבְחֻמְשֵׁי מוֹתֵר. כִּי־יֵצֵא בּוֹ, אֵין מְשַׁלְחִין אִיגְרוֹת בְּיַד גּוֹי בְּעֶרֶב שַׁבָּת, בְּרַבֵּיעֵי וּבְחֻמְשֵׁי מוֹתֵר. אָמְרוּ עֲלָיו עַל רַבִּי יוֹסֵי הַכֹּהֵן, וְאָמְרוּ לָהּ עַל רַבִּי יוֹסֵי הַחֶסֶד, שְׁלֹא נִמְצָא כְּתָב יָדוֹ בְּיַד גּוֹי מֵעוֹלָם.

תִּנְיָן רַבְנָן: אֵין מְשַׁלְחִין אִיגְרוֹת בְּיַד גּוֹי עֶרֶב שַׁבָּת, אֶלָּא אִם בֵּן קוֹצֵץ לוֹ דְמָיִם, בֵּית שַׁמַּי אֹמְרִים: בְּדֵי שְׂנִיעַ לְבֵיתוֹ, וּבֵית הַלֵּל: בְּדֵי שְׂנִיעַ לְבֵית הַסְּמוּךְ לְחוּמָה.

וְהֵלֵא קִצְץ? אָמַר רַב שֵׁשֶׁת, הַכִּי קִצְץ: וְאִם לֹא קִצְץ, בֵּית שַׁמַּי אֹמְרִים: עַד שְׂנִיעַ לְבֵיתוֹ, וּבֵית הַלֵּל אֹמְרִים: עַד שְׂנִיעַ לְבֵית הַסְּמוּךְ לְחוּמָה.

וְהֵאמְרַת רִישָׁא אֵין מְשַׁלְחִין! לֹא קִשְׂיָא, הָא – דְקִבֵּיעַ בֵּי דוֹאֵר בְּמִתָּא, וְהָא – דְלֹא קִבֵּיעַ בֵּי דוֹאֵר בְּמִתָּא.

With regard to Babylonian *kutah*,⁸ a spice that contains leavened bread crumbs, and all kinds of *kutah*, it is prohibited to sell it to a gentile thirty days before Passover. Because *kutah* is used exclusively as a spice, it lasts longer than other foods.

The Sages taught in a different *baraita*: One may, *ab initio*, put food before the dogⁿ in the courtyard on Shabbat, and we are not concerned that the dog may lift it and carry it out to the public domain. If the dog lifted it and exited the courtyard, one need not attend to him, as he is not required to ensure that the dog will eat it specifically in that courtyard.

On a similar note, the *baraita* continued: One may place food before the gentileⁿ in the courtyard on Shabbat. If the gentile lifted it and exited, one need not attend to him. The Gemara asks: Why do I need this as well? This case is the same as that case. The *halakhot* with regard to the dog and the gentile are identical, as Shabbat prohibitions do not apply to either of them. The Gemara answers: There is a distinction. Lest you say that in this case, the case of the dog, responsibility for its food is incumbent upon the owner of the courtyard who owns the dog. And in this case, the case of the gentile, responsibility for his food is not incumbent upon the owner of the courtyard. Therefore, in a situation where there is concern that Shabbat will be desecrated, there is room to say that one may not give the gentile his food. Therefore, the *baraita* teaches us that in that case, it is also permitted.

The Sages taught in a *Tosefta*: A person may not rent his utensils to a gentile on Shabbat eve, as it appears that the Jew is receiving payment for work performed on Shabbat. However, on the fourth and on the fifth days of the week it is permitted. On a similar note, one may not send letters in the hand of a gentile on Shabbat eve. However, on the fourth and on the fifth days of the week it is permitted. Nevertheless, they said about Rabbi Yosei the priest, and some say that they said this about Rabbi Yosei the Hasid, that a document in his handwriting was never found in the hand of a gentile, so that a gentile would not carry his letter on Shabbat.

The Sages taught in a *baraita*: One may not send a letter in the hand of a gentileⁿ on Shabbat eve unless he stipulates a set sum of money for him. In that case, anything the gentile does with this letter is not in service of the Jew, but rather on his own, since his payment is stipulated in advance. Beit Shammai say: One may only give a letter to a gentile on Shabbat eve if there is sufficient time for the gentile to reach his house before dark. And Beit Hillel say: If there is sufficient time for him to reach the house adjacent to the wall of the city to which he was sent.

The Gemara asks: Didn't he stipulate a set price? What difference does it make whether he reaches the city on Shabbat eve or on Shabbat? Rav Sheshet said, the *baraita* is saying as follows: And if he did not stipulate a set price for the task, Beit Shammai say: One may only give a letter to a gentile on Shabbat eve if there is sufficient time for the gentile to reach his house before dark. And Beit Hillel say: If there is sufficient time for him to reach the house adjacent to the wall of the city to which he was sent.

The Gemara asks: Didn't you say in the first clause of the *baraita*, that one may not send a letter unless he stipulated a set price? Without stipulating a set price, one may not send a letter at all. The Gemara answers: This is not difficult, as it is possible to explain that this, where we learned that one is permitted to give a letter to a gentile on Shabbat eve even if he did not stipulate a set price, is in a case where the house of the mail carrier [*bei doar*]¹ is permanently located in the city. And this, where it is permitted to give a letter to a gentile only if he stipulated a set price, is in a case where the house of the mail carrier is not permanently located in the city.

BACKGROUND

Babylonian *kutah* – בוֹתַח הַבְּבִילִי: *Kutah* was made from milk, water, salt, and bread crumbs and was very sour. Because of its sharp taste, *kutah* was used mainly as a condiment. As a result, it kept for a long time. *Kutah* was a typical Babylonian food, and many of the people of Eretz Yisrael could not accustom themselves to its taste. Even those who did continued to call it Babylonian *kutah*.

NOTES

One may put food before the dog – נוֹתְנִין מְזוּנוֹת לְפָנֵי הַכֶּלֶב: Some say that one may give food even to a dog that does not belong to the homeowner, as it was already stated: “To the dog you should throw it” (Exodus 22:30). The Sages said that this is a reward for: “No dog shall whet its tongue” (Exodus 11:7; *Me’iri*) during the Plague of the Firstborn. The Gemara explains why the statement with regard to the gentile was necessary, but does not explain why it would not have been sufficient to state the *halakha* with regard to the gentile and derive from it the ruling with regard to the dog. The explanation is that since the dog belongs to him, there was room to conjecture that he must prevent it from performing prohibited labor on Shabbat based on the obligation to rest one’s animals, which does not apply to a gentile (Rav Elazar Moshe Horowitz).

HALAKHA

One may put food before the dog in the courtyard... before the gentile – נוֹתְנִין מְזוּנוֹת לְפָנֵי הַכֶּלֶב בְּחֵצֵר... לְפָנֵי הַגּוֹי: One may place food in the courtyard on Shabbat for a gentile or for a dog to eat. If the gentile picks up the food and leaves the courtyard, the Jew need not react. However, one may not give the gentile objects, as that would appear to be a business transaction. This is only permitted in exigent circumstances or for the purpose of fulfilling a mitzva (*Be’er Heitev, Shulhan Arukh HaRav; Rambam Sefer Zemanim, Hilkhhot Shabbat 6:21; Shulhan Arukh, Orah Hayyim 325:1*).

One may not send a letter in the hand of a gentile – אֵין מְשַׁלְחִין אִיגְרוֹת בְּיַד גּוֹי: If a Jew set a price in advance for a gentile to deliver a letter, the Jew may give the letter to the gentile on Shabbat eve at nightfall. In a case where he did not set a price in advance, if the house of the mail carrier is permanently located in the city, the Jew may give him a letter even just before dark. However, when the house of the mail carrier is not permanently located in the city, he may not send a letter with the gentile even on Sunday. There are those who permit doing so when the letter’s destination is nearby (*Magen Avraham*). This *halakha* is in accordance with the version of the text that completely prohibits sending a letter. Others permit sending a letter with a gentile on Wednesday and Thursday, based on our version of the Gemara (*Rema; Magen Avraham*). In exigent circumstances, one may rely on that opinion and send a letter with a gentile (*Rema; Shulhan Arukh HaRav; Rambam Sefer Zemanim, Hilkhhot Shabbat 6:20; Shulhan Arukh, Orah Hayyim 247:1*).

LANGUAGE

House of the mail carrier [*bei doar*] – בֵּי דוֹאֵר: The origin of the word *doar*, mail, is from the Semitic root *dvr*, which incidentally appears in Arabic as *dawr*.

NOTES

One may not set sail on a ship – אין מפליגין בספינה – Many reasons were given for the prohibition to sail on a ship. Some explained that it refers specifically to a ship that passes through water less than ten handbreadths deep, as then it is considered that one went beyond the Shabbat boundary. However, in the Mediterranean Sea and similar bodies of water, it is permitted (Rabbeinu Hananel). From the Jerusalem Talmud and other sources, this does not seem to be the case. Others said that there is a prohibition to sail on Shabbat (*Tosafot*). Based on the context, there were those who explained that the three days before Shabbat are already considered as if it is just before Shabbat. One knows ahead of time that on a ship and in laying siege to a city a dangerous situation might arise, which will force him to suspend Shabbat to save a life. Therefore, the Sages prohibited sailing three days before Shabbat for any purpose other than performing a mitzva (Ra'avad; Ran). Others explained that this is because traveling at sea is difficult, and one who boarded a ship fewer than three days before Shabbat suffers from motion sickness and will not experience the enjoyment of Shabbat at all. Therefore, he must leave earlier (Rif; Rosh).

He must stipulate with the gentile ship captain on the condition that he rests, and he does not rest – ופוסק עמו – על מנת לשבות, ואינו שובת: The Sages already established that a Jew need not even attempt to have a ship captained by a gentile rest on Shabbat. The reason for the stipulation is due to deference toward Heaven, so that the gentile will not think that Jews are indifferent to the sanctity of Shabbat (*ge'onim*).

The Sages already preceded you – כבר קדמוך רבנן: With this story, the Talmud sought to underscore that Torah scholars, who do not normally deal with mundane matters and are steeped in their studies, are able to derive from the Torah how to conduct themselves in worldly matters like all men of action (*HaBoneh*).

BACKGROUND

Beams of the olive press – קורות בית הבר: In this picture, the olives, in baskets, are placed on a slightly elevated surface. A long beam, one end of which is set in a hole in the wall, is placed on the baskets. Weights or large rocks are attached to the end of the beam placed on the baskets, weighing it down and pressing the olives. In this way, oil was squeezed into containers prepared for this purpose.



Ancient olive press in Tel Hatzor

תנו רבנן: אין מפליגין בספינה פחות משלשה ימים קודם לשבת. במה דברים אמורים – לדבר הרשות, אבל לדבר מצוה – שפיר דמי, ופוסק עמו על מנת לשבות, ואינו שובת, דברי רבי. רבן שמעון בן גמליאל אומר: אינו צריך, ומצור לצידן, אפילו בערב שבת מותר.

תנו רבנן: אין צרין על עיירות של גוים פחות משלשה ימים קודם לשבת, ואם התחילו – אין מפסיקין. וכן היה שמאי אומר: "עד רדתה" – אפילו בשבת.

"אמר רבן שמעון בן גמליאל נוהגין היו וכו'". תניא, אמר רבי צדוק: כך היה מנהגו של בית רבן גמליאל שהיו נוהגין כלי לכן לכוּבם שלשה ימים קודם לשבת, וצבועים אפילו בערב שבת. ומדברייהם למדנו שהלבנים קשים לכבסן יותר מן הצבועין.

אביי הוה יהיב ליה ההוא מנא דצבינא לקצרא, אמר ליה: במה בעית עילויה? אמר ליה: בדחיורא. אמר ליה: כבר קדמוך רבנן. אמר אביי: האי מאן דיהיב מנא לקצרא – במשחא ניתיב ליה, ובמשחא נשקול מיניה. דאי טפי – אפסדיה, דמתתיה, ואי בציר – אפסדיה, דכווציה.

ו"שוין אלו ואלו שטוענין כו'". מאי שנא כולהו דגורו בהו בית שמאי ומאי שנא קורות בית הבר ועיגולי הגת דלא גורו? הניך דאי עביד להו בשבת – מיחייב חטאת – גורו בהו בית שמאי ערב שבת עם חשכה, קורות בית הבר ועיגולי הגת דאי עביד להו בשבת לא מיחייב חטאת – לא גורו.

The Sages taught: One may not set sail on a ship^N fewer than three days before Shabbat,^H to avoid appearances that the Jew is performing a prohibited labor on Shabbat. In what case is this statement said? In a case where he set sail for a voluntary matter; however, if he sailed for a matter involving a mitzva, he may well do so. And, even then, he must stipulate with the gentile ship captain that this is on the condition that he rests, i.e., stops the ship, and even if the gentile does not rest.^N Rabban Shimon ben Gamliel says: He need not stipulate. And sailing on a ship that is traveling from Tyre to Sidon, a short journey by sea, is permitted even on Shabbat eve.

The Sages taught in a *Tosefta*: One may not lay siege to cities of gentiles^H fewer than three days before Shabbat, to avoid the need to desecrate Shabbat in establishing the siege. And if they already began establishing the siege fewer than three days before Shabbat, they need not stop all war-related actions even on Shabbat. And so Shammai would say: From that which is written: "And you should build a siege against the city that is waging war with you until it falls" (Deuteronomy 20:20), it is derived that the siege should be sustained "until it falls." Consequently, the siege must continue even on Shabbat.

We learned in the mishna that Rabban Shimon ben Gamliel said: The ancestral house of my father, the dynasty of *Nesi'im* from the house of Hillel, was accustomed to give its white clothes to a gentile launderer no fewer than three days before Shabbat. It was taught in the *Tosefta* that Rabbi Tzadok said: This was the custom of the house of Rabban Gamliel: They would give white clothes to the gentile launderer three days before Shabbat, and they would give him colored clothes even on Shabbat eve. The Gemara comments: And from their statement we learned that white garments are more difficult to launder than colored ones, as in white garments every stain is more conspicuous.

On a related note, the Gemara relates that Abaye gave this dyed garment to the launderer. Abaye said to the launderer: How much do you want as payment to wash it? The launderer said to Abaye: Same as for a white garment. Abaye said to him: You cannot deceive me in this matter, as the Sages already preceded you,^N as it was taught in the *baraita* which garment is more difficult to wash. On this topic, Abaye said: One who gives clothing to the launderer, he should give it to him by measure and he should take it back from him by measure. In that way, if it is longer, it is an indication that the launderer caused him a loss because he stretched the garment. And if it is shorter, he certainly caused him a loss because he shrunk it.

We learned in the mishna that these, Beit Shammai, and those, Beit Hillel, agree that one may load the beam of the olive press and the circular wine press. The Gemara asks: What is different about all of the cases in the mishna, where Beit Shammai issued a decree prohibiting them, and what is different about the beams of the olive press^B and the circular wine press that Beit Shammai did not issue a decree prohibiting them? The Gemara answers: Those cases, where if he performed them on Shabbat he is rendered liable to bring a sin-offering, Beit Shammai issued a decree prohibiting them on Shabbat eve at nightfall. However, in the cases of the beams of the olive press and the circular wine press, where even if he performed them on Shabbat he is not rendered liable to bring a sin-offering, Beit Shammai did not issue a decree.

HALAKHA

One may not set sail on a ship fewer than three days before Shabbat – אין מפליגין בספינה פחות משלשה ימים קודם לשבת – One who sails for a non-mitzva matter is not permitted to set out on his voyage fewer than three days before Shabbat. The Sages disagreed with regard to Wednesday. Some ruled that it is permitted (Jerusalem Talmud; Rabbeinu Hananel; Rosh; *Tosafot*; Vilna Gaon) and some ruled that it is prohibited (Ran; Rabbeinu

Zerahya HaLevi; *Magen Avraham*; *Taz*). For the purpose of a mitzva, he may even depart right before Shabbat. For a brief journey of up to one day, one is permitted to sail even on Friday morning, but no later, as per the *baraita* (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 24:6; *Shulhan Arukh*, *Orah Hayyim* 248:1).

One may not lay siege to cities of gentiles, etc. – אין צרין על –

עיירות של גוים וכו' – When initiating an optional war with a siege of cities of gentiles, it must be initiated three days before Shabbat. Once the siege has begun, it is not suspended on Shabbat even in an optional war and, needless to say, in a mandatory war. In a mandatory war, one may even initiate the siege on Shabbat (*Tur* based on the Jerusalem Talmud; Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 2:25, 30:13; *Tur*, *Orah Hayyim* 249).

The garlic and the unripe grapes and the stalks that he crushed while it was still day – השום והבוֹסר והמְלִילוֹת – שְׂרִיֶסְקוֹן מִבְּעוֹד יוֹם שְׂרִיֶסְקוֹן מִבְּעוֹד יוֹם: If the weighted beam of the olive press was placed on the olives on Shabbat eve while it is still day, it is permitted to leave the olives in the press on Shabbat, and after Shabbat he may use the oil that was squeezed from them on Shabbat. Similarly, in the case of garlic and unripe grapes that were crushed while it is still day, the liquids that continue to seep out of them on Shabbat are permitted, as per the Gemara, which ruled in accordance with the opinion of Rabbi Yishmael (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 21:16; *Shulḥan Arukh, Oraḥ Ḥayyim* 252:5).

מֵאֵן תֵּנָא דְכָל מִיּוֹדֵי דְתָמִי מִמִּילָא שְׂפִיר דְמִי? אָמַר רַבִּי יוֹסִי (בַּר) חֲנִינָא: רַבִּי יִשְׁמַעֵאל הֵיא. דְתַנֵּן: הַשּׁוֹם וְהַבּוֹסֵר וְהַמְּלִילוֹת שְׂרִיֶסְקוֹן מִבְּעוֹד יוֹם, רַבִּי יִשְׁמַעֵאל אָמַר: יְגַמֹּר מִשְׁתַּחֲשָׁד, וְרַבִּי עֲקִיבָא אָמַר:

The Gemara asks: **Who is the *tanna* who holds that anything that comes on its own, and not as the result of an action, it may well be done on Shabbat?** Rabbi Yosei bar Ḥanina said: **It is the opinion of Rabbi Yishmael, as we learned in a mishna: With regard to the garlic and the unripe grapes, and the stalks of wheat that he crushed while it was still day,**^h **Rabbi Yishmael says: He may continue tending to them and finish after it gets dark, as after the crushing is completed these items are placed beneath a weight, so that the liquids will continue to seep out. And Rabbi Akiva says:**

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לֹא יְגַמֹּר. וְרַבִּי אֶלְעָזָר אָמַר: רַבִּי אֶלְעָזָר הֵיא. דְתַנֵּן: תְּלוֹת דְּבִשׁ שְׂרִיֶסְקוֹן בְּעֶרְבַּ שְׁבֵת וַיֵּצְאוּ מִעֲצָמוֹן – אָסוּר, וְרַבִּי אֶלְעָזָר מִתִּיר.

He may not finish. And the *amora* Rabbi Elazar said: Our mishna is in accordance with the opinion of Rabbi Elazar^p the *tanna*. **As we learned in a mishna: With regard to honeycombs that he crushed on Shabbat eveⁿ and the honey came out on its own on Shabbat day, it is prohibited to eat the honey, like anything that was prepared on Shabbat. And Rabbi Elazar permits eating it on Shabbat.**

וְרַבִּי יוֹסִי בַר חֲנִינָא מֵאֵי טַעְמָא לֹא אָמַר כְּרַבִּי אֶלְעָזָר? אָמַר לָךְ: הֵתֵם הוּא דְמַעֲיָקְרָא אוֹכֵל וְלִבְסוּף אוֹכֵל, הֵקָא – מַעֲיָקְרָא אוֹכֵל וְהַשְׁתָּא מִשְׁקָה. וְרַבִּי אֶלְעָזָר אָמַר לָךְ: הָא שְׂמַעִינָן לִיה לְרַבִּי אֶלְעָזָר דְאִפְלוּ וַיִּתֵּם וְעַנְבִּים נְמִי שְׂרִי, דְהָא כִּי אֵתָא רַב הוֹשַׁיָּא מִנְהַרְדְּעָא, אֵתָא וְאֵייתִי מִתְּנִיתָא בִּיּוֹדֵיהּ: וַיִּתֵּם וְעַנְבִּים שְׂרִיֶסְקוֹן מִבְּעֶרְבַּ שְׁבֵת וַיֵּצְאוּ מִעֲצָמוֹן – אָסוּרִין, רַבִּי אֶלְעָזָר וְרַבִּי שְׂמַעוֹן – מִתִּירִין. וְרַבִּי יוֹסִי בַר חֲנִינָא, בְּרִייתָא לֹא שְׂמִיעַ לִיה.

The Gemara asks: **And Rabbi Yosei bar Ḥanina, what is the reason he did not say** in accordance with the explanation of Rabbi Elazar? Apparently, Rabbi Elazar's explanation in the mishna is more accurate. The Gemara answers: Rabbi Yosei could have said to you that **there, in the case of the honeycombs, it is food from the beginning and it is food at the end**, as honey is considered food. Therefore, there was no squeezing of liquid from food at all. However, **here, in all of the cases in the mishna, from the beginning they were food and now they became liquid**, and that is the definition of squeezing. **And Rabbi Elazar could have said to you** in response to this assertion: **We heard that Rabbi Elazar permitted olives and grapes as well. As when Rav Hoshaya from Neharde'a came, he came and brought a *baraita* with him, in which it was taught: Olives and grapes that he crushed from Shabbat eve and the liquids seeped out on their own, the liquids are prohibited. Rabbi Elazar and Rabbi Shimon permit those liquids. The Gemara answers that Rabbi Yosei bar Rabbi Ḥanina did not know this *baraita*.**ⁿ

וְרַבִּי אֶלְעָזָר מֵאֵי טַעְמָא לֹא אָמַר כְּרַבִּי יוֹסִי בַר חֲנִינָא? אָמַר לָךְ: לֹא אֵיתִמַר עֲלֵהּ, אָמַר רַבָּא בַר חֲנִינָא אָמַר רַבִּי יוֹחָנָן: בְּמַחוּסְרִין דִּיכָה – דְכּוֹלֵי עֲלְמָא לֹא פְּלִיגִי, כִּי פְּלִיגִי – בְּמַחוּסְרִין שְׁחִיקָה, וְהֵי נְמִי – בְּמַחוּסְרִין דִּיכָה דְמוּ. הוֹרָה רַבִּי יוֹסִי בַר חֲנִינָא כְּרַבִּי יִשְׁמַעֵאל.

On the other hand, the Gemara asks: **And Rabbi Elazar, what is the reason he did not say** in accordance with the explanation of Rabbi Yosei bar Ḥanina, that our mishna is in accordance with the opinion of Rabbi Yishmael? The Gemara answers: Rabbi Elazar could have said to you: **Wasn't it stated that Rava bar Ḥanina said that Rabbi Yoḥanan said:** Here it is referring to items that **lack grinding**,^h i.e., when the garlic and the unripe grapes were not ground in a pestle at all, everyone agrees that it is prohibited to place them in a manner that causes their liquids to come out on their own on Shabbat. The case **where they disagreed** was where they were already completely ground, but they were still **lacking additional pounding; and these cases in our mishna are also considered as if they were lacking grinding.** The Gemara relates that **Rabbi Yosei bar Ḥanina issued a practical ruling in accordance with the opinion of Rabbi Yishmael, and permitted a person to finish tending to them even after dark.**

NOTES

חֲלוֹת דְּבִשׁ – הֵלֹא שְׂרִיֶסְקוֹן מִבְּעֶרְבַּ שְׁבֵת: A honeycomb is a mass of hexagonal wax cells built by honey bees in their nests to contain their larvae and stores of honey and pollen. Beekeepers often remove the entire honeycomb to harvest honey.



Honeycomb

Did not know this *baraita* – בְּרִייתָא לֹא שְׂמִיעַ לִיה: Since there were numerous anthologies of *baraitot*, as well as the oral traditions that were preserved in isolated places and by specific Sages, it was not uncommon that even the greatest Sages were not familiar with all of the *baraitot* relating to a particular topic. On the other hand, it was extremely rare for one of the Sages of the Talmud to forget a matter written explicitly in a mishna.

Items that lack grinding – בְּמַחוּסְרִין דִּיכָה: Garlic, unripe grapes, and the like that were crushed on Shabbat eve, if they were not ground sufficiently to cause the liquids to seep out, it is prohibited to grind them on Shabbat. If they are sufficiently ground but still lack pounding, it is permitted to grind them, in accordance with the ruling of Rabbi Yosei son of Rabbi Ḥanina and according to Rabbi Yoḥanan (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 21:13; *Shulḥan Arukh, Oraḥ Ḥayyim* 321:19).

PERSONALITIES

Rabbi Elazar – רַבִּי אֶלְעָזָר: This is Rabbi Elazar ben Shamua, a *tanna* in the generation prior to the redaction of the Mishna.

Rabbi Elazar ben Shamua, a priest, was among the greatest of Rabbi Akiva's students. In the years following the persecution in the wake of the failure of bar Kokheva's rebellion, Rabbi Elazar was among the leaders of the generation. Despite the dire situation,

many students studied with him. Among his main students was Rabbi Yehuda HaNasi, the redactor of the Mishna.

Not many of Rabbi Elazar's *halakhot* are cited in the Mishna; however, he was very significant in the eyes of the Sages of the following generations. The *amora* Rav referred to him as the happiest of the Sages, and Rabbi Yoḥanan said of him: The hearts

of the early Sages were like the entrance hall to the Sanctuary. In the Mishna and in *baraitot*, he is called simply Rabbi Elazar.

Rabbi Elazar ben Shamua lived a long life, and according to one tradition he was a hundred and five years old when he was killed. He is listed among the ten martyrs murdered by the Romans.

Oil of olive pressers – שֶׁמֶן שֶׁל בְּדָדִין: According to many commentaries, this refers to the additional oil that drips from the olives under the beam of the olive press on Shabbat. This oil was prohibited as it is an object that came into being, i.e., assumed its present form, on Shabbat [*molad*], which by definition was set aside from use on Shabbat and the Festivals. According to this explanation, the connection between this problem and the previous matter is clear. Previously, the additional oil from the olive press was discussed in connection to the actual prohibited labor, and here the discussion is whether one is permitted to eat it and move it (Rabbeinu Hananel, *Tosafot*; Rashba; and others).

In the place of Rav – בְּאַתְרֵיהּ דְּרַב: In general, all of Jewish Babylonia was divided into the place of Rav, under Rav's jurisdiction, and the place of Shmuel, under Shmuel's jurisdiction. This division remained intact, despite many changes affecting different aspects of the situation, until the period of the *ge'onim*. As long as the yeshiva of Sura and the yeshiva of Pumbedita were in existence, each had a defined sphere of authority and influence. With regard to halakhic rulings, in an area where a certain custom prevailed by the authority of the Sage who instituted that custom, it was inappropriate to publicize an opinion that was contrary to that Sage's opinion. That was the case even if his halakhic opinion in the matter was not the accepted one. Residents in that Sage's sphere of influence were obligated to follow him in all matters, even if his halakhic opinion was not universally accepted by the other Sages.

And one may kindle the fire in the bonfire of the Chamber of the Hearth – וּמֵאַחֲזִין אֶת הָאוּר בַּמְדוּרָה: The Chamber of the Hearth was one of the chambers of the Temple in which there was a bonfire to warm the priests. Since the priests worked barefoot, wore light clothing, no additional layers of clothing could be added, and the Temple was mostly without a roof, leaving them exposed to rain and wind, the priests would avail themselves of this chamber to warm themselves. Although this was not part of the Temple service, it was part of the arrangements for the benefit of the priests. At the same time, there is the principle that rabbinic decrees were not implemented in the Temple, and the Temple area was governed exclusively by Torah law, without additional rabbinic restrictions and fences.

BACKGROUND

The Chamber of the Hearth – בֵּית הַמּוֹקֵד: The Chamber of the Hearth was a large room along the northern wall of the Temple courtyard. Half of it was in the courtyard and half was considered to be outside the Temple. The Chamber of the Hearth was built with a dome and had a great bonfire for the purpose of warming the priests returning from service or emerging from immersion. The priests slept in the Chamber of the Hearth at night. In the corners of the room were four small chambers that served various purposes. The Chamber of the Hearth was also the place in which they kept the keys of the Temple, and a priestly watch was assigned to the chamber each night.

שֶׁמֶן שֶׁל בְּדָדִין וּמַחְצוֹת שֶׁל בְּדָדִין, רַב אָסַר וּשְׂמוּאֵל שָׂרִי. הֲנִי פְּרָבִי דְּזוּזִין, רַב אָסַר וּשְׂמוּאֵל שָׂרִי. אָמַר רַב נַחֲמָן: עֵז לְחַלְבָּהּ, וְרַחֵל לְגִיטָהּ וְתִרְנַגְלוֹת לְבִיצָתָהּ, וְתוֹרֵי דְרֵיזְיָא, וְתַמְרֵי דְעִסְקָא – רַב אָסַר, וּשְׂמוּאֵל אָמַר: מוֹתֵר. וְקַמִּיפְלֵגִי בְּפִלּוּגְתָּא דְרַבֵּי יְהוּדָה וְרַבֵּי שְׁמַעוֹן.

הַהוּא תַלְמִידָא דְאוּרֵי בְּחֵרְתָּא דְאַרְגִּין כְּרַבֵּי שְׁמַעוֹן, שְׁמַתִּיהּ רַב הַמְּנוּנָא. וְהָא כְּרַבֵּי שְׁמַעוֹן סְבִירָא לָן! בְּאַתְרֵיהּ דְּרַב הוּהוּ, לֹא אִיבְעֵי לֵיהּ לְמִיעֵבַד הֲכִי. הֲנִי תִרִי תַלְמִידֵי, חַד מְצִיל בְּחַד מְנָא וְחַד מְצִיל בְּאַרְבַּע וְחַמֵּשׁ מְנָא. וְקַמִּיפְלֵגִי בְּפִלּוּגְתָּא דְרַבָּה בַר וּבְדָא וְרַב הוּנָא.

מתני' אין צולין בשר בצל וביצה אלא כְּדֵי שְׂיֻצְלוּ מִבְּעוֹד יוֹם. אֵין נוֹתְנִין פֶּת לְתַנּוּר עִם חֲשֶׁכָה וְלֹא חֲרָרָה עַל גְּבִי גָחִלִים אֲלֵא כְּדֵי שְׂיֻקְרָמוּ פְּנֵיהּ מִבְּעוֹד יוֹם, רַבֵּי אֱלִיעֶזֶר אוֹמֵר: כְּדֵי שְׂיֻקְרוּם הַתְּחַתּוֹן שְׂלֵהּ. מִשְׁלֵשִׁין אֶת הַפֶּסַח בְּתַנּוּר עִם חֲשֶׁכָה, וּמֵאַחֲזִין אֶת הָאוּר בַּמְדוּרָה בֵּית הַמּוֹקֵד.

Since the Gemara raised issues related to the olive press, it cites other connected matters: **Oil of olive pressers**^{NH} and **mats of olive pressers**, which they use in their work, **Rav prohibited** moving them on Shabbat since they are set aside for a specific purpose,^H and it is prohibited to move an item set aside and designated for a defined purpose on Shabbat. **And Shmuel permitted** doing so, as according to Shmuel, the legal status of set-aside [*muktze*] does not apply in most cases. Along the same lines, they disagreed with regard to **those mats** used to cover merchandise transported on a ship. **Rav prohibited** using them because they are set aside and **Shmuel permitted** using them. Similarly, **Rav Nahman said: A goat raised for its milk, and a ewe that is raised for shearing its wool, and a chicken raised for its egg,**^H and **oxen used for plowing**, all of which are designated for purposes other than eating, as well as **dates used for commerce**; in all of these **Rav prohibited** using them for food, or slaughtering them even on a Festival due to the prohibition of set-aside. The reason for this is that during the day, before Shabbat, he had no intention of eating them, as he set them aside for a different purpose. **And Shmuel said: They are permitted**, as in his opinion there is no prohibition of set-aside. The Gemara comments that **they disagree in the dispute of the tanna'im Rabbi Yehuda and Rabbi Shimon** with regard to the issue of *muktze*.

The Gemara relates: There was **this student who issued a ruling in the city of Harta De'argiz** that items that are set aside are permitted, in accordance with the opinion of **Rabbi Shimon**, and **Rav Hamnuna excommunicated him**. The Gemara asks: **Don't we hold that the halakha is in accordance with the opinion of Rabbi Shimon?** Why, then, did Rav Hamnuna excommunicate him? The Gemara answers: **This incident was in the place of Rav**^N and the student should not have done this; even if the accepted ruling is lenient, the city was under Rav's jurisdiction, and the student's public ruling, contrary to Rav's opinion, was a blatant display of disrespect. Incidentally, the Gemara relates a story involving **these two students: One would rescue from a fire with one vessel and one would rescue with four and five vessels**, as it is permitted to rescue one's belongings from a fire on Shabbat. They disagreed with regard to whether it is preferable to carry just one vessel and go back and forth several times, or to carry several vessels and go back and forth fewer times. **And they disagree with regard to the same issue that was the subject of the dispute of Rabba bar Zavda and Rav Huna** elsewhere.

MISHNA This mishna enumerates actions that may only be performed on Shabbat eve if the prohibited labor will be totally or mostly completed while it is still day. **One may only roast meat, an onion, or an egg if there remains sufficient time so that they could be roasted while it is still day. One may only place dough to bake into bread in the oven on Shabbat eve at nightfall,**^H and may only place a cake on the coals, if there is time enough that the surface of this cake or bread will form a crust while it is still day. **Rabbi Eliezer says: Enough time so that its bottom crust should harden**, which takes less time. However in a case that is an exception, **one may, ab initio, lower the Paschal lamb into the oven on Shabbat eve at nightfall**, so that its roasting is completed on Shabbat if Passover eve coincides with Shabbat eve. **And one may, ab initio, kindle the fire in the bonfire of the Chamber of the Hearth**^{NB} in the Temple on Shabbat eve, adjacent to the start of Shabbat, and allow the fire to spread afterward throughout all the wood in the bonfire.

HALAKHA

Oil of olive pressers – שֶׁמֶן שֶׁל בְּדָדִין: Oil that emerges from under the beam of the olive press on Shabbat is permitted, as per the explanation of the Rif. The *halakha* is in accordance with the opinion of Rabbi Shimon in the Gemara (Rambam *Sefer Zemanim, Hilkhot Shabbat* 26:14).

Carrying vessels that he is careful about – טַלְטוּל בְּלִים שְׁמֻקְפִיד: **עֵלֵיהֶם**: It is prohibited to move a vessel or tool that one values to the extent that he is careful not to damage it through use. This is similar to the legal status of items that are set-aside due

to financial loss, as per the ruling of Rav (*Shulhan Arukh, Orach Hayyim* 308:1).

A goat for its milk, and a ewe for shearing its wool, and a chicken for its egg, etc. – עֵז לְחַלְבָּהּ, וְרַחֵל לְגִיטָהּ וְתִרְנַגְלוֹת – לְבִיצָתָהּ וכו'. Any detached food that is fit for consumption does not have set-aside status on Shabbat, even if it were set aside for sale, as per the opinions of Rabbi Shimon and Shmuel and the conclusion of the Gemara (Rambam *Sefer Zemanim, Hilkhot Shabbat* 26:14; *Shulhan Arukh, Orach Hayyim* 310:2).

One may only place dough to bake into bread in the oven

on Shabbat eve at nightfall – עִם חֲשֶׁכָה: One may only place bread in the oven on Shabbat eve at nightfall if the side of the loaf stuck to the oven forms a crust. Once the crust was formed, he may leave it there, even after Shabbat begins. The later commentaries agreed that it does not matter on which side the crust is formed, and it is permitted even if it formed on the side facing the fire. The bread is considered to have formed a crust when strings of dough no longer protrude from the loaf (see tractate *Menahot* 78b; Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:18; *Shulhan Arukh, Orach Hayyim* 254:5).

ובגבולין – כְּדֵי שְׁתַּאֲחֹזוּ הָאוּר
בְּרֹבּוֹ. רַבִּי יְהוּדָה אָמַר: בְּפִתְחֵי
כָּל שְׂהוּא.

גַּמְ? וְכַמָּה? אָמַר רַבִּי אֱלִיעֶזֶר אָמַר
רַב: כְּדֵי שְׁיִצְלוּ מִבְּעוֹד יוֹם כְּמֵאֲכַל
בֶּן דְּרוֹסַי. אֵיתִמַר נַמִּי אָמַר רַב אֶסִּי
אָמַר רַבִּי יוֹחָנָן: כָּל שְׂהוּא כְּמֵאֲכַל
בֶּן דְּרוֹסַי – אֵין בּוֹ מְשׁוּם בִּישׁוּלִי
גּוּיִם. תַּנְיָא, תַּנְיָא אָמַר: כָּל שְׂהוּא
כְּמֵאֲכַל בֶּן דְּרוֹסַי מוֹתֵר לְהַשְׁתִּיתוּ
עַל גַּבֵּי כִּירָה, וְאֵף עַל פִּי שְׂאִין גְּרוּפָה
וְקִטְמוּהָ.

“אֵין נוֹתְנִין אֶת הַפֶּת כּוּ” . אֵיבְעִיא
לְהוֹ: “תַּחְתּוֹן” הָאֵיךְ דְּגַבֵּי תַנּוּר, אִו
דִּלְמָא: “תַּחְתּוֹן” הָאֵיךְ דְּגַבֵּי הָאוּר?
תָּא שְׂמַע, רַבִּי אֱלִיעֶזֶר אָמַר: כְּדֵי
שְׁיִקְרְמוּ פְּנֵיהָ הַמְדוּבְקִין בַּתַּנּוּר.

And, however, in the outlying areas, meaning in all of Eretz Yisrael outside the Temple, it is prohibited to light a bonfire on Shabbat eve, unless there is sufficient time for the fire to take hold in most of the bonfire, while it is still day. Rabbi Yehuda says: With a bonfire of coals, even in the outlying areas one is permitted to light the fire on Shabbat eve at nightfall, even if the fire only spread to any amount^h of the bonfire. The coals, once they are kindled, will not be extinguished again, and there is no concern lest he come to tend to them on Shabbat.

GEMARA We learned in the mishna that one may only roast meat and other food items if there remains sufficient time so that they could be roasted while it is still day. The Gemara asks: **And how much** do they need to be roasted in order to be considered sufficient, so that it will be permitted to complete their cooking afterward? Rabbi Elazar said that Rav said: **So that they will be roasted while it is still day like the food of ben Drosai**,^{PH} which was partially roasted. Ben Drosai was a robber and pursued by all. He could not wait for his food to roast completely, so he sufficed with a partial roasting. It was also stated by another of the Sages, as Rav Asi said that Rabbi Yohanan said: **Anything that is already cooked like the food of ben Drosai by a Jew, no longer has a problem of the cooking of gentiles.**^{NH} If a gentile completed cooking this food, it is, nevertheless, permitted to eat, even though, as a rule, it is prohibited to eat food cooked by gentiles. **It was taught in a baraita, Hananya says:** With regard to anything that is already cooked like the food of ben Drosai, it is permitted to keep it on the stove on Shabbat and even though this stove is not swept of coals and the burning coals are not covered with ashes. Since the food was already cooked to that extent, there is no concern that he will come to stoke the coals.

We learned in the mishna that one may only place bread in the oven^B on Shabbat eve at nightfall if there remains sufficient time for its surface to form a crust while it is still day. According to Rabbi Eliezer, it is permitted to place bread in the oven on Shabbat eve while it is still day if there remains enough time for a crust to form on its bottom side. A dilemma was raised before them: With regard to the bottom mentioned in the mishna, is it that side close to the oven, or perhaps is it the bottom that is close to the fire? Come and hear a resolution to this dilemma from what was taught in a baraita that Rabbi Eliezer says explicitly: **So that its surface that is stuck to the oven will form a crust.**^H

PERSONALITIES

Ben Drosai – בֶּן דְּרוֹסַי: Ben Drosai, mentioned here, is the name, or nickname of a man who lived in Eretz Yisrael; he was a contemporary of the *amora* Rabbi Yohanan. Ben Drosai was involved in various shady dealings. Nevertheless, apparently ben Drosai was known to the Sages and used to obey them in ritual matters. Since they were familiar with him, they cite him as an example of a person who eats partially cooked food.

NOTES

Of the cooking of gentiles – מְשׁוּם בִּישׁוּלֵי גּוּיִם: The main discussion of this *halakha* is in tractate *Avoda Zara*. The essence of the *halakha* is the prohibition of eating food that was cooked by a gentile. The reason for this prohibition is the concern that one may eat prohibited foods, as well as the desire to separate Jews from gentiles. This does not apply to all foods; cooked foods that could be eaten uncooked and insignificant foods were not included in this prohibition.

BACKGROUND

Bread in the oven – פֶּת בַּתַּנּוּר: The ovens in those days were made of earthenware. The oven was ignited from below and through a special opening they would stick the dough to the sides of the oven for baking. In this method of baking, it is difficult to define which side is considered the bottom of the bread.



Oven with bread stuck to its sides

HALAKHA

With coals of any amount – בְּפִתְחֵי כָּל שְׂהוּא: Some authorities ruled in accordance with the opinion of Rabbi Yehuda that there is no need to ignite most of the coals before Shabbat while it is still day, as they held that he did not disagree with the opinion of the first *tanna* (*Tur*; Rabbeinu Yeruham). Others differ (*Beit Yosef*; *Taz*; RambaM *Sefer Zemanim, Hilkhot Shabbat* 3:19; *Shulhan Arukh, Oraḥ Hayyim* 255:1-2).

Like the food of ben Drosai – כְּמֵאֲכַל בֶּן דְּרוֹסַי: On Shabbat, it is permitted to leave on the fire food that was cooked while it was still day to the extent of the food of ben Drosai. Opinions differed with regard to the degree that the food of ben Drosai was cooked. Some ruled that it is half-cooked (RambaM). Others ruled that it is one-third cooked (Rashi). On Shabbat, the rul-

ing is stringent in accordance with the opinion of the RambaM (*Magen Avraham*; RambaM *Sefer Zemanim, Hilkhot Shabbat* 3:16, 9:5; *Shulhan Arukh, Oraḥ Hayyim* 254:2).

Like the food of ben Drosai no longer has a problem of the cooking of gentiles – מְשׁוּם בִּישׁוּלֵי גּוּיִם: The situation discussed is one where a Jew placed a pot on the fire to cook its contents and then it was removed from the fire by a Jew or a gentile, only to be subsequently replaced on the fire by a gentile. It is permitted to eat the food and it does not have the legal status of food cooked by a gentile as long as it had already been cooked like the food of ben Drosai before he removed it from the fire, even though it was a gentile who

completed the cooking. If it had not been cooked to that extent, the food is prohibited (*Shulhan Arukh, Yoreh De'a* 113:8).

So that its surface... will form a crust – שְׁיִקְרְמוּ פְּנֵיהָ: One may only place bread in the oven on Shabbat eve at nightfall if the side of the loaf stuck to the oven forms a crust. Once the crust was formed, he may leave it there even after Shabbat begins, in accordance with the opinion of Rabbi Eliezer as the discussion in the Gemara was according to his opinion (*Taz*; Vilna Gaon; *Shulhan Arukh HaRav*). Others were stringent with regard to a pie and required that a crust be formed on both sides (Rema). Others were equally stringent with bread (*Shulhan Arukh HaRav*; RambaM *Sefer Zemanim, Hilkhot Shabbat* 3:18; *Shulhan Arukh, Oraḥ Hayyim* 254:5).

One may lower the Paschal lamb – מְשַׁלְשֵׁלִין אֶת מִשְׁלֵשְׁלִין אֶת: The Gemara explains: **What is the reason that this was permitted? Because the people of the group who registered to be counted together for the offering and eating of the Paschal lamb are vigilant in the performance of mitzvot and they will not transgress the halakhot of Shabbat.** The Gemara asks: **And if that was not so, there would not be permission to do so? Didn't the Master say: The meat of a kid, whether it is in an oven that is sealed or whether it is in one that is not sealed, everyone agrees that he may well place it in the oven at nightfall because taking it out of the oven harms it, and there is no room for concern that he will do so? If so, there is no room for concern with regard to the meat of the Paschal lamb, which must be either a goat or a lamb (Exodus 12:5).** The Gemara answers: In any case, it is necessary to emphasize the vigilance of the members of the group, as there, where it was permitted, it was specifically in a case that the goat was cut into pieces. However, here, with regard to the Paschal lamb, the goat is not cut into pieces. It is roasted whole, in accordance with the halakhot of the Paschal lamb. Consequently, it does not roast quickly, and there is room for concern lest he stoke the coals in order to accelerate the roasting. However, since the members of the group are vigilant, the Sages permitted it.

And one may light the fire – וּמְאֲחִיזִין אֶת הָאוּר – In the Temple, it was permitted to light the wood of the fire in the bonfire of the Chamber of the Hearth before Shabbat, and there was no room for concern that they might stoke the coals, since the priests are vigilant (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:20).

Bonfire in the outlying areas – מְדוּדָה בְּגִבּוּלֵין – It is permitted to leave a bonfire to burn on its own on Shabbat when most of its fuel was already ignited on Shabbat eve at nightfall, in accordance with the opinion of Shmuel, as there is a *baraita* that supports his opinion (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:19; *Shulhan Arukh, Oraḥ Hayyim* 255:1; Vilna Gaon).

“מְשַׁלְשֵׁלִין אֶת הַפֶּסַח.” מֵאֵי טַעְמָא?
מִשּׁוּם דְּבִנְי חִבּוּרָה זְרִיזִין הֵן. הָא לָאוּ
הָכִי לָא? וְהָאֲמַר מַר: גְּדִיא, בֵּין שְׂרִיק
בֵּין לָא שְׂרִיק – שְׂפִיר דְּמִי הָתָם
מִינְתָּת, הֲכָא – לָא מִינְתָּת.

“וּמְאֲחִיזִין אֶת הָאוּר וְכוּ” מְנַהֲנִי
מִלֵּי? אָמַר רַב הוּנָא: “לָא תְּבַעְרוּ
אִשׁ בְּכָל מוֹשְׁבוֹתֵיכֶם,” בְּכָל
מוֹשְׁבוֹתֵיכֶם – אִי אֶתָּה מְבַעֵיר,
אֲבָל אֶתָּה מְבַעֵיר בְּמְדוּרַת בֵּית
הַמּוֹקֵד. מִתְקִיף לָהּ רַב חֲסֵדָא: אִי
הָכִי – אֲפִילוּ בְּשִׁבְתָּ נְמוּ! אֶלָּא אָמַר
רַב חֲסֵדָא: קָרָא בִּי אֶתָּה – לְמִשְׁרֵי
אֲבָרִים וּפְדָרִים הוּא דְּאֶתָּה. וְכֵהֲנִים
זְרִיזִין הֵן.

“וּבְגִבּוּלֵין כְּדִי שְׂתֻאָחוּזוּ כו.” מֵאֵי
רוּבֵין? אָמַר רַב: רוּב כָּל אֶחָד וְאֶחָד.
וּשְׂמוּאֵל אָמַר: כְּדִי שְׂלָא יֵאמְרוּ
הָבָא עֵצִים וְנִמְחַ תַּחְתֵּיהֶן. תִּנָּא רַב
חִיָּיא לְסִיעֵיהּ לְשְׂמוּאֵל: כְּדִי שְׂתֵהָא
שְׂלֵהֶבֶת עוֹלָה מֵאִלְיָה, וְלָא שְׂתֵהָא
שְׂלֵהֶבֶת עוֹלָה עַל יְדֵי דְּבַר אַחֵר.

We learned in the mishna that **one may lower the Paschal lamb^h** into the oven on Shabbat eve **at nightfall**. The Gemara explains: **What is the reason that this was permitted? Because the people of the group who registered to be counted together for the offering and eating of the Paschal lamb are vigilant in the performance of mitzvot and they will not transgress the halakhot of Shabbat.** The Gemara asks: **And if that was not so, there would not be permission to do so? Didn't the Master say: The meat of a kid, whether it is in an oven that is sealed or whether it is in one that is not sealed, everyone agrees that he may well place it in the oven at nightfall because taking it out of the oven harms it, and there is no room for concern that he will do so? If so, there is no room for concern with regard to the meat of the Paschal lamb, which must be either a goat or a lamb (Exodus 12:5).** The Gemara answers: In any case, it is necessary to emphasize the vigilance of the members of the group, as there, where it was permitted, it was specifically in a case that the goat was cut into pieces. However, here, with regard to the Paschal lamb, the goat is not cut into pieces. It is roasted whole, in accordance with the halakhot of the Paschal lamb. Consequently, it does not roast quickly, and there is room for concern lest he stoke the coals in order to accelerate the roasting. However, since the members of the group are vigilant, the Sages permitted it.

We learned the following in the mishna: **And one may light the fire^h** in the bonfire of the Chamber of the Hearth in the Temple on Shabbat eve adjacent to nightfall and allow the fire to spread afterward throughout the entire bonfire. The Gemara asks: **From where are these matters that doing so is permitted, derived? Rav Huna said, as it is stated: “You shall kindle no fire in all of your habitations on the day of Shabbat” (Exodus 35:3).** The Gemara infers: **“In all of your habitations,”** the dwelling places of the Jewish people, **you may not kindle fire, but you may kindle fire on Shabbat in the bonfire of the Chamber of the Hearth, which is in the Temple. Rav Hisda objects: If so, if that is the source for the fact that kindling the fire is permitted on Shabbat eve at nightfall, it should also be permitted to kindle it even on Shabbat itself. Why kindle the fire while it is still day? Rather, Rav Hisda said, it should be understood as follows: When the verse came, it came to permit burning the limbs and fatsⁿ of the sacrifices on the altar, even on Shabbat. Lighting the bonfire of the Chamber of the Hearth was not permitted on Shabbat itself, since it is not part of the Temple service. It was kindled merely for the benefit of the priests. The fact that there was no concern about lighting the bonfire on Shabbat eve at nightfall is because the priests are vigilant with regard to mitzvot, and they will certainly not come to stoke the coals.**

We also learned in the mishna that **in the outlying areas^h** one may not light a bonfire on Shabbat eve at nightfall unless there is sufficient time for the fire to take hold in most of the bonfire. The Gemara asks about this: **What is meant by the measure of most of it? Rav said: Most of each and every one of the branches. And Shmuel said: It is sufficient if the branches are sufficiently lit so that they will not say to each other: Bring thinner branches,ⁿ which are easier to kindle, and we will place them beneath the existing branches to accelerate their burning. Rav Hiyya taught a baraita to support Shmuel, from a halakha that was stated with regard to the Temple candelabrum. The baraita said that it must be lit to the point that the flame will ascend on its own and not that the flame will ascend due to something else. In a place where kindling is required, it is sufficient to ensure that the fire burns on its own (Tosafot).**

NOTES

It came to permit limbs and fats – לְמִשְׁרֵי אֲבָרִים וּפְדָרִים – It is clear from the Torah that there are offerings sacrificed on Shabbat itself to which the prohibitions of Shabbat, i.e., slaughtering the offering, preparing it for sacrifice, and kindling the fire on the altar, do not apply at all. However, there were tasks in the Temple that were not part of the daily service and could be postponed. A primary example is the burning of the limbs and fats. Frequently, there was not enough time to burn the limbs and fats of the Friday sacrifices

prior to Shabbat. Since these limbs remained on the altar, a verse was necessary to explicitly permit their burning even on Shabbat, since the burning of the limbs on the altar was also part of the service of the Temple. However, with regard to other parts of the Temple service, only rabbinic decrees did not apply. Torah prohibitions were in effect.

Most of each and every one...so that they will not say: Bring thinner branches, etc. – רוב כל אחד ואחד...כדי שלא יאמרו

הָבָא עֵצִים וְכוּ: Rav's interpretation of the mishna is clear. He says that the phrase: For the fire to take hold in most of the bonfire, refers to each individual branch. On the other hand, Shmuel's opinion requires an explanation. He explains that the term most of the bonfire does not mean a majority here, but it means “a lot [rov],” as in the verse: “According to the multitude [rov] of the years” (Leviticus 25:16). A large fire is one that burns untended (Rav Elazar Moshe Horowitz).

Single branch – עץ יחיד – One who wants to use light a fire for Shabbat must light most of the width and most of the circumference of each single piece of wood before Shabbat, as per the conclusion of Rav Pappa (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 3:19; *Shulhan Arukh, Orah Hayyim* 255:1).

NOTES

What is the *ah* – מאי אה – Some say that this passage does not belong here, but on the next page, where the manner in which a willow can be used for burning is discussed (Rav Tzvi Hirsch Hayyot).

BACKGROUND

Woven baskets [*hotalot*] – חותלות – The *ge'onim* taught that these were woven baskets of dried palm leaves, and as a rule, were used to hold dates. They also used them to press the dates into solid blocks, and store them for the winter. These baskets were also used as flowerpots in which plants were temporarily grown. Those flowerpots were called *parpisi*.

עץ יחיד, רב אמר: רוב עביו. ואמר: לה: ברוב היקפו. אמר רב פפא: הלכך בעינן רוב עביו, ובעינן רוב היקפו. כתנאי, רבי חייא אמר: כדי שישחת העץ ממלאכת האומן. רבי יהודה בן בת ירא אומר: כדי שתאחו האש משני צדדיו. ואף על פי שאין ראיה לדבר וכו' לדבר. "את שני קצותיו אכלה האש ותוכו נחר היצלה למלאכה".

To this point, the Gemara was discussing a bonfire. However, the Gemara asks: What is the *halakha* with regard to a **single branch**^h that one kindles on Shabbat eve? **Rav said: Most of the thickness** of the wood must ignite while it is still day, before Shabbat. **Others say** the same *halakha* in the name of Rav: **Most of the circumference** of the wood must ignite while it is still day, before Shabbat. **Rav Pappa said:** Since there is disagreement with regard to Rav's *halakha*, and it is not clear exactly what he said, **therefore, we require most of its thickness to ignite and we require most of its circumference to ignite;** thereby, we avoid entering into a situation of uncertainty. The Gemara comments: This dispute is **parallel to the dispute of the *tanna'im***, who disagreed with regard to a different matter. **Rabbi Hiyya said:** A fire is considered to be kindled when **the wood will be ruined to the extent** that it can no longer be used for **the work of a craftsman**. **And Rabbi Yehuda ben Beteira says: So that the fire will take hold from both sides** of the wood. And he added: **And even though there is no proof for the matter**, i.e., what constitutes burning as far as Shabbat is concerned, nevertheless there is **an allusion to the matter** that wood in this condition is considered burnt, as it is stated: "Behold, it is cast into the fire for fuel; **the fire consumed both of its ends and the midst of it is burned. Is it fit for any work?**" (Ezekiel 15:4).

והאח לפניו מב' ערת. מאי אה? אמר רב: אחונוא. ושמואל אמר: עצים שגדלקו באחונוא. ההוא דאמר להו: מאן בעי אחונוא. אשתבח ערבתא.

Along the same lines, the Gemara cites a different verse that discusses burning fire, as it relates to King Jehoiakim: **"And the hearth [*ah*] was burning before him"** (Jeremiah 36:22). *Amora'im* disputed the question: **What is the *ah*ⁿ** mentioned in the verse? **Rav said** that it means willow branch [*ahvana*]. **And Shmuel said:** It is referring to **wood that was lit with *ahvana***, meaning with fraternity [*ahva*], i.e., that each piece of wood is lit from another, even small ones from large ones. The meaning of the word *ahvana* was forgotten; the Gemara relates that **this man, who said to people in the marketplace: Who wants *ahvana*? And he was found to be selling willow**, and therefore, the meaning of the word was understood.

אמר רב הונא: קנים אין צריכין רוב, אגדן – צריכין רוב. גרעינין אין צריכין רוב, נתנן בחותלות – צריכין רוב. מתקיף לה רב חסדא: אדרבה, איפקא מסתברא. קנים – מברדן, אגדן – לא מברדן: גרעינין – מברדן, נתנן בחותלות – לא מברדן. איתמר נמי,

Rav Huna said: Reeds with which he lights a bonfire on Shabbat eve **do not require** that **most** of the reeds ignite prior to Shabbat, because they burn easily. However, if **he tied them** together into a bundle, the reeds assume the legal status of a wooden beam and **most of the reeds need** to catch fire before Shabbat. The same is true with regard to date **seeds** that he kindles. They **do not require** that **most** of them catch fire before Shabbat, because they burn easily. However, if **he placed them in woven baskets [*hotalot*]**,^b **most of the seeds need** to ignite before Shabbat. **Rav Hisda strongly objects to this: On the contrary, the opposite makes sense**, as reeds are scattered and difficult to burn. When **they are bundled, they are not scattered**, and therefore burn more easily. Similarly, **seeds are scattered**. And if he placed them in woven baskets, they are not scattered. It was also stated

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אמר רב כהנא: קנים שאגדן – צריכין רוב, לא אגדן אין צריכין רוב. גרעינין – צריכין רוב, נתנן בחותלות – אין צריכין רוב.

on a similar note, **Rav Kahana said: Reeds that one tied them into a bundle, require that most of them ignite. If one did not tie them into a bundle, they do not require that most of them ignite**, in accordance with the statement of Rav Huna. However, **seeds^h require that most of them ignite. And if he placed them in woven baskets, they do not require that most of them catch fire.**

Reeds...seeds, etc. – קנים...גרעינין וכו' – If reeds and seeds were bundled and connected and one wants to light them Shabbat eve before nightfall, he must light them in a manner that most of them will burn on their own before Shabbat begins. If they are not connected, there is no requirement that most of them burn before Shabbat. This is based on the variant reading of Rav Kahana's statement in the Rif and the Rambam. Others rule the opposite, based on the version of Rav Kahana's statement in the Gemara (Rosh; Rambam *Sefer Zemanim, Hilkhhot Shabbat* 3:21; *Shulhan Arukh, Orah Hayyim* 255:3).

HALAKHA

Bonfires – מדורות: It is sufficient to ignite even the slightest part of bonfires made of pitch, sulfur, straw, and rakings, as well as fat and wax adjacent to Shabbat, according to the variant reading of the Rif of the statement of Rav Yosef and the *baraita* (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:22; *Shulḥan Arukh, Orah Hayyim* 255:3).

LANGUAGE

Hyssop [zaza] – זאזא: This word is perhaps related to the Middle Persian *zāz*, meaning grass. According to the *geonim*, *zaza* means the branch of a tree used for burning.

תני רב יוסף, ארבע מדורות אין צריבין רוב: של זפת, ושל גפרית, ושל גבינה, ושל רבב. במתניתא תנא: אף של קש ושל גבבא.

אמר רבי יוחנן: עצים של בביל אין צריבין רוב. מתקיף לה רב יוסף: מאי היא? אילימא סילתא, השתא פתילה אמר עולא: המדליק צריך שידליק ברוב היוצא. סילתא מבפניא! אלא אמר רב יוסף: שוכא דארזא. רמי בר אבא אמר: זאזא.

הדרן עלך יציאות השבת

Rav Yosef taught a *baraita*: **Four bonfires^H do not require that most of the flammable materials catch fire**, as their materials burn easily once the fire takes hold of them. And they are: A bonfire of pitch, and of sulfur, and of dry cheese, and of fatty materials. And it was taught in a *baraita*: A bonfire of straw and one of rakings of wood gathered from the field also do not require that most of it catch fire.

Rabbi Yoḥanan said: **Babylonian wood does not require that most of it catch fire.** Rav Yosef the Babylonian objects: **What is that wood that they use in Babylonia that burns so well? If you say that it refers to wood slivers used for burning and light, now that with regard to a wick, Ulla said that one who lights it for a Shabbat lamp must light most of what emerges from the vessel; is it necessary to mention with regard to wood slivers that most of them must be lit? Rather, Rav Yosef said: Certainly the reference is to the branch of a cedar tree.** And Rami bar Abba said: The reference here is to a hyssop [zaza].^L

Summary of Perek I

The talmudic discussions in this chapter encompassed a wide variety of topics, some of which were not related to the laws of Shabbat. The main focus of this chapter was the explication of two major topics: The *halakhot* of carrying from one domain to another on Shabbat and activities that are permitted or prohibited on Shabbat eve.

Although the discussion of a significant portion of the *halakhot* of carrying out will not be completed until Chapters 7–10 of this tractate, several select issues were analyzed exhaustively in this chapter: The various Shabbat domains and many of the rulings and details that pertain to them; halakhic rulings with regard to intermediate domains and areas, e.g., holes in a wall adjacent to the public domain; and even explanations of some of the fundamental principles upon which these *halakhot* are based. Similarly, in this chapter, the parameters of lifting and placing were clearly defined; the question of lifting from and placing upon a significant surface was addressed; and the definition of what constitutes a significant surface in this regard was discussed.

Another series of *halakhot* discussed primarily in this chapter are those governing activities from which one must refrain on Shabbat eve. Among these *halakhot* are those that were decreed as safeguards by the Sages, who prohibited performance of certain actions on Shabbat eve lest one forget and come to perform a prohibited labor on Shabbat itself, e.g., the tailor may not go out with his needle.

This chapter also contained a significant, fundamental discussion of whether or not one is permitted to take action on Shabbat eve that will cause a prohibited labor to be performed on Shabbat on its own or by a gentile. In those cases, it is the opinion of Beit Shammai that gave extremely limited license to perform those actions, as they extended the prohibition to perform a prohibited labor to one's utensils as well. On the other hand, Beit Hillel, whose opinion in this case is the accepted *halakha*, are of the opinion that the prohibitions of Shabbat apply to the person and not to the utensils with which the labor is performed. Based upon that principle, automatic processes initiated before Shabbat that continue to function on Shabbat itself are permitted. In practice, there are many exceptions to this principle, but the basic *halakha* is based upon this foundation.

You shall not kindle a fire throughout your settlements on the Shabbat day.

(Exodus 35:3)

You shall call the Shabbat a delight, the holy of the Lord honorable.

(Isaiah 58:13)

Introduction to **Perek II**

Delighting in Shabbat is not a mitzva by Torah law, but is first mentioned in the book of Isaiah. However, many of the *halakhot* and customs of Shabbat are based upon this mitzva.

Kindling the Shabbat lights in deference to Shabbat is based on the mitzva of delighting in Shabbat, as there can be no delight or enjoyment, even in a festive meal, in a house that is dark and bereft of illumination. With the lighting of the Shabbat lights, there is thus an element of delight, as well as deference to Shabbat day. However, since there is a strict prohibition against kindling fire or extinguishing it on the Shabbat day, special care must be taken to ensure that the kindling of the lights on Shabbat eve will not lead to kindling or extinguishing fire once Shabbat begins. Therefore, the Sages instituted safeguards and precautions with regard to the various substances that may be used in kindling the Shabbat lights as well as with regard to the manner in which their light may be utilized on Shabbat eve and on Shabbat day.

The primary focus of this chapter is the elucidation of the parameters of the prohibited labors of kindling and extinguishing, along with a discussion of precautionary measures enacted to enable use of the light of an oil lamp on Shabbat.

Other related topics, including the mitzva of the Hanukkah lights, are discussed in this chapter.

This mishna cites a list of fuels and wicks that one may not use in kindling the Shabbat lights, either because their use might induce one to perform a prohibited labor on Shabbat or because they are not in keeping with the deference due Shabbat. The mishna begins by listing the materials that one may not use as wicks. That is followed by a list of the substances that one may not use as fuel.

מתני' במה מדליקין ובמה אין מדליקין? אין מדליקין לא בלקש, ולא בחוסן, ולא בכלף, ולא בפתילת האידן, ולא בפתילת המדבר, ולא בירוקה שעל פני המים, ולא בזפת, ולא בשעוה, ולא בשמן קיק, ולא בשמן שריפה, ולא באליה, ולא בחלב. נחום המדי אומר: מדליקין בחלב מבושיל, וחכמים אומרים: אחד מבושיל ואחד שאינו מבושיל – אין מדליקין בו.

גמ' "לקש" – שוכא דארזא. שוכא דארזא עץ בעלמא הוא! בעמרנתיא דאית ביה.

"ולא בחוסן". אמר רב יוסף: נעורת של פשתן. אמר ליה אביי: והכתיב: "והיה החסון לנעורת" מכלל דחוסן לאו נעורת הוא! אלא אמר אביי: כיתנא דדייק ולא נפיץ.

"ולא בכלף". אמר שמואל: שאלתינהו לכל נחותי ימא, ואמרי (לה): בולפא שמייה. רב יצחק בר זעירא אמר: גושקרא.

רבין ואביי הווי יתבי קמיה דרבנא נחמיה אחוה דריש גלותא, חזייה דהוה לביש מטבסא. אמר ליה רבין לאביי: היינו כלף דתנן. אמר ליה: אגן שירא פרנדא קרינן ליה.

מיתיבי: השיראים והכלף והסיריקין חייבין בציצית! תיובתא דרבין תיובתא. איבעית אימא: שירא לחוד ושירא פרנדא לחוד.

MISHNA With what may one light the Shabbat lamp, and with what may one not lightⁿ it? With regard to types of prohibited wicks,^h one may light neither with cedar bast [*lekhesh*], nor with uncombed flax [*hosen*], nor with raw silk [*kalakh*],^{LB} nor with willow bast [*petilat ha'idan*], nor with desert weed [*petilat hamidbar*], nor with green moss that is on the surface of the water. With regard to types of prohibited oils,^h one may light neither with pitch [*zefet*], nor with wax [*sha'ava*], nor with castor oil [*shemen kik*], nor with burnt oil [*shemen sereifa*], nor with fat from a sheep's tail [*alya*], nor with tallow [*helev*]. Nahum the Mede says: One may light with boiled tallow. And the Rabbis say: Both tallow that was boiled and tallow that was not boiled, one may not light with them.

GEMARA Most of the terms used in the mishna were not understood in Babylonia. Therefore, the Gemara translated and clarified them. We learned in the mishna that one may not light with *lekhesh*. The Gemara explains that *lekhesh* is the branch of the cedar tree. The Gemara asks: Isn't the cedar mere wood? How would one fashion a wick out of wood? The Gemara answers: The mishna is referring to the woolly substance that is beneath its bark.

The mishna taught further that one may not light with *hosen*. Rav Yosef said: *Hosen* is tow, thin chaff that falls off the stalk of combed flax.ⁿ Abaye said to him: Isn't it written: "And the *hason* shall be as tow" (Isaiah 1:31)? By inference, *hosen* is not tow. Rather, Abaye said: *Hosen* is flax whose stalk was crushed but not yet combed. The threads in the stalk are still covered by a shell and therefore do not burn well.

And we also learned in the mishna that one may not light with *kalakh*. Shmuel said: I asked all seafarers, and they said to me that the present-day name of *kalakh* mentioned in the mishna is *kulka*. Rav Yitzhak bar Ze'ira said: *Kalakh* is the cocoon of the silkworm [*gushkera*].¹

The Gemara relates that Ravin and Abaye were sitting before Rabbana Neḥemya, brother of the Exilarch. Ravin saw that Rabbana Neḥemya was wearing *metaksa*,¹ a type of silk. Ravin said to Abaye: This is the *kalakh* that we learned in our mishna. Abaye said to him: We call it *shira*¹ *peranda*.¹

The Gemara raises an objection from that which we learned: The *shira'im*, the *kalakh*, and the *sirikin*,¹ different types of silk, all require ritual fringes. Apparently, *shira'im* and *kalakh* are different types of silk. This is a conclusive refutation of the statement of Ravin who identified *kalakh* with *shira peranda*. The Gemara responds: Indeed, it is a conclusive refutation. If you wish, say instead that *shira* is a distinct entity, and *shira peranda* is a distinct entity. *Shira peranda* is *kalakh*.

NOTES

With what may one light and with what may one not light, etc. – במה מדליקין ובמה אין מדליקין וכו' – Lighting the Shabbat lamp with inferior wicks and oils, where the wick does not draw the oil properly, is prohibited because the purpose of this mitzva is to utilize the light. If the light emitted by inferior wicks and oils is weak and dim, the concern is that the person will abandon the Shabbat lights, defeating their purpose, which is to enjoy their light (see Rambam).

Tow of combed flax – נעורת של פשתן – According to the Gemara, the verse from Isaiah: "And the strong [*hason*] shall be as tow [*ne'oret*]," refers to processing the flax. In the course of that process, the raw flax is combed to break down the fibrous core and remove impurities. This is a metaphor for the wicked, who will undergo the same process and will ultimately be broken and crushed (Jerusalem Talmud).

HALAKHA

Disqualifications of wicks – פסולי פתילות – One may not make wicks for Shabbat lamps from material that will cause the flames to jump and flicker, as explained in the mishna and Gemara, regardless of where in the house they are lit. Even if the alternative is not fulfilling the mitzva at all, one may not light with the wicks listed in the mishna (*Peri Megadim*; Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 5:5; *Shulḥan Arukh*, *Orah Ḥayyim* 264:1).

Disqualification of oils – פסולי שמנים – It is only permitted to light Shabbat lamps using oil that is drawn easily by the wick, as per the list in the mishna. Even if the alternative is not fulfilling the mitzva at all, one may not light with the oils listed in the mishna (*Peri Megadim*; Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 5:8; *Shulḥan Arukh*, *Orah Ḥayyim* 264:3).

LANGUAGE

Raw silk [*kalakh*] – כלף – Perhaps this word is related to the Persian *kurg*, which means a delicate, soft wool.

The cocoon of the silkworm [*gushkera*] – גושקרא – The source of this word appears to be from the Persian *khuskar*, which means coarse flour that is full of bran. This term was also used to connote a low-quality, coarse silk fabric.

Metaksa – מטבסא – This is a Greek word μέταξα, *metaxa*, meaning silk, especially raw silk.

Shira – שירא – The words *shira'in* and *shira* are Aramaic. Apparently, their source is Chinese by way of the Greek σιρικόν, *sirikon*.

Peranda – פרנדא – From the Middle Persian *parand*, which means silk.

Sirikin – סיריקין – From the Greek σιρικόν, *sirikon*, meaning a silk garment or silk.

BACKGROUND

Raw silk – כלף:



Persian silk fabric

HALAKHA

The Sages added to the list wicks of wool and hair – הוסיפו – עליהן של צמר ושל שער. One may not fashion wicks from wool or hair for use on Shabbat, as per the *baraita* (Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:5; *Shulhan Arukh, Oraḥ Hayyim* 264:1).

Lest you say it is also unfit for use for wicks – מהו דתימא: It is permitted to light a wax candle or one made of pitch or fat on Shabbat, if the wick is made of a permitted material (*Mishna Berura*). These materials were disqualified for use only in their liquid state (Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:8; *Shulhan Arukh, Oraḥ Hayyim* 264:7).

BACKGROUND

Pitch and tar – זפת ועטרן: Until approximately one hundred years ago, most pitch and tar were extracted from trees. The manufacture of wood coal employed a method of dry, destructive distillation of trees, the derivatives of which were pitch and tar. These substances were used primarily for waterproofing utensils.

“ולא בפתילת האידין” אחינא. רבין ואבין הוו קאזלו בפקתא דטמרוריתא, הוניהו להנהו ארבתא. אמר ליה רבין לאבין: היינו אידן דתנן. אמר ליה: ההיא עץ בעלמא הוא! קלף ואחוי ליה עמרניתא דביני ביני “ולא בפתילת המדבר” שברא.

“ולא בירוקה שעל כו” מאי היא? אילמא אוכמתא דחריצי – איפרוכי מפרכן! אלא אמר רב פפא: אוכמתא דארבא.

תנא: הוסיפו עליהן של צמר ושל שער. ותנא דידן: צמר מכווץ בוויץ, שער – איחרוכי מיתרח.

“ולא בזפת” זפת – זיפתא, שעוה – קירותא. תנא: עד כאן – פסול פתילות, מכאן ואילך – פסול שמנים. פשיטא! שעוה איצטריכא ליה, מהו דתימא: לפתילות נמי לא תזיא, קא משמע לן.

אמר רמי בר אבין: עטרנא – פסולתא דזיפתא, שעוה – פסולתא דדובשא.

And we learned in the mishna that one may not light with *petilat ha’idan*. The Gemara explains that *petilat ha’idan* is willow, which does not burn well. The Gemara relates that Ravin and Abaye were walking in the valley of Tamrurita. They saw these willow trees. Ravin said to Abaye: This is the *idan* that we learned in the mishna. Abaye said to him: But this is mere wood. How would one fashion a wick from it? Ravin peeled the bark and showed him the wool-like substance between the bark and the tree. We also learned in the mishna: Nor with desert silk [*petilat hamidbar*]. That is the mullein plant, which does not burn well.

And we learned in the mishna that one may not use the green moss that is on the surface of the water to fashion a wick for lighting the Shabbat lamp. The Gemara asks: What is this green moss? If you say that it is the moss found on standing water, isn’t that moss brittle and therefore unfit material from which to fashion a wick? Rather, Rav Pappa said: It is referring to the moss that accumulates on ships, which is more pliable and when dried can be fashioned into a wick.

It was taught in a *baraita*: The Sages added to the list of prohibited wicks in the mishna those made of wool and hair⁴ as well. The Gemara remarks: And our *tanna* did not consider it necessary to enumerate these because it is virtually impossible to fashion wicks from these materials, as, when they burn, wool shrinks and hair is scorched. Consequently, they are unsuitable for use as wicks.

And we learned in the mishna that one may not use *zefet* or *sha’ava* as fuel in lighting the Shabbat lamp. The Gemara explains that *zefet* is pitch, and *sha’ava* is wax. It was taught in a *baraita*: Until this point, the word *zefet*, the mishna is dealing with disqualification of materials unfit for use as wicks, and from this point on it is dealing with disqualification of substances unfit for use as oils. The Gemara asks: Obviously, a wick cannot be made from pitch and similar materials. The Gemara answers: It was necessary for the mishna to mention wax, lest you say that it is also unfit for use as a coating for wicks,⁵ in the manner that wicks are usually made. Therefore, it teaches us that even though wax is unfit for use as oil, it is fit for use as coating for wicks.

Rami bar Avin said: Tar [*itrān*] is the by-product of pitch.⁶ When wood is burned to extract pitch, a clearer liquid oozes out after the pitch, and that is tar. Similarly, wax is the by-product of honey.

Perek II Daf 21 Amud a

HALAKHA

However, one may use them to make a bonfire – אבל עושה – מהן מדורה. It is permitted to light a bonfire for Shabbat using all the materials that may not be used for making wicks for a Shabbat lamp (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:19; *Shulhan Arukh, Oraḥ Hayyim* 255:1).

למאי נפקא מינה? למקח וממכר.

The Gemara asks: What is the practical difference that emerges from that which Rami bar Avin taught? The Gemara explains: Its significance is with regard to buying and selling. One who buys tar can insist upon receiving the by-product of pitch and no other material. The same is true with regard to wax and honey.

תנו רבנן: כל אלו שאמרו “אין מדליקין בהן בשבת” אבל עושין מהן מדורה, בין להתחמם בנגדה בין להשתמש לאורה, בין על גבי קרקע בין על גבי בירה, ולא אסרו אלא לעשות מהן פתילה לגר בלבד.

The Sages taught in the *Tosefta*: With regard to all of those materials about which they said that one may not light the lamp with them on Shabbat; however, one may use them *ab initio* to make a bonfire.⁴ One may do so both to warm himself opposite it and to utilize its light, and he may ignite it both on the ground and on a stove. They prohibited using them only to make a wick for an oil lamp.

Castor plant – קיקיון: The castor plant, *Ricinus communis* L., is a plant of diverse shapes. It can be an annual plant, bush or tree. Its height ranges from 1–4 m. Its stalks are erect and branch out at the top, with large leaves that are divided into finger-like lobes. Castor oil, used for medicinal purposes, is produced from the seeds of the plant, which is cultivated for that purpose. The castor plant grew in many countries, including Babylonia and Eretz Yisrael. In Aramaic, it is called *tzeloliva*.



Castor plant

HALAKHA

מהו שיתן לתוכן – מאי שאין מדליקין: One may not light prohibited oils even if he adds a small amount of permitted oil to them (Rambam *Sefer Zemanim, Hilkhoh Shabbat* 5:9; *Shulhan Arukh, Orah Hayyim* 264:4).

איך להקפות מותר – מאי להקפות: One may wrap a wick made of permitted material around material that is prohibited for use as a wick on Shabbat in order to harden the wick or cause it to float on the oil. If the purpose was to thicken the wick and thereby produce light, it is prohibited (Rambam *Sefer Zemanim, Hilkhoh Shabbat*, 5:6; *Shulhan Arukh, Orah Hayyim* 264:2).

NOTES

Because one may not light – מאי שאין מדליקין: Many explanations were given for this cryptic answer. Some commentaries had a variant reading: Because they do not light. Rabba said that these oils do not ignite even in a mixture with other oils (Rambam; see *Me'iri*). Others explain that the answer is based on a decree. Since one may not use them in their pure form, the Sages prohibited using them even when they are mixed with other oils (Rashi; Rosh). Yet others said that the disqualified oil is not drawn by the wick in a mixture. The high quality oils would be drawn first, while the prohibited oil would not burn at all (Rabbeinu Hananel; *ge'onim*).

To float – להקפות: Some explain the term to mean thickening of the tip of the wick to produce more light (Rabbeinu Hananel; Rif).

And it is incomplete – וחסורי מיחסרה: The following expression: It is incomplete, is essentially an exegetical tool, i.e., adding words to clarify the statements of a mishna or a *baraita*. It should be read as if the added words appear in parentheses. No matter how the mishna is explained, in its present form it remains problematic due both to the difficulty in understanding the rationale of the first *tanna's* opinion and due to the incident that contradicts the *halakha* cited in the mishna. As a rule, a mishna does not cite a story that contradicts the statement that preceded it. These difficulties are resolved by means of the tool: It is incomplete.

“לא בשמן קיק וכו’”. מאי שמן קיק? אמר שמואל: שאילתינהו לבל נחזתי ימא ואמרו לי: עוף אחד יש בכרבי הים וקיק שמו. רב יצחק בריה דרב יהודה אמר: משחא קאזא. ריש לקיש אמר: קיקיון דיונה. אמר רבה בר בר חנה: לדידי חזי לי קיקיון דיונה, ולצלוליבא דמי, ומדפסקי רבי, ועל פום חנותא מדלן יתיה, ומפרצידוהי עבדי משחא, ובענפוהי גיחון כל בריחי דמערבא.

And we learned in the mishna that one may not light the Shabbat lamp with *kik* oil. The Gemara asks: What is *kik* oil? Shmuel said: I asked all the seafarers, and they said to me that there is a bird in the cities on the sea coast, and *kik* is its name. *Kik* oil is produced from that bird. Rav Yitzhak, son of Rav Yehuda, said: This is referring to cotton oil. Reish Lakish said: It is the oil made from the seed of a plant like the castor plant [*kikayon*]⁸ of Jonah. Rabba bar bar Hana said: I have seen the species of the castor plant of Jonah, and it is similar to the ricinus tree and it grows in swamps, and they place it at the entrance of shops for shade, and they produce oil from its seeds, and all the sick people of the West, Eretz Yisrael, rest beneath its branches.

אמר רבה: פתילות שאמרו חכמים אין מדליקין בהן בשבת – מפני שהאור מסכסכת בהן, שמנים שאמרו חכמים אין מדליקין בהן – מפני שאין נמשכין אחר הפתילה.

Rabba said: Those wicks about which the Sages said one may not light with them on Shabbat, the reason is: Because the fire flickers on them. It sputters on the wick and does not burn well. Those oils with which the Sages said that one may not light on Shabbat, the reason is: Because they are not drawn effectively by the wick.

בעא מיניה אביי מרבה: שמנים שאמרו חכמים אין מדליקין בהן בשבת, מהו שיתן לתוכן שמן כל שהוא וידליק? מי גזרין דילמא אתי לאדלוקי בעיניהו, או לא? אמר ליה: אין מדליקין. מאי טעמא: לפי שאין מדליקין.

Abaye raised a dilemma before Rabba: Those oils with which the Sages said one may not light on Shabbat, what is the ruling? May one, *ab initio*, add to them any amount of oil⁹ with which it is permissible to light and light with that mixture? The sides of the dilemma are: Do we issue a decree lest one come to light these oils in their natural form, without mixing them with permissible oils? Or no, that possibility is not a source of concern? Rabba said to him: One may not light that mixture. What is the reason for this? The reason is because the *halakha* is that one may not light (*Arukh*).¹⁰

אייתיביה: כרד דבר שמדליקין בו על גבי דבר שאין מדליקין בו – אין מדליקין בו. (אמר) רבן שמעון בן גמליאל: של בית אבא היו כורכין פתילה על גבי אגוז ומדליקין. קתני מיהת “מדליקין”!

Abaye raised an objection to Rabba’s opinion from that which was taught in the *Tosefta*: One who wrapped a material with which one may light around a material with which one may not light, may not light with the bound wick. Rabban Shimon ben Gamliel said: In the ancestral house of my father, they would wrap a wick with which one is permitted to light around a nut, and that was how they would light. In any case, it is teaching that, according to Rabban Shimon ben Gamliel, one may light. Apparently, one is permitted to light with a combination of permitted and prohibited wicks.

אמר ליה: אדמותבת לי מדרבן שמעון בן גמליאל – סייעניהו מדתנא קמא! הא לא קשיא, מעשה רב. מכל מקום קשיא! מאי לאו – להדליק? לא, להקפות. אי להקפות – מאי טעמא דתנא קמא? כולה רבן שמעון בן גמליאל היא, וחסורי מיחסרה והכי קתני: כרד דבר שמדליקין בו על גבי דבר שאין מדליקין בו – אין מדליקין בו. במה דברים אמורים – להדליק, אבל להקפות – מותר, שרבן שמעון בן גמליאל אומר: של בית אבא היו כורכין פתילה על גבי אגוז.

Rabba said to him: Before you raise an objection to my opinion from the statement of Rabban Shimon ben Gamliel, support it from the statement of the first *tanna*, who said that it is prohibited to light in that case. The Gemara answers: This is not difficult, as it is preferable to challenge from the statement of Rabban Gamliel with regard to the custom in his father’s house. There is a principle that proof cited from an action is great, i.e., a practical precedent is more substantial than a theoretical *halakha*. Nevertheless, the difficulty from the statement of Rabban Shimon ben Gamliel remains: Is he not speaking of a case where he combined the wick and the nut to light them together? If so, one is permitted to combine the prohibited and the permitted. The Gemara answers: No, it is speaking in a case where he combined them to float¹¹ the wick on the oil with the help of the nut. The Gemara asks: If it is speaking only with regard to a case of floating the wick, what is the reason that the first *tanna* prohibits doing so? The Gemara answers: The entire *baraita* is the opinion of Rabban Shimon ben Gamliel, and it is incomplete,¹² and it teaches the following: One who wrapped a material with which one may not light around a material with which one may not light, may not light with it. In what case is this statement said? When he combines the materials to light them together. However, if he utilizes that with which one may not light merely in order to float the wick, it is permitted,¹³ as we learned that Rabban Shimon ben Gamliel says: In the ancestral house of my father, they would wrap a wick with which one is permitted to light around a nut. That was how they would light.

NOTES

Molten fat – חלב מהותך: The molten fat mentioned here is fat that is actually in a liquid form, not fat that was merely previously cooked. This appears to be the understanding in the Jerusalem Talmud as well (Rashba).

The Celebration of Drawing Water – שמחת בית השואבה: According to Rashi, the Sages were not as strict with regard to the Celebration of Drawing Water because it is not a Torah law. Others explain that they lit so many wicks that the fire was like a bonfire, and the quality of the wicks is of no concern in a bonfire (Rabbi Yehuda Bakhrakh).

HALAKHA

Molten fat or fish innards that dissolved – חלב מהותך: One may not light a Shabbat lamp with fuel made of molten fat or fish innards. However, if they are mixed together with permitted oil, one may light with them, as per the opinion of Rav Beruna (Rambam Sefer Zemanim, Hilkhot Shabbat 3:9; Shulhan Arukh, Orah Hayyim 255:5).

Wicks...one may not light in the Temple – פתילות: All of the wicks that may not be utilized on Shabbat were also prohibited for use in the Temple candelabrum (Rambam Sefer Avoda, Hilkhot Temidin UMusafin 3:15).

Priestly garments that were tattered, they would unravel them into threads from which they would make wicks – עושים פתילות: Wicks for the lights of the Celebration of Drawing Water were made from the tattered trousers and sashes of the priests. Wicks for the Temple candelabrum were not fashioned from those garments, since they contained wool. Rather, those wicks were made from the tattered tunics of the priests because they were made exclusively from linen (Rambam Sefer Avoda, Hilkhot Temidin UMusafin 8:6).

BACKGROUND

Priestly garments – בגדי כהונה: As described in the Torah, the priestly garments were made from different materials. The sashes and trousers were made from interwoven threads of multicolored linen and wool (Exodus 39:29), while the rest of their clothing was made exclusively from linen. Since it is prohibited to use priestly garments for mundane purposes and it is prohibited for priests to wear dirty clothing, the garments were not laundered. The tattered and dirty garments were used to fashion wicks for the Celebration of Drawing Water and for the Temple candelabrum.

איני? והאמר רב ברונא אמר רב: חלב מהותך וקרבי דגים שנמוחו, אדם נותן לתוכו שמן כל שהוא ומדליק! הני מימשכי בעיניהו, והני – לא מימשכי בעיניהו וגורו רבנן על חלב מהותך משום חלב שאינו מהותך, ועל קרבי דגים שנמוחו משום קרבי דגים שלא נמוחו. ולגזור נמי חלב מהותך וקרבי דגים שנמוחו שנתן לתוכן שמן, משום חלב מהותך וקרבי דגים שנמוחו שלא נתן לתוכן שמן! היא גופה גזירה, ואנן ניקום ונגזור גזירה לגזירה?

תני רמי בר חמא: פתילות ושמןם שאמרו חכמים אין מדליקין בהן בשבת – אין מדליקין בהן במקדש, משום שנאמר: "להעלות נר תמיד". הוא תני לה: והוא אמר לה: בדי שתהא שלהבת עולה מאליה, ולא שתהא עולה על ידי דבר אחר.

תנן: מבליאי מכנסי כהנים ומהמיניהם היו מפקיעין, ומהן מדליקין! שמחת בית השואבה שאני.

תא שמע, דתני רבה בר מתנה: בגדי כהונה שבלו מפקיעין אותן, ומדן היו עושים פתילות למקדש. מאי לאו דכלאים? לא, דבוי.

אמר רב הונא: פתילות ושמןם שאמרו חכמים אין מדליקין בהן בשבת – אין מדליקין בהן בחנוכה, בין בשבת בין בחול. אמר רבא: מאי טעמא דרב הונא – קסבר: כבתה זקוק לה, ומותר לה שתמש לאורה. ורב חסדא אמר: מדליקין בהן בחול, אבל לא בשבת. קסבר: כבתה

In any case, to this point the conclusion is that one may not light with a mixture of permitted and prohibited oils. The Gemara asks: Is that so? Didn't Rav Beruna say that Rav said: With regard to molten fat^N or fish innards that dissolved^H and became like oil, a person may place any amount of oil fit for lighting into it and light. Apparently, one may light with a mixture of permitted and prohibited oils. Rabba answers: These, the fat and the fish innards, are drawn by the wick even in their natural state, and those, the prohibited oils, are not drawn in their natural state. Originally, the Sages issued a decree to prohibit molten fat due to unmolten fat and to prohibit dissolved fish innards due to undissolved fish innards; however, the Sages did not issue a decree in a case where one added to them any amount of oil suitable for lighting, and permitted lighting with it. The Gemara asks: Let them also issue a decree to prohibit molten fat and dissolved fish innards to which he added oil due to molten fat and dissolved fish innards to which he did not add permitted oil. The Gemara rejects this: That prohibition with regard to molten fat and dissolved fish innards itself is based on a decree. And will we arise and issue one decree to prevent violation of another decree? The Sages do not issue decrees under those circumstances. Therefore, there is no reason to prohibit their use.

Rami bar Hama taught a baraita: Those wicks and oils, which the Sages said one may not light with them on Shabbat, one may not light with them in the Temple^H either because it is stated with regard to the Temple candelabrum: "And you shall command the children of Israel, that they bring unto you pure olive oil beaten for the light, to cause a lamp to burn continually" (Exodus 27:20). Rami bar Hama taught that baraita and he also said its explanation: What is the proof from the verse? One may interpret the verse homiletically: The requirement is to light the candelabrum so that the flame ascends of itself when it is kindled, and not that it ascends by means of something else, i.e., adjusting the wick after it was lit.

We learned in a mishna: They would unravel the threads of the tattered trousers of the priests and their belts in order to make wicks from them, and from those same wicks they would light at the Celebration of Drawing Water.^N There was wool in the belts of the priests. It is said that their belts were made from, among other things, tekhelet, which in the Bible refers to dyed wool. Apparently, one may light with a mixture that includes a wick unsuitable for lighting. The Gemara answers: The Celebration of Drawing Water is different, as in that celebration, they did not light the Temple candelabrum. They lit special lanterns made specifically for that purpose and were not stringent with regard to the wicks placed in them.

Come and hear a related question from that which Rabba bar Mattana taught: Priestly garments^S that were tattered, they would unravel them into threads from which they would make wicks^H for the Temple. Is this not also referring to garments made of diverse kinds, like the sashes of the priests that were made of a mixture of wool and linen? The Gemara answers: No, these wicks were made from linen garments alone.

Rav Huna said: Those wicks and oils with which the Sages said that one may not light the lamp on Shabbat, one may not light the lamp with them on Hanukkah either; both when it falls on Shabbat and when it falls during the week. Rava said: What is the reason for Rav Huna's statement? He holds that if the Hanukkah light becomes extinguished, even though one lit it properly, one is bound to attend to it and relight it so that it will burn properly. Therefore, one must ensure that the wick burns properly from the outset. And utilizing the light of the Hanukkah lamp is permitted during the week. Consequently, in order to prevent him from inadvertently sinning on Shabbat, he must ensure from the outset that the wick burns well, lest he come to adjust the flame on Shabbat. Those wicks and oils do not burn well at all. And Rav Hisda said: Those same oils and wicks with which the Sages prohibited to light on Shabbat, one may light with them on Hanukkah during the week, but not on Shabbat. He holds that if the Hanukkah light is extinguished

אין זקוק לה, ומוותר להשתמש לאורה. אמר רבי זירא אמר רב מתנה, ואמרי לה אמר רבי זירא אמר רב: פתילות ושמןם שאמרו חכמים אין מדליקין בהן בשבת – מדליקין בהן בתנופה, בין בחול בין בשבת. אמר רבי ירמיה: מאי טעמא דרב – קסבר: כבתה אין זקוק לה, ואסור להשתמש לאורה.

אמרוהו רבנן קמיה דאביי משמיה דרבי ירמיה – ולא קיבלה. כי אתא רבין, אמרוהו רבנן קמיה דאביי משמיה דרבי יוחנן – וקיבלה. אמר: אי זכאי גמירתינה לשמעתיה מעיקרא. והא גמרה! נפקא מינה לגירסא דנקותא.

וכבתה אין זקוק לה? ורמינהו: מצותה משתשקע החמה עד שתכלה רגל מן השוק. מאי לאו, דאי כבתה הדר מדליק לה! לא, דאי לא אדליק – מדליק. ואי נמי: לשיעורה.

עד שתכלה רגל מן השוק, ועד כמה? אמר רבה בר בר חנה אמר רבי יוחנן: עד דכליא ריגלא דתרמודאי.

one is not bound to attend to it. Therefore, there is no reason to make certain from the outset to light it with materials that burn well, as even if it is extinguished, he is not required to relight it. However, he also holds that it is permitted to use its light. As a result, he must ensure that the wick burns well on Shabbat; if not, he is liable to come to adjust the flame in order to use its light. The third opinion is that which Rabbi Zeira said that Rav Mattana said, and others say that Rabbi Zeira said that Rav said: The wicks and oils with which the Sages said one may not light on Shabbat, one may, nevertheless, light with them on Hanukkah,^h both during the week and on Shabbat. Rabbi Yirmeya said: What is Rav's reason? He holds that if it is extinguished, one is not bound to attend to it^h and relight it, and it is prohibited to use its light.^{NH} Therefore, even on Shabbat, there is no concern lest he come to adjust the wick, as it is prohibited to utilize its light.

The Gemara relates that the Sages said this *halakha* before Abaye in the name of Rabbi Yirmeya and he did not accept it, as he did not hold Rabbi Yirmeya in high regard. However, subsequently, when Ravin came from Eretz Yisrael to Babylonia, the Sages said this *halakha* before Abaye in the name of Rabbi Yohanan, and he accepted it. Then Abaye said regretfully: Had I merited, I would have learned this *halakha* from the outset. The Gemara wonders: Didn't he ultimately learn it and accept it? What difference does it make from whom and at what point he learned it? The Gemara answers: The practical difference is with regard to knowledge acquired in one's youth, which is better remembered.

With regard to the opinion that one need not relight the Hanukkah light if it is extinguished, the Gemara asks: And is it true that if the Hanukkah light is extinguished one is not bound to attend to it? The Gemara raises a contradiction from that which was taught in a *baraita*: The mitzva of kindling the Hanukkah lights is from sunset^h until traffic in the marketplace ceases. Does that not mean that if the light is extinguished, he must relight it so that it will remain lit for the duration of that period? The Gemara answers: No, the *baraita* can be understood otherwise: That if one did not yet light at sunset, he may still light^h the Hanukkah lights until traffic ceases. Alternatively, one could say that this is referring to the matter of its measure.^{NH} One must prepare a wick and oil sufficient to burn for the period lasting from sunset until traffic ceases. If he did so, even if the light is extinguished beforehand, he need not relight it.

The expression until traffic in the marketplace ceases is mentioned here, and the Gemara asks: Until when exactly is this time? Rabba bar Hana said that Rabbi Yohanan said: Until the traffic of the people of Tadmor [*tarmoda'ei*]^l ceases. They sold kindling wood and remained in the marketplace later than everyone else. People who discovered at sunset that they had exhausted their wood supply could purchase wood from them.

HALAKHA

Wicks and oils...one may light with them on Hanukkah – פתילות ושמןם...מדליקין בהן בתנופה: Wicks and oils that are prohibited for use in lighting the Shabbat lamp are permitted for use in kindling the Hanukkah lights, even on Shabbat during Hanukkah, in accordance with the statement of Rabbi Zeira in the name of Rav, as Rabbi Yohanan and Abaye agreed with that opinion (Rambam *Sefer Zemanim, Hilkhhot Megilla VaHanukka* 4:6; *Shulhan Arukh, Oraḥ Hayyim* 673:1).

If it is extinguished, he is not bound to attend to it – כבתה לה: If the Hanukkah lights were extinguished, there is no requirement to relight them. If one seeks to be stringent, he may relight the lights without reciting a blessing, as per the statement of Rabbi Zeira in the name of Rav, as Rabbi Yohanan and Abaye agreed with that opinion (Rema; Rambam *Sefer Zemanim, Hilkhhot Megilla VaHanukka* 4:5; *Shulhan Arukh, Oraḥ Hayyim* 673:2).

And it is prohibited to use its light – ואסור להשתמש לאורה: One may not use the light of the Hanukkah lights for any purpose, not even an inconsequential one, e.g., counting money. In addition, the lights may not be utilized in the performance of a mitzva or for studying Torah. Other authorities permit using the light for sacred purposes (Rambam *Sefer Zemanim, Hilkhhot Megilla VaHanukka* 4:6; *Shulhan Arukh, Oraḥ Hayyim* 673:1).

The mitzva is from sunset, etc. – מצותה משתשקע החמה וכו': The proper time to perform the mitzva of lighting the Hanukkah lights is at sunset, which means the end of the sunset period, when the stars emerge (*Magen Avraham*). *Ab initio*, one may neither light later nor earlier than that time. If one forgot to light, or even if he intentionally chose not to light at that time, he may light the Hanukkah lights until the last people leave the marketplace, as per the *baraita* (Rambam

NOTES

And it is prohibited to use its light – ואסור להשתמש לאורה: The commentaries disagree about the rationale for this prohibition. Some say that the reason is because one is required to treat the mitzva with deference. Using the light for one's own needs is a display of contempt for the mitzva (Rashba, and others). According to Rashi, the prohibition ensures a differentiation between lights kindled to fulfill a mitzva and other lights. Others explain that since the Hanukkah lights commemorate the Temple candelabrum, deriving benefit from their light is prohibited just as benefiting from the light of the Temple candelabrum was prohibited for the priests (Ran; Rashba).

Its measure – לשיעורה: The Rif rules that after the Hanukkah lights have burned for half an hour, it is permitted to use the oil or the light for other purposes.

LANGUAGE

People of Tadmor [*tarmoda'ei*] – תרמודאי: One explanation of the word *tarmoda'ei* is related to *tadmari*, thin trees that grow wild. Workers who lacked the money to buy firewood would gather branches from these trees on their way home from work. They were called after these trees, with the letters *reish* and *dalet* reversed (*ge'onim*).

Sefer Zemanim, Hilkhhot Megilla VaHanukka 4:5; *Shulhan Arukh, Oraḥ Hayyim* 672:1.

That if one did not yet light – דאי לא אדליק: If the marketplace has emptied and one has yet to light the Hanukkah lights, he may light them and recite the blessings at any time during the night until the morning star appears, provided that members of his household are awake and witness the lighting. However, if the members of his household are asleep, he lights without reciting a blessing (*Hagahot Maimoniyot, Magen Avraham*; Rambam *Sefer Zemanim, Hilkhhot Megilla VaHanukka* 4:5; *Shulhan Arukh, Oraḥ Hayyim* 672:2).

Its measure – לשיעורה: The Hanukkah lamp must contain sufficient oil to burn from sunset until the marketplace empties completely, i.e., half an hour (Rambam *Sefer Zemanim, Hilkhhot Megilla VaHanukka* 4:5; *Shulhan Arukh, Oraḥ Hayyim* 672:2).

NOTES

A light, a person, and his household – נר איש וביתו: Since the primary purpose of kindling the Hanukkah lights is to publicize the miracle, which is accomplished by passersby seeing the light, it is sufficient for one member of the household to light (*Penei Yehoshua*).

LANGUAGE

Mehadrin – מהדרין: Two different roots combine to form this word. The Aramaic root, *hadar*, which means courted, as in one who courts a mitzva to ensure it is performed properly, and the Hebrew root *hadar* meaning beauty. Accordingly, *mehader* refers to one who takes steps to perform the mitzva in as beautiful a manner as possible. This is in accordance with the homiletic interpretation of the verse: “This is my God and I will exalt Him [*ve’anvehu*],” beautify yourself [*hitna’e*] before Him in mitzvot (see *Rabbeinu Hananel*).

HALAKHA

On the first day one kindles one – יום ראשון מדליק אחת: Today, all Jews adopt the *mehadrin min hamehadrin* custom when kindling the Hanukkah lights, i.e., they light one light on the first night and add one light for each additional night of Hanukkah. Consequently, eight lights are lit on the eighth day, as per the opinion of Beit Hillel. In another commonly accepted custom among Ashkenazic communities, based on a variation of the opinion of the Rambam, each person in the house lights a Hanukkah lamp and adds one light corresponding to each day of Hanukkah because *mehadrin min hamehadrin* is understood to include the *mehadrin* custom, which calls for lighting a light for each family member (*Rema; Taz; Rambam Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:1; *Shulhan Arukh, Orah Hayyim* 671:2).

It is a mitzva to place the Hanukkah lamp at the entrance to one’s house, etc. – יר חנוכה מצוה להניחה על פתח ביתו וכו’: *Ab initio*, one places the Hanukkah lamp outside the entrance of his home, facing the public domain. In dangerous times, one may place the lamp anywhere inside the house (*Rambam Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:7–8; *Shulhan Arukh, Orah Hayyim* 671:5).

One must kindle another light in order to use its light – צריך נר – אחרת להשתמש לאורה: In addition to the number of lights kindled each night to fulfill the mitzva, an additional light is added to provide light. If there are other lights burning nearby, described by the Gemara as a bonfire, the additional light is unnecessary. However, an important person is still required to light the additional light even then. The additional light must be distinct from the Hanukkah lights to emphasize that its kindling is not part of the mitzva (*Rambam Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:8; *Shulhan Arukh, Orah Hayyim* 671:5).

תנו רבנן: מצות חנוכה נר איש וביתו. והמהדרין – נר לכל אחד ואחד. והמהדרין מן המהדרין. בית שמאי אומרים: יום ראשון מדליק שמנה, מכאן ואילך פוחת והולך; ובית הלל אומרים: יום ראשון מדליק אחת, מכאן ואילך מוסיף והולך.

אמר עולא: פליגי בה תרי אמוראי במערבא. רבי יוסי בר אבין ורבי יוסי בר זבידא, חד אמר: טעמא דבית שמאי – כנגד ימים הנכנסין, וטעמא דבית הלל – כנגד ימים היוצאין. וחד אמר: טעמא דבית שמאי – כנגד פרי החג, וטעמא דבית הלל – דמעלין בקדש ואין מורדין.

אמר רבה בר בר חנה אמר רבי יוחנן: שני זקנים היו בצידן, אחד עשה כבית שמאי ואחד עשה כדברי בית הלל, זה נותן טעם לדבריו – כנגד פרי החג, וזה נותן טעם לדבריו – דמעלין בקדש ואין מורדין.

תנו רבנן: נר חנוכה מצוה להניחה על פתח ביתו מבחוץ. אם היה דר בעלייה – מניחה בחלון הסמוכה לרשות הרבים. ובשעת הסכנה – מניחה על שלחנו, ודיו.

אמר רבא: צריך נר אחרת להשתמש לאורה. ואי איכא מדורה – לא צריך, ואי אדם חשוב הוא. אף על גב דאיכא מדורה – צריך נר אחרת.

The Sages taught in a *baraita*: The basic mitzva of Hanukkah is each day to have a light kindled by a person, the head of the household, for himself and his household.^N And the *mehadrin*,^L i.e., those who are meticulous in the performance of mitzvot, kindle a light for each and every one in the household. And the *mehadrin min hamehadrin*, who are even more meticulous, adjust the number of lights daily. Beit Shammai and Beit Hillel disagree as to the nature of that adjustment. **Beit Shammai say:** On the first day one kindles eight lights and, from there on, gradually decreases the number of lights until, on the last day of Hanukkah, he kindles one light. **And Beit Hillel say:** On the first day one kindles one^H light, and from there on, gradually increases the number of lights until, on the last day, he kindles eight lights.

Ulla said: There were two *amora'im* in the West, Eretz Yisrael, who disagreed with regard to this dispute, Rabbi Yosei bar Avin and Rabbi Yosei bar Zevida. One said that the reason for Beit Shammai’s opinion is that the number of lights corresponds to the incoming days, i.e., the future. On the first day, eight days remain in Hanukkah, one kindles eight lights, and on the second day seven days remain, one kindles seven, etc. The reason for Beit Hillel’s opinion is that the number of lights corresponds to the outgoing days. Each day, the number of lights corresponds to the number of the days of Hanukkah that were already observed. **And one said that the reason for Beit Shammai’s opinion is that the number of lights corresponds to the bulls of the festival of Sukkot:** Thirteen were sacrificed on the first day and each succeeding day one fewer was sacrificed (Numbers 29:12–31). **The reason for Beit Hillel’s opinion is that the number of lights is based on the principle: One elevates to a higher level in matters of sanctity and one does not downgrade.** Therefore, if the objective is to have the number of lights correspond to the number of days, there is no alternative to increasing their number with the passing of each day.

Rabba bar bar Hana said that Rabbi Yohanan said: There were two Elders in Sidon, and one of them acted in accordance with the opinion of Beit Shammai, and one of them acted in accordance with the opinion of Beit Hillel. Each provided a reason for his actions: **One gave a reason for his actions:** The number of lights corresponds to the bulls of the Festival. **And one gave a reason for his actions:** The number of lights is based on the principle: **One elevates to a higher level in matters of sanctity and one does not downgrade.**

The Sages taught in a *baraita*: It is a mitzva to place the Hanukkah lamp at the entrance to one’s house^H on the outside, so that all can see it. If he lived upstairs, he places it at the window adjacent to the public domain. **And in a time of danger,^B** when the gentiles issued decrees to prohibit kindling lights, he places it on the table and that is sufficient to fulfill his obligation.

Rava said: One must kindle another light in addition to the Hanukkah lights in order to use its light,^H as it is prohibited to use the light of the Hanukkah lights. **And if there is a bonfire, he need not light an additional light, as he can use the light of the bonfire.** However, **if he is an important person, who is unaccustomed to using the light of a bonfire, even though there is a bonfire, he must kindle another light.**

BACKGROUND

In a time of danger – בשעת הסכנה: Dangerous times are defined as periods of religious persecution, when it is decreed that the Jewish people may not observe the mitzvot. However, some commentaries explain that the dangerous times in this context are the occasions when the Zoroastrian priests of the Persian fire religion, the *habarim*, passed the

fire from their temples to the homes of their worshippers. At those times, they prohibited lighting fires anywhere outside the temples (*Tosafot*). Since the *habarim* had significant influence on the authorities and the violators whom they reported were severely punished, the Jews dared not kindle lights that could be seen from the street.

מדוע – Why is the miracle commemorated with lights – מוזכר היום בגרות: The holiday of Hanukkah was instituted primarily to commemorate the rededication of the altar in the Temple. Nevertheless, the Sages instituted kindling lights as the mitzva of Hanukkah to underscore that the Maccabees went to war to preserve the sanctity of the nation and the sanctity of the Temple, not to defend their lives (*Bah*).

ולא מצאו אלא פך אחד – And found only one cruse – According to the fundamental *halakha*, kindling the Temple candelabrum with impure oil is permitted. Indeed, if the majority of the Jews are impure, Temple service may be performed in a state of ritual impurity. Furthermore, impure oil may be used in the offering of the daily sacrifices. Therefore, the miracle, which made it unnecessary to use impure oil, demonstrates the great love that God has for His people, Israel (*Penei Yehoshua*).

שמונה ימים – Eight days – Some commentaries ask: Why couldn't a supply of pure oil have been procured sooner? They answer that the pure oil came from Tekoa, in the tribal territory of Asher, in the upper Galilee, and the round trip from Jerusalem took eight days (*ge'onim*). Others say that all the Jews were ritually impure from contact with corpses, and therefore they were required to wait seven days to complete the purification process (Rabbi Eliyahu Mizrahi).

לשנה אחרת קבעו ועשאו ימים טובים – The next year the Sages instituted it and made those days holidays – Since there was sufficient oil to burn for one day, the miracle lasted only seven days. Why, then, is Hanukkah celebrated for eight days? Many answers have been suggested. Rabbi Yosef Karo maintained that only one-eighth of the oil burned on the first day, so it was immediately clear that a miracle had been performed (*Beit Yosef*). Others explained that, from the outset, the priests placed only one-eighth of the oil from the cruse in the candelabrum, and it miraculously burned all day (*Me'iri*). Yet others suggested that Hanukkah commemorates two miracles; first, the discovery of the cruse of pure oil on the first day, and second, the fact that it lasted seven additional days (*She'erit Keneset HaGedola*). There is also an opinion that the eight days commemorate the reinstatement of the mitzva of circumcision, banned by the Greeks, which is performed on the eighth day after birth (*Sefer Haktim*).

מאי חנוכה? דתנו רבנן: בכ"ה בכסליו יומי דחנוכה תמנאי אינון. דלא למספד בהון ודלא להתענות בהון. שששנכנסו יוונים להיכל טמאו כל השמנים שבהיכל, וכשגברה מלכות בית חשמונאי ונצחוהו, בדקו ולא מצאו אלא פך אחד של שמן שהיה מונח בחותמו של כהן גדול, ולא היה בו אלא להדליק יום אחד, נעשה בו נס והדליקו ממנו שמונה ימים. לשנה אחרת קבעו ועשאו ימים טובים בהלל והודאה.

תנן התם: גץ היוצא מתחת הפטיש ויפץ והוא חייב. גמל שטעון פשתן, והוא עובר ברשות הרבים, ונכנסה פשתנו לתוך החנות ודלקה בנרו של חנוני, והדליק את הבירה – בעל הגמל חייב. הניח חנוני את נרו מבחוץ – חנוני חייב.

רבי יהודה אומר: בנר חנוכה פטור. אמר רבינא (משום דרבה), זאת אומרת: נר חנוכה מצוה להניחה בתוך עשרה. דאי סלקא דעתך למעלה מעשרה – לימא ליה: הוה לך להניח למעלה מגמל ורוכבו! ודילמא: אי מיטרחא ליה טובא אתי לאימוני ממצוה.

אמר רב כהנא, דרש רב נתן בר מניומי משמיה דרבי תנחום:

The Gemara asks: **What is Hanukkah, and why are lights kindled on Hanukkah?**^M The Gemara answers: **The Sages taught in Megillat Ta'anit: On the twenty-fifth of Kisleiv, the days of Hanukkah are eight. One may not eulogize on them^H and one may not fast on them.** What is the reason? **When the Greeks entered the Sanctuary they defiled all the oils that were in the Sanctuary by touching them. And when the Hasmonean monarchy overcame them and emerged victorious over them, they searched and found only one cruse^N of oil that was placed with the seal of the High Priest, undisturbed by the Greeks. And there was sufficient oil there to light the candelabrum for only one day. A miracle occurred and they lit the candelabrum from it eight days.^N The next year the Sages instituted those days and made them holidays^N with recitation of *hallel* and special thanksgiving in prayer and blessings.**

We learned there in a mishna with regard to damages: In the case of a spark that emerges from under a hammer, and went out of the artisan's workshop, and caused damage, the one who struck the hammer is liable. Similarly, in the case of a camel that is laden with flax^H and it passed through the public domain, and its flax entered into a store, and caught fire from the storekeeper's lamp, and set fire to the building, the camel owner is liable. Since his flax entered into another's domain, which he had no permission to enter, all the damages were caused due to his negligence. However, if the storekeeper placed his lamp outside the store and it set fire to the flax, the storekeeper is liable, as he placed the lamp outside his domain where he had no right to place it.

Rabbi Yehuda says: If the flax was set on fire by the storekeeper's Hanukkah lamp that he placed outside the entrance to his store, he is not liable, as in that case, it is permitted for the storekeeper to place his lamp outside. Ravina said in the name of Rabba: **That is to say that it is a mitzva to place the Hanukkah lamp within ten^H handbreadths of the ground. As if it should enter your mind to say that he may place it above ten handbreadths, why is the storekeeper exempt? Let the camel owner say to the storekeeper: You should have placed the lamp above the height of a camel and its rider, and then no damage would have been caused. By failing to do so, the storekeeper caused the damage, and the camel owner should not be liable. The Gemara rejects this: And perhaps one is also permitted to place the Hanukkah lamp above ten handbreadths, and the reason Rabbi Yehuda exempted the storekeeper was due to concern for the observance of the mitzva of kindling Hanukkah lights. He held that if you burden one excessively, he will come to refrain from performing the mitzva of kindling Hanukkah lights. Since the storekeeper placed the Hanukkah lamp outside at the behest of the Sages, the storekeeper should not be required to take extra precautions.**

With regard to the essence of the matter Rav Kahana said that Rav Natan bar Manyumi taught in the name of Rabbi Tanhum:

HALAKHA

The days of Hanukkah... one may not eulogize on them, etc. – Hanukkah is a time of joy and celebration, as well as a time for offering praise and thanks to God. Therefore, it is prohibited to eulogize the deceased and to fast on Hanukkah (*Megillat Ta'anit*). However, performing labors that are prohibited on Shabbat is permitted on Hanukkah (Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka* 3:3; *Shulhan Arukh, Oraḥ Hayyim* 670:1).

Camel laden with flax – גמל שטעון פשתן: If a camel walks down a street with a load of flax that is so wide that it protrudes into a store and catches fire from the storekeeper's lamp and causes damage, the owner of the camel is liable. If the lamp is in the street in front of the store, then the storekeeper is liable for the damage, including the damage to the flax on the camel's back. This ruling also applies to a Hanukkah lamp adjacent to the entrance of the

store, as the *halakha* is not in accordance with the opinion of Rabbi Yehuda, who said that the storekeeper is exempt in the case of a Hanukkah lamp (Rambam *Sefer Nezikin, Hilkhot Nizkei Mamon* 14:13; *Shulhan Arukh, Hoshen Mishpat* 418:12).

נר חנוכה – It is a mitzva to place the Hanukkah lamp within ten – מצוה להניחה בתוך עשרה: It is a mitzva to place the Hanukkah lamp within ten handbreadths of the ground, in accordance with the opinion of Rava. Although no support was cited for his statement, his opinion is reasonable. If one placed the lamp above ten handbreadths, he fulfilled the mitzva, as long as he did not place it above twenty cubits. One who lives on the second floor may place the Hanukkah lamp in a window *ab initio*, even though it is above ten handbreadths (*Magen Avraham; Shulhan Arukh, Oraḥ Hayyim* 671:6).

נר של חנוכה שהניחה למעלה מעשרים אמה – פסולה, כסופה וכמבוי. ואמר רב כהנא, דרש רב נתן בר מנימי משמיה דרב תנחום, מאי דכתיב: "והבור רק אין בו מים". ממשמע שנאמר: "והבור רק" איני יודע שאין בו מים? אלא מה תלמוד לומר: "אין בו מים" – מים אין בו, אבל נחשים ועקרבים יש בו.

אמר רבה: נר חנוכה מצוה להניחה בטפח הסמוכה לפתח. והיכא מנח ליה? רב אחא בריה דרבא אמר: מימין, רב שמואל מדפתי אמר: משמאל. והילכתא – משמאל, כדי שתהא נר חנוכה משמאל ומוזוה מימין.

אמר רב יהודה אמר רב אסי אמר רב: אסור להרצות מעות כנגד נר חנוכה. כי אמריתיה קמיה דשמואל, אמר לי: וכי נר קדושה יש בה! מתקיף לה רב יוסף: וכי דם קדושה יש בו? דתניא: "ושפך וקסה" – במה ששפך יכסה, שלא יכסנו ברגל, שלא יהו מצות בזיוות עליו. הלא נמי – שלא יהו מצות בזיוות עליו.

A Hanukkah lamp that one placed above twenty cubits^h is invalid, just as a *sukka* whose roofing is more than twenty cubits high, and just as an alleyway whose beam, its symbolic fourth partition in order to place an *eiruv*, is more than twenty cubits high, are invalid. The reason is the same in all three cases: People do not usually raise their heads and see objects at a height above twenty cubits. As there is a requirement to see all of these, they are deemed invalid when placed above that height. And the Gemara cites another statement that Rav Kahana said that Rav Natan bar Manyumi taught in the name of Rav Tanḥum: What is the meaning of the verse that is written with regard to Joseph: "And they took him, and cast him into the pit; and the pit was empty, there was no water in it" (Genesis 37:24)? By inference from that which is stated: And the pit was empty, don't I know that there was no water in it? Rather, why does the verse say: There was no water in it? The verse comes to emphasize and teach that there was no water in it, but there were snakes and scorpions in it.

Rabba said: It is a mitzva to place the Hanukkah lamp within the handbreadth adjacent to the entrance. The Gemara asks: And where, on which side, does he place it? There is a difference of opinion: Rav Aḥa, son of Rava, said: On the right side of the entrance. Rav Shmuel from Difti said: On the left.^h And the *halakha* is to place it on the left so that the Hanukkah lamp will be on the left^h and the *mezuza* on the right. One who enters the house will be surrounded by mitzvot (*ge'onim*).

Rav Yehuda said that Rav Asi said that Rav said: It is prohibited to count moneyⁿ opposite a Hanukkah light.^h Rav Yehuda relates: When I said this *halakha* before Shmuel, he said to me: Does the Hanukkah light have sanctityⁿ that would prohibit one from using its light? Rav Yosef strongly objected to this question: What kind of question is that; does the blood of a slaughtered undomesticated animal or fowl have sanctity? As it was taught in a *baraita* that the Sages interpreted the verse: "He shall spill its blood and cover it with dust" (Leviticus 17:13): With that which he spilled, he shall cover. Just as a person spills the blood of a slaughtered animal with his hand, so too, he is obligated to cover the blood with this hand and not cover it with his foot. The reason is so that mitzvot will not be contemptible to him. Here too, one should treat the Hanukkah lights as if they were sacred and refrain from utilizing them for other purposes, so that mitzvot will not be contemptible to him.

HALAKHA

נר של חנוכה – Hanukkah lamp that one placed above twenty cubits – שהניחה למעלה מעשרים אמה: One who places the Hanukkah lamp more than twenty cubits, 9–12 m, off the ground does not fulfill the mitzva (Rambam *Sefer Zemanim*, *Hilkhot Megilla VaHanukka* 4:7; *Shulḥan Arukh, Oraḥ Ḥayyim* 671:6).

It is a mitzva to place the Hanukkah lamp in the handbreadth adjacent to the entrance...on the left – נר חנוכה מצוה להניחה בטפח הסמוכה לפתח: When lighting the Hanukkah lamp outside the house, it is a mitzva to place it within one handbreadth adjacent to the

left side of the door. In the synagogue, the Hanukkah lamp is placed along the southern wall or on a table adjacent to that wall (Rambam *Sefer Zemanim*, *Hilkhot Megilla VaHanukka* 4:7; *Shulḥan Arukh, Oraḥ Ḥayyim* 671:7).

אסור – It is prohibited to count money opposite a Hanukkah light – להרצות מעות כנגד נר חנוכה: One may not use the light emanating from the Hanukkah lights for any purpose, even for an inconsequential one like counting money (Rambam *Sefer Zemanim*, *Hilkhot Megilla VaHanukka* 4:6; *Shulḥan Arukh, Oraḥ Ḥayyim* 673:1).

NOTES

נר חנוכה משמאל – The Hanukkah lamp will be on the left: Since the Temple candelabrum was on the left side of the Sanctuary, the Hanukkah lamp is placed on the left side as well (Rabbi Elazar Moshe Horowitz).

להרצות מעות – To count money: The Gemara cites this example because it is a negligible use of the Hanukkah lights that does not diminish their sanctity. Nevertheless, it is prohibited (Ran).

וכי נר קדושה יש בה – Does the Hanukkah light have sanctity: In principle, the sanctity of the vessels used in the Temple, i.e., a Torah scroll,

phylacteries, and the like, have inherent sanctity, unlike items used to perform a mitzva. The principle is as follows: Sanctified items no longer in use maintain their sanctity and must be buried. However, items used to perform a mitzva may be discarded. On that basis, Shmuel expressed surprise when the Gemara insists that Hanukkah lights be treated with the level of respect usually reserved for sacred items. Rav Yosef answered that while a mitzva is still being fulfilled, one must treat the items used for the mitzva with added deference, despite the fact that they do not retain their sanctity after the fulfillment of the mitzva (Ramban).

Master of Abraham – מריה דאברהם: This expression of astonishment was commonly used by Rav Yosef. It is explained elsewhere that after Rav Yosef fell ill, he forgot his Torah knowledge. Therefore, he was uncertain whether or not he remembered Rabbi Yehoshua ben Levi's *halakha* accurately because the way he remembered it did not make sense (Rashi).

HALAKHA

One who roofed the *sukka* in accordance with its halakhic requirements and decorated it with colorful curtains – סככה כהלכתה. ועיטרה בקמטים: No *sukka* decorations may be used for any other purpose during the festival of *Sukkot*. If one explicitly stipulated prior to the beginning of the Festival that he will use the decorations for a different purpose during the Festival (Rema), that use is permitted. Later commentaries wrote that the custom today is to refrain from making such stipulations (*Magen Avraham*). In general, the custom is to refrain from using the decorations hanging from the roofing of the *sukka*; however, ornaments hanging on the *sukka* walls may be used without prior stipulation. Nevertheless, it is preferable to stipulate with regard to those decorations as well (Rema), as per the *baraita* (Rambam *Sefer Zemanim, Hilkhot Sukka* 6:16; *Shulhan Arukh, Orah Hayyim* 638:2).

One may light from lamp to lamp – מדליקין מנר לנר: Lighting one Hanukkah lamp directly from another is permitted. However, one may not kindle one Hanukkah lamp from another by means of a non-Hanukkah lamp, as Shmuel agrees that when there is an action that displays contempt for the mitzva, it is prohibited. Others hold that Shmuel would permit lighting from one lamp to another even under those circumstances, as he rejected both explanations of Rav's opinion (*Taz*). Currently, the custom is to be stringent with Hanukkah lights and to refrain from lighting one lamp from another because the basic mitzva is to light just one light, while the rest of the lights serve merely to enhance the mitzva. Therefore, lighting one lamp from another involves contempt for the mitzva (Rema; Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:9; *Shulhan Arukh, Orah Hayyim* 674:1).

One may untie from garment to garment – מתירין מבגד לבגד: It is permitted to remove ritual fringes from one garment only in order to attach them to a different garment (*Magen Avraham*), as per Shmuel's statement and Rabbi's custom (Rambam *Sefer Ahava Hilkhot Tzitzit* 1:13; *Shulhan Arukh, Orah Hayyim* 15:1).

The *halakha* is in accordance with Rabbi Shimon in the case of dragging – הלכה כרבי: It is permitted to drag even large objects, e.g., a bed or a bench, across the ground on Shabbat so long as he does not intend thereby to create a furrow in the ground. If creation of a furrow is an inevitable consequence [*pesik reishei*] of his action, it is prohibited to drag that object (*Magen Avraham*; Rambam *Sefer Zemanim, Hilkhot Shabbat* 1:5; *Shulhan Arukh, Orah Hayyim* 337:1).

LANGUAGE

Branches [*parkilei*] – פרקילי: The origin of this word appears to be from the Greek φραγγέλιον, *phragellion*, from the Latin flagellum, meaning young, soft branches

בעו מיניה מרבי יהושע בן לוי: מהו להסתפק מנזי סוכה כל שבועה? אמר ליה: הרי אמרו, אסור להרצות מעות כנגד נר חנוכה. אמר רב יוסף: מריה דאברהם! תלי תניא בדלא תניא. סוכה – תניא, חנוכה – לא תניא. דתניא: סככה כהלכתה, ועיטרה בקמטים ובסדינין המצויין, ותלה בה אגוזים אפרסקין שקדים ורמונים ופרקילי ענבים, ועטרות של שבילים, יינות (של) שמנים וסלתות – אסור להסתפק מהן עד מוצאי יום טוב האחרון של חג, ואם התנה עליהן – הכל לפי תנאו. אלא אמר רב יוסף: אביהון דכולהו דם.

איתמר, רב אמר: אין מדליקין מנר לנר, ושמואל אמר: מדליקין רב אמר: אין מתירין ציצית מבגד לבגד, ושמואל אמר: מתירין מבגד לבגד. רב אמר: אין הלכה כרבי שמעון בגרידה, ושמואל אמר: הלכה כרבי שמעון בגרידה.

אמר אביי: כל מילי דמר עביד כרב, לבר מהני תלת דעביד כשמואל: מדליקין מנר לנר, ומתירין מבגד לבגד, והלכה כרבי שמעון בגרידה. דתניא: רבי שמעון אומר: גזר אדם מטה כסא וספסל, ובגדבד שלא יתכוין לעשות חריץ.

יתביב ההוא מרבנן קמיה דרב אדא בר אהבה, ויתביב וקאמר: טעמא דרב – משום ביוזי מצוה. אמר להו: לא תציתו ליה, טעמיה דרב – משום דקא מכחיש מצוה. מאי בינייהו? איכא בינייהו: דקא מדליק משרגא לשרגא. מאן דאמר משום ביוזי מצוה – משרגא לשרגא מדליק, מאן דאמר משום אכחוישי מצוה – משרגא לשרגא נמי אסור.

The Gemara relates that they raised a dilemma before Rabbi Yehoshua ben Levi: What is the *halakha* with regard to using decorations of a *sukka* all seven days of the festival of *Sukkot*? He said to them: They already said in a similar vein that it is prohibited to count money opposite the Hanukkah light, which proves that one may not use the object of a mitzva for another purpose. Rav Yosef replied in surprise: Master of Abraham!¹ He makes that which was taught dependent upon that which was not taught. As, with regard to *sukka*, the prohibition to enjoy use of its decorations was taught in a *baraita*, and the prohibition to enjoy use of the Hanukkah lights was not taught in a *baraita* at all. As it was taught in a *Tosefta* in tractate *Sukka*: With regard to one who roofed the *sukka* in accordance with its halakhic requirements, and decorated it with colorful curtains⁴ and sheets, and hung in it ornamental nuts, peaches, almonds, and pomegranates, and grape branches [*parkilei*],¹ and wreaths of stalks of grain, wines, oils, and vessels full of flour, it is prohibited to use them until the conclusion of the last day of the Festival. And, if before he hung the decorations he stipulated with regard to them that he will be permitted to use them even during the Festival, everything is according to his stipulation, and he is permitted to use them. In any case, since the prohibition to benefit from the Hanukkah light is not explicitly taught, a proof should not be cited from there to resolve the dilemma with regard to *sukka* decorations. Rather, Rav Yosef said: There is no need to bring a proof for the *halakhot* of *sukka* from the Hanukkah light. Rather, the paradigm of them all is blood. The verse with regard to the covering of the blood of slaughter is the original source from which the prohibition to treat mitzvot with contempt is derived.

It was stated in a dispute between *amora'im* that Rav said: One may not light from one Hanukkah lamp to another lamp. And Shmuel said: One may light in that manner. The Gemara cites additional disputes between Rav and Shmuel. Rav said: One may not untie ritual fringes from one garment in order to affix them to another garment. And Shmuel said: One may untie them from one garment and affix them to another garment. And Rav said: The *halakha* is not in accordance with the opinion of Rabbi Shimon in the case of dragging, as Rabbi Shimon permitted dragging objects on Shabbat, even if, as a result, a furrow would be dug in the ground, as it was not the person's intent to dig that hole. Shmuel said that the *halakha* is in accordance with the opinion of Rabbi Shimon in the case of dragging.

Abaye said: In all halakhic matters of the Master, Rabba, he conducted himself in accordance with the opinion of Rav, except these three where he conducted himself in accordance with the opinion of Shmuel. He ruled: One may light from one Hanukkah lamp to another lamp,⁴ and one may untie ritual fringes from garment to garment,⁴ and the *halakha* is in accordance with the opinion of Rabbi Shimon in the case of dragging.⁴ As it was taught in a *baraita*, Rabbi Shimon says: A person may drag a bed, chair, and bench on the ground, as long as he does not intend to make a furrow in the ground. Even if a furrow is formed inadvertently, one need not be concerned.

One of the Sages sat before Rav Adda bar Ahava, and he sat and said: The reason for the opinion of Rav, who prohibited lighting from one Hanukkah lamp to another, is due to contempt for the mitzva. Using the light for a purpose other than illumination demeans the mitzva of Hanukkah lights. Rav Adda bar Ahava said to his students: Do not listen to him, as the reason for Rav's opinion is due to the fact that he thereby weakens the mitzva. By lighting from lamp to lamp he slightly diminishes the oil and wick designated for the purpose of the mitzva. The Gemara asks: What is the practical difference between them? The Gemara answers: The practical difference between them is in a case where he lights directly from lamp to lamp, without using a wood chip or another lamp to light the second lamp. According to the one who said that Rav's reason is due to contempt for the mitzva, directly from lamp to lamp he may even light *ab initio*, as, by lighting another Hanukkah lamp, he does not thereby demean the sanctity of the mitzva because the second lamp is also a mitzva. According to the one who said that Rav's reason is because he weakens the mitzva, lighting directly from lamp to lamp is also prohibited, as ultimately he utilizes the mitzva lamp for a task that he could have accomplished with a non-sacred lamp.

Rav Avya raised an objection from that which was taught in a *Tosefta*: A *sela* of

מתיב רב אביי: סלע של

NOTES

To redeem other second-tithe produce with it – לְחַלֵּל – וְאֶפְלוּ לְחַלֵּל עָלָיו מֵעֵשֶׂר שְׁנֵי אַחֵר. As opposed to the fruits of the first tithe that are given to the Levites, the fruits of the second tithe must be brought to Jerusalem and eaten there. However, the distance to Jerusalem from certain places in Eretz Yisrael was great and transporting a large amount of fruit was a burden. In addition, there was the possibility that the fruit would spoil. The Torah allowed the redemption of the fruit of the second tithe with money, which would then be used to purchase food in Jerusalem (see Deuteronomy 14:22–27).

Decree lest the weights not be precisely equal – גִּזְרָה – וְיָבִין מִשְׁקָלוֹתָיו שָׂמָא לֹא יָבִין מִשְׁקָלוֹתָיו: The *ge'onim* and the Rambam wrote that there is room for concern lest the weights not be precise, and one consequently undervalue the weight of the tithe. A variant text reads: Lest the weights be precisely equal. That reading suggests that one might discover that the weight of the coins used to redeem the tithe or even the fruits themselves corresponds to common weights. The concern is that he will use them to weigh non-sacred items (*Me'ir*).

And does God require its light – וְכִי לְאוֹרָה הוּא צִדִּיק – Some commentaries explain the assumption that the phrase: Outside the veil of testimony, which seems extraneous, teaches that the purpose of the candelabrum was to provide light for the priests inside the Sanctuary, as they never ventured beyond the veil of testimony. Therefore, Rav Sheshet said that the candelabrum's light was not necessary for that purpose either, as the pillar of cloud provided light for the priests (see *Tosafot*).

BACKGROUND

The lamps of the Temple candelabrum – נֵרוֹת מְנוֹרַת – הַמִּקְדָּשׁ: In this depiction of the Temple candelabrum, all of the wicks and flames face the middle branch. According to this opinion, the branches of the candelabrum are aligned along a north–south axis and the central light, which is the westernmost lamp of the candelabrum, provides perpetual light.



Temple candelabrum

מֵעֵשֶׂר שְׁנֵי אֵין שׁוֹקֵלִין כְּנִגְדוֹ דְנָרֵי זָהָב, וְאֶפְלוּ לְחַלֵּל עָלָיו מֵעֵשֶׂר שְׁנֵי אַחֵר. אִי אֲמַרְתָּ בְשִׁלְמָא כִּי פְלִיגֵי רַב וּשְׁמוּאֵל מְנַר לְנֵר, אֲבָל בְּקִינְסָא אֶסֶר שְׁמוּאֵל – הָא לֹא תִהְיוּ תְיֻבְתָּא. אֲלֵא אִי אֲמַרְתָּ בְּקִינְסָא נְמִי שְׁרִי, הָא תִהְיוּ תְיֻבְתָּא! אָמַר רַבְהִי: גִּזְרָה שְׂמָא לֹא יָבִין מִשְׁקָלוֹתָיו, וְקָא מְפִיק לְהוּ לְחַלְוִין.

מְתִיב רַב שֶׁשֶׁת: "מִחוּץ לְפָרוֹכֶת הָעֵדוּת יַעֲרוֹךְ" וְכִי לְאוֹרָה הוּא צִדִּיק? וְהֲלֹא כָּל אַרְבָּעִים שָׁנָה שֶׁהָלְכוּ בְּנֵי יִשְׂרָאֵל בְּמִדְבָּר לֹא הָלְכוּ אֲלֵא לְאוֹרוֹ; אֲלֵא עֵדוּת הִיא לְבָאֵי עוֹלָם שֶׁהִשְׁבִּינָה שׁוֹרָה בְּיִשְׂרָאֵל. מֵאִי עֵדוּת? אָמַר רַב: זוֹ נֵר מְעַרְבֵי, שְׁנוֹתָן בָּהּ שָׁמֹן כְּמִדַּת חִבְרוּתֶיהָ, וּמִמֶּנָּה הָיָה מְדַלֵּק וְכֵה הָיָה מְסִיִּים. וְהָא הֵכָא, כִּינּוֹן דְקָבִיעֵי גֵרוֹת לֹא כְּגֵיָא דְלֵא מִשְׁקִיל וְאֵדְלוּקֵי, קִשְׁיָא בֵּין לְמֵאן דְאָמַר מִשׁוּם בְּזוּי מִצְוָה, וּבֵין לְמֵאן דְאָמַר מִשׁוּם אֲכֹחוּשֵׁי מִצְוָה!

תְּרַגְמָא רַב פָּפָא בְּפִתְלוֹת אַרוּבוֹת. סוּף סוּף, לְמֵאן דְאָמַר מִשׁוּם אֲכֹחוּשֵׁי מִצְוָה קִשְׁיָא! קִשְׁיָא.

the second tithe, one may not weigh gold dinars with it¹ in order to determine their precise weight. And doing so is prohibited even if he is weighing the coin in order to redeem other second-tithe produce with it,^N as one may not derive benefit from tithe money. The Gemara discusses this matter: **Granted, if you say that when Rav and Shmuel disagree it is with regard to a case when one lights from lamp to lamp, but with a wood chip, Shmuel prohibits lighting, this will not be a conclusive refutation of Shmuel's opinion. But if you say that he permits lighting from lamp to lamp with a wood chip as well, this would be a conclusive refutation of his opinion, as the Sages did not permit use of and benefit from a sacred object even for the purpose of a similar sacred need. Rabba said:** This is not difficult, as in the case of weighing tithe money the Sages prohibited doing so as a **decree lest the weights not be precisely equal.**^N One will discover that the weight of the gold dinars is not equal to the weight of the *sela* that he used to weigh them, and he will reconsider and render them unsanctified, i.e., they will maintain their original, non-sacred status. In that case, he will have used the tithe money for an unsanctified purpose. However, when one lights even a wood chip for the purpose of Hanukkah lights, it is clear that it is for the purpose of performing a mitzva, and there is no reason to issue a decree.

Rav Sheshet raised an objection from that which was taught in a *baraita*. With regard to the Temple candelabrum,⁸ it is stated: **Outside the veil of the testimony, in the Tent of Meeting, shall Aaron order it from evening to morning before the Lord continually; it shall be a statute forever throughout your generations** (Leviticus 24:3). It must be understood: **And does God require its light^N for illumination at night? Didn't the children of Israel, all forty years that they walked in the wilderness, walk exclusively by His light, the pillar of fire? Rather, the lighting of the candelabrum is testimony to mankind that the Divine Presence rests among Israel. The Gemara asks: What is this testimony? Rav said: That is the westernmost lamp in the candelabrum in which the measure of oil placed was the same measure of oil as was placed in the other lamps, and nevertheless he would light the others from it each day and with it he would conclude, i.e., the westernmost lamp would continue burning throughout the day after all the others were extinguished. The rest of the lamps burned only at night, and each night he would relight the rest of the lamps from the westernmost lamp. But isn't it true that here, in the Temple, since the lamps were fixed in the candelabrum, it was impossible to light directly from lamp to lamp? There was no alternative to taking a wood chip and lighting the rest of the lamps from the westernmost lamp. Consequently, it is difficult both according to the one who said that one may not light from lamp to lamp due to contempt for the mitzva and according to the one who said that one may not light from lamp to lamp due to weakening the mitzva.**

Rav Pappa explained that it need not necessarily be understood that way. Rather, there were long wicks in the candelabrum, which made it possible to reach and light directly from one lamp to another.¹¹ However, **ultimately, according to the one who said that one may not light from lamp to lamp due to weakening the mitzva, it is difficult.** The Gemara concludes: Indeed, the question remains difficult.

HALAKHA

The second tithe, one may not weigh gold dinars with it – מֵעֵשֶׂר שְׁנֵי אֵין שׁוֹקֵלִין כְּנִגְדוֹ דְנָרֵי זָהָב: The coins used to redeem the second tithe may not be utilized as weights to ascertain the weight of other coins, even if one plans to use those coins to redeem other second-tithe produce (Rambam *Sefer Zera'im, Hilkhot Ma'aser She'ni VeNeta Revai* 3:19).

Lighting the Temple candelabrum – הַדְּלָקָה בְּמִנְוֹת הַמִּקְדָּשׁ – The priests kindle the lamps in the Temple candelabrum from the westernmost lamp by pulling the wick of the unlit lamp to the burning westernmost lamp, kindling it, and restoring the wick to its place (Rambam *Sefer Avoda, Hilkhot Temidin UMusafin* 3:14).

What is the conclusion about this matter – מאי הוי עליה? This question is standard at the end of a discussion in which proofs are cited for both opinions, although neither is conclusive.

In this context, the question is twofold. The first question is whether or not the assumption that remained difficult, but was not conclusively refuted, was ultimately rejected by *halakha*. The second question is whether the *halakha* is in accordance with the opinion of Rav or in accordance with the opinion of Shmuel. Although Rabba's custom was in accordance with the opinion of Shmuel, the principle in ritual, as opposed to civil, cases is that the *halakha* is in accordance with the opinion of Rav (Rosh).

BACKGROUND

Lamp – יר:



Earthenware lamp from the talmudic period

HALAKHA

One who was holding a burning Hanukkah lamp in his hand and was standing – היה תפוש – יר חנוכה ועומד: One who holds a Hanukkah lamp in his hand, lights it, and then remains standing with it did not fulfill the mitzva. Similarly, one who kindled a Hanukkah lamp inside his house and then placed it outside did not fulfill the mitzva (Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:9; *Shulhan Arukh, Oraḥ Hayyim* 675:1).

HALAKHA

Lantern that continued to burn, etc. – עשית שיהיה דולקת והולכת וכו': One who wants to fulfill his obligation with a lantern or lamp that was burning during the day must first extinguish it and then relight it as a Hanukkah light. The ruling in the dispute in the Gemara is: The mitzva is accomplished by lighting the lights, as per the opinion of Rabbi Yehoshua ben Levi (Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:9; *Shulhan Arukh, Oraḥ Hayyim* 675:1).

מאי הוי עליה? אמר רב הונא בריה דרב יהושע: חזינא אי הדלקה עושה מצוה – מדליקין מינר לנר, ואי הנחה עושה מצוה – אין מדליקין מינר לנר.

In summary, the Gemara asks: **What is the halakhic conclusion reached^N about this matter in terms of lighting from lamp to lamp? Rav Huna, son of Rabbi Yehoshua, said: We see; if the *halakha* is in accordance with the opinion of the one who said that kindling the Hanukkah light accomplishes the mitzva and the rest is secondary, one may light from lamp^B to lamp.** The lighting itself is the essence of the mitzva of Hanukkah lights. **And if the *halakha* is in accordance with the opinion of the one who said that placing the lit lamp in a suitable place accomplishes the mitzva, then one may not light from lamp to lamp.** According to that opinion, lighting is simply an auxiliary action that facilitates the fulfillment of the essence of the mitzva, which is placing the lamp in a place where its light can be seen by the public. Since lighting is merely a preparatory action, one may not demean the mitzva by lighting from lamp to lamp.

דאיבעיא להו: הדלקה עושה מצוה או הנחה עושה מצוה?

After the issue of whether lighting accomplishes the mitzva or placing accomplishes the mitzva was raised in the context of the previous discussion, the Gemara cites the discussion in its entirety. **As a dilemma was raised before the Sages: In the case of the Hanukkah light, does lighting accomplish the mitzva, and placing the lit lamp is simply a continuation of that action, or does placing the kindled lamp accomplish the mitzva, and lighting is simply a practical necessity that facilitates placing the lamp?**

תא שמע. דאמר רבא: היה תפוש נר חנוכה ועומד – לא עשה כלום. שמע מינה: הנחה עושה מצוה. התם: הרואה אומר "לצורכו" הוא דנקיט לה.

The Gemara suggests: **Come and hear a solution to this dilemma from that which Rava said: One who was holding a burning Hanukkah lamp in his hand and standing,^H he did nothing in terms of fulfilling the mitzva. Conclude from this that placing accomplishes the mitzva.** Until he sets the lamp down in its appropriate place, he did not fulfill the mitzva. The Gemara rejects this: **There, they said that he did not fulfill his obligation for a different reason. One who sees it will say that he is not holding the lamp in order to fulfill the mitzva, but he is holding it for his own needs.** Since holding the lamp can mislead onlookers, he does not fulfill the mitzva in that manner.

תא שמע. דאמר רבא: הדליקה בפנים והוציאה – לא עשה כלום. אי אמרת בשלמא הדלקה עושה מצוה – הדלקה במקומו בעינן. משום הכי לא עשה כלום. אלא אי אמרת "הנחה עושה מצוה" אמאי לא עשה ולא כלום? התם נמי; הרואה הוא אומר "לצורכו" הוא דאדלקה.

Come and hear another resolution for this dilemma from that which Rava said: One who lights the Hanukkah lamp inside the house and then takes it out and places it at the entrance to his house did nothing in terms of fulfilling the mitzva. Granted, if you say that lighting accomplishes the mitzva it is understandable, as lighting in its place is required. That is why Rava ruled that he did nothing in terms of fulfilling the mitzva. However, if you say that placing accomplishes the mitzva, why did Rava rule that he did nothing? Didn't he set it down in its appropriate place? The Gemara answers: There too, even though he subsequently brought it outside, one who sees him lighting inside will say to himself that he is lighting the lamp for his own needs and not in fulfillment of the mitzva.

תא שמע. דאמר רבי יהושע בן לוי:

Come and hear another resolution from that which Rabbi Yehoshua ben Levi said:

Perek II
Daf 23 Amud a

עשית שיהיה דולקת והולכת כל היום כולו, למוצאי שבת מכבה ומדליקה. אי אמרת בשלמא הדלקה עושה מצוה – שפיר. אלא אי אמרת הנחה עושה מצוה, האי "מכבה ומדליקה" – "מכבה ומגביהה ומניחה ומדליקה" מיבעי ליה! ועוד, מדקא מברכינן "אשר קדשנו במצותיו וצונו להדליק נר של חנוכה" שמע מינה: הדלקה עושה מצוה, שמע מינה.

A lantern that continued to burn^H the entire day of Shabbat, at the conclusion of Shabbat one extinguishes it and lights it again as a Hanukkah light. Granted, if you say that lighting accomplishes the mitzva, the requirement to extinguish the lantern and relight it in order to fulfill the mitzva of kindling the Hanukkah light works out well. However, if you say that placing accomplishes the mitzva, this statement, which stated that one extinguishes it and lights it, is imprecise. According to this opinion, it needed to say: One extinguishes it and lifts it from its place and sets it down and lights it, as only by placing the lamp in an appropriate place could one fulfill the mitzva of the Hanukkah light. Furthermore, there is additional proof that lighting accomplishes the mitzva. From the fact that we recite the following blessing over the mitzva of kindling the Hanukkah light: Who has made us holy through His commandments and has commanded us to light the Hanukkah light, the Gemara suggests: Conclude from this that lighting accomplishes the mitzva, as it is over lighting that one recites the blessing. The Gemara concludes: Indeed, conclude from this.

A deaf-mute – חרש: When the Sages employ the unmodified term *heresh* the reference is to one who can neither hear nor speak. In the talmudic era, one with those disabilities did not, as a rule, have full mental capacity and was consequently exempt from all mitzvot in the Torah. However, if he has full mental capacity, he is considered like anyone else and is obligated (see *Tosefot Rabbeinu Yehuda HaHasid*).

As they too were included in that miracle – שאף הן היו באותו הנס: The Torah principle is that women are exempt from time-bound positive mitzvot. There are exceptions, and lighting the Hanukkah lights is among them.

The phrase: They too were included in that miracle, can be understood in another way. The miracle was caused due to the merit of women (*Tosafot*). Various commentaries connect the episode of Judith and Holofernes, as well as the story of Hannah and her seven sons, to the miracle of Hanukkah. It is thanks to these righteous women that the miracle of Hanukkah transpired.

Reading the *Megilla* on Purim and drinking the four cups of wine at the Passover seder are other exceptions to the exemption from time-bound positive mitzvot. Esther was the catalyst for the miracle of Purim. Similarly, the Sages said: Due to the merit of righteous women, Israel was redeemed from Egypt (*Yalkut Shimoni Psalms 68*).

HALAKHA

If a deaf-mute, an imbecile, or a minor kindles it... a woman – אשה: A woman's obligation to kindle the Hanukkah lights is the same as a man's. Indeed, a woman may recite the blessings on his behalf (*Magen Avraham*). A deaf-mute, an imbecile, or a minor who kindled the Hanukkah lights accomplished nothing. Some rule that a minor who reached the age of training is permitted to kindle Hanukkah lights. However, according to our custom, where each family member lights Hanukkah lights, a minor who has reached the age of training is obligated to light (Rema; Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka 4:9; Shulhan Arukh, Orah Hayyim 675:3*).

A guest is obligated in lighting the Hanukkah light – אכסנאי חייב בנר הנדקה: A guest whose family is not lighting for him at home is obligated to kindle Hanukkah lights where he is sleeping, assuming he has a lamp and a separate entrance where he could light (*Mishna Berura*). Alternatively, he could contribute a *peruta* to defray the cost of the light and have the host include him in his lighting (Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka 4:11; Shulhan Arukh, Orah Hayyim 677:1*).

And olive oil is the most select – ושמן זית מן המובחר: Olive oil is the preferred oil for kindling lights, especially Hanukkah lights (Rambam *Sefer Zemanim, Hilkhot Shabbat 5:11; Shulhan Arukh, Orah Hayyim 264:6, 673:1*).

All the oils are suitable for making ink – כל השמנים יפין: *Ab initio*, sacred texts are written with ink made from either the soot from the smoke of burnt wood or from oils soaked in gallnut juice (Rambam *Sefer Ahava, Hilkhot Tefillin UMezuzah VeSefer Torah 1:4; Shulhan Arukh, Orah Hayyim 32:3*).

The blessings over the Hanukkah light – ברכות הניר: On the first evening of Hanukkah, three blessings are recited: To light the Hanukkah light, and: Who performed miracles, and: Who has given us life. On the second night, one recites the first two blessings. If one did not light, does not plan to light, and on whose behalf no one is lighting in his home sees a burning Hanukkah light, he recites: Who performed miracles, and: Who has given us life, on the first night. On all succeeding nights, he recites: Who performed miracles (Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka 3:4; Shulhan Arukh, Orah Hayyim 676:1–3*).

LANGUAGE

Host [ushpiza] – אושפיזא: From the Middle Persian *aspin*, meaning hotel or hospitality.

והשתא דאמרין הדלקה עושה מצוה, הדלקה חרש שוטה וקטן – לא עשה ולא בלום. אשה ודאי מדלקה, דאמר רבי יהושע בן לוי: נשים חייבות בנר הנדקה, שאף הן היו באותו הנס.

אמר רב ששת: אכסנאי חייב בנר הנדקה. אמר רבי זירא: מריש כי הוינא בי רב משתתפנא בפריטי בהדי אושפיזא. בתר דנסיבי איתתא אמנא: השתא ודאי לא צריכנא, דקא מדליקי עלי בגו ביתא.

אמר רבי יהושע בן לוי: כל השמנים כולן יפין לנר, ושמן זית מן המובחר. אמר אבוי: מריש הוה מהדר מר אמשחא דשומשמי, אמר: האי משך נהורי טפי. בין דשמע לה להא דרבי יהושע בן לוי מהדר אמשחא דזיתא. אמר: האי צליל נהוריה טפי.

ואמר רבי יהושע בן לוי: כל השמנים יפין לדיו, ושמן זית מן המובחר. איבעיא לה: לגבל או לעשן? תא שמע, דתני רב שמואל בר זוטרי: כל השמנים יפין לדיו ושמן זית מן המובחר. בין לגבל בין לעשן, רב שמואל בר זוטרי מתני הכי: כל העשנים יפין לדיו ושמן זית מן המובחר. אמר רב הונא: כל השרפין יפין לדיו, ושרף קטף יפה מבולם.

אמר רב חייא בר אשי אמר רב: המדליק נר של חנוכה צריך לברך. ורב ירמיה אמר: הרוצה נר של חנוכה צריך לברך. אמר רב יהודה: יום ראשון – הרוצה מברך שתים, ומדליק מברך שלש מכאן ואילך – מדליק מברך שתים, ורוצה מברך אחת. מאי מבעט? מבעט זמן. ונימעות נס! נס כל יומי איתיה.

And, the Gemara remarks, now that we say that lighting accomplishes the mitzva, there are practical ramifications. If a deaf-mute,^N an imbecile, or a minor, all of whom are of limited intellectual capacity and not obligated in mitzvot, kindled the Hanukkah light, he did nothing in terms of fulfilling the mitzva, even if an adult obligated in mitzvot subsequently set it down in its appropriate place. That is because placing a lit lamp does not constitute fulfillment of the mitzva. The lighting must be performed by a person with full intellectual capacity, obligated in mitzvot. However, a woman^H certainly may light, as Rabbi Yehoshua ben Levi said: Women are obligated in lighting the Hanukkah light, as they too were included in that miracle^N of being saved from the decree of persecution.

Rav Sheshet said: A guest is obligated in lighting the Hanukkah light^H in the place where he is being hosted. The Gemara relates that Rabbi Zeira said: At first, when I was studying in the yeshiva, I would participate with *perutot*, copper coins, together with the host [*ushpiza*],^L so that I would be a partner in the light that he kindled. After I married my wife, I said: Now I certainly need not do so because they light on my behalf in my house.

Rabbi Yehoshua ben Levi said: All the oils are suitable for the Hanukkah lamp, and olive oil is the most select^H of the oils. Abaye said: At first, my Master, Rabba, would seek sesame oil, as he said: The light of sesame oil lasts longer and does not burn as quickly as olive oil. Once he heard that statement of Rabbi Yehoshua ben Levi, he sought olive oil because he said: Its light is clearer.

On a similar note, Rabbi Yehoshua ben Levi said: All the oils are suitable for making ink,^{HB} and olive oil is the most select. A dilemma was raised before the Sages: What was Rabbi Yehoshua ben Levi's intention: Did he mean that olive oil is the most select in terms of being the best for use to mix and knead with the soot produced from a fire in manufacturing ink; or did he mean for use to smoke, i.e., burning olive oil to produce smoke is the most select method of producing the soot used in manufacturing ink? Come and hear a resolution to this from that which Rav Shmuel bar Zutrei taught: All oils are suitable for ink, and olive oil is the most select, both to knead and to smoke. Rav Shmuel bar Zutra taught it this way: All types of smoke are good for ink, and olive oil is the most select. Similarly, Rav Huna said: All saps are good for strengthening the ink compound, and balsam sap is the best of all.

Rav Hiyya bar Ashi said that Rav said: One who lights a Hanukkah light must recite a blessing. And Rabbi Yirmeya said: One who sees a burning Hanukkah light must recite a blessing because the mitzva is not only to kindle the light but to see the light as well. Therefore, there is room to recite a blessing even when seeing them. Rav Yehuda said: On the first day of Hanukkah, the one who sees burning lights recites two blessings, and the one who lights recites three blessings.^H From there on, from the second day of Hanukkah, the one who lights recites two blessings, and the one who sees recites one blessing. The Gemara asks: What blessing does he omit on the other days? The Gemara answers: He omits the blessing of time: Who has given us life, sustained us, and brought us to this time. The Gemara asks: And let us omit the blessing of the miracle: Who has performed miracles. The Gemara answers: The miracle is relevant on all of the days, whereas the blessing: Who has given us life, is only pertinent to the first time he performs the mitzva each year.

BACKGROUND

Making ink – עשיית דיו: In talmudic times, various writing utensils and colored inks were used for writing on parchment and paper. Black was the most common color of ink. This ink was similar to India ink, a thick ink made from the soot of

the smoke of burnt wood or oil. The soot was collected and mixed with the appropriate quantity of oil. Sometimes sap was also added to the ink so that it would better adhere to the writing surface.

And where did He command us – **יהיכן צינו** – Performance of all rabbinic ordinances is preceded by a blessing with the formula: Who has made us holy through His mitzvot and has commanded us. In all those cases, the question arises: Where did He command us? He commanded us in the Torah: “Which they tell you, you shall do” (Deuteronomy 17:11). The meaning of the blessing is: God, Who sanctified us by means of His mitzvot, commanded us to obey those who commanded us to light Shabbat lights and Hanukkah lights and to read the *Megilla* (Rambam *Sefer Ahava, Hilkhoh Berakhot* 11:3).

Definite mitzva by rabbinic law, a blessing is required...rabbinic ordinance instituted due to uncertainty, a blessing is not required – **ודאי דדבריהם בעי ברכה, ספק דדבריהם לא בעי ברכה**: One does not recite a blessing before fulfilling an ordinance instituted by the Sages due to uncertainty, e.g., *demai*. The blessings recited on the second day of a Festival in the Diaspora are the exception. Blessings are recited then so that the day will not be treated with contempt. Blessings are recited over all other rabbinic ordinances that were not instituted due to uncertainty. In this matter, the *halakha* is in accordance with the opinion of Abaye because Rava did not dispute the actual *halakha* (*Maggid Mishne*). According to the Ra'avad, the *halakha* is in accordance with the opinion of Rava. Blessings are recited over all rabbinic ordinances, even those instituted due to uncertainty, with the exception of *demai*, which is not really a case of uncertainty. Most halakhic authorities (*ge'onim*; Ramban) ruled in accordance with the ruling of the Rambam in this case. Everyone agrees that blessings are not recited in a case where there is uncertainty with regard to a rabbinic ordinance (Rambam *Sefer Zemanim, Hilkhoh Megilla VaHanukka* 3:5).

מאי מברך? מברך "אשר קדשנו במצוותיו וציונו להדליק נר של חנוכה". והיכן צינו? רב אויא אמר: מ"לא תסור". רב נחמיה אמר: "שאל אביך ויגידך! ומנין ויאמרו לך".

And what blessing does one recite? He recites: Who has made us holy through His commandments and has commanded us to light the Hanukkah light. The Gemara asks: And where did He command us?^h The mitzva of Hanukkah is not mentioned in the Torah, so how is it possible to say that it was commanded to us by God? The Gemara answers that Rav Avya said: The obligation to recite this blessing is derived from the verse: “You shall not turn aside from the sentence which they shall declare unto you, to the right, nor to the left” (Deuteronomy 17:11). From this verse, the mitzva incumbent upon all of Israel to heed the statements and decrees of the Sages is derived. Therefore, one who fulfills their directives fulfills a divine commandment. Rav Neḥemya said that the mitzva to heed the voice of the Elders of Israel is derived from the verse: “Ask your father, and he will declare unto you, your Elders, and they will tell you” (Deuteronomy 32:7).

מתיב רב עמרם: הדמאי מערבין בו ומשתתפין בו ומברכין עליו ומזמנין עליו, ומפרישין אותו ערום ובין השמשות. ואי אמרת: כל מדרבנן בעי ברכה, הלא כי קאי ערום, היכי מברך? והא בעינן ויהיה מחניך קדוש וליכא! אמר אביי: ודאי דדבריהם – בעי ברכה, ספק דדבריהם – לא בעי ברכה.

Rav Amram raised an objection from that which we learned in a mishna: With regard to **doubtfully tithed produce** [*demai*], i.e., grain that was acquired from an *am ha'aretz* about which there is uncertainty whether or not he tithed it; **one may use it to establish an *eiruv***, i.e., joining of courtyards and joining of borders, **and to establish the merging of alleys, and one recites a blessing before and after eating it, and one invites a quorum** for recitation of Grace after Meals after eating it. Although the Sages said that one is required to separate tithes from *demai*, they allowed it to be used for specific purposes and in exigent circumstances. **And they said that one may separate the tithe from *demai* when he is naked and at dusk** Shabbat eve, a time when separating tithes from actual untithed produce [*tevel*] is prohibited. **And if you say that every action instituted by rabbinic ordinance requires a blessing**, as fulfillment of rabbinic ordinances is based on the mitzva: You shall not turn aside, **here, when he stands naked, how can he recite a blessing? Don't we require fulfillment of the mitzva: “Therefore shall your camp be holy; that He see no unseemly thing in you, and turn away from you”** (Deuteronomy 23:15)? **And the camp is not holy when one recites a blessing in a state of nakedness. Abaye said:** There is room to distinguish between the cases: In a case where there is a **definite mitzva by rabbinic law, a blessing is required**. In a case where there is a **rabbinic ordinance instituted due to uncertaintyⁿ** with regard to the circumstances, as in the case of *demai*, which may or may not have been tithed already, **a blessing is not required**.^h

והא יום טוב שני, דספק דדבריהם הוא, ובעי ברכה! התם כי היכי דלא לזילולי בה. רבא אמר: רוב עמי הארץ מעשרין הו.

The Gemara asks: **Isn't the second day of a Festival in the Diaspora a rabbinic ordinance instituted due to uncertainty** whether the first day or the second is the actual Festival, **and nevertheless a blessing is required?** On the second day of the Festival one recites the same blessings as he does on the first. The Gemara answers: **There**, in the case of the second day of the Festival, the reason that blessings are required is **so that people will not treat it with contempt**. If Festival blessings were not required on the second day of the Festival, people would take its sanctity lightly. **Rava said** another reason: *Demai* is not considered to be an ordinance instituted by the Sages due to uncertainty. In fact, in **most cases, an *am ha'aretz* tithes**. The concern lest they do not tithe is not a full-fledged case of uncertainty. It is merely a case of suspicion for which the Sages did not institute a blessing. That is not the case with regard to the second day of a Festival. Even though it was instituted due to uncertainty, one must recite the Festival blessings. Since it was instituted by the Sages, one is obligated to recite a blessing just as he recites blessings for other rabbinic ordinances.

NOTES

And where did He command us – **יהיכן צינו**: This question is often asked with regard to blessings recited over mitzvot of rabbinic origin. Here, the Gemara cites two sources. The first, “You shall not turn aside,” which is both simple and accepted *halakha*, was sufficient. The Gemara preferred a source from a positive rather than a negative mitzva and therefore cited the verse: “Ask your father” (Rabbi Elazar Moshe Horowitz).

Rabbinic ordinance instituted due to uncertainty – **ספק דדבריהם**:

Demai refers to crops or fruit that were acquired from an *am ha'aretz*. Even though the separation of tithes is a mitzva by Torah law, blessings are only by rabbinic law. Therefore, the question whether or not to recite a blessing when tithing *demai*, produce acquired from a *am ha'aretz*, is a case involving uncertainty with regard to rabbinic law (Ritva). Others say that since by Torah law the buyer is exempt from tithing, *demai* is always a case of a rabbinic ordinance instituted due to uncertainty (*Penei Yehoshua*).

אָמַר רַב הוּנָא: חֲצֵר שֵׁשׁ לָהּ שְׁנֵי פִתְחוֹת – צְרִיכָה שְׁתֵּי נְרוֹת. (וְאָמַר) רַבָּא: לֹא אִמְרִין אֶלְיָא מִשְׁתֵּי רוּחוֹת, אֲבָל מְרוּחַ אַחַת – לֹא צְרִיךְ. מֵאֵי טַעְמָא? אִילּוּמָא מְשׁוּם חֲשָׁדָא, חֲשָׁדָא דְמֵאן? אִילּוּמָא חֲשָׁדָא דְעֵלְמָא – אֲפִילוּ בְרוּחַ אַחַת נִמְי לִיבְעִי, אִי חֲשָׁדָא דְבִנֵי מֵתָא – אֲפִילוּ מְשֻׁנֵי רוּחוֹת נִמְי לֹא לִיבְעִי! לְעוֹלָם מְשׁוּם חֲשָׁדָא דְבִנֵי מֵתָא, וְזִמְנִין דְּמַחְלְפֵי בְהָאֵי וְלֹא חֲלָפֵי בְהָאֵי, וְאָמְרִי: כִּי הֵיכִי דְבַהָאֵי פִתְחָא לֹא אֲדִלְקִי, בְּהֵךְ פִּתְחָא נִמְי לֹא אֲדִלְקִי.

וּמִנָּא תִּימְרָא דְחִישִׁינָן לְחֲשָׁד – דְּתַנְיָא, אָמַר רַבִּי שְׁמַעוֹן: בְּשִׁבְלֵי אַרְבַּעָה דְּבָרִים אָמְרָה תּוֹרָה לְהַנִּיחַ פִּיאָה בְּסוֹף שְׂדֵהוּ: מִפְּנֵי גּוֹל עֲנִיִּים, וּמִפְּנֵי בִטּוֹל עֲנִיִּים, וּמִפְּנֵי חֲשָׁד, וּמְשׁוּם "בַּל תִּבְלֶה". מִפְּנֵי גּוֹל עֲנִיִּים – שְׂלֵא יִרְאֶה בְּעַל הַבַּיִת שְׂעָה פְּנוּיָהּ, וְיֵאמַר לְקִרְבוֹ עָנִי: הֲרִי זֶה פִּיאָה.

Rav Huna said: A courtyard that has two entrances^H requires two lamps, one lamp at each entrance, so that it will be obvious that the residents of this courtyard light properly. And Rava said: We only said this in a case where the two entrances face two different directions.^N However, if they both face in the same direction one need not light at more than one entrance. The Gemara clarifies Rava's statement: What is the reason for this? If you say that it is because those who see the entrance without a lamp burning will harbor suspicion lest he does not kindle the Hanukkah light, whose suspicion concerns us? If you say that the concern is with regard to the suspicion of people who do not live in the city and are unfamiliar with the courtyard's tenants, even when both entrances face the same direction let them be required to light at both entrances because visitors are unaware that there are two entrances to that courtyard. And if the concern is with regard to the suspicion of the residents of that city, even when the two entrances face two different directions let them not be required to light at both entrances. The local residents know that only one person lives in the courtyard and will assume that if he did not light at one entrance he surely lit at the other. The Gemara answers: Actually, say that it is because of the suspicion of the residents of that city, and sometimes they pass this entrance and do not pass that one, and they say: Just as he did not light in this entrance, in that second entrance he also did not light. In order to avoid suspicion, it is preferable to light at both entrances.

And from where do you say that we are concerned about suspicion? As it was taught in a *Tosefta* that Rabbi Shimon said: On account of four things the Torah said that one should leave *pe'a*,^N crops for the poor in the corner of his field, specifically at the end of his field.^H Only after one has cut virtually the entire field should he leave an uncut corner for the poor. He should not designate an area for *pe'a* in the middle of the field in the course of cutting the field. The reasons for this ruling are: Due to robbing the poor, and due to causing the poor to be idle, and due to suspicion, and due to the verse: "You shall not wholly reap the corner of your field" (Leviticus 23:22). The Gemara explains: Due to robbing the poor; so that the owner of the house will not see a time when the field is unoccupied and there are no poor people in the area. If he could designate *pe'a* as he wished, there is room to suspect that he might say to his poor relative: This is *pe'a*, in the place and at the time that he chooses. He would thereby conceal the fact that there is *pe'a* in his field from other poor people. The result would be that, for all intents and purposes, he robbed *pe'a* from those with whom he did not share the information.

HALAKHA

חֲצֵר שֵׁשׁ לָהּ שְׁנֵי פִתְחוֹת וכו' – Courtyard that has two entrances, etc. One whose house or courtyard has two entrances facing in different directions is obligated to light Hanukkah lamps at both entrances, so that he will not be suspected of failing to fulfill the mitzva. Some say that one who owns two houses, even if they face a single direction, is obligated to light in both houses (Rema in the name of Kolbo). In any case, one who lights in two entrances recites the blessings only once (Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:10; *Shulhan Arukh, Oraḥ Hayyim* 671:8).

The Torah said to leave *pe'a* at the end of his field – אָמְרָה תּוֹרָה

לְהַנִּיחַ פִּיאָה בְּסוֹף שְׂדֵהוּ: The *pe'a* is separated only at the end of a field because of the reasons cited by Rabbi Shimon. If one separates *pe'a* in the middle of his field, the produce that he separated goes to the poor, and he is nevertheless required to separate the requisite amount of *pe'a* at the end of the field. The calculation is based on what remained in the field after he separated the first *pe'a* from the middle. The manner of fulfilling the *halakha ab initio* was established in accordance with the opinion of Rabbi Shimon, and, apparently, there is no dispute with regard to that aspect of the *halakha* (*Kesef Mishneh; Rambam Sefer Zera'im, Hilkhot Mattenot Aniyim* 2:12).

NOTES

And Rava said: We only said this in a case where the two entrances face two different directions, etc. – וְאָמַר רַבָּא: לֹא אִמְרִין אֶלְיָא מִשְׁתֵּי – רִחוּת וכו'. Most commentaries explain that Rava disagrees with Abaye and does not accept the distinction between cases of certainty and uncertainty with regard to rabbinic law. However, others say that Rava is merely offering a simpler explanation for not reciting a blessing on *demai*, and he does not disagree with Abaye with regard to the second day of a Festival and other cases (Ramban; Rashba). Apparently, the Rambam leans toward that explanation as well.

The mitzva of *pe'a* – מִצְוַת פִּיאָה: "And when you reap the harvest of

your land, you shall not wholly reap the corner of your field, neither shall you gather the gleanings of your harvest. And you shall not glean your vineyard, neither shall you gather the fallen fruit of your vineyard; you shall leave them for the poor and for the stranger: I am the Lord your God" (Leviticus 19:9–10). Based on their understanding of these verses, the Sages established the *halakhot* of the mitzva of *pe'a* collected in tractate *Pe'a*. They even determined the percentage of the field that must be left as *pe'a*. Legally, *pe'a* is the property of all poor people, and the owner of the property is not allowed to give the *pe'a* to specific poor people whom he seeks to aid.

ומפני ביטול עניים – שלא יהו עניים
יושבין ומשמרין: "עבשיו מניח בעל
הבית פאה". ומפני חשד – שלא יהיו
עוברין ושבין אומרים: תבא מארה
לאדם שלא הניח פאה בשדהו. ומשום
"בל תכלה". אטו בולהו לאו משום
"בל תכלה" נגהו? אמר רבא: מפני
הרמאין.

And due to causing the poor to be idle; so that the poor, who have no way of knowing when he is going to cut the grain and where in the field he is going to leave the *pe'a*, will not be sitting and observing until he designates the *pe'a* and constantly saying to themselves: **Now the owner of the field is placing *pe'a***. Now that he leaves the *pe'a* in a defined area at the end of his field, and the poor people know exactly where they can receive their portion, they need not waste their time in anticipation. **And due to suspicion**; if one leaves the *pe'a* in the middle of the field, the poor will come and take their portion immediately when he designates the area of *pe'a*. When the owner then continues to cut and harvest the rest of the grain in the field, the *pe'a* will not be noticeable. Insisting that he leave *pe'a* at the end of the field ensures that passersby will not say: **A person who did not leave *pe'a* in his field should be cursed**. We learned that the fourth reason is due to the verse: **You shall not wholly reap**. The Gemara wonders: **Aren't all of these reasons due to: You shall not wholly reap?** All of the reasons explain that one may not reap his entire field and must leave *pe'a* at the end of his field. **Rava said**: The meaning of the last reason is that *pe'a* is separated that way due to cheaters. There is concern that a person would not leave *pe'a* at all. He would claim that he already separated it in the middle of his field and that the poor already came and took it. In order to bolster the mitzva of *pe'a*, the Sages instituted that it must be separated specifically at the end of one's field. In terms of the discussion in the Gemara, apparently, the desire to avoid arousing suspicion is a factor taken into consideration in determining *halakha*.

אמר רב יצחק בר רדיפה אמר רב
הונא: גר שיש לה שני פיות – עולה
לשני בני אדם. אמר רבא: מילא קערה
שמן והקיפה פתילות בלי –
עולה לבמה בני אדם, לא כפה עליה
בלי – עשאה במין מדורה, ואפילו
לאחד נמי אינה עולה.

Rav Yitzhak bar Redifa said that Rav Huna said: **Lighting an oil lamp that has two spouts,^{HB} with one wick placed in each of the spouts, is considered to have fulfilled the obligation of kindling the Hanukkah light for two people**. Similarly, **Rava said: One who filled a bowl with oil and placed wicks all around it,^H if he overturned a vessel on top of it, it is considered to have fulfilled the obligation of lighting the Hanukkah light for several people**, corresponding to the number of wicks. By overturning a vessel atop the bowl, each wick appears to be burning independently. If one did not overturn a vessel on top of it, he thereby made it appear like a type of bonfire. From afar, the light from all of the flames appear to be a single flame. **And it is not even considered to have fulfilled the obligation of lighting the Hanukkah light for one person** because the mitzva is specifically to light a flame and not a bonfire.

אמר רבא, פשיטא לי: גר ביתו וגר
חנוכה – גר ביתו עדיף, משום שלום
ביתו. גר ביתו וקידוש היום – גר ביתו
עדיף, משום שלום ביתו. בעי רבא:
גר חנוכה וקידוש היום מהו? קידוש
היום עדיף – דתדיר, או דילמא: גר
חנוכה עדיף, משום פרסומי נסא? בתר
דאבעיא הדר פשטה: גר חנוכה עדיף,
משום פרסומי נסא.

Rava said: **It is obvious to me** that there is a fixed list of priorities. When a person is poor and must choose between purchasing oil to light a Shabbat lamp for his home or purchasing oil to light a Hanukkah lamp,^H the Shabbat lamp for his home takes precedence. That is due to peace in his home; without the light of that lamp, his family would be sitting and eating their meal in the dark. Similarly, if there is a conflict between acquiring oil to light a lamp for his home and wine for the sanctification [*kiddush*] of Shabbat day, the lamp for his home takes precedence due to peace in his home. However, Rava raised a dilemma: When the conflict is between oil for a Hanukkah lamp or wine for *kiddush* of Shabbat day,^H what is the ruling in that case? Does *kiddush* of Shabbat day take priority because it is frequent, i.e., it is performed every week, and there is a principle: When there is a conflict between a frequent practice and an infrequent practice, the frequent practice takes precedence? Or, perhaps the Hanukkah lamp takes precedence due to publicity of the miracle? After he raised the dilemma, he then resolved it on his own and he ruled that, in that case, the Hanukkah lamp takes precedence due to publicity of the miracle.

HALAKHA

Oil lamp that has two spouts – גר שיש לה שני פיות – A pottery lamp with two spouts may be used on Hanukkah by two people, according to the *mehadrin* custom that calls for each person to light one light each night. However, according to the *mehadrin min hamehadrin* custom that calls for each person to add a light for each night, two people may not use the same two-spouted pottery lamp (*Magen Avraham*; Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:4; *Shulhan Arukh, Oraḥ Hayyim* 671:3).

One who filled a bowl with oil and placed wicks all around it – מילא קערה שמן והקיפה פתילות – One who overturned a vessel onto a bowl of oil with wicks around its circumference before kindling the Hanukkah lights, each wick is considered an independent light. If he did not cover the bowl, it has the legal status of a bonfire and may not be used to fulfill the mitzva (Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:4; *Shulhan Arukh, Oraḥ Hayyim* 671:4).

Lamp for his home or a Hanukkah lamp – גר ביתו וגר חנוכה – One who lacks the means to purchase oil to kindle both the Shabbat and the Hanukkah lights should purchase and kindle the Shabbat lights (Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:4; *Shulhan Arukh, Oraḥ Hayyim* 263:3; 678:1).

Hanukkah lamp and *kiddush* of Shabbat day – גר חנוכה וקידוש היום – One who lacks the means to purchase both oil for the Hanukkah lights and wine for *kiddush* should purchase oil for Hanukkah, due to the obligation to publicize the miracle, as per the opinion of Rava. The same is true when the choice is between oil for Hanukkah and wine for *havdala* (Rambam *Sefer Zemanim, Hilkhot Megilla VaHanukka* 4:13; *Shulhan Arukh, Oraḥ Hayyim* 296:5; 678:1).

BACKGROUND

Oil lamp that has two spouts – גר שיש לה שני פיות –



Two spouts for wicks in the same pottery lamp

Pottery lamp

As long as he neither lights too early nor too late – שלא יקדים ושלא יאחר – One may not kindle the Shabbat lights too early or too late. It is prohibited to kindle the Shabbat lights if one does not accept all of the prohibitions of Shabbat at that time. However, it is permitted for one to kindle the Shabbat lights less than one-and-a-quarter hours before sunset [*pelag haminhah*] and accept all of the Shabbat prohibitions immediately (*Shulhan Arukh, Oraḥ Ḥayyim* 263:4).

אמר רב הונא: הרגיל בנר – הוינן ליה בנים תלמידי חכמים, הזהיר במוזוה – זוכה לדירה נאה, הזהיר בציצית – זוכה לטלית נאה, הזהיר בקידוש היום – זוכה וממלא גרבי יין. רב הונא היה רגיל דהיה חליף ותני אפתחא דרבי אבין נגרא, חזא דהיה רגיל בשרגי טובא, אמר: תרי גברי ורבי נפקי מהכא. נפקי מיניהו רב אידי בר אבין ורב חייא בר אבין. רב חסדא היה רגיל דהיה חליף ותני אפיתחא דבי נשא דרב שיזבי, חזא דהיה רגיל בשרגי טובא, אמר: גברא רבא נפק מהכא. נפק מיניהו רב שיזבי.

דביתהו דרב יוסף הות מאחרה ומדלקת לה, אמר לה רב יוסף, תניא: "לא ימיש עמוד הענן יומם ועמוד האש לילה" מלמד שעמוד ענן משלים לעמוד האש, ועמוד האש משלים לעמוד הענן. סברה לאקדומה, אמר לה ההוא סבא: תנינא, ובלבד שלא יקדים ושלא יאחר.

אמר רבא: דרחים רבנן – הווי ליה בנין רבנן, דמוקיר רבנן – הווי ליה חתננותא רבנן, דדחיל מרבנן – הוא גופיה הוי צורבא מרבנן, ואי לאו בר הכי הוא – משתמען מיליה כצורבא מרבנן.

"ולא בשמן שריפה" וכו'. מאי שמן שריפה? אמר רבה: שמן של תרומה שנטמאה. ואמאי קרו לה שמן שריפה – הואיל ולשריפה עומד. ובשבת מאי טעמא לא – מתוך שמצוה עליו לבערו, גזרה שמא יטה. אמר ליה אבוי: אלא מעתה, ביום טוב לישתרי! אלמה תנן: אין מדליקין בשמן שריפה ביום טוב! גזרה יום טוב אטו שבת.

Rav Huna said: One who is accustomed to kindle lights^N on Shabbat and Hanukkah will be rewarded and have children who are Torah scholars, who will disseminate the light of Torah. One who is meticulous in performing the mitzva of *mezuzah* merits a beautiful house on which to affix his *mezuzah*. One who is meticulous in performing the mitzva of ritual fringes merits a beautiful garment. One who is meticulous in performing the mitzva of *kiddush* of the day merits and fills jugs of wine. The Gemara relates: Rav Huna was accustomed to pass by and teach at the entrance of the house of Rabbi Avin the carpenter. He saw that Rabbi Avin was accustomed to kindle many lights in honor of Shabbat. Rav Huna said: Two great men will emerge from here. Indeed, Rav Idi bar Avin and Rav Hiyya bar Avin, his two oldest sons, emerged from their family. On a similar note, the Gemara relates: Rav H̄isda was accustomed to pass by and teach at the entrance of Rav Sheizvi's father's family home. He saw that Rav Sheizvi's father was accustomed to kindle many lights in honor of Shabbat. Rav H̄isda said: A great person will emerge from here. Indeed, Rav Sheizvi emerged from them.^N

The Gemara relates that Rav Yosef's wife would kindle the Shabbat lights late. Rav Yosef said to her: Wasn't it taught in a *baraita* with regard to the verse: "The pillar of cloud by day, and the pillar of fire by night, departed not from before the people" (Exodus 13:22), this teaches that the pillar of cloud would overlap with the pillar of fire? The pillar of fire would appear slightly before nightfall. And the pillar of fire would overlap with the pillar of cloud, as well. The pillar of cloud would appear slightly before daybreak. Therefore, in lighting the Shabbat lights it is also appropriate to light earlier, beginning Shabbat slightly before dark on Shabbat eve. She thought to kindle the lights much earlier, on Shabbat eve, long before nightfall. An Elder said to her, we learned: As long as he neither lights too early nor too late.^H

Similar to the reward due one who kindles the Shabbat lights, Rava said: One who loves Sages will have children who are Sages. One who honors Sages will have sons-in-law who are Sages. One who stands in awe of the Sages^N will himself become a Torah scholar. And if he is not capable and lacks the talent to become a Torah scholar, his statements will be received like the statements of a Torah scholar.

We learned in the mishna that one may not light with burnt oil on Shabbat. The Gemara asks: What is burnt oil? Rabba said: It is oil of *teruma* that became ritually impure. And why did they call it burnt oil? Because its burning is imminent, as it is prohibited to eat this oil and one is obligated to burn it. The Gemara asks: And what is the reason that one may not light with it on Shabbat? The Gemara explains: Because it is a mitzva to burn it, the Sages issued a decree lest, in doing so, he come to adjust the wick in order to hasten its burning. Abaye said to him: But if what you say is so, that the reason for the prohibition is a concern lest he adjust it, then, on a Festival, when adjusting a wick is permitted, it should be permitted to light with burnt oil. Why then did we learn in the mishna: One may not light with burnt oil even on a Festival? The Gemara answers: It is a decree issued by the Sages prohibiting burning it even on a Festival, due to the prohibition to burn it on Shabbat.

NOTES

One who is accustomed to kindle lights – הרגיל בנר – Some commentaries explain that this statement refers to the Hanukkah lights that were discussed previously, while others hold that it refers to the Shabbat lights. Rashi indicates that it refers to both. Some interpret the phrase as referring to one who regularly lights lamps at home at night and uses the light for himself and his family to study Torah (*Panim Masbirot, Iyyun Ya'akov*).

Lights and their reward – הנרות ושכרם: Various commentaries attempt to explain what led Rav Huna to say two great people would emerge from that home, while Rav H̄isda spoke of only one great person. According to the variant reading

of the Gemara in the Rif and *Tosafot*, the first story uses the plural: Were accustomed, meaning that both the husband and wife were accustomed to kindling lights. The second story uses the singular: Was accustomed, meaning that only one of them would kindle the lights. Other authorities point out that Rav Avin, the carpenter, was accustomed and careful to light both Hanukkah and Shabbat lights. In Rav Sheizvi's family, they were only accustomed to light one of them (*Me'ir*).

One who loves the Sages...one who honors the Sages... one who stands in awe of the Sages – דרחים רבנן...דמוקיר רבנן...דדחיל מרבנן: Each reward mentioned here is measure for

measure. One who loves the Sages will merit having children who will be loved both as children and as scholars. One who honors the Sages will have sons-in-law who will honor their in-laws and be honored by them. One who stands in awe of the Sages will merit the honor and awe of others, either as a Torah scholar or in other ways.

Some commentaries wonder: Ostensibly, love is more significant than awe. Why then is the reward here greater for awe than for love? The Vilna Gaon emended the text accordingly. Others explained that there is no mitzva to love the Sages beyond the mitzva to love all Jews. However, there is a mitzva to stand in awe of the Sages. Therefore, one who fulfills that mitzva merits a greater reward (Rabbi Ya'akov of Korvill).

Because one may not burn consecrated items on a Festival – שָׂאִין שׁוֹרְפִין קִדְשִׁים בְּיוֹם טוֹב – According to some commentaries, Rabba ruled that the prohibition applies only to burning consecrated items. *Teruma* is not included in this prohibition (Rashba). Others state that Rabba did not dispute the *halakha* that one may not burn *teruma*. Rather, he held that since one may burn *teruma* for personal enjoyment, it would have been permitted on a Festival if not for the decree. Another opinion suggests that it is prohibited only when burned in a bonfire kindled for no purpose other than burning *teruma* (*Me'iri*).

רב חסדא אמר: לְשִׂמְאָ יִטָּה – לֹא חִיְשִׁינָּן. אֲלֵא, הֵבֵא בְּיוֹם טוֹב שְׁחַל לְהִיּוֹת עֶרֶב שַׁבָּת עֶסְקִינָּן, לְפִי שְׂאִין שׁוֹרְפִין קִדְשִׁים בְּיוֹם טוֹב, וְהָא מְדַקְתִּנִּי סִיפָא: "אִין מְדַלִּיקִין בְּשִׂמְן שְׂרִיפָה בְּיוֹם טוֹב" מְכַלְל דְּרִישָׁא לְאוֹ בְּיוֹם טוֹב עֶסְקִינָּן! אָמַר רַב חֲנִינְא מְסוּרָא: "מַה טַּעַם" קָאָמַר: מַה טַּעַם אִין מְדַלִּיקִין בְּשִׂמְן שְׂרִיפָה בְּיוֹם טוֹב – לְפִי שְׂאִין שׁוֹרְפִין קִדְשִׁים בְּיוֹם טוֹב.

Rav Hisda said: The reason for the prohibition against lighting a Shabbat lamp with burnt oil is different, as we are not concerned lest one come to adjust the wick. Rather, here, in our mishna, we are dealing with a Festival that fell on Shabbat eve, in which case he must kindle Shabbat lights on the Festival. One may not light a Shabbat lamp with burnt oil on a Festival because one may not burn consecrated items on a Festival,ⁿ a prohibition that applies to *teruma* as well. The Gemara asks: **But from the fact that we learned in the latter clause, i.e., the next mishna, that one may not light with burnt oil on a Festival, by inference, in the first clause of the mishna we are not dealing with a Festival but rather with a standard Shabbat.** Rabbi Hanina from Sura said: This mishna must be understood in the following manner: These are not two distinct *halakhot*; rather, this mishna was stated employing the didactic style of what is the reason. What is the reason that one may not light with burnt oil on a Festival or on a Festival that falls on Shabbat eve? It is because one may not burn consecrated items on a Festival at all.

Perek II

Daf 24 Amud a

תַּנְיָא בְּוִתְיָה דְּרַב חֲסִדָּא: כָּל אֵילֵי שְׂאֵמָרֵי אִין מְדַלִּיקִין בְּהֵן בַּשַּׁבָּת – מְדַלִּיקִין בְּהֵן בְּיוֹם טוֹב, חוּץ מִשְׂמֵן שְׂרִיפָה, לְפִי שְׂאִין שׁוֹרְפִין קִדְשִׁים בְּיוֹם טוֹב.

It was taught in a *baraita* in accordance with the opinion of Rav Hisda. All of these oils with which the Sages said that one may not light on Shabbat, one may light with them on a Festival, with the exception of burnt oil, because one may not burn consecrated items on a Festival.

אִיבְעֵיָא לְהוֹ: מַהוּ לְהַזְכִּיר שֶׁל חֲנוּכָה בְּבִרְכַת הַמְּזוּן? מִיּוֹן דְּמְדַרְבְּנָן הוּא – לֹא מְדַכְרִינָּן, אוּ דִילְמָא: מִשּׁוּם פְּרוֹסוּמֵי נִסָּא מְדַכְרִינָּן? אָמַר רַבָּא אָמַר רַב סְחוּרָה אָמַר רַב הוֹנָא: אֵינוּ מְזַכֵּיר, וְאִם בָּא לְהַזְכִּיר – מְזַכֵּיר בְּהוֹדָא. רַב הוֹנָא בְּרַיָּה יְהוּדָה אִיקְלַע לְבֵי רַבָּא. סָבַר לְאַדְפוּרֵי בְּ"בּוֹנֵה יְרוּשָׁלַיִם". אָמַר לְהוּ רַב שֵׁשֶׁת: כְּתַפְלָה, מַה תַּפְלָה – בְּהוֹדָא, אִף בְּבִרְכַת הַמְּזוּן – בְּהוֹדָא.

A dilemma was raised before the Sages: What is the ruling with regard to the obligation to mention Hanukkahⁿ in Grace after Meals?ⁿ The dilemma is: Since it is merely an obligation by rabbinic law, do we not mention it? Or, perhaps due to publicity of the miracle, we mention it. Rava said that Rav Sehora said that Rav Huna said: One does not mention it. And if, nevertheless, he comes to mention it, he mentions it in the blessing of thanksgiving. The Gemara relates that Rav Huna bar Yehuda happened by Rava's house on Hanukkah. When, after eating, he came to recite Grace after Meals, he thought to mention Hanukkah in the blessing: Who builds Jerusalem. Rav Sheshet said to the yeshiva students: One mentions Hanukkah in Grace after Meals just as he does in the *Amida* prayer. Just as in the *Amida* prayer one mentions Hanukkah in the blessing of thanksgiving, so too, in Grace after Meals one mentions Hanukkah in the blessing of thanksgiving.^h

NOTES

The topic of Hanukkah – עֵינָן חֲנוּכָה – *Tosafot* wondered why the *halakhot* of Hanukkah were not discussed consecutively and are instead interrupted by unrelated matters. Some commentaries explain that based on Rabba's reasoning, the Sages were especially concerned that one might come to adjust the flame when using burnt oil. Since the same prohibition applies to Hanukkah lights kindled just before Shabbat, it is a Hanukkah related issue as well (Ritva).

מהו להזכיר של חנוכה בבירכת המזון – מהו להזכיר של חנוכה בבירכת המזון: Since the essence of the holiday is publicizing the miracle, all authorities agree that Hanukkah should be mentioned during the prayers that are conducted in public. However, the Sages were uncertain as to whether or not Hanukkah must be mentioned in Grace after Meals, which is an individual matter (Ritva).

HALAKHA

Just as in prayer one mentions Hanukkah in the blessing of thanksgiving, so too, in Grace after Meals one mentions Hanukkah in the blessing of thanksgiving – אִף – מַה תַּפְלָה בְּהוֹדָא, אִף – בְּבִרְכַת הַמְּזוּן בְּהוֹדָא: Throughout the eight days of Hanukkah, the paragraph: For the miracles, is added to the *Amida* prayer in the blessing of thanksgiving. The same paragraph is added to Grace after Meals in the blessing of the land. One who forgot to recite it and concluded the *Amida* prayer or Grace after Meals need not

repeat either of them because the additional paragraph was not instituted as a full-fledged obligation. One who reached the end of the blessing into which: For the miracles, was inserted and did not yet recite the words: Blessed are You, Lord, repeats the blessing and includes the addition for Hanukkah. Once one recited the words: Blessed are You, even if he did not yet recite the word Lord, he does not repeat the blessing (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 2:13, *Hilkhot Berakhot* 2:6; *Shulhan Arukh*, *Orah Hayyim* 682:1).

Portion from the Prophets [*haftara*] during the afternoon service – הפתרה במנחה: The mishna states explicitly that the Torah is read during the afternoon service on Shabbat, but no portion from the Prophets [*haftara*] is read then. However, apparently, that statement reflected the specific local custom, while in other locales, throughout many generations, there was a custom to read a portion from the Prophets after the Torah reading during the Shabbat afternoon service. These readings were always from the chapters of consolation in the book of Isaiah and were ten verses long. Persecution of the Jews by the Persian kings brought this custom to a halt in Babylonia and in other Jewish centers. Nevertheless, in certain communities in Persia and in Media, this custom was preserved through the period of the *ge'onim*.

אמר אבי לרב יוסף: הא דרב הונא ורב יהודה – דאמר רב גידל אמר רב: ראש חדש שחל להיות בשבת – המפטיר בנביא בשבת אינו צריך להזכיר של ראש חדש, שאילמלא שבת – אין נביא בראש חדש.

Abaye said to Rav Yosef: This opinion of Rav Huna and Rav Yehuda is Rav's opinion, as Rav Giddel said that Rav said: In the case of the New Moon that occurs on Shabbat, the one who recites the portion from the Prophets [*haftara*] on Shabbat need not mention the New Moon in the blessing, as, if it were not Shabbat, there would be no reading from the Prophets on the New Moon. The *haftara* is unrelated to the New Moon, and therefore the New Moon is not mentioned in the blessing. The same should be true with regard to mention of Hanukkah in the additional service on the New Moon, as, if it were not the New Moon, he would not be reciting the additional service on Hanukkah. Therefore, when he recites the additional prayer, he need not mention Hanukkah.

מי דמי! התם – נביא בדראש חדש ליכא כלל הכא – איתיה בערבית ושחרית ומנחה! אלא, להא דמיא: דאמר רב אחדבוי אמר רב מתנה אמר רב: יום טוב שחל להיות בשבת – המפטיר בנביא במנחה בשבת אינו צריך להזכיר של יום טוב, שאילמלא שבת – אין נביא במנחה ביום טוב.

The Gemara rejects this comparison. Is this comparable? There, reading from the Prophets is not at all part of the service on the New Moon. Here, there is mention of Hanukkah in the evening, morning, and afternoon prayers. Rather, it is comparable to this: As Rav Aḥadvoi said that Rav Mattana said that Rav said: On a Festival that occurs on Shabbat, one who recites the portion from the Prophets during the afternoon service^b on Shabbat need not mention the Festival, as, if it were not Shabbat, there would be no reading from the Prophets during the afternoon service on a Festival. If so, even though there is a *haftara* during the morning service on a Festival, since they do not read from the Prophets in the afternoon, the reading is considered totally unrelated to the Festival and one does not mention the Festival. The same is true with regard to Hanukkah. One does not mention Hanukkah in the additional prayer.

Perek II Daf 24 Amud b

ולית הילכתא ככל הני שמעתתא, אלא כי הא דאמר רבי יהושע בן לוי: יום הכפורים שחל להיות בשבת המתפלל נעילה צריך להזכיר של שבת, יום הוא שנתחייב בארבע תפלות.

The Gemara concludes: And the *halakha* is not in accordance with any of these *halakhot*;^h rather, it is in accordance with that which Rabbi Yehoshua ben Levi said: On Yom Kippur that falls on Shabbat, one who recites the day's closing prayer [*ne'ila*]^h must mention Shabbat even in that prayer, although *ne'ila* is not recited every Shabbat. The reason for this is that on Yom Kippur, the day itself is obligated in four prayers, i.e., morning, additional, afternoon, and closing. When it occurs on Shabbat, one must mention Shabbat in each of the prayers. Apparently, on a day that has a unique character, that character is manifest in all sacred aspects of the day; those engendered by the day itself as well as those engendered by other factors.

קשיא הילכתא אהילכתא! אמרת: הילכתא ברבי יהושע בן לוי, וקיימא לן: הילכתא כרבא. דאמר רבא: יום טוב שחל להיות בשבת, שליח ציבור היורד לפני התבה ערבית אינו צריך להזכיר של יום טוב, שאילמלא שבת אין שליח ציבור יורד ערבית ביום טוב.

The Gemara challenges this: It is difficult, as there is a contradiction between one *halakha* and another *halakha*. On the one hand, you said that the *halakha* is in accordance with the opinion of Rabbi Yehoshua ben Levi. And, on the other hand, we hold that the *halakha* is in accordance with the opinion of Rava, which contradicts the first *halakha*, as Rava said: On a Festival that occurs on Shabbat,^h the prayer leader who descends before the ark to recite the prayer abridged from the seven blessings of the Shabbat evening *Amida* prayer need not mention the Festival, as, if it were not also Shabbat, the prayer leader would not descend before the ark to recite this prayer during the evening prayer on a Festival. The Gemara reverts to the previous assumption that an element that does not arise from the essential *halakhot* of the day is considered foreign to it and is not mentioned.

HALAKHA

And the *halakha* is not in accordance with any of these *halakhot* – ולית הילכתא ככל הני שמעתתא: It is not clear to which of the aforementioned *halakhot* this statement is referring. Certainly, those *halakhot* with regard to prayers are rejected. However, some authorities rule that mention of the New Moon in the blessings recited after the portion read from the Prophets on Shabbat is not required because Rav Giddel's statement was not categorically rejected. Other commentaries explain that although one need not mention the New Moon at the conclusion of the blessing, the phrase: This day of rest and this day of the New Moon, is mentioned in the body of the blessing. The *halakha* is in accordance with the first opinion (Rambam *Sefer Ahava, Hilkhot Tefilla* 12:15; *Shulhan Arukh, Oraḥ Ḥayyim* 284:2).

On Yom Kippur that falls on Shabbat, one who recites the closing prayer [*ne'ila*], etc. – נעילה וכו': When Yom Kippur occurs on Shabbat, Shabbat is mentioned even in the closing prayer. If either an individual or the prayer leader neglected to mention Shabbat, the closing prayer must be repeated. In the confession that follows the *Amida* prayer, the prayer leader, not the individual, mentions Shabbat. If the prayer leader forgot to mention Shabbat during the confession, he need not repeat the prayer (Rambam *Sefer Ahava, Hilkhot Tefilla* 2:7; *Shulhan Arukh, Oraḥ Ḥayyim* 623:3).

יום טוב שחל להיות בשבת – In the blessing abridged from the seven blessings of the Shabbat *Amida* prayer, recited by the prayer leader after the silent evening prayer, there is neither mention of a Festival nor of Yom Kippur (Rambam *Sefer Ahava, Hilkhot Tefilla* 9:12; *Shulhan Arukh, Oraḥ Ḥayyim* 268:9, 619:3).

BACKGROUND

Sheep's tail [alya] – אַלְיָה: The alya is the long, thick, fatty tail of the genus of sheep that was common in Eretz Yisrael and the surrounding areas during the Temple era. The tail covered the entire back of the sheep to the extent that it was difficult to ascertain the gender of the sheep, particularly in younger animals. The Torah commands that when a sheep is brought as a peace-offering, the tail is one of the parts of the animal burned on the altar. This applied only to sheep, as other animals that were sacrificed, e.g., goats, did not have this kind of tail.



Sheep

And the opinions are not defined – וְלֹא מְסִימִי: This expression describes a situation where two opinions are discussed and it is unclear which Sage holds which opinion, although there is clearly a dispute. At times, the Gemara seeks to determine which of the Sages stated which opinion.

Naphtha [neft] – נַפְתָּ: Naphtha, crude oil extracted from the ground, was a common fuel in several countries in the ancient world. During the Middle Ages it was not used and it was virtually unknown in Europe (see Rashi here). It is apparent from the description in the Gemara that not only did they use crude oil that burst from the ground, like the people of Cappadocia that have nothing but naphtha, as described below on 26a, p. 122, they even successfully refined it. The Gemara is apparently the first historical source that describes the production of white naphtha, which is one of the products of refining crude oil. Since white naphtha was refined, it would vaporize and burn more quickly, as the Gemara said: White naphtha is volatile. The techniques of refining crude oil first appear in other sources approximately five hundred years after the talmudic era.

HALAKHA

One may not light with tar [itrān] – אינן מדליקין בעטרן: One may not use tar as fuel for lighting the Shabbat lamp because it has a foul odor. Consequently, there is concern that one might light the lamp and leave without fulfilling the obligation to eat by the light of the Shabbat lights (Tosafot), as per the explanation of Rava (Rambam Sefer Ahava, Hilkhot Tefilla 5:10; Shulhan Arukh, Orāh Hayyim 264:3).

With all oils – בכל השמנים: One is permitted to light the Shabbat lamp with any oil. However, everyone agrees that olive oil is preferred (Rambam Sefer Ahava, Hilkhot Tefilla 5:11; Shulhan Arukh, Orāh Hayyim 264:6).

Burning consecrated items on a Festival – שריפת קדשים – ביום טוב: On a Festival, one may not burn ritually impure consecrated items (Rambam Sefer Zemanim, Hilkhot Yom Tov 3:8).

NOTES

From where are these matters derived – מנהני מילי: It would have been appropriate to ask, why is burning consecrated items and specifically burning teruma prohibited on a Festival? First of all, there is a positive mitzva to burn consecrated items, which should override the negative mitzva of the Festival. Second, since lighting a fire is permitted on Festivals, burning consecrated items should have been permitted as well (Rashba).

הכי השתא! התם – בדין הוא דאפילו בשבת נמי לא צריך, ורבנן הוא דתקוני משום סכנה, אבל הכא – יום הוא שנתחייב בארבע תפלות.

“ולא באליה כו” – חכמים היינו תנא קמא: איכא ביניהו דרב ברונא אמר רב, ולא מסימי.

מתני' אין מדליקין בשמן שריפה ביום טוב. רבי ישמעאל אומר: אין מדליקין בעטרן. מפני כבוד השבת. וחכמים מתירין בכל השמנים; בשמן שומשמיין, בשמן אגוזים, בשמן צנונות, בשמן דגים, בשמן פקועות, בעטרן ובנפט. רבי טרפון אומר: אין מדליקין אלא בשמן זית בלבד.

גמ' מאי טעמא? לפי שאין שורפין קדשים ביום טוב. מנהני מילי? אמר חזקיה, וכן תנא דבי חזקיה, אמר קרא: “ולא תותירו ממנו עד בקר והגותר ממנו עד בקר”, שאין תלמוד לומר “עד בקר” – בא הקתוב ליתן לו בקר שני לשריפתו.

אביי אמר, אמר קרא: “עולת שבת בשבתו” – ולא עולת חול בשבת, ולא עולת חול ביום טוב.

This challenge is rejected: How can you compare? There, actually, even on Shabbat, the prayer leader need not repeat the prayer, just as the prayer is not repeated any other evening. It was the Sages who instituted repetition of the prayer due to concern for potential danger. The Sages sought to slightly delay those leaving the synagogue to enable people who came late to leave together with the rest of the worshippers. This was necessary because synagogues were often located beyond the city limits, and it was dangerous to walk alone at night. This repetition of the prayer does not stem from the obligation of the day but was instituted for another purpose. However, here, on Yom Kippur, it is the day that is obligated in four prayers, and therefore on each day that there are added prayers, one must mention the events that occurred on that day in those prayers just as he does in all the standard prayers.

And we learned in the mishna that one may not light with the sheep's tail^b or with fat. Nahum the Mede says that one may light using cooked fat. And the Rabbis say that one may not light with it whether or not it is cooked. The Gemara asks: Isn't the opinion of the Rabbis identical to the unattributed opinion of the first tanna in the mishna? The Gemara answers: The practical difference between them is with regard to what Rav Beruna said that Rav said that one may light with cooked fat to which oil was added. One of the tanna'im accepts this opinion as halakha and permits lighting with it, and the other prohibits it, and the opinions are not defined.^b Although it seems from the formulation of the mishna that they differ on this point, it is unclear what the opinion of each tanna is.

MISHNA In continuation of the previous mishna, this mishna adds that one may not light with burnt oil on a Festival, as the Gemara will explain below. With regard to lighting Shabbat lamps, there were Sages who prohibited the use of specific oils. Rabbi Yishmael says that one may not light with tar [itrān]^h in deference to Shabbat because tar smells bad and disturbs those in the house. And the Rabbis permit lighting with all oils^h for lamps as long as they burn properly; with sesame oil, with nut oil, with turnip oil, with fish oil, with gourd oil, with tar, and even with naphtha [neft].^b Rabbi Tarfon says: One may light only with olive oil in deference to Shabbat, as it is the choicest and most pleasant of the oils.

GEMARA With regard to the statement of the mishna that one may not light with burnt oil on a Festival, the Gemara asks: What is the reason for this? The Gemara answers: Because, in general, one may not burn consecrated items on a Festival.^h With regard to the fundamental principle that one may not burn consecrated items on a Festival, the Gemara asks: From where are these matters derived?ⁿ Hizkiya said, and one of the Sages from the school of Hizkiya taught the same, that which the verse said: “And you shall let nothing of it remain until morning; but that which remains of it until morning you shall burn with fire” (Exodus 12:10), requires explanation. As the Torah did not need to state until morning the second time. It would have been sufficient to state: But that which remains of it you shall burn with fire. Rather, why does the Torah state until morning? The verse comes to provide him with the second morning for burning. Leftover meat of the Paschal lamb is not burned on the following morning, which is a Festival, but rather on the following day, the first of the intermediate days of the Festival. From there it is derived that burning consecrated items on a Festival is prohibited.

Abaye said: This is derived from another verse, as the verse said: “This is the burnt-offering of each Shabbat on its Shabbat” (Numbers 28:10). Only the burnt-offering of Shabbat is sacrificed on Shabbat, and not a weekday burnt-offering on Shabbat, and not a weekday burnt-offering on a Festival. Apparently, performing this mitzva is prohibited even on a Festival, since it was not explicitly enumerated among the actions permitted on a Festival.

Derived by means of an *a fortiori* inference – דַּאֲתֵיָא בְּקַל – הוֹמָר: Many commentaries discussed the essence of this *a fortiori* inference (see *Tosafot*). Contrary to the majority of the commentaries, who explained that the Gemara means that, if not for the verse, circumcision would have been derived by means of an *a fortiori* inference, there is another explanation. The prohibition of burning consecrated items on a Festival is derived by means of an *a fortiori* inference from circumcision. The mitzva of circumcision is so significant a mitzva that it overrides Shabbat. Nevertheless, when its appropriate time has passed, it no longer overrides the prohibition of Shabbat or even that of a Festival. All the more so the obligation to burn consecrated items, which, unlike circumcision, lacks a definite time, and the thirteen covenants of circumcision do not apply to it, is prohibited on a Festival (Rav Hai Gaon).

רַבָּא אָמַר, אָמַר קָרָא: "הוּא לְבַדּוֹ יַעֲשֶׂה לְכֶם," "הוּא" – וְלֹא מִכְשִׁירֵינוּ, 'לְבַדּוֹ' – וְלֹא מִיֵּלֶה שְׁלֹא בְּזִמְנָה, דַּאֲתֵיָא בְּקַל וְחוֹמֵר.

Rava said: This is derived from a different verse, as the verse said with regard to the laws of a Festival: "No manner of work shall be done in them, save that which every man must eat, **that alone may be done by you**" (Exodus 12:16). From the word **that**, it is derived that for sustenance, one is permitted to perform prohibited labor on a Festival, **but not for facilitators** of sustenance. Although cooking is permitted, actions that involve prohibited labors for the purpose of facilitating cooking are prohibited. From the word **alone**, it is derived: **And not circumcision performed not at its appointed time**, i.e., a circumcision may be performed on a Festival only if it is on the eighth day. A circumcision that was postponed may not be performed on a Festival. It is possible **that** license to perform the postponed circumcision on a Festival could have been **derived by means of an *a fortiori* inference**.^N Therefore, the verse explicitly prohibited doing so. The same is true with regard to burning consecrated items. Although the Torah commands burning consecrated items, it was not permitted on a Festival since there is no obligation to do so specifically on that day.

רַב אֲשִׁי אָמַר: ('שַׁבָּת') 'שַׁבְּתוֹן' –

Rav Ashi said: It is derived from a different source. In the verses that speak of the Festivals, as opposed to the term **Shabbat**, the term *shabbaton* (Leviticus 23:24) appears.

Perek II Daf 25 Amud a

עֲשֶׂה, וְהָיָה לְיָהּ יוֹם טוֹב עֲשֶׂה וְלֹא תַעֲשֶׂה, וְאֵין עֲשֶׂה דּוֹחָה אֶת לֹא תַעֲשֶׂה וְעֲשֶׂה.

The latter term is a positive **mitzva** to rest. **And**, if so, observance of a Festival is a mitzva that was commanded with both a **positive mitzva** to rest and a **prohibition**:^N "You shall do no manner of servile work" (Leviticus 23:8). **And** there is a principle that a **positive mitzva**, e.g., burning consecrated items whose time has expired, **does not override** a mitzva that was commanded with both a **prohibition and a positive mitzva**, e.g., observance of the Festival.

בְּיוֹם טוֹב הוּא דְאָסִיר, הָא בְּחוּל – שְׁפִיר דְּמִי, מֵאֵי טַעְמָא? אָמַר רַב: בְּשֵׁם שְׂמִינְיָה לְשִׁרוּף הַקִּדְּשִׁים שְׁנִטְמָא, כִּן מִצְוָה לְשִׁרוּף אֶת הַתְּרוּמָה שְׁנִטְמָא. וְאָמַר תּוֹרָה: בְּשִׁעַת בִּיעוּרָה תִּיהְיֶינָה מִמֶּנָּה. הֵיכָן אָמַר תּוֹרָה? מְדַרְבַּ נְחֻמָּן. דְּאָמַר רַב נְחֻמָּן אָמַר רַבָּה בְּרַ אָבוּה: אָמַר קָרָא "וְאֲנִי הִנֵּה נֹתְתִי לְךָ אֶת מִשְׁמֶרֶת תְּרוּמוֹתַי" בְּשִׁתֵּי תְּרוּמוֹת הַכֶּתֵּב מְדַבֵּר, אַחַת תְּרוּמָה טְהוֹרָה וְאַחַת תְּרוּמָה טַמְאָה. וְאָמַר רַחֲמֵנָּא 'לְךָ' – שְׁלֹךְ תְּהֵא, לְהַסִּיקָה תַּחַת תְּבִשְׁלִיךְ.

By inference, the conclusion is that, specifically **on a Festival**, lighting with burnt oil is **prohibited**. During the week one may **well** do so. The Gemara asks: **What is the reason** for this distinction? It would be reasonable to say that it is prohibited to derive any benefit from *teruma* that became ritually impure. **Rav said: Just as there is a mitzva to burn consecrated items that became ritually impure, so too, there is a mitzva to burn *teruma* that became ritually impure, and the Torah said: While it is being destroyed, derive benefit from it.** The Gemara asks: **Where did the Torah say this?** Where is there an allusion to this in the Bible? The Gemara answers: It can be derived from the statement of Rav **Nahman**, as **Rav Nahman** said that **Rabba bar Avuh** said: **The verse said: "And I, behold, I have given you the charge of My *terumot*"** (Numbers 18:8). From the amplification of the plural: *My terumot*, it is derived that **the verse is speaking of two *terumot*, one *teruma* that is ritually pure and one *teruma* that is ritually impure. And God said: "I have given you," i.e., it shall be yours, and you may derive benefit from it.**^H Since there is a stringent prohibition against eating it, the benefit permitted is **to burn it beneath your cooked dish**. Similar forms of benefit may also be derived from burning *teruma*.

HALAKHA

הַנָּאָה בְּתְרוּמָה – בְּנִיטְמָה: Although eating ritually impure *teruma* is prohibited, a priest is permitted to benefit from burning it. It is prohibited for all other Jews to derive benefit from burning *teruma*. However, if a priest is benefitting from burning *teruma*, a non-priest may benefit along with him. Therefore, in the Jerusalem Talmud, the Sages permitted burning ritually impure *teruma* for certain communal purposes with the permission of the priests (Rambam *Sefer Zera'im, Hilkhoh Terumot* 2:14; *Shulhan Arukh, Yoreh De'ah* 331:19, and in the comment of the Rema).

Positive mitzva and a prohibition – עֲשֶׂה וְלֹא תַעֲשֶׂה: The Gemara in tractate *Yevamot* arrives at a conclusion accepted throughout the Talmud that a positive mitzva overrides a negative mitzva in a case where both are in effect simultaneously. However, as a rule, a positive mitzva does not override another positive mitzva, unless explicitly stated otherwise in the Torah. All the more so, a positive mitzva does not override both a positive mitzva and a prohibition. Therefore, it was important in this context to emphasize that on a Festival there is the positive mitzva to rest and refrain from performing labor in addition to the prohibition against performing labor.

BACKGROUND

And what did you see – וַיִּמָּד רַאֲיִתָּה: This expression has a standard meaning. It is used when an apparently arbitrary distinction is suggested between different matters. In that case, the question: What did you see that led you to that conclusion, forces the Gemara to provide a rationale for distinguishing between those matters in that manner.

Mnemonic – סִימָן: Acronyms are used throughout the Talmud as mnemonic devices. In general, the acronyms assist the Sages in remembering discussions in which numerous opinions are cited consecutively, potentially leading to confusion between the names of the speakers or their opinions. Acronyms were also composed as summaries of halakhot, as in the case of yod, ayin, lamed, kuf, gimmel and mem that represent the disputes between Abaye and Rava where, anomalously, the halakha is in accordance with the opinion of Abaye.

Not all mnemonics are identical. Most are acronyms, although they do not always consist of the first letter of each word. The mnemonic on 25b, p. 120, mem, tet, kuf, samekh, is a mnemonic of the Sages who addressed the issue at hand: Meir, Tarfon, Akiva, and Yosei. There are also mnemonics in the form of a sentence composed of several key words, and sometimes folk expressions served as mnemonics for a series of halakhot (see below, 63a, p. 305).

וַאֲיִבְעִית אִימָא – מְדַרְבֵּי אַבְהוּ. דְּאָמַר רַבִּי אַבְהוּ אָמַר רַבִּי יוֹחָנָן: "וְלֹא בְעֵרְתִּי מִמֶּנּוּ בְּטָמְאָ" – מִמֶּנּוּ אִי אֶתְהָ מִבְּעִיר, אֲבָל אֶתְהָ מִבְּעִיר שְׁמֹן שֶׁל תְּרוּמָה שְׁנֵטְמָא. וַאֲיִמָּא: מִמֶּנּוּ אִי אֶתְהָ מִבְּעִיר, אֲבָל אֶתְהָ מִבְּעִיר שְׁמֹן שֶׁל קֹדֶשׁ שְׁנֵטְמָא!

לֹא קָל וְחֹמֶר הוּא? מַה מַּעֲשֵׂר הִקְל אֲמָרָה תּוֹרָה "לֹא בְעֵרְתִּי מִמֶּנּוּ בְּטָמְאָ", קֹדֶשׁ חֹמֶר לֹא כָּל שֵׁבוּן?

אִי הִכִּי, תְּרוּמָה נְמוּ, לִימָא: קָל וְחֹמֶר הוּא! הָא כְּתִיב 'מִמֶּנּוּ'.

וַיִּמָּד רַאֲיִתָּה? מִסֵּתְבָרָא, קֹדֶשׁ לֹא מִמַּעֲיִטָּנָא שְׁבוּן סִימָן פִּנְ"ק עב"ס: פִּגּוּל, נוֹתֵר, קָרְבַּן מַעֲיִלָּה, וְכֶרֶת, אָסוּר לֹאֲוִן.

And if you wish, say instead an alternative manner to derive this halakha, from the statement of Rabbi Abbahu, as Rabbi Abbahu said that Rabbi Yohanan said: It is written in the confession of the tithes: "I have not eaten thereof in my mourning, neither have I destroyed from it while impure" (Deuteronomy 26:14). By inference: From itⁿ you may not destroy, but you may destroy the oil of teruma that has become ritually impure. The Gemara asks: And say differently: From it you may not destroy, but you may destroy and derive benefit from burning consecrated oil that became ritually impure.

The Gemara responds: That possibility is unacceptable. Is it not an a fortiori inference? If with regard to the tithe which is lenient, the Torah said: Neither have I destroyed from it, while impure, items consecrated to the Temple, which are more stringent, all the more so that it is prohibited to burn it while ritually impure.

The Gemara rejects this: If so, that this matter is derived through an a fortiori inference, then, with regard to teruma as well, let us say that it is an a fortiori inference, as teruma is more stringent than tithes. If it is prohibited to benefit from tithes while they are burning, all the more so would one be prohibited to benefit from the teruma while it is burning. The Gemara answers: Doesn't it say: From it? From there it is derived that there is an item excluded from the prohibition of burning in ritual impurity.

The Gemara asks: And what did you see⁸ that led you to conclude that "from it" comes to exclude teruma? Perhaps "from it" comes to exclude consecrated items. The Gemara replies: It is reasonable that I do not exclude consecrated items from the prohibition against benefiting from its burning, as with regard to consecrated items there are many stringent elements. Their Hebrew acronym is peh, nun, kuf, ayin, kaf, samekh, which is a mnemonic^{BN} for the following terms. Piggul: With regard to an offering, if, during one of the services involved in its sacrifice, i.e., slaughter, receiving the blood, bringing it to the altar, sprinkling it on the altar, the priest or the one bringing the offering entertains the thought of eating the sacrifice at a time that is unfit for eating, it is thereby invalidated. Notar: Meat of a sacrifice that remained beyond its allotted time may not be eaten and must be burned. Korban me'ila: One who unwittingly derives benefit from consecrated items is required to bring a guilt-offering for misuse of consecrated items. Karet: The punishment of one who eats consecrated items while ritually impure is karet. Asur le'onen: An acute mourner, i.e., one whose relative died that same day and has not yet been buried, is prohibited to eat consecrated items. None of these halakhot applies to teruma. Therefore, consecrated items are more stringent than teruma, and therefore it is consecrated items that are not excluded from the prohibition against deriving benefit while ritually impure.

NOTES

The Talmud's approach to the matter of "from it" – שיטת – התלמוד בענין "ממנו": The fundamental difficulty in this derivation is to find a middle ground between two conclusions derived from a single verse. From the verse in the confession of the tithes, one could derive that use of ritually impure second-tithe produce for any purpose is prohibited and that one may not even derive benefit from burning it. At the same time, the verse does not establish a general halakha. On the contrary, the prohibition is apparently restricted to second-tithe as derived from the emphasis on the word "from" in the expression: "Neither did I destroy from it", as opposed to: And I did not destroy, or: I did not destroy it.

On the other hand, it is well-known that Torah law can be derived by means of an a fortiori inference. The second tithe is the most lenient of all types of consecrated items and teruma because it lacks intrinsic sanctity and is not prohibited to non-priests. Its only restriction is that it must be eaten in Jerusalem. More stringent consecrated items, such

as teruma and sacrifices, may be derived from it a fortiori. Therefore, with regard to burning ritually impure consecrated items, there is, on the one hand, a tendency to prohibit doing so by means of an a fortiori inference from second tithe. On the other hand, one could permit doing so because of the exclusionary phrase, "from it," which restricts the prohibition to a case of second tithe. Since there is room both to expand and restrict the prohibition, one must consider what elements are included and what elements are not included within that prohibition.

Mnemonic – סימן: There are different methods used to create these mnemonics: Here the acronym peh, nun, kuf, ayin, kaf, and samekh is formed from the first or other significant letters of the words piggul, notar, korban, me'ila, karet, and asur. The other mnemonic, mem, het, peh, and zayin, is an acronym for mita, homesh, pidyon, and zarim.

אדרבה, תרומה לא ממעיטנא, שכן מחפזי סימן: מיתה, חומש,

The Gemara rejects this: **On the contrary, it is *teruma* that I would not exclude** from the prohibition, as, with regard to *teruma*, there are many stringent elements represented by the acronym *mem, het, peh, zayin*, which is a mnemonic for the following: *Mita*: One for whom *teruma* is prohibited who ate it intentionally is punishable by **death** at the hand of Heaven. *Homes*: A non-priest, for whom *teruma* is prohibited, who unwittingly ate *teruma* is obligated to pay its value to the priest plus **one-fifth** of the sum.

Perek II
Daf 25 Amud b

ואין לה פדיון, ואסורה לזרים. הנך נפישן.

And, *teruma* does not have the possibility of *pidyon*: redemption, as, once it is sanctified, it may not be redeemed and rendered non-sacred. And it is **prohibited to *zarim*: non-priests** may not eat it. These stringencies do not apply to consecrated items. The Gemara answers: Nevertheless, **those** stringencies that apply to consecrated items are **more** numerous than those that apply to *teruma*. Therefore, it is appropriate to be more stringent with consecrated items and exclude impure *teruma* from the prohibition against deriving benefit when burning it.

ואיבעית אימא: קדש חמור, שכן ענוש כרת. רב נחמן בר יצחק אמר: אמר קרא "תיתן לו", לוי ולא לאורו, מכלל דבת אורו הוא.

And if you wish, say instead a different reason, without counting the number of stringencies: **Consecrated items are more stringent because one who eats them while ritually impure is punishable by *karet***, while in the case of *teruma* the punishment is death at the hand of Heaven.ⁿ In this regard, the Torah is more stringent vis-à-vis consecrated items than it is vis-à-vis *teruma*. **Rav Nahman bar Yitzhak said** that there is a different proof that one is permitted to benefit from *teruma* while it is burning. **As the verse said**: "The first fruits of your grain, of your wine, and of your oil, and the first of the fleece of your sheep **shall you give him**" (Deuteronomy 18:4). The Sages derived from this verse: Give the priest *teruma* that is ritually pure, that is fit for **him** to consume, and do **not** give the priest *teruma* that is suitable only for **his fire**, to be burned. **By inference**, ritually impure *teruma* is suitable for his fire, i.e., a priest may derive benefit from it.

רבי ישמעאל אומר כו". מאי טעמא? אמר רבא: מתוך שריחו רע, גזרה שמוא יניחנה ויצא. אמר ליה אבוי: ויצא! אמר ליה, שאני אומר: הדלקת נר בשבת - חובה, דאמר רב נחמן בר רב יבדא, ואמרי לה אמר רב נחמן בר רבא אמר רב: הדלקת נר בשבת - חובה, רחיצת ידים ורגלים בחמין ערבית - רשות, ואני אומר: מצודה.

We learned in the mishna that **Rabbi Yishmael says** that kindling a lamp on Shabbat^l with tar is prohibited. The Gemara asks: **What is the reason for this? Rava said: Because its odor is bad** the Sages issued a decree prohibiting the use of tar, **lest one forsake the light and leave. Abaye said to him: And let him leave.** What obligation is there to sit next to the light? **Rava said to him: Because I say that kindling Shabbat lights is an obligation**, and one is required to eat specifically by that light in deference to Shabbat. **As Rav Nahman bar Rav Zavda said, and others say that it was Rav Nahman bar Rava who said that Rav said: Kindling the Shabbat lamps is an obligation**, whereas **washing one's hands and feet with hot water^h in the evening prior to Shabbat is merely optional. And I say: Washing is not merely optional; it is a mitzva even though it is not an obligation.**

NOTES

כרת ומיתה בידי שמים: There are significantly diverse definitions for *karet* and death at the hand of Heaven (see *Tosafot* on 25a, s.v. *karet*). Nevertheless, it is clear from the Torah that *karet* is the more severe punishment, and consequently a transgression punishable by *karet* is egregious.

HALAKHA

Kindling a lamp on Shabbat – הדלקת נר בשבת: Kindling the lights is one of the obligations of Shabbat and it takes precedence even over wine for *kiddush*. One who only has the means to purchase either wine for *kiddush* or oil for the lamp should purchase oil. However, if the choice is between bread for the Shabbat meal and oil for the lamp, one should purchase bread

(*Mishna Berura*). Other foods do not take precedence over the Shabbat lights because light is one of the essential components of the mitzva to enjoy Shabbat (Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:1; *Shulhan Arukh, Oraḥ Ḥayyim* 263:2).

רחיצת ידים – רחיצת ידים: It is a mitzva to wash one's entire body with hot

water before Shabbat as preparation for fulfillment of the mitzva to enjoy Shabbat. If one does not have the opportunity to wash his entire body, he should at least wash his face, hands, and feet in that order (*Sha'arei Teshuva* in the name of the Rabbi Yitzhak Luria; Rambam *Sefer Zemanim, Hilkhot Shabbat* 30:2; *Shulhan Arukh, Oraḥ Ḥayyim* 260:1 and in the comment of the Rema).

In linen cloaks with ritual fringes – בקדינין – המצויינין: The commentaries differed significantly with regard to the obligation to place ritual fringes on a linen garment and the material from which those fringes are made. One opinion is that the students of Rabbi Yehuda had ritual fringes on their garments but they were not dyed sky blue [tekhélet]. The fringes themselves may be made of linen; however, everyone agrees that the strand dyed sky blue must be fashioned from wool. The combination of a strand of wool with the linen garment constitutes a forbidden mixture of wool and linen. Rabbi Yehuda's students concealed the corners of their garments so their teacher would not see that the blue dye was missing from their ritual fringes (Ran).

And he was similar to an angel of the Lord – דומה למלאך ה': The simple understanding is that since Rabbi Yehuda was wrapped in a white sheet with ritual fringes, he resembled an angel, described as: "The man clothed in linen" (Ezekiel 9:11; see Rashi).

Who is wealthy – איזהו עשיר – Each Sage based his statement on his own personal experience. For Rabbi Meir, to be wealthy is to be satisfied with one's portion. Rabbi Tarfon who was, in fact, very wealthy, quantified that wealth. Rabbi Akiva, whose wife Rahel was responsible for his greatness, praised wives. Rabbi Yosei, who suffered from intestinal disease, said that from his perspective to be wealthy is to be comfortable in that regard (Panim Masbirot).

BACKGROUND

Balsam – אפרסמון: According to many scholars, the *tzori* that is mentioned in the Torah and here in the Gemara is identified with balsam, which is apparently the *Commiphora opobalsamum*, a bush or short tree, 3–5 m in height. The tree has extremely thin branches, complex leaves, and small white flowers.

The highest quality balsamic perfume is sap which drips in small amounts from the ends of the stems. However, the perfume is generally extracted by boiling the branches. After a certain period of time, the balsam sap evaporates, leaving a sticky residue. Even though it is also quite fragrant, it was used for medicinal purposes, in addition to its use as incense and as fragrant oil.

During the second Temple period, the finest balsam grew in the Jordan Valley. It was so highly valued that it was literally worth its weight in gold.



Balsam branch

מאי מצודה? דאמר רב יהודה אמר רב: כך היה מנהגו של רבי יהודה בר אלעאי, ערב שבת מביאים לו עריבה מלאה חמין, ורוחץ פניו וידי ורגליו, ומתעטף וישוב בקדינין המצויינין, ודומה למלאך ה' צבאות, והיו תלמידיו מחבין ממנו כנפי כסותו, אומר להן: בני, לא כך שניתי לכם, סדין בציצית, בית שמאי פוטרין ובית הלל מחייבין. והלכה כדברי בית הלל ואינהו סברי – גזירה משום כסות לילה.

”ותזנח משלום נפשי נשיתי טובה”. מאי “ותזנח משלום נפשי”? אמר רבי אבהו: זו הדלקת נר בשבת. “נשיתי טובה” – אמר רבי ירמיה: זו בית המרחץ. (אמר רבי יוחנן): זו רחיצת ידים ורגלים בתמין. רבי יצחק נפתח אומר: זו משה נאה וכלים נאים שעליו. רבי אבא אומר: זו משה מוצעת ואשה מקושטת לתלמידי חכמים.

תנו רבנן: איזהו עשיר? כל שיש לו נחת ורוח בעשרו, דברי רבי מאיר. סימן מיט ק”ס. רבי טרפון אומר: כל שיש לו מאה כרמים ומאה שדות, ומאה עבדים שעובדין בהן. רבי עקיבא אומר: כל שיש לו אשה נאה במעשים. רבי יוסי אומר: כל שיש לו בית הכסא סמוך לשולחנו.

תניא, רבי שמעון בן אלעזר אומר: אין מדליקין בצרי. מאי טעמא? אמר רבה: מתוך שריחו נודף, גזרה שמה יסתפק ממנו. אמר ליה אבוי:

The Gemara asks: What mitzva is there? The Gemara explains that Rav Yehuda said that Rav said: This was the custom of Rabbi Yehuda bar Elai: On Shabbat eve, they would bring him a bowl full of hot water and he would use it to wash his face, hands, and feet, and he would wrap himself, and sit in linen cloaks with ritual fringes,ⁿ and he was like an angel of the Lordⁿ of hosts. He did all this in deference to Shabbat. And the Gemara relates that his students, who also sat wrapped in linen cloaks, would conceal the corners of their garments from him so that he would not see that they did not have ritual fringes on their garments. He said to them: My sons, did I not teach you with regard to the obligation to attach ritual fringes to a linen cloak: Beit Shammai exempt the linen sheet because at least part of the ritual fringes is always made from wool, and there is a Torah prohibition against a mixture of wool and linen that applies even to ritual fringes? And Beit Hillel obligate linen sheets in the mitzva of ritual fringes, as they hold that the positive mitzva of ritual fringes overrides the prohibition of mixing wool and linen. The halakha is in accordance with the opinion of Beit Hillel, and therefore the sheets require ritual fringes. And the students held: Although it is permitted by Torah law to attach ritual fringes to a linen garment, the Sages issued a decree that one may not do so due to garments worn at night.^h The Sages were concerned lest a person wear this cloak at night. Since one is not obligated in the mitzva of ritual fringes at night, he would be wearing the prohibited mixture of wool and linen at a time when he is not fulfilling the mitzva of ritual fringes. Therefore, attaching ritual fringes made of wool to a linen garment is prohibited, even to a garment worn during the day.

Since bathing as preparation for enjoyment of Shabbat was discussed, the Gemara cites the homiletic interpretation of the verse describing those heading into exile: “And my soul is removed far off from peace, I forgot prosperity” (Lamentations 3:17). What is: And my soul is removed far off from peace? Rabbi Abbahu said: That is the lack of opportunity to engage in kindling the Shabbat lights, which a refugee is unable to do. I forgot prosperity, Rabbi Yirmeya said: That is the lack of opportunity to bathe in the bathhouse. Rabbi Yohanan said: That is the lack of opportunity to engage in washing one's hands and feet in hot water. Rabbi Yitzhak Nappaḥa said: Prosperity is a pleasant bed and the pleasant bedclothes that are on it, which are not available in exile. Rabbi Abba said: That is a made bed, and a wife adorned, i.e., worthy of and suitable (Rashba) for Torah scholars.

Incidental to the discussion of prosperity, the Gemara mentions that on a similar topic, the Sages taught: Who is wealthy?ⁿ Anyone who gets pleasure from his wealth, that is the statement of Rabbi Meir. The letters *mem* (Meir), *tet* (Tarfon), *kuf* (Akiva), *samekh* (Yosei) are a mnemonic for the *tannaim* who expressed opinions on this matter. Rabbi Tarfon says: A wealthy person is anyone who has one hundred vineyards, and one hundred fields, and one hundred slaves working in them. Rabbi Akiva says: Anyone who has a wife whose actions are pleasant. Rabbi Yosei says: Anyone who has a bathroom close to his table.

It was taught in a *baraita* that Rabbi Shimon ben Elazar says: One may not light on Shabbat with sap from balsam trees [*tzori*].^{hb} The Gemara asks: What is the reason for this? Rabba said: Since its pleasant smell diffuses, the Sages were concerned lest one forget and come to take some sap from it on Shabbat. That is tantamount to extinguishing the lamp, as removing oil from a burning lamp curtails the amount of time that it will burn. Abaye said to him:

HALAKHA

The Sages issued a decree due to garments worn at night – סברי גזירה – משום כסות לילה: With regard to ritual fringes, the authorities disputed the definition of daytime versus nighttime garments. According to the Rambam, any garment that one wears during the day, even if its primary designation is for nighttime use, is considered a daytime garment and requires ritual fringes. Conversely, a garment that is worn at night is exempt from the obligation of ritual fringes even if its primary designation is for daytime use.

However, according to the Rosh, any garment whose primary designation is for nighttime use is considered to be a nighttime garment even if it is worn during the day, and a garment whose primary designation is for daytime use is considered to be a daytime garment even if it is worn at night.

Because of their dispute in this matter, one recites a blessing only over a garment that is both designated for daytime use and one wears

during the day, as one does not recite the blessing in a case of uncertainty (Rema in the name of *Hagahot Maimoniyot*). Nevertheless, one must attach ritual fringes to a nighttime garment worn during the day (*Mishna Berura*; Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 3:7; *Shulḥan Arukh*, *Orah Ḥayyim* 18:1).

One may not light with sap from balsam trees [*tzori*] – אין מדליקין בצרי: One may not light with balsam oil on Shabbat because its pleasant fragrance may lead one to unwittingly use some of it. Furthermore, balsam oil is also dangerous because it is volatile and sticks to the walls of the house when it burns. Therefore, there is concern that a person who is anxious to protect his property might come to extinguish the flame on Shabbat (*Mishna Berura*; Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 5:10; *Shulḥan Arukh*, *Orah Ḥayyim* 264:3).

לימא מר: "מפני שהוא עף!" תדא ועוד קאמר, תדא - מפני שהוא עף, ועוד: גזירה שמא יסתפק ממנו.

ההיא חמתא דהות סניאיה לה לבלתה, אמרה לה: זיל איקשיט במשחא דאפרסמא. אזלא איקשיט. כי אתת, אמרה לה: זיל איתלי שרגא! אזלא אתלא שרגא. אינפח בה נורא ואכלתה.

"ומדלת הארץ השאיר נבוזראדן רב טבחים לכורמים וליוגבים". 'כורמים' תני רב יוסף: אלו מלקטי אפרסמון מעין גדי ועד רמתא. 'יוגבים' - אלו צידי חלוון, מסולמות של צור ועד חיפה.

תנו רבנן: אין מדליקין בטבל טמא בחול, ואין צריך לומר בשבת. ביוצא בו: אין מדליקין בנפט לבן בחול, ואין צריך לומר בשבת. בשלמא נפט לבן - מפני שהוא עף, אבל טבל טמא, מאי טעמא?

אמר קרא: "ואני הנה נתתי לך את משמרת תרומותי" בשתי תרומות הכתוב מדבר, אחת תרומה טהורה ואחת תרומה טמאה. מה תרומה טהורה - אין לך בה אלא משעת הרמה ואילך, אף תרומה טמאה - אין לך בה אלא משעת הרמה ואילך.

גופא. רבי שמעון בן אלעזר אומר: אין מדליקין בצרי. וכן היה רבי שמעון בן אלעזר אומר: צרי אינו אלא שרף מעצי הקטף. רבי ישמעאל אומר: כל היוצא מן העץ אין מדליקין בו. רבי ישמעאל בן ברוקה אומר: אין מדליקין אלא ביוצא מן הפרי. רבי טרפון אומר: אין מדליקין אלא בשמן וזית בלבד.

Let the Master say a different reason: Because tar is volatile, i.e., it is liable to evaporate quickly and cause a fire. The Gemara answers: He stated one reason and another: One, because it is volatile and potentially dangerous; and, furthermore, due to a decree lest one take sap from it.

The Gemara relates: A mother-in-law who hated her daughter-in-law said to her: Go adorn yourself with balsam oil. She went and adorned herself. When she came, her mother-in-law said to her: Go light the lamp. She went and lit the lamp. She caught fire and was burned.

Since balsam oil was discussed, the Gemara cites the verse: "But Nebuzaradan the captain of the guard left of the poorest of the land to be vinedressers and husbandmen" (Jeremiah 52:16). The Gemara explains the verse: With regard to vinedressers, Rav Yosef taught: These poorest of the land were the balsam collectors in the south of Eretz Yisrael, in the expanse from Ein Gedi to Ramata. And the husbandmen; these are the trappers of the snail [hilazon], from which the sky blue dye is produced in the north of the country, in the area between the Promontory of Tyre and Haifa. Only a small number of poor people could barely eke out a living from these tasks, which involved mere gathering.

The Sages taught: One may not light with ritually impure untithed produce [tevel]^{NH} during the week, and needless to say one may not light with it on Shabbat. On a similar note, one may not light with white naphtha^H during the week, and needless to say one may not light with it on Shabbat. Granted, with regard to white naphtha, its prohibition is understandable because it is volatile and potentially dangerous. However, with regard to ritually impure tevel, what is the reason that the Sages prohibited lighting with it?

The Gemara answers that the verse said: "And I, behold, I have given you the charge of My terumot" (Numbers 18:8). From the fact that terumot is plural, the Sages derived that the verse is speaking of two terumot: Both teruma that is ritually pure and teruma that is ritually impure. Just as with regard to teruma that is ritually pure, you, the priest, have permission to benefit from it only from the time teruma was separated and onward, so too, with regard to teruma that is ritually impure, you have permission to benefit from it only from the time teruma was separated and onward. Since a portion of the untithed produce is teruma that has not yet been separated, it is prohibited even for a priest to use it.

The Gemara proceeds to discuss the matter of the Tosefta itself, the case of lighting with sap from balsam trees on Shabbat. Rabbi Shimon ben Elazar says: One may not light with tzori on Shabbat. And Rabbi Shimon ben Elazar would also say: Tzori, which is one of the component spices of the incense in the Temple, is merely the sap that emerges from balsam trees,^N and is not part of the balsam tree itself. Rabbi Yishmael says: Anything that originates from the tree, one may not light with it; only materials that do not come from trees may be used. Rabbi Yishmael ben Beroka says: One may only light with a substance that emerges from the fruit. Rabbi Tarfon says: One may only light with olive oil alone.

NOTES

Using untithed produce - שימוש בטבל - It is prohibited to eat produce from which the teruma and tithes have not been separated. There is an opinion among early commentaries that tevel is not a distinct halakhic status that applies to untithed produce. It is rather a mixture of teruma and unconsecrated produce. Separating teruma retroactively designates which part of the tevel was teruma. Therefore, while there is a prohibition to eat tevel, even for priests, the legal status of the produce before tithing is based on the teruma it contains.

Sap that emerges from balsam trees - שרף מעצי הקטף - In the Jerusalem Talmud and according to Rashi's first explanation, Rabbi Shimon ben Elazar provides another reason why one may not light with sap of balsam trees. Like all other sap, sap of a balsam tree is not drawn easily by the wick (Rashba). However, there is an alternative explanation. Rabbi Shimon ben Elazar is referring to the nature of the sap from balsam trees as an aside and not specifically with regard to Shabbat (Tosafot).

HALAKHA

One may not light with untithed produce - אין מדליקין - בטבל: This applies to lighting a lamp with ritually impure untithed produce and all the more so if it is ritually pure (Shakh). It is prohibited during the week, and all the more so on Shabbat (Shakh; Rambam Sefer Zera'im, Hilkhot Ma'aser 6:2; Shulhan Arukh Yoreh De'a 331:116).

One may not light with white naphtha - אין מדליקין בנפט - לבן: One may neither light with white naphtha on Shabbat nor may he do so during the week because it is dangerous (Rambam Sefer Zemanim, Hilkhot Shabbat 5:10).

NOTES

Rabbi Yoḥanan ben Nuri stood on his feet – עמד רבי יוחנן בן נורי על – רגליו: All of the Sages sat in the study hall and voiced their opinions on different topics while seated. Since certain Sages wanted to rule stringently with regard to enhancement of the mitzva, Rabbi Yoḥanan ben Nuri stood to emphasize his objection to these stringencies. He asserted that the restrictions would eventually become too burdensome and would ultimately prevent people from fulfilling the mitzva of kindling the Shabbat lights.

עמד רבי יוחנן בן נורי על רגליו ואמר: מה יעשו אנשי בבל שאין להם אלא שמן שומשמיין, ומה יעשו אנשי מדי שאין להם אלא שמן אגוזים, ומה יעשו אנשי אלכסנדריא שאין להם אלא שמן צנונות, ומה יעשו אנשי קפוטקניא שאין להם לא כך ולא כך אלא נפט? אלא: אין לך אלא מה שאמרו חכמים אין מדליקין.

The Gemara relates: Rabbi Yoḥanan ben Nuri stood on his feet^N and, contrary to this statement, said: And what shall the people of Babylonia, who have only sesame oil, do? And what shall the people of Medea, who have only nut oil, do? And what shall the people of Alexandria, who have only radish oil,^B do? And what shall the people of Cappadocia, who have neither this nor that but only naphtha, do? Rather, you have a prohibition only with regard to those substances with regard to which the Sages said:^H One may not light with them. All other oils are permitted.

ומדליקין בשמן דגים ובעטרן, רבי שמעון שזורי אומר: מדליקין בשמן פקועות ובנפט, סומכוס אומר: כל היוצא מן הבשר אין מדליקין בו, אלא בשמן דגים. סומכוס היינו תנא קמא! איכא בנייהו דרב ברונא אמר רב, ולא מסיימי.

And one may light with fish oil and tar. Rabbi Shimon Shezuri says: One may light with gourd oil^B and naphtha. Sumakhos says: Among the substances that emerge from the flesh of living beings, one may light only with fish oil. The Gemara asks: The opinion of Sumakhos is identical to the opinion of the first *tanna*, who also permits lighting with fish oil. The Gemara answers: There is a practical difference between them with regard to what Rav Beruna said that Rav said: One is permitted to use molten fat to which oil was added for lighting. They disagree with regard to this *halakha*; however, their opinions are not defined and it is unclear which of them permits using it and which prohibits using it.

תנא, רבי שמעון בן אלעזר אומר: כל היוצא מן העץ – אין בו משום שלש על שלש, ומסבכין בו, חוץ מפשתן. אמר אביי:

It was taught in a *baraita* that Rabbi Shimon ben Elazar says: Anything that emerges from the tree does not have the legal status of an area of three by three fingerbreadths.^H Even if it is three by three fingerbreadths, it is not considered sufficiently large to become ritually impure. And, therefore, one may roof his *sukka*^H with it, as the roofing of his *sukka* may not be made from any material that can become ritually impure. This is the case for everything that originates from a tree with the exception of linen, which has a unique legal status. Abaye said:

BACKGROUND

Radish oil – שמן צנונות: This oil is produced from radish seeds, probably from the radish species *Raphanus sativus*, whose seeds contain a high concentration of oil. Ancient writers indicate that radish oil was prevalent in Egypt during the talmudic period.

Gourd oil – שמן פקועות: The gourds mentioned in the Bible and the Mishna have been identified with the plant known as the bitter apple, the *Citrullus colocynthis* L. of the gourd family.

This plant is similar to a watermelon and is found along the coastal plain and the other sandy regions of Israel. The plant has finger-like leaves that are somewhat similar to grape leaves and round fruits that are approximately 10 cm in diameter with a thick rind. The fruit is spongy, filled with seeds, and has a bitter taste.

It is possible to extract oil from the seeds, generally as much as 15 percent of the weight of the seeds. The oil can be used for food or light.



Bitter apple

HALAKHA

אין לך אלא – You have only those which the Sages said – מה שאמרו חכמים: The *halakha* is in accordance with the Sages and with Rabbi Yoḥanan ben Nuri, who stated with regard to the laws of wicks and oils on Shabbat that the *halakha* is no more stringent than the guidelines established by the Sages. This is according to the unattributed mishna and the discussion in the Gemara (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 5:11; *Shulḥan Arukh, Orah Hayyim* 264:6).

Anything that emerges from the tree with regard to ritual impurity – היוצא מן העץ לענין טומאה: Anything that comes from a tree, with the exception of flax, cannot become ritually impure unless it measures a minimum of

three by three handbreadths. This rule also applies to torn garments. However, if one weaves a complete garment, regardless of its size, the garment can become ritually impure with all forms of ritual impurity, except for the ritual impurity imparted by treading. The Gemara elaborates in a later discussion (Rambam *Sefer Tahara, Hilkhhot Kelim* 22:1).

Anything that emerges from the tree with regard to roofing for the *sukka* – היוצא מן העץ לסיכוך: Anything that comes from a tree may be used as roofing for the *sukka* unless it has been crafted into a vessel, as per the opinion of Rabbi Shimon ben Elazar (*Shulḥan Arukh, Orah Hayyim* 629:1).

רבי שמעון בן אלעזר ותנא דבי רבי ישמעאל אמרו דבר אחד. רבי שמעון בן אלעזר - הא דאמרו, תנא דבי רבי ישמעאל מאי היא - דתני דבי רבי ישמעאל: הואיל ונאמרו בגדים בתורה קתם, ופרט להם הכתוב באחד מהן "צמר ופשתים", מה להלן - צמר ופשתים, אף כל - צמר ופשתים.

רבא אמר: שלשה על שלשה בשאף בגדים איכא ביניהו, דרבי שמעון בן אלעזר אית ליה, לתנא דבי רבי ישמעאל - לית ליה.

דכולי עלמא מיהת שלש על שלש בצמר ופשתים מיטמא בנגעים, מנלן? דתנא: 'בגד' אין לי אלא בגד, שלש על שלש מנין? תלמוד לומר: 'והבגד'. ואימא לרבות שלשה על שלשה! לאו קל וחומר הוא? השתא שתי וערב מיטמא, שלשה על שלשה מיבעיא!

Rabbi Shimon ben Elazar and the *tanna* of the school of Rabbi Yishmael essentially said the same thing, even though they said it in different ways. The Gemara elaborates: The statement of Rabbi Shimon ben Elazar is that which we said: The only fabrics woven from plant materials that are considered bona fide fabrics are those made of linen. What is the statement of the *tanna* from the school of Rabbi Yishmael? As it was taught in the school of Rabbi Yishmael: Since the word garments is stated in the Torah unmodified, without stating from what materials those garments were made, and the verse specified in one of its references to garments, in the *halakhot* of ritual impurity of leprosy, wool and linen: "And the garment in which there will be the plague of leprosy, whether it be a woolen garment, or a linen garment" (Leviticus 13:47), the conclusion can be drawn: **Just as below**, when it mentions a garment in the case of leprosy,^b the Torah is referring to one made of wool or linen, so too, all garments mentioned in the Torah are those made from wool or linen. Other fabrics are not classified as garments.

In contrast to Abaye, who viewed the opinions expressed by Rabbi Shimon ben Elazar and the *tanna* of the school of Rabbi Yishmael as expressing the same idea, Rava said that the two opinions are not identical. There is a difference between them when the cloth is three by three^b handbreadths, with regard to other garments that are neither wool nor linen. As Rabbi Shimon ben Elazar says explicitly: If it is less than three by three fingerbreadths, indicating that he is of the opinion that a cloth that is three by three handbreadths that is suitable for use even by wealthy people can become ritually impure. In his opinion, the uniqueness of linen fabric is not that it can become ritually impure, but rather that a linen rag, even if it is very small, can become ritually impure. The *tanna* of the school of Rabbi Yishmael is not of the opinion that other garments can become ritually impure.

In any case, based on the above, everyone agrees that, clearly, three by three fingerbreadths in a wool or linen garment can become ritually impure with the impurity of leprosy.^h The Gemara asks: From where do we derive this? The Gemara responds that it is derived as it was taught in a *baraita* with regard to this matter. When the Torah states: **Garment**, unmodified, I have derived that nothing other than a whole garment can become ritually impure. However, with regard to a cloth that is three by three fingerbreadths, from where do I derive that it is also included in this *halakha*? The verse states: "And the garmentⁿ in which there will be the plague of leprosy" (Leviticus 13:47).^h From the addition of the word: And the garment [*vehabeged*], it is derived that all woven swatches are subsumed within the category of garment in this matter. The Gemara asks: And perhaps say that it comes to include a woven garment that is three by threeⁿ handbreadths? The Gemara answers: That is inconceivable. Is that not derived through an *a fortiori* inference? As, now, even the threads of the warp or the threads of the woof can become ritually impure, is it necessary to mention that a cloth three by threeⁿ handbreadths can become ritually impure as well? A garment that is three by three handbreadths is comprised of several warp and woof threads that can themselves become ritually impure.

NOTES

The verse states: "And the garment" – תלמוד לומר והבגד. Although, in the study hall of Rabbi Yishmael the general practice was not to derive *halakhot* from unclear amplifications in the Torah text, e.g., an extra letter *vav*, the Gemara already stated that the students of Rabbi Yishmael would derive *halakhot* from the addition of *vav* and *heh*, meaning: And the (*Yevamot* 72b). In this case, the text could have simply read: Garment. Therefore, the prefix meaning: And the, is an uncommon linguistic form whose purpose is to teach that garment should be understood in its broadest sense.

Three by three – שלשה על שלשה: It is apparent from the discussion in the Gemara that the fact that a cloth that is three by three

handbreadths is considered a garment requires no derivation. Since it is fit for use by both wealthy and poor people, a garment of three by three handbreadths is indeed an article of clothing. There is no reason to enlarge the minimum measure of a garment beyond a reasonable size (Ramban; Rashba).

Now that the warp and the woof can become ritually impure... a cloth that is three by three – שלשה על... שלשה על: Some commentaries say that it is not self-evident that the criterion for becoming ritually impure in the case of the warp and woof is the same with regard to a garment. From the additional language in the verse, apparently, each case is derived independently (*Tziyyun LeNefesh Hayya*).

BACKGROUND

Leprosy of clothing – נגעי בגדים: By Torah law, if bright red or green spots appear on clothing, the clothing must be brought to a priest to determine whether or not the spots indicate leprosy of clothing (Leviticus 13:47–59). The affected garment is then put aside for a week, after which it is reexamined by the priest. If the spots spread, the clothing is immediately declared ritually impure by the priest and burned. If, however, the spots did not spread, the clothing is laundered and then put aside for another week, after which the priest reexamines it. If the spots have disappeared or become darker, the garment is laundered and immersed in a ritual bath, after which it is considered ritually pure. Otherwise, the affected part, and sometimes the entire garment, must be burned. A leprosy garment may not be used, and it renders people and items that come in contact with it ritually impure, in the same way a leprosy person does. The laws of leprosy of clothing apply only to leather, wool, and linen garments that are not dyed.

Three feminine and masculine – שלש ושלשה: When referring to garments, measures mentioned by the Sages using feminine numbers are fingerbreadths. Measurements mentioned by the Sages using masculine numbers are handbreadths. In the discussion of other topics, feminine numbers connote cubits.

The thumb is the basic measure of a fingerbreadth and is measured at its widest part. The handbreadth is the size of a clenched fist, which equals four fingerbreadths. Three by three fingerbreadths is equal to 6 × 6 cm or, according to another opinion, 7.5 × 7.5 cm. Three by three handbreadths equal 24 × 24 cm or 30 × 30 cm, according to the alternate opinion.

HALAKHA

The measure of a garment with regard to ritual impurity from leprosy – לענין טומאת נגעים: The minimal size of a garment that can become ritually impure from leprosy is three by three fingerbreadths, as per the *baraita* (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 12:10 and *Hilkhot Kelim* 22:12).

Types of garments with regard to ritual impurity from leprosy – סוגי בגד בטומאת נגעים: Leprosy can only transmit ritual impurity to woolen or linen garments and not to clothing fashioned from other materials, as per the *baraita* (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 13:1).

אי הכי, שלש על שלש נמי ליתי בקל וחומר! אלא: שלשה על שלשה דחזו בין לעשירים בין לעניים – אתי בקל וחומר, שלש על שלש – לעניים הוא דחזוין, לעשירים לא חזוין, לא אתי בקל וחומר. טעמא דכתביה קרא, הא לא כתביה קרא – לא גמרינן בקל וחומר,

ואימא: לרבות שלשה על שלשה בשאר בגדים! אמר קרא: "בגד צמר ופשתים", בגד צמר ופשתים – אין, מידי אחריני – לא. ואימא: כי אימעות – משלש על שלש, אבל שלשה על שלשה – מיטמא! תרי מיטמי בתיב: "בגד צמר או [בבגד] פשתים", חד – למעוטי משלש על שלש, וחד – למעוטי משלשה על שלשה,

ולרבא, דאמר: שלשה על שלשה בשאר בגדים איכא בינייהו, לרבי שמעון בן אלעזר – אית ליה, לתנא דבי רבי ישמעאל – לית ליה, שלשה על שלשה בשאר בגדים

The Gemara rejects this: **If so, then let us also derive a cloth that is three by three fingerbreadths through the same *a fortiori* inference from the warp and wool threads. Rather, it must be that this *a fortiori* inference is flawed.** Threads woven into fabric do not maintain their previous status as they are no longer suitable to be used as warp and wool threads. **Rather, cloths that are three by three handbreadths, which are suitable for use by both the wealthy and the poor as they are multipurpose cloths, can be derived through an *a fortiori* inference, as they are certainly more significant than the warp and wool threads and they become ritually impure.** However, cloths that are **three by three** fingerbreadths, which are suitable for use by the poor but are unsuitable for use by the wealthy, are not derived through an *a fortiori* inference. Therefore, the reason that they can become ritually impure is specifically because it was written in the Torah. Had it not been written in the Torah, we would not derive it through an *a fortiori* inference.

The Gemara also asks: Indeed, there is amplification in the Torah, derived from the term: And the garment, which is a generalization that comes to expand upon the details that follow. **And say that it comes to include the ruling that cloth that is three by three handbreadths in garments made of materials other than wool or linen can become ritually impure.** The Gemara answers: That is inconceivable. **The verse said: A garment of wool or linen, indicating that a garment made of wool or linen, yes, it becomes ritually impure; a garment made of other materials, no, it does not become ritually impure.** The Gemara asks: **And say that when the verse excluded, it excluded specifically a garment that is three by three fingerbreadths; however, a garment that is three by three handbreadths can become ritually impure.** The Gemara replies: **Two exclusions are written; once it is stated: "A garment of wool or linen" (Leviticus 13:59), and it is also stated: "Whether it be a woollen garment, or a linen garment" (Leviticus 13:47). One verse comes to exclude cloth of three by three fingerbreadths, and one verse comes to exclude cloth of three by three handbreadths, to emphasize that a garment made of a material that is neither wool nor linen cannot become ritually impure at all.** This corresponds to Abaye's opinion that garments not made of wool or linen cannot become ritually impure.

The Gemara asks: **And according to the opinion of Rava, who said that the practical difference between the two opinions is with regard to cloth three by three handbreadths in other garments, that Rabbi Shimon ben Elazar is of the opinion that they can become ritually impure, whereas the *tanna* of the school of Rabbi Yishmael is not of the opinion that they can become ritually impure, in the case of a cloth that is three by three handbreadths in other garments,**

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מנא ליה? נפקא מ'או בגד', דתנא: 'בגד' – אין לי אלא בגד, שלשה על שלשה בשאר בגדים מניין? תלמוד לומר: 'או בגד'.

from where does Rabbi Shimon ben Elazar derive that it can become ritually impure? The Gemara answers: In his opinion, it is derived from the verse that speaks of the ritual impurity of creeping animals: **"Or a garment, or skin, or sack" (Leviticus 11:32).** The additional "or" comes to include items that are not generally included in the definition of garment. **As it was taught in a *baraita*: From the fact that it says garment, I have derived nothing other than a whole garment; however, a swatch that is three by three handbreadths in other garments, from where is it derived that it can become ritually impure? The verse states: Or a garment.**

The size for a garment to become ritually impure – שיעור טומאת בגדים – All garments, other than those made of wool and linen, can become ritually impure only if they are at least three by three handbreadths, as per the *baraita* cited in the Gemara. Apparently, Abaye's rejection of the proof was only according to the opinion of Rabbi Shimon ben Elazar (Rambam *Sefer Tahara, Hilkhot Kelim* 22:1 and 23:2).

From where is it derived to include garments made of camels' hair, etc. – מניין לרבות צמר גמלים וכו' – Garments woven from anything that grows on land, i.e., from both plants and animals, are considered garments in terms of ritual impurity, as per the *tanna* of the school of Rabbi Yishmael (Rambam *Sefer Tahara, Hilkhot Kelim* 1:11).

NOTES

Makes one ritually impure even in a case where it is a lentil-bulk – מִטְּמָא בְּכַעֲשָׂה – With regard to creeping animals, the size of a lentil is the smallest measure of any item that can make another item ritually impure. In all other types of ritual impurity, e.g., a corpse, or an animal carcass, the minimum size capable of making another item ritually impure is larger. The rationale for this rule is that the smallest creeping animal capable of making another item ritually impure is a lentil-bulk at birth.

Rav Pappa said this – רב פפא אמר – This phrase appears several times in the Gemara. Rav Pappa was the preeminent student of Rava and, after his death, he even succeeded him as the head of the yeshiva. When Rav Pappa cited a statement without attribution, the students attributed it to Rava (see Rashi).

BACKGROUND

Goats' hair – נוצה של עזים – The Torah and the Sages do not refer to the material sheared from goats as wool. Rather, it is called either hair or feathers. Goats' hair is also called feathers because it is not soft like other types of wool. Rather, it is stiff like bird feathers (Rashi).

ואביי, האי או בגד מאי עביד ליה? מיבעי ליה לרבות שלש על שלש בצמר ופשתים דמטמא בשרצים.

The Gemara asks: **And Abaye, who says that everyone agrees that other garments do not become ritually impure at all, this phrase: Or a garment, what does he do with it and what does it come to add?** The Gemara answers: **He needs it to include a small swatch of fabric that is three by three fingerbreadths made of wool or linen. Despite its size, it can become ritually impure^h from contact with creeping animals.**

ורבא: גלי רחמנא גבי נגעים, והוא הדין לשרצים.

And Rava holds that there is no need for the verse to discuss that matter explicitly, as the Torah revealed in the case of leprosy that it is considered to be a garment, and the same is true with regard to the ritual impurity of creeping animals.

ואביי: איכא למיפרך; מה לנגעים – שכן שתי וערב מטמא בהם.

And Abaye holds that one cannot derive the halakhot of creeping animals from the halakhot of leprosy, as there is room to refute that comparison in the following manner: What comparison is there to leprosy, which has more stringent halakhot of ritual impurity, as even the warp and woof threads alone can become ritually impure from it, which is not the case with regard to ritual impurity from creeping animals? Therefore, even small scraps can become ritually impure from leprosy.

ואידך: אי סלקא דעתך נגעים חמירי, לכתוב רחמנא גבי שרצים – וליתו נגעים מיניהו.

The other amora, Rava, says: If it should enter your mind to say that leprosy is more stringent, then the Torah should have written the halakha with regard to creeping animals, and let leprosy be derived from them. Ultimately, the two *halakhot* are paralleled to one another in the Torah. It would have been simpler to explicitly write the laws of creeping animals and to derive leprosy from them. Since that is not the case, it is proof that the *halakhot* of creeping animals can be derived from leprosy.

ואידך: נגעים משרצים לא אתו, דאיכא למיפרך; מה לשרצים שכן מטמא בכעשה.

The other amora, Abaye, said that this contention is fundamentally unsound, as leprosy could not be derived from creeping animals because there is room to refute this idea and challenge: What is the comparison to the ritual impurity of creeping animals, which is more stringent than the ritual impurity of leprosy, as the creeping animal makes one ritually impure even in a case where it is a lentil-bulk,^N which is not true of other types of ritual impurity? Therefore, verses were necessary to teach about the ritual impurity of both creeping animals and leprosy.

אמר אביי: האי תנא דבי רבי ישמעאל מפיק מאידך תנא דבי רבי ישמעאל. דתני דבי רבי ישמעאל: 'בגד' אין לי אלא בגד צמר ופשתים, מניין לרבות צמר גמלים וצמר ארנבים נוצה של עזים והשירין והכלך והסריקין – תלמוד לומר "או בגד".

Abaye said: This statement of the tanna of the school of Rabbi Yishmael diverges from another statement of the tanna of the school of Rabbi Yishmael, as the tanna of the school of Rabbi Yishmael taught: From the fact that the verse says garment, I have derived nothing other than the halakha that a garment of wool or linen can become ritually impure. However, from where is it derived to include garments made of camels' hair^h and rabbits' wool, goats' hair⁸ or the types of silk, the shirayin, the kalakh, and the serikin among the fabrics that can become ritually impure? The verse states: Or a garment. The word "or" serves as an amplification to include all types of fabric.

רבא אמר: כי לית ליה להך תנא דבי רבי ישמעאל בשאר בגדים – שלש על שלש, שלשה על שלשה – אית ליה.

Whereas Rava said: There is no need to say that there is a dispute in this case between two tanna'im from a single school. Rather, when this tanna from the school of Rabbi Yishmael, quoted above, is not of the opinion that there is ritual impurity in other garments, it is only with regard to a swatch that is three by three fingerbreadths; however, with regard to a cloth that is three by three handbreadths he is of the opinion that it becomes ritually impure. His previous statement came to exclude a small garment from becoming ritually impure. This statement is referring to a larger garment that is three by three handbreadths.

והא רבא הוא דאמר שלשה על שלשה בשאר בגדים לרבי שמעון בן אלעזר – אית ליה, לתנא דבי רבי ישמעאל – לית ליה! הדר ביה רבא מההיא. ואי בעית אימא: הא – רב פפא אמרה.

The Gemara asks: Isn't Rava the one who said above that, in the case of three by three handbreadths in other garments, Rabbi Shimon ben Elazar is of the opinion that they can become ritually impure, whereas the tanna of the school of Rabbi Yishmael is not of the opinion that they become ritually impure? The Gemara answers: Rava retracted that opinion in order to reconcile the opinions of the tanna'im of the school of Rabbi Yishmael. And if you wish, say instead a different answer: Rav Pappa said this^N statement and not Rava. Since Rav Pappa was the primary disciple of Rava, the Gemara attributed his statement to Rava.

HALAKHA

To include diverse kinds – לְאֶתוֹי כְּלָאִים: The prohibition of a mixture of diverse kinds applies only to sheep's wool and linen and not to any other materials (Rambam Sefer Zera'im, Hilkhot Kill'ayim 10:1; Shulhan Arukh, Yoreh De'a 298:1).

NOTES

Is a mistake – בְּדוּתָא הִיא: There is a variant reading in several sources: It is external [berota hi]. According to this reading, when the Sages wanted to suggest that a certain opinion was without basis, they would do so in a respectful manner, saying: It is external, indicating that it is an outside opinion and should not be introduced into the study hall (Arukh).

רב פפא אמר: אף כל – לְאֶתוֹי כְּלָאִים. כְּלָאִים, בְּהַדְיָא כְּתִיבִי בֵּיהּ "לֹא תִלְבַּשׁ שְׂעִטָּנוּ צִמְרוּ וּפְשִׁתִּים יַחְדָּיו!" סְלֶקָא דְעֵתְךָ אֲמִינָא: הֲנִי מִלִּי – דְרַךְ לְבִישָׁה, אֲבָל בְּהַעֲלָהּ – כָּל תְּרֵי מִינֵי אֶסּוּר.

Rav Pappa himself understood the first statement of the *tanna* of the school of Rabbi Yishmael and stated it in a completely different manner. In his opinion, the derivation from the *halakhot* of leprosy, which concluded that even all nonspecific mentions of garments in the Torah refer to wool or linen, came to include the *halakhot* of diverse kinds,^h the Torah prohibition to wear clothing made from a mixture of wool and linen threads. He sought to prove that the *halakhot* of prohibited mixtures of threads apply only to wool and linen. The Gemara asks: Why does he require this derivation with regard to the prohibition of diverse kinds? The fact that the prohibition is limited to wool and linen is explicitly written, as it is stated: "You shall not wear diverse kinds, wool and linen together" (Deuteronomy 22:11). The Gemara answers: Nevertheless, an additional derivation was necessary, as it would have entered your mind to say that this, the restriction of the prohibition of diverse kinds to wool and linen, applies specifically to a case when one uses them together in the manner of wearing them; however, in merely placing the garments upon oneself, any two kinds are prohibited. Therefore, it was necessary to derive that the garment mentioned is restricted to wool and linen.

וְלֹא קָל וְחֹמֶר הוּא? וּמָה לְבִישָׁה, דְקָא מִיתְהַנֵּי כּוּלֵי גּוֹפִיָה מִכְּלָאִים, אֲמַרְתָּ: צִמְרוּ וּפְשִׁתִּים – אִין, מִיְדֵי אַחֲרֵינָא – לֹא, הַעֲלָהּ לֹא כָּל שְׂבָנֵי! אֶלָּא, דְרַב פּפָא בְּדוּתָא הִיא.

This claim is rejected: And is it not an *a fortiori* inference? Just as in the case of wearing the garment, where one's entire body derives benefit from the diverse kinds, you said that wool and linen, yes, are included in the prohibition, other materials, no, are not included; in the case of merely placing the garment upon himself, all the more so that the *halakha* should not be more stringent. Rather, certainly the *halakha* that was attributed to Rav Pappa is a mistake,ⁿ and he did not say it.

רב נחמן בר יצחק אמר: אף כל –

Rav Nahman bar Yitzhak also said that those statements of the *tanna* of the school of Rabbi Yishmael do not refer to the *halakhot* of ritual impurity. They refer to another topic. In his opinion, the *tanna* of the school of Rabbi Yishmael came to say that just as the *halakhot* of leprosy are limited to garments made from wool or linen, so too, all

Perek II Daf 27 Amud b

HALAKHA

To include ritual fringes – לְאֶתוֹי צִיצִית: Dating back to the *ge'onim*, there is a halakhic dispute whether or not one is obligated by Torah law to place ritual fringes on garments made from materials other than wool or linen. Some authorities ruled in accordance with the opinion of Rav Nahman bar Yitzhak that the mitzva by Torah law applies only to garments made of wool or linen. This is the ruling of the *Shulhan Arukh*. The Rema rules in accordance with the opinion of Rava, who says that one is obligated by Torah law to place ritual fringes on all garments. However, they require ritual fringes made either of wool or linen or of the same material as the garment (Rambam Sefer Ahava, Hilkhot Tzitzit 3:1; Shulhan Arukh, Oraḥ Hayyim 9:1).

Wool and linen exempt whether it is of their own type, whether it is not of their own type – בְּמִינֵי פוּטְרִין בֵּין: Ritual fringes made from wool or linen may be placed on all garments. The exceptions are wool fringes on a linen garment or linen fringes on a wool garment. Since there is no universally accepted sky blue dye today, these combinations violate the prohibition of diverse kinds. Others say that one may never attach linen fringes to any garment, even one made of linen, because of the appearance of wrongdoing (Rema; Magen Avraham; Rambam Sefer Ahava, Hilkhot Tzitzit 3:3, 5–6; Shulhan Arukh, Oraḥ Hayyim 9:2).

Other types, a garment of their own type, they exempt – שְׂאָר מִינֵי, בְּמִינֵי פוּטְרִין: All authorities agree that ritual fringes made from materials other than wool or linen may be attached only to garments made from the same material as the ritual fringes and not to garments made from other materials, as per the opinion of Rava (Rambam Sefer Ahava, Hilkhot Tzitzit 3:5; Shulhan Arukh, Oraḥ Hayyim 9:3).

לְאֶתוֹי צִיצִית, צִיצִית, בְּהַדְיָא כְּתִיבִי: "לֹא תִלְבַּשׁ שְׂעִטָּנוּ צִמְרוּ וּפְשִׁתִּים" וּכְתִיבִי: "גְּדִילִים תַּעֲשֶׂה לָךְ!" סְלֶקָא דְעֵתְךָ אֲמִינָא כְּדַרְבָּא, דְרַבָּא רַמִּי: כְּתִיב 'הַכֹּנֶן' – מִן כֹּנֶן, וּכְתִיב 'צִמְרוּ וּפְשִׁתִּים יַחְדָּיו' הֲאֵי מִיְצִיד? צִמְרוּ וּפְשִׁתִּים פּוּטְרִין בֵּין בְּמִינֵי בֵּין שְׂאָר בְּמִינֵי; שְׂאָר מִינֵי, בְּמִינֵי – פּוּטְרִין, שְׂאָר בְּמִינֵי – אִין פּוּטְרִין. סְלֶקָא דְעֵתְךָ כְּדַרְבָּא – קָא מְשַׁמְעֵ לָךְ.

garments mentioned in the Torah are made from wool and linen. This comes to include the law of ritual fringes;^h the obligation of ritual fringes applies only to those materials. The Gemara asks: Why is that derivation necessary? With regard to ritual fringes it is written explicitly: "You shall not wear diverse kinds, wool and linen together" (Deuteronomy 22:11); and juxtaposed to it, it is written: "You shall make for you twisted fringes upon the four corners of your covering, with which you cover yourself" (Deuteronomy 22:12). From the juxtaposition of these two verses it is derived that the mitzva of ritual fringes applies only to garments to which the laws of diverse kinds apply. Rav Nahman bar Yitzhak responded that the matter is not so clear, as it could have entered your mind to say in accordance with the statement of Rava. As Rava raised a contradiction: On the one hand, it is written: "And that they put with the fringe of each corner a thread of sky blue" (Numbers 15:39); apparently, the threads of the ritual fringes must be of the same type of fabric as the corner of the garment. However, in Deuteronomy, in the laws of ritual fringes, it is written in juxtaposition to the laws of diverse kinds: Wool and linen together. The ritual fringes may only be made of those materials. How can that contradiction be resolved? Rather, Rava says: Ritual fringes made of wool and linen exempt the garment and fulfill the obligation of ritual fringes whether the garment is of their own type, wool or linen, whether it is not^h of their own type. Whereas with regard to other types, a garment of their own type, they exempt;^h a garment not of their own type, they do not exempt. It would have entered your mind to explain this in accordance with the approach of Rava. Therefore, the *tanna* taught us that the obligation of ritual fringes applies only to wool and linen and not to other materials.

The garment of a blind person – **כְּסוּת סוּמָא**: A blind man is obligated by Torah law in the mitzva of ritual fringes. This ruling is based on the *baraita*, which was apparently accepted throughout the Talmud (Rambam *Sefer Ahava, Hilkhot Tzitzit* 3:7; *Shulhan Arukh, Orah Hayyim* 17:1).

סִיכָּכָה בְּטוּי – *Sukka* that he roofed with spun thread: Spun flax may not be used for the roofing of a *sukka* because it can become ritually impure. The same is true with regard to half-processed flax because it no longer looks like something that grows in the ground (Rambam) and is suitable for stuffing for a pillow. Therefore, it can become ritually impure (Ra'avad) and is disqualified for use in the roofing of a *sukka* (Rambam *Sefer Zemanim, Hilkhot Sukka* 5:4; *Shulhan Arukh, Orah Hayyim* 629:4).

Warp and woof can become ritually impure from leprosy – **שְׂתֵי וַעֲרֵב מִטְמֵא בְּנִגְעִים**: Immediately after being spun, the warp and woof threads from either wool or linen can become ritually impure from leprosy, as per the unattributed mishna. How large must a skein of spun thread be for it to become impure with the ritual impurity of leprosy? There must be enough thread in the skein to weave a swatch of cloth that is at least three by three fingerbreadths in size, as per the opinions of several *tanna'im* (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 13:8).

BACKGROUND

Do you say, etc. – **אֵתָּה אוֹמֵר וְכוּ'**: This didactic method of clarifying issues is commonly found in the halakhic midrash. It involves one of the Sages challenging his own statements and answering his own questions. In this way, the issues under discussion as well as the connection between the verses and the *halakha* are effectively clarified.

They said the same thing – **אָמְרוּ דְבַר אֶחָד**: This phrase refers to the consolidation of several opinions into a single view, which the Talmud calls a *shita*, a halakhic position. There is an ancient, controversial, and not universally accepted tradition that asserts: The *halakha* is not established in accordance with a *shita*. According to that tradition, when several opinions are consolidated into a *shita*, the purpose is to highlight those Sages whose statements were not accepted. As mentioned above, the validity of that principle is not universally accepted and many commentaries partially or completely dispute it.

אָמַר רַב אֲחָא בְּרִיהַ דְּרַבָּא לְרַב אֲשִׁי: לְתַנָּא דְּבִי רַבִּי יִשְׁמַעְאֵל מֵאִי שְׁנָא לְעִנְיָן טוּמְאָה דְּמַרְבֵּי שְׂאָר בְּגָדִים – דְּכַתִּיב 'אוּ בְּגָד' הָכָא נִמְי לִימָא: לְרַבּוֹת שְׂאָר בְּגָדִים מִ'אֲשֶׁר תִּכְסֶּה בָּהּ' – הֵהוּא לְאֵתוּי כְּסוּת סוּמָא הוּא דְּאֵתָּא, דְּתַנָּא: 'וְרֵאִיתֶם אוֹתוֹ' – פֶּרֶט לְכֶסֶת לַיְלָה. אֵתָּה אוֹמֵר פֶּרֶט לְכֶסֶת לַיְלָה, אוּ אֵינוּ אֵלָּא פֶּרֶט לְכֶסֶת סוּמָא? כְּשֶׁהוּא אוֹמֵר: 'אֲשֶׁר תִּכְסֶּה בָּהּ' – הֲרֵי כְּסוּת סוּמָא אָמְרוּ, הָא מָה אֵינִי מְקַיִים 'וְרֵאִיתֶם אוֹתוֹ' – פֶּרֶט לְכֶסֶת לַיְלָה.

וּמָה רֵאִיתִי לְרַבּוֹת סוּמָא וְלַהוֹצִיא כְּסוּת לַיְלָה? מְרַבֵּה אֵינִי כְּסוּת סוּמָא – שְׂשִׁינָה בְּרֵאִיָּה אֵצֶל אַחֵרִים, וּמוֹצִיא אֵינִי כְּסוּת לַיְלָה – שְׂאִינָה בְּרֵאִיָּה אֵצֶל אַחֵרִים.

וְאֵימָא לְרַבּוֹת שְׂאָר בְּגָדִים! מִסְתַּבְּרָא: קָאִי בְּצִמְר וּפְשִׁתִּים – מְרַבֵּה צִמְר וּפְשִׁתִּים, קָאִי בְּצִמְר וּפְשִׁתִּים – מְרַבֵּה שְׂאָר בְּגָדִים!?

אָמַר אַבְי: רַבִּי שְׁמַעוֹן בֶּן אֱלֵעָזָר וְסוּמְכוֹס אָמְרוּ דְּבַר אֶחָד. רַבִּי שְׁמַעוֹן בֶּן אֱלֵעָזָר – הָא דְּאֵמְרוּ, סוּמְכוֹס, דְּתַנָּא, סוּמְכוֹס אוֹמֵר: סִיכָּכָה בְּטוּי – פְּסוּלָהּ, מִפְּנֵי שְׂמִטְמָאָה בְּנִגְעִים.

כְּמָאן – כִּי הָאִי תַנָּא, דְּתַנְּן: שְׂתֵי וַעֲרֵב מִטְמֵא בְּנִגְעִים מִיָּד, דְּבִרֵי רַבִּי מֵאִיר. וְרַבִּי יְהוּדָה אוֹמֵר: הַשְׂתֵּי מִשְׂשִׁילָה, וְהַעֲרֵב מִיָּד, וְהַאוֹנֵן שֶׁל פְּשִׁתָּן מִשְׂשִׁילָה בְּנִי.

Rav Aḥa, son of Rava, said to Rav Ashi: According to the *tanna* of the school of Rabbi Yishmael, what is different about ritual impurity that he includes other garments not made of wool and linen because it is written: Or a garment, which is a term of amplification? Here too, in the matter of ritual fringes, say that it comes to include other garments from the phrase: Of your covering, with which you cover yourself. Rav Ashi answered: That amplification is necessary to include the garment of a blind person^h in the obligation of ritual fringes. As it was taught in a *baraita*, with regard to ritual fringes it is stated: "And it shall be unto you for a fringe, that you may look upon it and remember all the mitzvot of the Lord" (Numbers 15:39). The phrase: That you may look, comes to exclude a night garment, which cannot be seen and is therefore exempt from the mitzva of ritual fringes. The *tanna* continues: Do you say^b that the verse comes to exclude a night garment? Or is it only to exclude the garment of a blind person who is also unable to fulfill the verse: That you may look upon it? The *tanna* explains: When it says in Deuteronomy: Of your covering, with which you cover yourself, the garment of a blind person is mentioned, as he too covers himself with a covering. If so, then how do I fulfill the exclusion: That you may look upon it? It comes to exclude a night garment.

The Gemara asks: Since there is one verse that includes and another verse that excludes, what did you see that led you to include a blind person and to exclude a night garment in the obligation of ritual fringes? The Gemara answers: I include the garment of a blind person because it is, at least, visible to others, and I exclude a night garment because it is not even visible to others.

The Gemara asks: And say that this amplification does not come to include a blind person's garments, but rather, as Rava said, to include other garments not made from wool or linen in the obligation of ritual fringes. The Gemara answers: It is logical to say that since the Torah is standing and discussing a garment made of wool or linen, it is certainly including another garment made of wool or linen. Therefore, an amplification with regard to the garment of a blind person made of wool or linen is derived. However, when the Torah is standing and discussing a garment made from wool or linen, is it reasonable to say that it is including other garments with them? Rather, other garments are certainly not derived from there.

The Gemara returns to discuss the opinion of Rabbi Shimon ben Elazar, who disqualified even small cloths from being used as roofing in the *sukka* because they can become ritually impure. Abaye said: Rabbi Shimon ben Elazar and Sumakhos said the same thing.^b The Gemara specifies: Rabbi Shimon ben Elazar; that which we stated above. Sumakhos; as it was taught in a *baraita*: Sumakhos says: A *sukka* that he roofed with roofing made from spun thread^h is disqualified because spun thread can become ritually impure from leprosy.

In accordance with whose opinion is Sumakhos' statement? It is in accordance with the opinion of this *tanna*, as we learned in a mishna: Warp and woof can become ritually impure from leprosy^h immediately after they are spun; this is the statement of Rabbi Meir. Rabbi Yehuda says: The warp can become ritually impure only after it is removed from the cauldron in which it is boiled, and it is only the woof that can become ritually impure immediately. However, the bundles of unprocessed flax can become ritually impure after they are bleached in the oven and their processing is at least half-completed. Sumakhos, the student of Rabbi Meir, adheres to his position.

BACKGROUND

Flax – פשתן: Cultivated flax, *Linum usitatissimum*, is an annual plant that grows erect to a height of 40–120 cm. Its flowers are blue or white. Its stiff stalks contain flax fibers, and oil is extracted from its seeds.

After the plant is cut, the stalks are soaked in water, called *mei mishra* in the language of the Sages, for several days. Various bacteria cause the materials that attach the fibers to the stalks to decompose. Afterward the shell is beaten and opened and the fibers are extracted to be used in weaving linen, *bad* or *shesh* in the language of the Torah.

The flax plant has been cultivated since ancient times, especially in ancient Egypt.



Flower of the flax plant

HALAKHA

And of all substances that emerge from the tree, the only substance that becomes ritually impure with impurity transmitted by tents over a corpse, etc. – כָּל הַיּוֹצֵא מִן הָעֵץ – אֵינוֹ מְטַמָּא תוֹמְמַת אֱהָלִים וְכוּי: The only material made from plant fibers that is suspended over a dead body that becomes ritually impure is linen. Some commentaries say that this law applies specifically to a permanent tent (*Tosafot*; Ra'avad; Rambam *Sefer Tahara, Hilkhot Tumat Met* 5:12).

Perek II

Daf 28 Amud a

HALAKHA

What is considered a tent – מִהוּ הַקְרוּי אֱהָל – With regard to the *halakhot* of ritual impurity imparted by a corpse, a tent is limited to a roof fashioned out of a garment, a sack, a wooden vessel, or leather, either from a kosher or non-kosher animal. Roofing made of bone or metal does not constitute a tent and does not become ritually impure when it extends over a corpse (Rambam *Sefer Tahara, Hilkhot Tumat Met* 5:12).

NOTES

Twisted and the threads were folded – שְׁזָרְוּ וְחוּטָן כְּפֹל – The key discussion of this issue appears elsewhere in the Talmud. There, the Sages derive that everywhere the term *shesh* is employed in the Torah, it is referring to a linen cloth fashioned from a special thread composed of six threads spun into one. This is based on various derivations, including a verbal analogy and the juxtaposition of verses.

מתני' כָּל הַיּוֹצֵא מִן הָעֵץ – אֵינוֹ מְדַלִּיקִין בּוֹ, אֲלֵא פְּשֵׁתָן. וְכָל הַיּוֹצֵא מִן הָעֵץ אֵינוֹ מְטַמָּא תוֹמְמַת אֱהָלִים אֲלֵא פְּשֵׁתָן.

גמ' מַנְלֵן דְּפְשֵׁתָן אֵיקָרִי עֵץ? אָמַר מַר זוּטְרָא, דְּאָמַר קָרָא: "וְהָיָא הָעֵלְתָם הַגָּה וְהִטְמַנְם בְּפִשְׁתֵי הָעֵץ".

"וְהַיּוֹצֵא מִן הָעֵץ אֵינוֹ מְטַמָּא תוֹמְמַת אֱהָלִים אֲלֵא פְּשֵׁתָן." מַנְלֵן? אָמַר רַבִּי אֶלְעָזָר: גָּמַר 'אֱהָל' 'אֱהָל'.

MISHNA Of all substances that emerge from the tree, one may light only with flax⁸ on Shabbat (*Tosafot*) because the other substances do not burn well. And of all substances that emerge from the tree, the only substance that becomes ritually impure with impurity transmitted by tents over a corpse is flax.¹¹ If there is a dead body inside a house or a tent that is made from any materials that originate from a tree, everything in the house becomes ritually impure. However, only in the case of flax does the tent itself become impure.

GEMARA The mishna mentioned flax as a material that comes from a tree. The Gemara asks: From where do we derive that flax is called a tree? Based on appearance, it does not resemble a tree at all. Mar Zutra said: It is derived from that which the verse said: "And she had taken them up to the roof and hidden them under the trees of flax" (Joshua 2:6).

And we also learned in the mishna that with regard to any substance that emerges from the tree, the only substance that becomes ritually impure with impurity transmitted by tents over a corpse is flax. The Gemara asks: From where do we derive this? Rabbi Elazar said: The *tanna* learned a verbal analogy [*gezera shava*] between the word tent, written in the context of ritual impurity, and the word tent,

מִמְשָׁכָן; כְּתִיב הֵכָא: "זֹאת הַתּוֹרָה אֲדָם בִּי יָמוּת בְּאֱהָל" וְכִתִּיב הֵתָם: "וַיִּפְרֹשׂ אֶת הָאֱהָל עַל הַמִּשְׁכָּן." מִה לְהֵלֵן – שֶׁל פְּשֵׁתָן קְרוּי אֱהָל, אֵף כֵּאֵן – שֶׁל פְּשֵׁתָן קְרוּי אֱהָל. אֵי מִה לְהֵלֵן – שְׁזָרְוּ וְחוּטָן כְּפֹל שֵׁשֶׁה, אֵף כֵּאֵן שְׁזָרְוּ וְחוּטָן כְּפֹל שֵׁשֶׁה? תַּלְמוּד לֹזְמַר: 'אֱהָל', 'אֱהָל', רִיבָה. אֵי אֱהָל רִיבָה, אֲפִילוֹ כָּל מִילֵי נְמִי! אִם כֵּן, גְּזִירָה שְׂוֵה מֵאֵי אֲהֵנִי לִי? "

written in the context of the Tabernacle. It is written here, in the discussion of the laws of ritual impurity: "This is the law: When a man dies in a tent, every one that comes into the tent, and everything that is in the tent, shall be impure seven days" (Numbers 19:14), and it is written there: "And he spread the tent over the Tabernacle, and put the covering of the tent above upon it; as the Lord commanded Moses" (Exodus 40:19). Just as below, with regard to the Tabernacle, the tent was made of linen and is considered a tent, so too, here, with regard to the *halakhot* of ritual impurity imparted by a corpse, only a tent made of linen is considered a tent.¹¹ The Gemara asks: If so, derive the following from that same verbal analogy: Just as below the linen threads in the Tabernacle were specifically threads that were twisted and the threads were folded¹² six times, so too, here, in all of the *halakhot* pertaining to a tent over a corpse, the threads must be twisted and their threads folded six times. The verse states the word tent, tent several times to amplify and include even a tent made of linen not identical to the Tabernacle. The Gemara asks: If the repetition of the word tent, tent several times amplifies, even all things should be included among those items that can receive ritual impurity as a tent. The Gemara answers: This amplification cannot be that far-reaching, as, if so, the verbal analogy of tent, tent, that teaches us to derive the tent over a corpse from the Tabernacle, what purpose does it serve if everything is included? Rather, certainly the amplification is not absolute. Through the combination of the verbal analogy and the amplification, it is derived that this *halakha* applies specifically to linen.

The hides of *tehashim* – עורות תהשים – In the Jerusalem Talmud, the Sages disputed whether or not the *tahash* was a kosher or a non-kosher animal. The resolution to Rabbi Elazar's dilemma here depends on the resolution of that tannaitic dispute.

BACKGROUND

Tela ilan – תלא אילן – There are divergent opinions as to the identity of this creature. According to the *ge'onim*, the *tela ilan* belongs to the *Genetta* species, and it is possibly the *Genetta terrasanctae*, unique to Eretz Yisrael. The *tela* is approximately the size of a cat, with yellow or light-orange skin and black stripes. This creature is a quick predator that also climbs trees. The ancient Egyptians domesticated them and used them to hunt mice.



Spotted genet

LANGUAGE

Sasgona – ססגונא – It is assumed that the origin of this word, which is the Aramaic translation of the biblical *tahash*, is from the Persian word *gōn*, meaning color. The word *sasgona* is conceivably a form of the word *shast-gon*, meaning possessing sixty colors, or in other words, multicolored.

HALAKHA

That was afflicted in the hands of a priest – ושלקה ביד כהן: The Torah teaches that a garment with a leprosy-like growth is brought before a priest. Upon inspection, the priest could quarantine it. However, if clear signs of ritual impurity appear on the garment before he quarantines it, he confirms the leprosy immediately. The garment need not have been leprosy before it was brought to the priest (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 6:7).

One cut and made of them a single cloth – קצץ מכולן ועשה אחת מהן: If one takes swatches of various materials, none of which is three by three fingerbreadths, and sews them together, the resulting fabric can become ritually impure because a sewn garment has the same legal status as a woven garment (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 12:12).

ואימא: מה להלן קרשים, אף כאן קרשים! אמר קרא: "ועשית קרשים למשכן", משכן – קרוי משכן, ואין קרשים קרויין משכן. אלא מעתה "ועשית מכסה לאהל" הכי נמי, מכסה לא איקרי אהל! אלא הא דבעי רבי אלעזר: עור בהמה טמאה מהו שיטמא באהל המת? השתא עור בהמה טהורה לא מטמא, עור בהמה טמאה מיבעיא! שאני התם דהדר אהדריה קרא, דכתבי: "ונשאו את יריעות המשכן ואת אהל מועד מכסהו ומכסה התחש אשר עליו" מקיש עליון לתחתון, מה תחתון קרוי אהל – אף עליון קרוי אהל.

And perhaps say: **Just as below**, in the Tabernacle, there were beams supporting the tent, **so too, here**, in the laws of ritual impurity, a tent made of beams should also be considered a tent. The Gemara responds that **the verse said: "And you shall make the beams for the Tabernacle of acacia wood, standing up" (Exodus 26:15)**. From the language of the verse, it is derived that the Tabernacle, i.e., the curtains alone, is called Tabernacle, and the beams are not called Tabernacle, because they merely facilitate the Tabernacle. The Gemara rejects this: **But if that is so**, based on an analysis of the language of the verse, it says there: **"And you shall make a covering for the tent of rams' skins dyed red and a covering of *tehashim*" above" (Exodus 26:14)**, then in that case, **too**, say that the covering is not considered a tent. If so, however, what of the dilemma raised by Rabbi Elazar: **With regard to the hide of a non-kosher animal over a corpse, what is the ruling? Can it become ritually impure as a tent over a corpse?** If the covering of the Tabernacle is not considered a tent, **now**, the hide of a kosher animal that covered the Tabernacle cannot become ritually impure. If that is so, **is it necessary to mention that the hide of a non-kosher animal cannot become ritually impure?** The Gemara answers: The cases are not comparable because **it is different there**, in the case of the covering of animal hides, because the verse subsequently restored its status as a tent by uniting the tent and its covering, as it is written: **"They shall bear the curtains of the Tabernacle, and the Tent of Meeting, its covering, and the covering of *tahash* that is upon it" (Numbers 4:25)**. The verse juxtaposes the upper to the lower covering; just as the lower covering is considered a tent, **so too**, the upper covering is considered a tent.

גופא, בעי רבי אלעזר: עור בהמה טמאה, מהו שיטמא תומאת אהל? מאי קמיבעיא ליה? – אמר רב אדא בר אבהו: תחש שהיה בימי משה קמיבעיא ליה, טמא היה או טהור היה? אמר רב יוסף: מאי תיבעי ליה? תנינא: לא הוכשרו למלאכת שמים אלא עור בהמה טהורה בלבד!

מתבין רבי אבא, רבי יהודה אומר: שני מכסאות היו, אחד של עורות אילים ומאדמים ואחד של עורות תהשים. רבי נחמיה אומר: מכסה אחד היה, ודומה כמין תלא אילן. והא תלא אילן טמא הוא! הכי קאמר: כמין תלא אילן הוא, שיש בו גוונין הרבה, ולא תלא אילן, דאילו התם – טמא, והכא – טהור. אמר רב יוסף: אי הכי היינו דמתרגמינן "ססגונא" – ששש בגוונין הרבה.

רבא אמר: עור בהמה טמאה דמטמא באהל המת מהכא, דתניא: 'עור' או בעור' – ריבה עור בהמה טמאה, ושלקה ביד כהן. קצץ מכולן ועשה אחת מהן מנין? תלמוד לומר: 'או בכל מלאכת עור'. ואיכא למיפרך: מה לנגעים – שכן שתי וערב טמא בהן!

Rabbi Elazar's dilemma was mentioned above, and now the Gemara discusses the matter itself. **Rabbi Elazar raised a dilemma: With regard to the hide of a non-kosher animal over a corpse, what is the ruling? Can it become ritually impure as a tent over a corpse?** The Gemara clarifies: **What is the essence of his dilemma? Rav Adda bar Ahava said: The *tahash* that existed in the time of Moses is at the crux of Rabbi Elazar's dilemma. Was it non-kosher or was it kosher? Rav Yosef said: What is his dilemma? Didn't we learn explicitly: Only the hide of a kosher animal was deemed suitable for heavenly service?** Certainly, the *tahash* was a kosher species.

Rabbi Abba raised an objection. **Rabbi Yehuda says: There were two coverings for the Tabernacle, one made of the reddened hides of rams and one of the hides of *tehashim***. **Rabbi Nehemya says: There was only one covering for the Tabernacle, half of which was made of rams' hides and half from the hides of *tehashim***. **And *tehashim* were similar to the species of undomesticated animals called *tela ilan***.⁸ The Gemara asks: **But isn't a *tela ilan* a non-kosher creature?** The Gemara emends this statement: **This is what Rabbi Nehemya intended to say: It was like a *tela ilan* in that it was multicolored**; however, it was **not an actual *tela ilan***. **There, the *tela ilan* is non-kosher, and here, the covering of the tent was made from kosher animals**. **Rav Yosef said: If so, that is the reason that we translate the word *tahash* as *sasgona***,⁹ which means that it rejoices [*sas*] in many colors [*gevanim*].

Rava said that the proof that the hide of a non-kosher animal becomes ritually impure in a tent over a corpse is derived from here, as it was taught in a *baraita* that it is stated in the *halakhot* of ritual impurity of leprosy that the leprosy could be: "Either in the warp, or in the woof, whether they be of linen, or of wool; or in a hide, or in any thing made of hide" (Leviticus 13:48). The verse could have simply stated: **Or hide**, and it said instead: **Or in a hide**. The Sages said: These words, or in a hide, **amplify to include the hide of a non-kosher animal as well as hide that was afflicted in the hands of a priest**,¹⁰ i.e., before the owner showed it to the priest there was no leprosy but it became leprosy while in the hands of the priest, that they too become ritually impure. **If one cut pieces from each of these types and made of them a single cloth**,¹¹ **from where** is it derived that it can become ritually impure? **The verse states from the broader amplification: Or in anything made of hide**. The Gemara remarks: **There is room to refute this parallel**, rendering it impossible to derive the laws of ritual impurity imparted by a corpse from the laws of leprosy. **What is the comparison to leprosy with regard to which the Torah is stringent, as even the warp and woof that have not been woven into a garment can become ritually impure from it**, which is not the case in impurity imparted by a corpse?

אָלָא: גָּמַר מְשָׁרְצִים, דְּתַנָּא: 'עוֹר' אֵין לִי אֶלָּא עוֹר בְּהֵמָה טְהוֹרָה, עוֹר בְּהֵמָה טְמֵאָה מִנֵּן – תְּלִמּוּד לֹאמַר: 'אוֹ עוֹר'. וְאִיכָּא לְמִיפְרָךְ: מַה לְשָׂרְצִים – שְׂכָן מְטֵמְאִין בְּכַעֲדָשָׁה – נִגְעִים יוֹכִיחוּ. וְחֹזֵר הַדִּין, לֹא רָאִי זֶה כְּרָאִי זֶה, וְלֹא רָאִי זֶה כְּרָאִי זֶה, הַצֵּד הַשְּׂוֵה שְׂבָהֶן – שְׁעוֹר טְמֵא בְּהֵן, וְעֵשָׂה עוֹר בְּהֵמָה טְמֵאָה כְּעוֹר בְּהֵמָה טְהוֹרָה, אִף אֲנִי אָבִיא אֶהֱלֵ הַמֵּת, שְׁעוֹר טְמֵא בּוֹ, וְנַעֲשֶׂה בּוֹ עוֹר בְּהֵמָה טְמֵאָה כְּעוֹר בְּהֵמָה טְהוֹרָה.

Rather, one could say that he derived it from the laws of the ritual impurity of **creeping animals**, as it is stated with regard to them: “And upon whatsoever any of them, when they are dead, does fall, it shall be impure; whether it be any vessel of wood, or garment, or hide, or sack, whatsoever vessel it be, with which any work is done” (Leviticus 11:32). As it was taught in a *baraita*: From the use of the word **hide**, I have derived **nothing other** than the fact that **the hide of a kosher animal** becomes ritually impure from contact with a creeping animal; however, **from where** is it derived that **the hide of a non-kosher animal** can become ritually impure? This is derived from the amplification, as **the verse states: Or hide**. Since, with regard to the ritual impurity of creeping animals the laws of the hides of kosher and non-kosher animals are identical, it is derived that this is also true with regard to the *halakhot* of ritual impurity imparted by a corpse. Once again, the Gemara says: **There is room to refute** this derivation and say: **What is the comparison to creeping animals**, as their legal status is stringent because they **become ritually impure** even if they are as small as a **lentil-bulk**, which is not true in the case of a corpse? In order for a corpse to transmit ritual impurity, it must be larger, an olive-bulk. Therefore, the Gemara says: If so, the case of **leprosy can prove** that the fact that creeping animals that are a lentil-bulk transmit impurity is not a factor in whether or not a non-kosher animal hide can become ritually impure. Leprosy that is a lentil-bulk does not transmit impurity and, nevertheless, the hide of a non-kosher animal becomes ritually impure from it. **And the derivation has reverted** to its starting point. **The aspect of this case is not like the aspect of that case and the aspect of that case is not like the aspect of this case**, as each case has its own unique stringencies. However, **their common denominator is that hide**, in general, is ritually impure in both cases, and the Torah rendered the **hide of a non-kosher animal equal to the hide of a kosher animal** in that it becomes ritually impure. I will also bring the additional *halakha* of a **tent over a corpse** made of the **hide of a non-kosher animal**, and in that case as well, **the hide of a non-kosher animal will be rendered equal to the hide of a kosher animal**.

אָמַר לִיה רַבָּא מְבַרְנִישׁ לְרַב אֲשִׁי: אִיכָּא לְמִיפְרָךְ, מַה לְהַצֵּד הַשְּׂוֵה שְׂבָהֶן – שְׂכָן טְמֵאִין בְּפָחוֹת מְבִיאוֹת, תֵּאמַר בְּמֵת שְׂאִינוּ מְטֵמָא אֶלָּא בְּבִיאוֹת!

Rava from Barnish said to Rav Ashi: **There is still room to refute** this statement and say: **What is the comparison to leprosy and creeping animals?** Their **common denominator is that they both transmit ritual impurity when smaller than an olive-bulk**. Can you say the same in the case of a **corpse, which only transmits ritual impurity when it is at least an olive-bulk?** Therefore, despite the differences between them, these two *halakhot* are both more stringent than the laws of ritual impurity imparted by a corpse, and the status of a non-kosher animal hide cannot be derived from them.

אָלָא אָמַר רַבָּא מְבַרְנִישׁ:

Rather, Rava from Barnish said it can be derived in the following manner:

Perek II
Daf 28 Amud b

אֶתְיָא בְּקַל וְחֹזֵר מִנוֹצָה שֶׁל עֲזִים שְׂאִין מְטֵמָא בְּנִגְעִים – מְטֵמָא בְּאֶהֱלֵ הַמֵּת, עוֹר בְּהֵמָה טְמֵאָה שְׂמֵטְמָאָה בְּנִגְעִים – אֵינוּ דִּין שְׂמֵטְמָאָה בְּאֶהֱלֵ הַמֵּת.

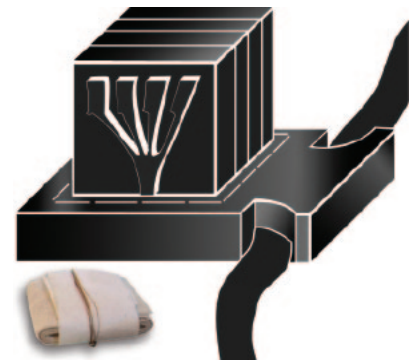
It is derived through an *a fortiori* inference from **goats' hair**. Although goats' hair does not become ritually impure from leprosy, it does become ritually impure as a **tent over a corpse**; with regard to the **hide of a non-kosher animal that becomes ritually impure from leprosy**, is it not the case that it becomes ritually impure as a **tent over a corpse?**

לְמַאי הִלְכָתָא – For what *halakha* is that relevant – Some commentaries explain this question as follows: Since Rava of Barnish states that the hide of a non-kosher animal becomes ritually impure as a tent over a corpse, it is then possible to draw an analogy between the case of a tent over a corpse and the laws of the Tabernacle, which was covered with the hide of a non-kosher animal, i.e., the *tahash*. Consequently, it is possible to ask: For what *halakha* is Rav Yosef's statement relevant? (Rav Hai Gaon).

תְּפִילִין בְּהֵדִיא כְּתִיב – Phylacteries is written explicitly – The *Tosafot* asked: What is so surprising about this? Rav Yosef is certainly permitted to repeat a principle that was derived in the *baraita* with regard to phylacteries. Some explain that Rav Yosef meant to say that the laws of the *tahash* are the source from which the fact that only kosher animals were permitted was derived. On that basis, the Gemara asked with regard to phylacteries: Wasn't this *halakha* derived directly from an explicit verse in the Torah and not from the Tabernacle?

BACKGROUND

Phylacteries – תְּפִילִין: The boxes housing the phylacteries are sewn using the sinews of animals. The parchments with the Torah portions that are rolled up and inserted into the phylacteries of both the head and the arm are tied using the hair of a kosher animal.



Phylacteries for the head and parchment on which a Torah portion is written, from inside the phylacteries

וְאֵלֶּא הָא דְתַנִּי רַב יוֹסֵף: לֹא הוּכָשְׁרוּ בְּמִלְאֵת שְׂמַיִם אֵלֶּא עוֹר בְּהֵמָה טְהוֹרָה בְּלֶבֶד, לְמַאי הִלְכָתָא? לְתַפִּילִין. תְּפִילִין! בְּהֵדִיא כְּתִיב בְּהוֹ: "לְמַעַן תִּהְיֶה תּוֹרַת ה' בְּפִיךָ" – מִן הַמּוֹתָר בְּפִיךָ.

Since the conclusion was that the hide of even a non-kosher animal can become ritually impure as a tent over a corpse, it is not necessary to assume that the covering of the Tabernacle was made specifically from the hide of a kosher animal. **And, if so, that which Rav Yosef taught: Only the hide of a kosher animal was suitable for heavenly service, for what *halakha* is that relevant,**^N as it is clearly not relevant to the Tabernacle? The Gemara replies: This *halakha* was stated with regard to **phylacteries**,^{BH} which may be prepared only from the hide of a kosher animal. The Gemara asks: **Phylacteries? Why did Rav Yosef need to state that *halakha*?** It is **written explicitly**^N **with regard to them:** "And it shall be for a sign unto you upon your hand, and for a memorial between your eyes, **that the law of the Lord may be in your mouth**" (Exodus 13:9). The Sages derived from there that the phylacteries must be prepared **from that which is permitted to be eaten in your mouth.**

אֵלֶּא לְעוֹרָן. וְהָאֵמַר אֲבִי: שִׁין שֶׁל תְּפִילִין הִלְכָה לְמֹשֶׁה מִסִּינַי!

Rather, the Gemara explains that this *halakha* of Rav Yosef was said only with regard to **the leather**^H of the boxes that house the phylacteries, which must be crafted from the hide of a kosher animal. It was not referring to the parchment on which the portions of the Torah inserted into the phylacteries are written. The Gemara asks: **Didn't Abaye say:** The obligation to make a letter *shin* protruding **on the phylacteries**^H of one's head is a *halakha* transmitted to **Moses from Sinai?** Since Torah law addresses the boxes of the phylacteries, presumably their legal status is parallel to that of the parchment and the prohibition against preparing them from the hide of a non-kosher animal is by Torah law as well.

אֵלֶּא לְבוֹרֵךְ בְּשַׁעֲרֵי וְלְתוֹפְרֵן בְּגִידָן. הָא נִמְי הִלְכָה לְמֹשֶׁה מִסִּינַי הוּא, דְּתַנִּיא: תְּפִילִין מְרוּבָעוֹת הִלְכָה לְמֹשֶׁה מִסִּינַי, נְכַרְכּוֹת בְּשַׁעֲרֵי וְנִתְפָּרוֹת בְּגִידָן.

Rather, the Gemara explains that Rav Yosef's *halakha* comes to teach that one must **tie** the parchments upon which the portions of the Torah are written in the phylacteries **with a kosher animal's hair**, as well as **sew** the phylacteries **with a kosher animal's sinews**. The Gemara asks: The source of **these *halakhot*** is also a *halakha* transmitted to **Moses from Sinai**, as it was taught in a *baraita*: The requirement that **phylacteries must be square**^H is a *halakha* transmitted to **Moses from Sinai**, as is the requirement that they must be **tied with their hair**^H and **sewn with their sinews**.^H

אֵלֶּא לְרִצּוּעוֹת. וְהָאֵמַר רַבִּי יִצְחָק: רִצּוּעוֹת שְׁחוֹרוֹת הִלְכָה לְמֹשֶׁה מִסִּינַי. נְהִי דְגַמְיָרִי שְׁחוֹרוֹת – טְהוֹרוֹת מִי גַמְיָרִי?

Rather, the Gemara says that Rav Yosef came to teach with regard to **the *halakha* of the straps** of the phylacteries. The Gemara asks: **Didn't Rabbi Yitzhak say:** The straps of the phylacteries must be **black**^H is a *halakha* transmitted to **Moses from Sinai?** The Gemara responds: **Although we learned this *halakha*,** which states that the straps must be **black**, **did we also learn** that they must be from **kosher animals?** Rav Yosef was certainly referring to straps when he said that all heavenly service must be performed with the hides of kosher animals.

HALAKHA

With regard to phylacteries – לְתַפִּילִין: The Torah portions of the phylacteries, a Torah scroll, and other sacred writings that contain the names of God may be written only on parchment made from the hides of kosher animals. However, one is permitted to use the hides of kosher animals that were not slaughtered properly or the hides of animals with a life expectancy of less than a year, as per the Gemara (Rambam *Sefer Ahava, Hilkhot Tefillin UMezuza VeSefer Torah* 1:10, 10:1; *Shulhan Arukh, Oraḥ Hayyim* 32:12 and *Yoreh De'a* 271:1).

With regard to their leather – לְעוֹרָן: The leather of the boxes of the phylacteries may be made only from the hides of kosher animals. However, here too, one is permitted to use the hides of kosher animals that were not slaughtered properly or the hides of animals with a life expectancy of less than a year (Rambam *Sefer Ahava, Hilkhot Tefillin UMezuza VeSefer Torah* 3:15; *Shulhan Arukh, Oraḥ Hayyim* 32:37).

The *shin* on the phylacteries – שִׁין שֶׁל תְּפִילִין: It is a *halakha* transmitted to Moses from Sinai that the box of the phylacteries of the head must have an embossed letter *shin* on either

side. The *shin* on the right side of the box has three heads, like the standard letter *shin*, while the one on the left side has four heads (Rambam *Sefer Ahava, Hilkhot Tefillin UMezuza VeSefer Torah* 3:1; *Shulhan Arukh, Oraḥ Hayyim* 32:42).

Phylacteries must be square – תְּפִילִין מְרוּבָעוֹת: The boxes of the phylacteries must be a perfect square, whose sides are of equal length and width and form a right angle. The base of the phylacteries must also be square. Some say that the height of the box need not be equal to the length and width of the box (*Beit Yosef*; Rema). However, others insist that the height of the box must also equal its length and its width (Rambam *Sefer Ahava, Hilkhot Tefillin UMezuza VeSefer Torah* 3:1–4; *Shulhan Arukh, Oraḥ Hayyim* 32:39).

Tied with their hair – נְכַרְכּוֹת בְּשַׁעֲרֵי: Each Torah portion placed in the phylacteries is rolled in a small piece of parchment and tied with the hair of a kosher animal. It is customary to tie the Torah portion itself and then roll it in a piece of parchment and tie it again. It is also customary to use the hair of a calf. If one does not have calf's hair, one may tie it with the hair of a cow or

an ox. The hair must first be washed. The ends of the hair must be visible outside the box, customarily, in a specific place (*Be'er Hetev*; Rambam *Sefer Ahava, Hilkhot Tefillin UMezuza VeSefer Torah* 3:1; *Shulhan Arukh, Oraḥ Hayyim* 32:44).

Sewn with their sinews – וְנִתְפָּרוֹת בְּגִידָן: The boxes of the phylacteries are sewn shut using the sinews of a kosher domesticated or non-domesticated animal, even those of kosher animals that were not slaughtered properly or with a life expectancy of less than a year. *Ab initio* it is preferable to use the sinews of an ox (Rambam *Sefer Ahava, Hilkhot Tefillin UMezuza VeSefer Torah* 3:9; *Shulhan Arukh, Oraḥ Hayyim* 32:49).

Straps of the phylacteries must be black – רִצּוּעוֹת שְׁחוֹרוֹת: The leather straps of the phylacteries are made from the hides of kosher animals, as per the statement of Rav Yosef. It is a *halakha* transmitted to Moses from Sinai that the straps must be colored black on the outside (Rambam *Sefer Ahava, Hilkhot Tefillin UMezuza VeSefer Torah* 3:14–15; *Shulhan Arukh, Oraḥ Hayyim* 33:3).

BACKGROUND

Tahash – תַּחַשׁ: The identity of the *tahash* is a matter of great controversy and was never resolved. Some authorities explain that the *tahash* is a monodon or narwhal, a species of whale. Narwhals travel in small groups, especially in northern ocean waters. It can grow to 6 m in length. Its primary color is light yellow and it is spotted with numerous dark spots, the only cetacean with spots. A twisted tooth, up to 3 m long, grows out of one side of its mouth, to the extent that for many years it was thought to be the horn of the unicorn. It is possible that a group of these creatures approached the Red Sea and were thrown onto the shore or trapped there.

The narwhal's appearance closely parallels the descriptions here: It is spotted like the *tela ilan*; compare it to the depiction in the Gemara (28a, p. 129). It has a single horn on its forehead and the Sages were unable to determine its precise nature: domesticated or non-domesticated; kosher or non-kosher.



Narwhal

Prof. Yehuda Feliks, one of the foremost scholars in the field of nature in the Bible, suggests that the *tahash* may have been a giraffe, which has many of the characteristics mentioned by Rabbi Meir: A multicolored hide, a horn-like protrusion on its forehead, and some of the signs that determine that an animal is kosher.



Giraffe

Keresh – קֶרֶשׁ: Apparently, from the Greek word *κέρας*, *keras*, which means horn. Similarly, the Greek word *μονόκερας*, *monokeros*, refers to a one-horned animal. It may also be a reference to a wild ox, especially in the Septuagint. The identity of the *keresh* is unclear. Some say that the *keresh* is an imaginary animal, a unicorn, and some think that it refers to a single-horned rhinoceros.

מאי הוּי עֲלֶה דְתַחַשׁ שְׁהִיָּה בְיָמֵי מֹשֶׁה?
אָמַר רַבִּי אֱלֵעָא אָמַר רַבִּי שְׁמַעוֹן בֶּן
לְקִישׁ, אֹמְרֵי הִיא רַבִּי מֵאִיר: תַּחַשׁ שְׁהִיָּה
בְיָמֵי מֹשֶׁה בְרִיָּה בְפָנָי עֲצָמָה הִיָּה, וְלֹא
הִכְרִיעוּ בָּהּ חֲכָמִים אִם מִיִּן חִיהָ הוּא
אִם מִיִּן בְּהֵמָה הוּא, וְקָרַן אַחַת הִיָּתָה
לוֹ בְּמִצְחֹה, וְלִפֵּי שְׁעָה נִדְמָן לוֹ לְמוֹשֶׁה,
וְעָשָׂה מִמֶּנּוּ מִשְׁכַּן וְנִגְנַן.

מִדְקָאֻמַּר קָרַן אַחַת הִיָּתָה לוֹ בְּמִצְחֹה –
שְׁמַע מִיָּנָה טְהוֹר הִיָּה, דְּאָמַר רַב יְהוּדָה:
שׁוֹר שְׁהִקְרִיב אָדָם הָרִאשׁוֹן קָרַן אַחַת
הִיָּתָה לוֹ בְּמִצְחֹה, שְׁנֹאֻמַּר: "וְהִיטֵב לָהּ"
מִשׁוֹר פֶּר מִקְרִין מִפְרִיס". מִקְרִין תְּרִמִּי
מִשְׁמַע! אָמַר רַב נַחֲמָן בַּר יִצְחָק: 'מִקְרִין'
כְּתִיב. וְלִפְשׁוֹט מִיָּנָה דְמִין בְּהֵמָה הוּא!
כִּיִּן דְּאִיכָא קָרַשׁ דְּמִין חִיהָ הוּא, וְלִית
לֵיהּ אֱלָא חֲדָא קָרַן – אִיכָא לְמִימַר מִין
חִיהָ הוּא.

מִתְנִי פְתִילַת הַבְּגָד שְׁקִיפְלָה וְלֹא
הִבְהֵבָה, רַבִּי אֱלֵעָא אָמַר: טְמֵאָה הִיא
וְאִין מִדְּלִיקִין בָּהּ, רַבִּי עֲקִיבָא אָמַר:
טְהוֹרָה הִיא וּמְדִלִיקִין בָּהּ.

גַּמ' בְּשִׁלְמָא לְעִנְיָן טוּמְאָה – בְּהָא פְּלִיגִי,
דְּרַבִּי אֱלֵעָא אָמַר: קִיפּוּל אִינוּ מוּעִיל,
וּבְמִילְתֵיהּ קִמְיִיתָא קִיִּימָא. וְרַבִּי עֲקִיבָא
אָמַר: קִיפּוּל מוּעִיל וּבִטּוּלִי בְּטִיל.

The Gemara asks: **What is the halakhic conclusion reached about this matter of the *tahash*⁸ that existed in the days of Moses? Rabbi Ela said that Rabbi Shimon ben Lakish said that Rabbi Meir used to say: The *tahash* that existed in the days of Moses was a creature unto itself, and the Sages did not determine whether it was a type of undomesticated animal or a type of domesticated animal. And it had a single horn on its forehead, and this *tahash* happened to come to Moses for the moment while the Tabernacle was being built, and he made the covering for the Tabernacle from it. And from then on the *tahash* was suppressed and is no longer found.**

The Gemara comments: **From the fact that it is said that the *tahash* had a single horn on its forehead, conclude from this that it was kosher, as Rav Yehuda said in a similar vein: The ox that Adam, the first man,^N sacrificed as a thanks-offering for his life being spared, had a single horn on its forehead, as it is stated: "And it shall please the Lord better than a horned [*makrin*] and hooved ox" (Psalms 69:32).** The word *makrin* means one with a horn. The Gemara asks: On the contrary, *makrin* indicates that it has two horns. Rav Nahman bar Yitzhak said: Despite the fact that it is vocalized in the plural, it is written *mikeren* without the letter *yod* to indicate that it had only a single horn. The Gemara asks: If so, let us resolve from the same *baraita* that just as it was derived from the ox of Adam, the first man, that an animal with one horn is kosher, derive that an animal with one horn is a type of domesticated animal. The Gemara answers: **Since there is the *keresh*^{BH} which is a type of undomesticated animal, and it has only a single horn, it is also possible to say that the *tahash* is a type of undomesticated animal.** This dilemma was not resolved.

MISHNA The wick of a garment, i.e., cloth made into a wick for a lamp, that one folded it into a size and shape suitable for a wick, but did not yet singe it^H slightly in order to facilitate its lighting, Rabbi Eliezer says: This wick is ritually impure. With regard to the laws of ritual impurity, it can, like other garments, still become ritually impure and one may not light with it on Shabbat. Rabbi Akiva says: It is ritually pure and one may even light with it on Shabbat.

GEMARA The Gemara asks: **Granted, with regard to ritual impurity, the reasons for their disagreement are clear and this is their dispute: Rabbi Eliezer holds that folding alone is ineffective in altering the identity of the garment and it retains its original status.** It can become ritually impure like any other garment. **Rabbi Akiva holds that folding is effective, and it negates its garment status, and therefore, it can no longer become ritually impure.**

HALAKHA

Since there is the *keresh* – קֶרֶשׁ: Although the *keresh* only has a single horn, it is considered a non-domesticated animal (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Asurot* 1:12; *Shulhan Arukh*, *Yoreh De'a* 80:4).

The wick of a garment, that one folded it, but did not yet singe it – פְּתִילַת הַבְּגָד שְׁקִיפְלָה וְלֹא הִבְהֵבָה: One is not required to singe the wick before lighting it. However, it is customary

to light the wick and extinguish it immediately to splay it so that it will hold the flame well. The mishna is interpreted in accordance with the opinion of Rava, who explained that the dispute is whether or not one is required to singe the wick. The *halakha* is in accordance with the opinion of Rabbi Akiva, who says that one need not singe the wick (*Shulhan Arukh*, *Orah Hayyim* 264:9 and in the comment of Rema).

NOTES

The ox of Adam, the first man – שׁוֹר שֶׁל אָדָם הָרִאשׁוֹן: The ox that Adam sacrificed is explained metaphorically. The horn is a general symbol of strength and basic faith. This statement teaches that af-

ter his banishment from the Garden of Eden, Adam reestablished his world on the basis of one fundamental principle, symbolized by the single horn, namely, the belief in God (Rashba).

One who lights must light most of the wick that protrudes – **המדליק צריך שידליק ברוב היצא**: One must light most of the wick that protrudes from the oil lamp before Shabbat, while it is still day, as per the opinion of Ulla (Rambam *Sefer Zemanim, Hilkhos Shabbat* 5:5; *Shulhan Arukh, Orah Hayyim* 264: 8).

NOTES

From the fact that Rav Adda bar Ahava interpreted, etc. – **ומדקא וכו' מתרץ רב אדא וכו'**: The fact that a given mishna is interpreted in accordance with the opinion of one of the Sages does not always prove that the one who interpreted the mishna personally agrees with that opinion. A Sage often explains the statements of a mishna in a certain way, although he does not accept that opinion as *halakha*. However, in this case, since it was not a single opinion that was explained in this way, but the fundamental basis of the entire mishna, i.e., everyone is of the opinion that the *halakha* is in accordance with the opinion of Rabbi Yehuda, apparently that is Rav Adda's opinion as well.

BACKGROUND

Came into being [*nolad*] – **נולד**: In the context of the *halakhot* of Shabbat and Festivals, this describes an object that came into being or assumed its present form on Shabbat or a Festival, e.g., an egg that was laid or a utensil that was broken on Shabbat or a Festival. These objects are set aside from use and may not be moved or handled on Shabbat and Festivals.

אָלָא לְעִנּוּן הַדְּלָקָה בְּמֵאֵי פְּלִיגִי? אָמַר רַבִּי אֶלְעָזָר אָמַר רַב אִישׁוּעִיָּא, וְכֵן אָמַר רַב אֲדָא בְּרַ אֲהֵבָה: הָכָא בְּשָׁלֹשׁ עַל שְׁלֹשׁ מִצּוּמְצָמוֹת עֶסְקִינּוּ, וְבִיּוֹם טוֹב שָׁחַל לְהֵיוֹת עָרֵב שַׁבַּת עֶסְקִינּוּ, דְּכֹבְלֵי עֲלֵמָא אֵית לְהוּ דְּרַבִּי יְהוּדָה, דְּאָמַר: מְסִיקִין בְּכֵלִים וְאִין מְסִיקִין בְּשִׁבְרֵי כֵלִים, וְדְכֹבְלֵי עֲלֵמָא אֵית לְהוּ דְּעוֹלָא, דְּאָמַר עוֹלָא: הַמְדְּלִיק צְרִיךְ שִׁדְלִיק בְּרוֹב הַיּוֹצֵא. רַבִּי אֶלְעָזָר סָבַר: קִיפּוּל אֵינוֹ מוֹעִיל, וְכֵן דְּאֲדִלִיק בֵּיה פּוֹרְתָא – הוּיָא לֵיה שְׁבַר כְּלִי, וְכִי קָא מְדְלִיק – בְּשִׁבְר כְּלִי קְמַדְלִיק. וְרַבִּי עֲקִיבָא סָבַר: קִיפּוּל מוֹעִיל, וְאִין תּוֹרַת כְּלִי עָלֵי, וְכִי קְמַדְלִיק – בְּעֵץ בְּעֲלֵמָא קְמַדְלִיק.

However, with regard to lighting on Shabbat what is at the crux of their dispute? Rabbi Elazar said that Rav Oshaya said, and Rav Adda bar Ahava said likewise: Here we are dealing with a cloth that is precisely three by three fingerbreadths and we are dealing with a Festival that occurred on Shabbat eve. And everyone is of the opinion that the *halakha* is in accordance with the opinion of Rabbi Yehuda, who said that on a Festival one may only kindle a fire with whole vessels, as it is permitted to carry them and they do not have set-aside [*muktze*] status; however, one may not kindle a fire using broken vessels, i.e., vessels that broke on the Festival. Since they broke on the Festival itself, they are classified as an entity that came into being [*nolad*]^b on the Festival, and the *halakha* prohibits moving them. And, similarly, everyone is of the opinion that the *halakha* is in accordance with the opinion of Ulla, as Ulla said: One who lights a lamp must light most of the wick that protrudes^h from the lamp. Based on these assumptions, the dispute in the mishna can be understood as follows: Rabbi Eliezer holds that folding alone is ineffective in negating the wick's vessel status, and once one lights only a small part of it, it thereby becomes a broken vessel, as part of it burns and the remainder is less than three by three fingerbreadths. A smaller cloth is no longer considered significant. Since he is required to light most of the protruding wick and, as mentioned above, it is prohibited to light broken vessels, he may not light the folded garment. And Rabbi Akiva held that folding is effective and, immediately when he folded it, the garment no longer has the status of a vessel. It was not considered a vessel even before he lit it, and when he lights it, it is as if he were lighting plain wood, not a vessel that broke on the Festival.

אָמַר רַב יוֹסֵף, הֵינּוּ דְּתַנּוּנָא: "שְׁלֹשׁ עַל שְׁלֹשׁ מִצּוּמְצָמוֹת" וְלֹא יִדְעָנָא לְמַאי הִלְכְתָּא.

Rav Yosef said, that is what I learned: Three by three exactly. And I did not know to what *halakha* this was relevant. Rav Yosef received from his teachers that the *baraita* is referring to a case of three by three exactly, and he did not know why it was significant to establish the *baraita* in a case of exactly three by three and no more.

וּמְדַקָּא מְתַרְץ רַב אֲדָא בְּרַ אֲהֵבָה אֵלִיבָא דְּרַבִּי יְהוּדָה – שְׁמַע מִינֵיהּ כְּרַבִּי יְהוּדָה סְבִירָא לֵיה; וְכֵן אָמַר רַב אֲדָא בְּרַ אֲהֵבָה הֵכִי? וְהָאָמַר רַב אֲדָא בְּרַ אֲהֵבָה:

The Gemara adds incidentally: And from the fact that Rav Adda bar Ahava interpretedⁿ this mishna in accordance with the opinion of Rabbi Yehuda, conclude from this that he holds in accordance with the opinion of Rabbi Yehuda. Did Rav Adda bar Ahava actually say this? Didn't Rav Adda bar Ahava himself say:

Perek II

Daf 29 Amud a

גוֹי שְׁחַקֵּק קֶבֶב בְּבִקְעָתָא, יִשְׂרָאֵל מְסִיקָה בְּיוֹם טוֹב, וְאִמַּאי? נוֹלֵד הוּא! לְדַבְרֵיהֶם דְּרַבִּי אֶלְעָזָר וְרַבִּי עֲקִיבָא קָאָמַר לֵיה, וְלֵיה לָא סְבִירָא לֵיה.

When a gentile carved out a vessel the size of a *kav* from a piece of wood on a Festival and thereby rendered it a new vessel, a Jew may burn the vessel on a Festival *ab initio*. And why may he do so? This new vessel that was made from the wood is an object that came into being [*nolad*] on a Festival, and is set-aside [*muktze*]. Since Rav Adda bar Ahava permitted doing so, apparently he holds that the laws of set-aside do not apply on a Festival, contrary to the opinion of Rabbi Yehuda. The Gemara answers: Rav Adda bar Ahava said this statement in explanation of the statements of Rabbi Eliezer and Rabbi Akiva in the mishna; however, he himself does not hold that way. Although he explained the opinions in the mishna in accordance with the opinion of Rabbi Yehuda, he himself does not hold that that is the *halakha*.

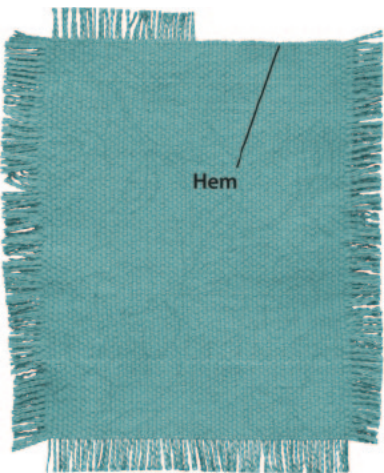
Three by three exactly – שלש על שלש מכוונות: According to the laws of ritual impurity, a garment can become ritually impure if it is a minimum of three by three fingerbreadths. This applies to both linen and wool and includes the hem, as per the opinion of the Rabbis (Rambam *Sefer Tahara, Hilkhhot Kelim* 22:1).

One may only kindle a fire with whole vessels and one may not kindle a fire using broken vessels – מסיקין בכלים ואין מסיקין בשברי כלים: A vessel that broke on a Festival may not be used to feed a fire because it is considered to be something that came into being on a Festival; it is set-aside, and one may not move it. However, one may feed a fire with whole vessels or vessels that broke before the Festival, as per the opinion of Rabbi Yehuda (Rambam *Sefer Zemanim, Hilkhhot Yom Tov* 2:12; *Shulhan Arukh, Oraḥ Ḥayyim* 501:6).

One may kindle a fire with dates – מסיקין בתמרים: One may burn the shells of almonds and walnuts and the pits of dates that he ate before a Festival (*Mishna Berura*). If he ate them on the Festival itself, he may not use their shells and pits to feed a fire. Similarly, because nuts are primarily for eating, not burning, one may only burn the nuts themselves on a Festival when still in their shells, if there is no other material to burn. Otherwise, doing so would be in violation of the prohibition against wanton destruction. This is in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Zemanim, Hilkhhot Yom Tov* 2:12; *Shulhan Arukh, Oraḥ Ḥayyim* 501:7).

BACKGROUND

The hem – המלל: When the edge of the fabric, where the threads stick out, is hemmed, as shown here, the size of the garment decreases. The folded and hemmed portion of the fabric is not calculated in the area of a sewn garment. However, the Rabbis argue that the hem is calculated in the area of the fabric before it is sewn.



Piece of fabric and its hem

רבא אמר: היינו טעמא דרבי אליעזר – לפי שאין מדליקין בפתילה שאינה מחורכת, ולא בסמרטוטין שאינן מחורכין. אלא הא דתני רב יוסף: "שלוש על שלש מצומצמות" למאי הלכתא? לענין טומאה, דתני: שלש על שלש שאמרו – חוץ מן המלל, דברי רבי שמעון. והכמים אומרים: שלש על שלש מכוונות.

אמר רב יהודה אמר רב: מסיקין בכלים ואין מסיקין בשברי כלים, דברי רבי יהודה, ורבי שמעון מתיר. מסיקין בתמרים, אכלן – אין מסיקין בגרעיניהן, דברי רבי יהודה, ורבי שמעון מתיר. מסיקין באגוזים, אכלן – אין מסיקין בקליפותיהן, דברי רבי יהודה, ורבי שמעון מתיר.

וצריכא, דאי אשמעינן קמיתא – בהיא קאמר רבי יהודה – משום דמעיקרא כלי והשתא שבר כלי, והיה ליה נולד – ואסור. אבל תמרים, דמעיקרא גרעינין והשתא גרעינין – אימא שפיר דמי ואי אשמעינן גרעינין – הוה אמיןא: דמעיקרא מכסיין, והשתא מיגליין. אבל קליפי אגוזין, דמעיקרא מיגלו והשתא מיגלו – אימא שפיר דמי, צריכא.

והא דרב – לאו בפירוש איתמר, אלא מכללא איתמר. דרב אכל תמרי ושדא קשייתא לבוכיא, אמר ליה רבי חייה: בר פחתי, כנגדו ביום טוב – אסור. קיבלה מיניה או לא קיבלה מיניה?

Rava said, this is the reasoning behind Rabbi Eliezer's opinion with regard to lighting the wick: Because he holds that one may neither light on Shabbat using a wick that is not slightly singed and prepared for lighting nor light with rags that were not singed before Shabbat. If a person sings the wick slightly before lighting it, it will burn well. A wick that has not been singed does not burn well and will not show the appropriate deference to Shabbat. The Gemara asks: If so, that which Rav Yosef taught: Three by three exactly,^h to what halakha is it relevant? According to Rava's explanation, the precise size of the garment used in making the wick is irrelevant. The Gemara responds: Rav Yosef's statement was with regard to another matter, the halakhot of ritual impurity. As we learned in a mishna in tractate *Kelim*: Three by three fingerbreadths that they stated as the smallest sized garment that can become ritually impure, excludes the portion used for the hem,^{bn} i.e., those threads that emerge at the edge of the garment and are sewn into a hem; this is the statement of Rabbi Shimon. And the Rabbis say: Three by three exactly, even including the hem. That is the context of Rav Yosef's statement: Three by three exactly.

With regard to the statement cited above, Rav Yehuda said that Rav said that there is a dispute between the *tanna'im* on this issue: One may only kindle a fire with whole vessels and one may not kindle a fire with broken vessels;^h this is the statement of Rabbi Yehuda. And Rabbi Shimon permits kindling a fire even with broken vessels. An additional halakha: One may kindle a fire with whole dates^h on a Festival, and if he ate them, he may not kindle a fire with their pits as they are set-aside; this is the statement of Rabbi Yehuda. And Rabbi Shimon permits kindling a fire with the pits. Furthermore, one may kindle a fire with whole nuts on a Festival, and if he ate them, he may not kindle a fire with their shells; this is the statement of Rabbi Yehuda. And Rabbi Shimon permits doing so.

The Gemara comments: And it was necessary to cite all three of these cases because each teaches a novel idea. As, had Rav taught us only the first halakha, we would have thought that it is specifically in that case, with regard to burning broken vessels, that Rabbi Yehuda said that it is prohibited, as initially it was a vessel and now it is a broken vessel, and therefore it is considered an object that came into being [*nolad*] and prohibited; however, dates, initially there were pits in the dates and now they remain pits, say that one may well do so. And had Rav taught us only with regard to date pits I would have said that they are prohibited because initially they were concealed within the fruit and now they are exposed, it is a case of an object that came into being and prohibited. However, nutshells, which initially were exposed and now are exposed, as they were before, say that one may well do so. Therefore, it was necessary to teach all of these cases.

And the Gemara adds: This halakha of Rav was not stated explicitly; rather, it was stated by inference based on conclusions drawn from Rav's actions and not from his explicit statements. There was an instance where Rav ate dates on a weekday and threw the pits into the oven. Rabbi Ḥiyya said to him: Son of noblemen, the corresponding action, throwing pits into an oven, is prohibited on a Festival. The Gemara asks: Did Rav accept this halakha from himⁿ or did he not accept it from him?

NOTES

Excludes the hem – חוץ מן המלל: According to Rabbi Shimon, one must assess each object in terms of its practical use. Since this piece of cloth has a hem that will be folded when the garment is worn, the hem cannot be considered part of the garment. The Rabbis disagree. Since at present, the garment is the requisite, minimum size, that is sufficient to render it capable of becoming ritually impure.

Did he accept it from him – קיבלה מיניה: Since the fundamental assertion was that Rav did not explicitly prohibit the use of date pits on a Festival due to set-aside, the Gemara cites as proof, the action of Rav and that which his uncle and teacher, Rabbi Ḥiyya, said to him. Had that been the extent of it, together with the added information that Rav generally rules in accordance with the opinion of Rabbi Yehuda (see *Tosafot*), it would

have been sufficient to determine Rav's position. However, Rav's opinion was only stated by inference, resulting in the dilemma: Did Rav accept Rabbi Ḥiyya's opinion or did he not? This question is compounded by a different incident involving Rav on a Festival, which seems contradictory. Although based on the explanation of the Gemara there is no contradiction, the conclusion is that neither is there any proof (see *Penei Yehoshua*).

תא שמע, דכי אתא רב לבל אכל
תמרי ושדא קשייתא לחיותא. מאי
לאו בפרסייתא ולא קיבלה! לא,
בארמייתא – הואיל וחוץ אגב אימיהו.

Come and hear: When Rav came from Eretz Yisrael to Babylonia, he ate dates on a Festival and threw their pits to the animals so that they may eat them. Wasn't it a case involving Persian dates, which are quality dates whose fruit comes completely off the pits, leaving the pits with no trace of fruit? Ostensibly, they are completely set-aside as they are of no use at all to people. And the fact that Rav threw the pits to the animals indicates that he did not accept this halakha from Rabbi Hiyya, and he holds that there is no prohibition in that case. The Gemara replies: No, this is a case involving Aramean dates whose fruit does not come off completely, and remnants of the date remain attached to the pit. These pits, since they are still fit for use due to their mother, i.e., the fruit itself, one is permitted to carry them.ⁿ

אמר ליה רב שמואל בר בר חנה לרב
יוסף: לרבי יהודה דאמר "מסיקין בכלים
ואין מסיקין בשברי כלים" בין דאדליק
בהו פורתא – הוה ליה שברי כלים, וכי
קא מהפך – באיסורא קא מהפך! דעבד
כדרב מתנה, דאמר רב מתנה אמר רב:
עצים שנשרו מן הדקל לתנור ביום טוב
מרבא עצים מוכנין, ומסיקין.

Rav Shmuel bar bar Hana said to Rav Yosef: According to the opinion of Rabbi Yehuda, who said that one may kindle a fire with whole vessels, and one may not kindle a fire with broken vessels, how it is possible to use whole vessels? Once they are ignited a bit, they become broken vessels, and when one turns the wood over to accelerate their ignition, he turns them over in a prohibited manner,^h as it is prohibited to light with broken vessels. The Gemara answers: This is a case where he acted in accordance with the statement of Rav Mattana. As Rav Mattana said that Rav said: Branches that fell from a palm tree into an oven on a Festival,^h since these branches were attached to the tree at the onset of the Festival, they are set-aside and it is prohibited to move them. Nevertheless, he can remedy the situation if he adds wood that was prepared for burning prior to the Festival, until the majority of the wood in the oven is not set-aside, and then kindles them. Since the majority of the wood is permitted, he need not concern himself with the minority. One may do the same when burning vessels by adding wood that is not set-aside.

רב המנונא אמר: הכא בפחות משלשה על
שלשה עסקינן, מקולי מטלניות שנו באן.

Rav Hamnuna said a different explanation of the dispute in the mishna. In his opinion, here we are dealing with a garment that is smaller than three by three handbreadths, and they taught here halakhot established by the Sages with regard to insignificant small cloths.

ואזדא רבי אליעזר לטעמיה ורבי עקיבא
לטעמיה, דתנן: פחות משלשה על שלשה
שהתקינו לפקק בו את המרחץ, ולנער בו
את הקדירה, ולקנח בו את הרתיים – בין
מן המוכן ובין שאין מן המוכן – טמא,
דברי רבי אליעזר. ורבי יהושע אומר: בין
מן המוכן ובין שלא מן המוכן – טהור. רבי
עקיבא אומר: מן המוכן – טמא ושלא מן
המוכן – טהור. ואמר עולא, ואיתימא רבה
בר בר חנה אמר רבי יוחנן, הכל מודים: זרקו
באשפה – דברי הכל טהור,

And Rabbi Eliezer followed his line of reasoning expressed elsewhere, and Rabbi Akiva followed his line of reasoning expressed elsewhere. As we learned in a mishna in tractate Kelim: A cloth smaller than three by three handbreadths that was utilized to plug the bath, and to pour from a boiling pot, and to wipe the millstone,ⁿ whether this cloth was expressly prepared for that purpose or whether it was not prepared, it can become ritually impure; this is the statement of Rabbi Eliezer. And Rabbi Yehoshua says: Whether it was prepared or whether it was not prepared, it is ritually pure, i.e., it cannot become ritually impure. Rabbi Akiva distinguishes between the cases and says: If it was prepared it is ritually impure, and if it was not prepared it is ritually pure. And Ulla said, and some say that Rabba bar bar Hana said that Rabbi Yohanan said: Everyone agrees that a cloth this size, if one threw it into the garbage dump, it is ritually pure. His discarding of the cloth indicates that he no longer considers this cloth a garment and no longer considers it significant.

HALAKHA

Once they are ignited a bit...he turns them over in a prohibited manner – באיסורא קא מהפך... בין דאדליק בהו פורתא... One who placed whole vessels into a fire on a Festival may not stoke the fire after they catch fire, unless he adds wood already designated to be burnt (Shulhan Arukh, Oraḥ Ḥayyim 501:6 and the comment of the Rema).

Branches that fell from a palm tree into an oven on a Festival – עצים

שנשרו מן הדקל לתנור ביום טוב: When palm branches fall from a tree into an oven on a Festival, one may add branches that were designated for burning prior to the Festival so that they obscure the palm branches (Rema). The palm branches are thereby nullified and he may burn the wood. That is permitted as long as he does not move the prohibited palm branches while adding the other branches (Rambam Sefer Zemanim, Hilkhoh Yom Tov 2:11; Shulhan Arukh, Oraḥ Ḥayyim 507:2).

Date – תמר: The date palm *Phoenix dactylifera* is cultivated for its edible sweet fruit. It is a medium-sized tree, 15–25 m tall, growing singly or forming a clump with several stems from a single root system. The leaves are 3–5 m long, and the full span of the crown ranges from 6–10 m. Dates were eaten fresh or dried, and were boiled into a thick, durable syrup called date honey and used as a sweetener. The honey in the biblical reference of “a land flowing with milk and honey” (Exodus 3:8, for example), is date honey.



Remnants of dates and pits found in Qumran

Millstone – דחיים: Millstones are stones used for grinding wheat and other grains.



Millstone

HALAKHA

One hung it on a dryer – שְׂתֵּלָא בְּמַגוּד: The Rambam ruled that a cloth smaller than three by three hand-breadths that was hung on a dryer or placed in a basket can still become ritually impure. Only if one throws it in the garbage can it no longer become ritually impure, as per the opinion of Rabbi Eliezer. The early commentaries on the Rambam were surprised that he did not rule in accordance with the opinion of Rabbi Yehoshua, since Rabbi Akiva agrees with his opinion (*Kesef Mishneh; Rambam Sefer Tahara, Hilkhot Kelim* 22:22).

A person may not pierce an eggshell, etc. – לֹא יִקוּב: One may not place a pierced eggshell or any other vessel filled with oil above a lamp that is burning on Shabbat so that the oil will drip into the lamp. The reason is that one might take oil from it and thereby extinguish the light. If one attaches the additional vessel to the lamp with plaster or clay before Shabbat, it is permitted, as per the unattributed mishna (*Rambam Sefer Zemanim, Hilkhot Shabbat* 5:12; *Shulhan Arukh, Orah Hayyim* 265:1).

A person may not fill a bowl – לֹא יִמְלֵא אֶדָם קַעֲרָה: It is prohibited to fill a bowl with oil and place it next to a lamp so that the wick of the lamp will draw oil from the bowl (*Rambam Sefer Zemanim, Hilkhot Shabbat* 5:12; *Shulhan Arukh, Orah Hayyim* 265:2).

הַיְחוּ בְּקוֹפְסָא – דְּבַרֵּי הַבַּל טָמֵא, לֹא נִחְלְקוּ אֶלָּא שְׂתֵּלָא בְּמַגוּד אוֹ שֶׁהַיְחוּ לְאַחֲרֵי הַדְּלֵת. רַבִּי אֱלִיעֶזֶר סָבַר: מִדְּלֵא וְרַקוּ בְּאַשְׁפָּה – דְּעֵתִיָּה עֵילוּיָהּ, וּמַאי קָרִי לִיָּה 'שְׂלֵא מִן הַמּוֹכֵן' – דְּלִגְבֵי קוֹפְסָא לֹא מוֹכֵן הוּא. וְרַבִּי יְהוֹשֻׁעַ סָבַר: מִדְּלֵא הַיְחוּ בְּקוֹפְסָא – בְּטוּלֵי בְּטוּלֵיָּהּ, וּמַאי קָרִי לִיָּה 'מוֹכֵן' – דְּלִגְבֵי אֲשֶׁפָּה מוֹכֵן הוּא. וְרַבִּי עֲקִיבָא, בְּתֵּלָא בְּמַגוּד – סָבַר כְּרַבִּי אֱלִיעֶזֶר, בְּהַיְחוּ אַחֲרֵי הַדְּלֵת – סָבַר לֵה כְּרַבִּי יְהוֹשֻׁעַ.

וְהָדָר בֵּיהּ רַבִּי עֲקִיבָא לְגַבִּיָּה דְּרַבִּי יְהוֹשֻׁעַ. מִמַּאי אִי אָמַר רַבָּא: מִדְּקִתְנִי 'פְּתִילַת הַבְּגָד', מַאי אִירִיא דְּתִנִּי 'פְּתִילַת הַבְּגָד', לִיתְנִי 'פְּתִילָה שֶׁל בְּגָד'! מַאי 'פְּתִילַת הַבְּגָד' – דְּעַדְיִין בְּגָד הוּא.

מתני' – לֹא יִקוּב אֶדָם שְׂפּוֹפֶרֶת שֶׁל בִּיעָה וְיִמְלֵאָנָה שֶׁמֶן וְיִתְנַנֶּה עַל פִּי הַנֵּר בְּשִׁבִּיל שְׂתֵּיָּהּ מִנְּטָפָת, וְאִפִּילוּ הִיא שֶׁל חֶרֶס, וְרַבִּי יְהוּדָה מֵתִיר. אֲבָל אִם חִבְּרָה הַיּוֹצֵר מִתְּחִלָּה – מוֹתֵר, מִפְּנֵי שֶׁהוּא כְּלִי אֶחָד. לֹא יִמְלֵא אֶדָם קַעֲרָה שֶׁל שֶׁמֶן וְיִתְנַנֶּה בְּצֵד הַנֵּר וְיִתֵּן רֹאשׁ הַפְּתִילָה בְּתוֹכָהּ בְּשִׁבִּיל שְׂתֵּיָּהּ שׂוֹאֶבֶת, וְרַבִּי יְהוּדָה מֵתִיר.

If one placed it in a box, everyone agrees that it can become ritually impure because his placing the cloth in a box indicates that he considers the cloth significant and is keeping it in order to use it. They only disagreed in a case where one hung the garment on a dryer,^h i.e., a stake in the wall, or where he placed it behind a door. Rabbi Eliezer held: From the fact that he did not throw it in the garbage dump, it is certainly on his mind and he is planning to use it. And what is the reason that he called it not prepared? It is because, relative to a cloth placed in a box, it is not considered prepared for use. And Rabbi Yehoshua held that since he did not place it in a box, certainly he has negated its garment status. And what is the reason that he called it prepared? Because relative to one thrown in the garbage, this garment is prepared for use, although, in fact, the cloth has already been negated. And Rabbi Akiva, in the case where he hung it on a dryer, held in accordance with the opinion of Rabbi Eliezer that one has not yet negated it from use and it can therefore become ritually impure. In the case where he placed it behind a door, Rabbi Akiva held in accordance with the opinion of Rabbi Yehoshua that, in doing so, he negated its garment status, and it can no longer become ritually impure.

The Gemara comments: And Rabbi Akiva retracted his opinion in favor of the opinion of Rabbi Yehoshua and held in accordance with his opinion. And from where do we know this? Rava said: From the term that we learned in our mishna: The wick of a garment [petilat habeged]. Why did it specifically teach: The wick of a garment? Teach that halakha using the phrase: A wick made from a garment. What is the reason that the mishna taught: A wick of a garment? It is because it remains a garment. Nevertheless, Rabbi Akiva deemed it ritually pure, in accordance with the opinion of Rabbi Yehoshua.

MISHNA The fundamental dispute in this mishna is with regard to the determination whether or not indirect acts of kindling and extinguishing fall within the parameters of the prohibition on Shabbat. The Rabbis said: A person may not pierce a hole in an eggshell^h and fill it with oil, and place it over the mouth of a lamp^b so that the egg will drip additional oil into the lamp and thereby extend the time that it burns. And this is the ruling even if it is not an actual egg but an earthenware vessel. And Rabbi Yehuda permits doing so. However, if the craftsman, who crafts ceramic vessels, attached the egg to the lamp from the outset, one is permitted to fill it with oil because it constitutes a single, large vessel. The Rabbis decreed that a person may not fill a bowl^l with oil, and place it beside the lamp, and place the unlit head of the wick into the bowl so that it draws additional oil from the bowl and thereby extend the time that the lamp burns. And Rabbi Yehuda permits doing so.

BACKGROUND

נֵר וְשִׁפּוֹפֶרֶת – Lamp and a tube



Oil lamp with a receptacle attached to supply it with additional oil

NOTES

A person may not pierce an eggshell, etc. – לֹא יִקוּב אֶדָם שְׂפּוֹפֶרֶת שֶׁל בִּיעָה וְכוּ: In the Babylonian Talmud, the rationale for this halakha is the concern lest one come to use the additional oil. However, in the Jerusalem Talmud, the Sages questioned this reason and offer a different one in its place. Only in the case of an oil lamp

with a wick can one claim that the burning of each and every drop of oil began before Shabbat and is merely continuing on Shabbat. However, oil added from an eggshell or from an additional vessel will only reach the wick on Shabbat itself. It will only begin burning then, which is tantamount to having been lit on Shabbat.

גמ' וצריכא, דאי אשמעינן שפופרת של ביצה - בהא קאמרי רבנן דכין דלא מאיסא - אחי לאסתפוקי מינה, אבל של חרס דמאיסא - אימא מודו ליה לרבי יהודה, ואי אשמעינן של חרס - בהא קאמרי רבי יהודה, אבל בההיא - אימא מודי להו לרבנן, ואי אשמעינן הנך תרתי - בהני קאמרי רבי יהודה משום דלא מיפסק, אבל קערה דמיפסקא - אימא מודי להו לרבנן, ואי אשמעינן בההיא - בההיא קאמרי רבנן, אבל בהני תרתי - אימא מודו לרבי יהודה, צריכא.

GEMARA The Gemara comments on the fact that the mishna cited three cases that all share the same rationale: **And** it was necessary to cite all of the aforementioned cases because it is impossible to derive one from the other. **As, had** the Gemara only taught us the prohibition of an eggshell, I would have said that, specifically in that case, **the Rabbis said** that it is prohibited to do so. **Since** the egg is not dirty and disgusting, there is room for concern that one might come to take oil from it, which would be tantamount to taking oil from a burning lamp on Shabbat, because it causes the flame to be extinguished faster. **However, an earthenware tube that is disgusting, say** that the Rabbis agree with Rabbi Yehuda that there is no room for concern, and even according to their opinion it would be permitted. **And, conversely, had** the Gemara only taught us the prohibition of an earthenware tube, I would have said that, specifically in that case, **Rabbi Yehuda says** that one is permitted to do so because it is disgusting, as explained above; **however, in that case of the eggshell that is not disgusting, say** that he agrees with the Rabbis that it is prohibited. **And had** the Gemara taught us only those two cases of the eggshell and the earthenware tube, I would have said that, specifically in those cases, **Rabbi Yehuda said** that it is permitted because there is no separation between the lamp and the second receptacle. **However, in the case of a bowl, which is separate, say** that he agrees with the Rabbis that it is prohibited. **And, conversely, had** the Gemara only taught us in that case of the added bowl, I would have said that only in that case did the Rabbis say it is prohibited because it is separate. **However, in these two cases of the eggshell and the ceramic tube, I would say** that the Rabbis agree with Rabbi Yehuda and permit doing so. Therefore, it was necessary for the mishna to specifically state the *halakha* in each of the cases cited.

”ואם חברה היוצר מתחלה מותר וכו’.” תנא: אם חברה בסיד ובחרסית - מותר, והאנן יוצר תנן! מאי יוצר - בעין יוצר.

And we also learned in our mishna that if the craftsman attached the tube to the lamp from the outset, it is permitted to fill it with oil and use it. It was taught in a *baraita* that even if a homeowner attached it to the vessel before Shabbat by means of plaster or with dry potter's clay, it is permitted. The Gemara asks: Didn't we specifically learn in the mishna: If the craftsman attached it from the outset, not a layman? The Gemara answers: What is the meaning of craftsman in the mishna? It refers to any attachment similar to the attachment of the craftsman.

תנא, אמר רבי יהודה: פעם אחת שבתנו בעליית בית נתזה בלוד והביאו לנו שפופרת של ביצה ומלאנוה שמן ונקבנוה והנחנוה על פי הגר והיה שם רבי טרפון וקננים ולא אמרו לנו דבר. אמרו לו: משם ראיה? שאני בית נתזה דרזין הן.

With regard to the dispute between Rabbi Yehuda and the Rabbis, it was taught in a *baraita* that Rabbi Yehuda said to the Rabbis: **One time we spent our Shabbat in the upper story of the house of Nit'za in the city of Lod. And they brought us an eggshell, and we filled it with oil, and pierced it, and left it over the lamp in order to extend its burning. And Rabbi Tarfon and other Elders were there and they did not say anything to us.** Apparently, there is no prohibition. The Rabbis said to him: Do you bring proof from there?⁸ The legal status of the Elders who were sitting in the house of Nit'za is different. They are vigilant. There is no room for concern lest they use the oil in the eggshell and accelerate the extinguishing of the lamp. However, in every other circumstance, doing so is prohibited.

אבין ציפורא גר ספסלא בעיליתא דשישא לעילא מרבי יצחק בן אלעזר, אמר ליה: אי שתוקי לך כדשתיקו ליה חבריא לרבי יהודה נפיק מיניה חורבא: גזירה עליתא דשישא אטו עליתא דעלמא.

The Gemara relates: **Avin from the city of Tzipori dragged a bench in an upper story, whose floor was made of marble, before Rabbi Yitzhak ben Elazar. Rabbi Yitzhak ben Elazar said to him: If I remain silent and say nothing to you, as Rabbi Tarfon and the members of the group of Elders were silent and said nothing to Rabbi Yehuda, damage will result, as it will lead to unfounded leniency in the future. Had they told Rabbi Yehuda at that time that it is prohibited to puncture the eggshell, he would not have disagreed with the Rabbis. He would not have mistakenly derived a general leniency. So too, here the Sages issued a decree on a marble-floored upper story due to a standard upper story with an earth floor. One who drags a bench on an earth floor will create a furrow.**

ריש בנישתא דבצרה גר ספסלא לעילא מרבי ירמיה רבה, אמר ליה: במאן - ברבי שמעון? אימר דאמר רבי שמעון בגדולים, דלא אפשר בקטנים מי אמר? ופליגא דעולא. דאמר עולא: מחלוקת - בקטנים, אבל בגדולים - דברי הכל מותר.

On the topic of dragging, the Gemara relates that **the Head of the Keneset⁸ of Batzra dragged a bench before Rabbi Yirmeya the Great on Shabbat. Rabbi Yirmeya said to him: In accordance with whose opinion do you permit yourself to drag a bench on Shabbat? Is it in accordance with the opinion of Rabbi Shimon? Say that Rabbi Shimon said his statement specifically with regard to large benches that are impossible to move from place to place in any other way, but in the case of small benches did he say that one is permitted to drag them? And this disagrees with the opinion of Ulla, as Ulla said: The dispute with regard to dragging is in the case of small benches; however, in the case of large benches, everyone agrees that one is permitted to drag them, as there is no other way to move them.**

BACKGROUND

Do you bring proof from there - משם ראיה: This common phrase is employed when one seeks to reject a proof from a certain source. It indicates that there is a significant difference between the case under discussion and the source cited as proof.

ריש בנישתא - ריש בנישתא: The Head of the *Keneset* was the title given to a significant leader in the Jewish community. The Head of the *Keneset* was in charge of all synagogue matters, honors, and appointments. In Jewish communities in the Diaspora, the Head of the *Keneset* was apparently the head of the local Jewish community. There was a Head of the *Keneset* in the Temple, who was subject to the authority of the Deputy High Priest.

Clothing merchants, etc. – מוכרי כסות וכו' – Merchants who sell clothing made from the prohibited mixture of wool and linen are permitted to don those garments that are for sale in the usual manner, as long as they do not intend to derive benefit from them (Rambam *Sefer Zera'im, Hilkhoh Kilayim* 10:16; *Shulhan Arukh Yoreh De'a* 301: 6).

When one does not intend, Rabbi Shimon permits – לא מתכוין שרי רבי שמעון – It is permitted *ab initio* to perform an action on Shabbat from which a prohibited labor may ensue as long as one does not intend to perform the labor, in accordance with the opinion of Rabbi Shimon. This does not apply when the prohibited consequence is inevitable (Rambam *Sefer Zemanim, Hilkhoh Shabbat* 1:5; *Shulhan Arukh, Orah Hayyim* 337:1).

One who extinguishes the lamp, etc. – המכבה את – One is permitted *ab initio* to extinguish a lamp on Shabbat to enable a critically ill person to sleep, or due to danger posed by gentiles or thieves, as per the mishna and the explanation of the Gemara. That is only the case where the possibility of moving the sick person, covering the light source, or moving the lamp to another room does not exist. Despite the fact that the lamp is set-aside, it is preferable to move it rather than violate the Torah prohibition of extinguishing a flame on Shabbat (Rambam *Sefer Zemanim, Hilkhoh Shabbat* 2:2; *Shulhan Arukh, Orah Hayyim* 278:1).

מתביב רב יוסף. רבי שמעון אומר: גורר אדם מטה כסא וספסל ובלבד שלא יתכוין לעשות חריץ. קתני גדולים וקתני קטנים, קשיא לתרווייהו!

עולא מתרץ לטעמיה, ורבי ירמיה רבה מתרץ לטעמיה. עולא מתרץ לטעמיה: מטה דומיא דכסא. ורבי ירמיה רבה מתרץ לטעמיה: כסא דומיא דמטה.

מתביב רבה: מוכרי כסות מוכרין כדרבן, ובלבד שלא יתכוין בחמה מפני החמה ובגשמים מפני הגשמים, והצנועין מפשילין במקל לאחוריהן. והא הכא, דאפשר למיעבד בצנועין דכי קטנים דמי, וכי לא מתכוין – שרי רבי שמעון לכתחלה! תיובתא דרבי ירמיה רבה! תיובתא.

מתני' המכבה את הנר מפני שהוא מתירא מפני גוים ומפני ליסטים, מפני רוח רעה, מפני החולה שישן – פטור. כחם על הנר, כחם על השמן, כחם על הפתילה – חייב. רבי יוסי פוטר בכולן, חוץ מן הפתילה, מפני שהוא עושה פחם.

Rav Yosef raised an objection from what was taught in a *baraita*, Rabbi Shimon says: One may drag a bed, a chair, and a bench across the floor on Shabbat even though it creates a furrow, as long as he does not intend to create a furrow. This *baraita* teaches about large objects, like a bed, and teaches about small objects, like a chair. If so, this is difficult for both Rabbi Yirmeya the Great and for Ulla. Rabbi Yirmeya holds that Rabbi Shimon prohibits dragging even small furniture. Ulla holds that even Rabbi Yehuda permits dragging large pieces of furniture. According to his opinion, there is no need for Rabbi Shimon to state that it is permitted.

The Gemara answers that Ulla reconciles the objection in accordance with his reasoning and Rabbi Yirmeya the Great reconciles the objection in accordance with his reasoning. The Gemara explains: Ulla reconciles the objection in accordance with his reasoning: A bed, similar to a chair; the *baraita* is referring here to a small bed that can be carried like a chair, with regard to which there is a dispute between Rabbi Shimon and Rabbi Yehuda. And Rabbi Yirmeya the Great reconciles the objection in accordance with his reasoning: A chair, similar to a bed; the *baraita* is referring to dragging a heavy chair that cannot be moved in any other way.

Rabba raised an objection to Rabbi Yirmeya's statement from that which we learned in a mishna: Clothing merchants^h who sell garments made of diverse kinds, a prohibited mixture of wool and linen, may sell them as they normally wouldⁿ to gentiles, and they may place the garments that they are selling on their shoulders and need not be concerned about the prohibition against wearing diverse kinds, as long as the merchant does not intendⁿ to benefit from the garments in the sun as protection from the sun, or in the rain as protection from the rain. However, the modest people, those who are particularly fastidious in performing mitzvot, would suspend the wool and linen garments on a stick behind them. And here, in the case of dragging benches, where it is possible to act like the modest people, as the clothes are similar to small benches, and nevertheless, when one does not intend to perform the prohibited action, Rabbi Shimon permits^h dragging even *ab initio*. Rabbi Shimon holds that one who does not intend to violate a prohibition need not take an alternative course of action due to concern that resulting from his action, the prohibited act might come to be performed. Based on that principle, it is clear that Rabbi Shimon would permit dragging small benches since one does not intend to create a furrow in dragging them. This is a **conclusive refutation** of the statement of Rabbi Yirmeya the Great, who held that dragging small objects is prohibited according to Rabbi Shimon. The Gemara concludes: Indeed, it is a **conclusive refutation**.

MISHNA One who extinguishes the lamp^h on Shabbat because he is afraid due to gentiles, from whom he is hiding in his home, and due to thieves, or if one is afraid due to an evil spirit, i.e., he is depressed and prefers sitting in the dark, or if he extinguished the flame due to the sick person so that he will sleep, he is exempt. However, in a case where he extinguishes the flame in order to spare the lamp, spare the oil, or spare the wick, he is liable. Rabbi Yosei exempts him in all of those cases, as in his opinion no labor prohibited by Torah law is being performed by extinguishing the flame, except for the case where he seeks to spare the wick. Only in that case is extinguishing a creative action because he makes the wick into charcoal by extinguishing the flame.

NOTES

Clothing merchants may sell them as they normally would, etc. – מוכרי כסות מוכרין כדרבן וכו': Some question Rabbi Shimon's opinion: Doesn't the one wearing a garment fashioned from a prohibited mixture of the diverse kinds of wool and linen benefit from wearing it? This is, then, an inevitable consequence [*pesik reishei*] and Rabbi Shimon holds that one is liable in that case. The Gemara was sensitive to that problem and that is why it limited Rabbi Shimon's ruling to a case where the merchant was wearing other clothing to protect himself from the elements. In that case, he derives no benefit from the additional, prohibited garment (Rashba).

As long as he does not intend, etc. – ובלבד שלא יתכוין וכו': In

general, a person's intent plays a significant role in the *halakhot* of Shabbat. Indeed, a prohibited labor performed without intent is not considered a labor by Torah law. Rabbi Shimon's opinion, with regard to all cases of Torah law, is that one's intention is the decisive factor in determining whether or not the action is prohibited. In his opinion, one who does not intend to perform an action, and it ensued unintended, is not responsible for that action and he is even permitted to perform the action *ab initio*. However, there is one caveat to this approach: The prohibited consequence of his action must be only one of several possible results and not an inevitable consequence. If it were inevitable, he would not be able to claim that it was not his intention to perform the action.

גמ' מִדְּקָתַי סִיפָא 'חַיִּיב' – שְׁמַע מִינָהּ רַבִּי יְהוּדָה הִיא. רִישָׁא בְּמַאי עָסִיקְנָא? אִי בְּחֻלָּה שְׁיִישׁ בּוֹ סַכְנָה – מוֹתֵר' מִיבְעִי לֵיהּ! וְאִי בְּחֻלָּה שְׂאִין בּוֹ סַכְנָה – חַיִּיב חֲטָאת' מִיבְעִי לֵיהּ!

GEMARA From the fact that it was taught in the latter clause of the mishna that one who extinguishes a flame on Shabbat is liable, conclude from it that this mishna is in accordance with the opinion of Rabbi Yehuda, who holds that one who performs a prohibited labor on Shabbat is liable to bring a sin-offering even if it is a labor that is not necessary for its own sake [*melakha she'eina tzerikha legufa*]. In the mishna, one does not extinguish the flame to achieve the product produced by extinguishing it. He does so to prevent the light from shining. If so, with what is the first clause of the mishna dealing? If it is referring to one who extinguished the flame due to a critically ill person, the term exempt is imprecise. It should have said permitted, as it is permitted even *ab initio* to perform a prohibited labor on Shabbat in a case of danger. And if it is speaking about a non-critically ill person, why is one who extinguished the flame exempt? It should have said that one is liable to bring a sin-offering.

לְעוֹלָם בְּחֻלָּה שְׁיִישׁ בּוֹ סַכְנָה, וּבְדִין הוּא דְלִיתַיְנִי מוֹתֵר', וְאִיִּדִי דְבְעִי לְמַתְנִי סִיפָא 'חַיִּיב' – תִּנְא נְמִי רִישָׁא 'פְּטוֹר'. וְהִדְתַּיְנִי רַבִּי אוֹשְׁעִינָא: "אִם בְּשִׁבְלִי חֻלָּה שְׁיִישׁ – לֹא יִכְבֶּה, וְאִם כִּבֶּה – פְּטוֹר אֲבָל אֶסוּר" – הִיא בְּחֻלָּה שְׂאִין בּוֹ סַכְנָה, וְרַבִּי שְׁמַעוֹן הִיא.

The Gemara replies: Actually, the first clause was referring to a critically ill person, and it should have taught that it is permitted. And since the latter clause of the mishna had to teach that one is liable, in the first clause too, it taught employing the opposite term, exempt, so that the mishna would maintain stylistic uniformity. The *halakha* is, indeed, that not only is one exempt if he extinguished a light for a critically ill person, it is even permitted to do so *ab initio*. The Gemara asks: What of that which Rabbi Oshaya taught: If one wants to extinguish a flame on Shabbat for a sick person so he can sleep, he may not extinguish it, and if he extinguished it, he is not liable after the fact, but *ab initio* he is prohibited to do so? The Gemara answers: This is not similar, as that *baraita* is referring to a non-critically ill person and it is in accordance with the opinion of Rabbi Shimon, who said that one who performs a prohibited labor not necessary for its own sake is exempt. Our mishna is referring to a critically ill person.

שְׂאוּל שְׂאִילָהּ זֶה לְעִילָא מְרַבִּי תַנְחוּם דְּמִן גַּוִּי: מַהוּ לְכַבּוֹת בּוֹצִינָא דְנִוְרָא מִקְמִי בְּאִישָׁא בְּשִׁבְתָּא? פִּתַח וְאָמַר: אֲנִי שְׁלֹמֹה, אֵן חֲכַמְתֶּךָ אֵן סוֹכְלִתְנוּתֶךָ! לֹא דִיִּךְ שְׁדַבְרִיךָ סוֹתְרִין דְּבְרִי דְּוֹד אָבִיךָ אֵלָא שְׁדַבְרִיךָ סוֹתְרִין זֶה אֵת זֶה! דְּוֹד אָבִיךָ אָמַר: "לֹא הִמְתִּים יְהִלְלוּ יְהוָה" וְאֵת אֲמַרְתָּ: "וְשִׁבַּח אֲנִי אֵת הַמֵּתִים שְׁכַבְרִי מִתּוֹ", וְחֻזְרָת וְאֲמַרְתָּ: "כִּי לְכַלֵּב חַי הוּא טוֹב מִן הָאֲרִיזָה הַמֵּת!"

The Gemara relates: This question was asked before Rabbi Tanḥum^N from the village of Nevi: What is the ruling with regard to extinguishing a burning lamp before a sick person on Shabbat? The Gemara relates that Rabbi Tanḥum delivered an entire homily^B touching upon both aggadic and halakhic materials surrounding this question. He began and said: You, King Solomon, where is your wisdom, where is your understanding? Not only do your statements contradict the statements of your father David, but your statements even contradict each other. Your father David said: "The dead praise not the Lord, neither any that go down into silence" (Psalms 115:17); and you said: "And I praised the dead that are already dead more than the living that are yet alive" (Ecclesiastes 4:2). And then again you said: "For a living dog is better than a dead lion" (Ecclesiastes 9:4). These are different assessments of life and death.

לֹא קִשְׂיָא, הָא דְקָאָמַר דְּוֹד: "לֹא הִמְתִּים יְהִלְלוּ יְהוָה" הֲכִי קָאָמַר: לְעוֹלָם יַעֲסוֹק אָדָם בְּתוֹרָה וּבְמִצְוֹת קוֹדֶם שְׁיִמּוּת, שְׁכִיִן שְׁמַת – בְּטַל מִן הַתּוֹרָה וּמִן הַמִּצְוֹת, וְאִין לְהַקְדוּשׁ בְּרוּךְ הוּא שְׁבַח בּוֹ, וְהִינּוּ דְאָמַר רַבִּי יוֹחָנָן, מַאי דְכַתְּבִיב: "בְּמִתִּים חֲפְשִׁי" – בֵּין שְׁמַת אָדָם נַעֲשֶׂה חֲפְשִׁי מִן הַתּוֹרָה וּמִן הַמִּצְוֹת.

He resolved the contradictions in the following manner: This is not difficult. That which David said: "The dead praise not the Lord," this is what he is saying: A person should always engage in Torah and mitzvot before he dies, as once he is dead he is idle from Torah and mitzvot and there is no praise for the Holy One, Blessed be He, from him. And that is what Rabbi Yoḥanan said: What is the meaning of that which is written: "Set free among the dead, like the slain that lie in the grave, whom You remember no more" (Psalms 88:6)? When a person dies he then becomes free of Torah and mitzvot.

NOTES

לְעִילָא מְרַבִּי – Before Rabbi Tanḥum: This is a common phrase in the Talmud, which literally means above Rabbi Tanḥum. Some understand it as a figure of speech meaning that the student was standing before Rabbi Tanḥum (see Rashi). Elsewhere, Rashi explains that this expression was based on the prevailing circumstances. The Sage would sit and teach and the one posing a question would stand. Consequently, the student actually asked his question while standing above Rabbi Tanḥum, corresponding to the literal meaning of the phrase.

BACKGROUND

The teaching of Rabbi Tanḥum – דְּרִשְׁתָּ רַבִּי תַנְחוּם: This style of teaching, which opens with a halakhic question and proceeds to deal extensively with *aggada* and ethical teachings, only to conclude with a *halakha*, is typical of the teachings of the Sages beginning with the generation of Rabbi Tanḥum. Here, the Gemara presents a complete homiletic interpretation of

a Sage with all the external trappings, including the surprising question to King Solomon: Where is your wisdom, where is your understanding? This style was especially common in Eretz Yisrael and in the aggadic midrash *Yelamdenu*, as well as *Midrash Tanḥuma*, which is attributed to Rabbi Tanḥum. In those two anthologies of midrash, the halakhic question

opens with the words: Teach us, our Rabbi [*yelamdenu rabbeinu*], switches to an aggadic discussion, and ultimately returns to a halakhic conclusion. The *She'iltot* of Rav Aḥai Gaon was also influenced by this style of presentation. This tradition was also preserved in the teachings of the Sages in many Jewish communities.

Moses our teacher issued several decrees and instituted several ordinances – *משֶׁה רִבִּיעַ גֹּר כְּמֹה גְזִירוֹת וְתִיקֵן* – *כְּמֹה תִקְנֵת*: This is not referring to the contents of the Torah itself, which are not attributable to Moses. Rather, it is referring to ordinances that he instituted on his own, e.g., public Torah reading, blessings, the order of the priestly watches, etc. (see Rashi and Rav Nissim Gaon).

Gates – *שַׁעֲרִים*: *Midrash Tanhuma* explains that the width of the entrance to the Holy of Holies was identical to the width of the Holy Ark and the cherubs. This situation is described metaphorically as: The gates clung together. Since the Holy Ark could not enter by natural means, Solomon prayed, a miracle occurred, and the Holy Ark entered the Holy of Holies.

Twenty-four songs of praise – *עֲשָׂרִים*: It is explained in *Midrash Rabba* that the twenty-four songs correspond to the twenty-four verses of praise that precede this verse in Solomon's prayer.

וְדַקְאֵמֵר שְׁלֹמֹה וְשִׁבַּח אֲנִי אֶת הַמֵּתִים שְׁכָבְרֵי מֵתֵי – שֶׁשֶׁבַחְטָאוֹ יִשְׂרָאֵל בְּמִדְבַר עַמְד מִשֶּׁה לִפְנֵי הַקְּדוֹשׁ בְּרוּךְ הוּא, וְאָמַר כְּמֹה תִפְלוֹת וְתַחֲנוּנִים לִפְנֵי וְלֹא נִעֲנָה, וְכִשְׁאָמַר וְזָכֹר לְאַבְרָהָם לְיִצְחָק וְלְיִשְׂרָאֵל עַבְדֶּיךָ – מִיָּד נִעֲנָה, וְלֹא יָפָה אָמַר שְׁלֹמֹה וְשִׁבַּח אֲנִי אֶת הַמֵּתִים שְׁכָבְרֵי מֵתֵי? דְּבַר אַחֵר: מִנְהַגוֹ שֶׁל עוֹלָם, שֶׁר בְּשָׂר וְדָם גֹּזֵר גֹּזֵרָה סִפֵּק מִקְיָמִין אוֹתָהּ סִפֵּק אֵין מִקְיָמִין אוֹתָהּ, וְאִם תִּמְצֵי לֵאמֹר מִקְיָמִין אוֹתָהּ – בְּחַיֵּי מִקְיָמִין אוֹתָהּ, בְּמִתוֹת – אֵין מִקְיָמִין אוֹתָהּ. וְאֵילוֹ מִשֶּׁה רִבִּיעַ, גֹּר כְּמֹה גְזִירוֹת וְתִיקֵן כְּמֹה תִקְנֵת, וְקִיּוּמוֹת הֵם לְעוֹלָם וְלְעוֹלָמֵי עוֹלָמִים. וְלֹא יָפָה אָמַר שְׁלֹמֹה וְשִׁבַּח אֲנִי אֶת הַמֵּתִים וְגו'?

דְּבַר אַחֵר: וְשִׁבַּח אֲנִי וְגו' – כְּדָרַב יְהוּדָה אָמַר רַב, דְּאָמַר רַב יְהוּדָה אָמַר רַב: מֵאֵי דְכָתִיב עֲשֵׂה עִמִּי אוֹת לְטוֹבָה וְיִרְאוּ שׁוֹנְאֵי וְיִבּוֹשׂוּ – אָמַר דָּוִד לִפְנֵי הַקְּדוֹשׁ בְּרוּךְ הוּא: רְבוּנוֹ שֶׁל עוֹלָם, מַחֲוֵל לִי עַל אוֹתוֹ עוֹן! אָמַר לוֹ: מַחֲוֵל לָךְ. אָמַר לוֹ: עֲשֵׂה עִמִּי אוֹת בְּחַיֵּי! אָמַר לוֹ: בְּחַיֶּיךָ אֵינִי מוֹדִיעַ, בְּחַיֵּי שְׁלֹמֹה בְּנֶךְ אֲנִי מוֹדִיעַ.

כְּשֶׁבְנָה שְׁלֹמֹה אֶת בֵּית הַמִּקְדָּשׁ בִּיקֵשׁ לְהַכְנִים אֶרְוֹן לְבֵית קִדְשֵׁי הַיְקָדְשִׁים, דְּבָקוּ שַׁעֲרִים זֶה בָּזֶה. אָמַר שְׁלֹמֹה עֲשֵׂרִים וְאַרְבָּעָה רִנָּנוֹת וְלֹא נִעֲנָה. פָּתַח וְאָמַר: שְׂאוּ שַׁעֲרֵי רְאִשֵׁיכֶם וְהִנְשְׂאוּ פִתְחֵי עוֹלָם וְיָבֹא מֶלֶךְ הַכְּבוֹד רְהִטוּ בְּתַרְיָה לְמִיבֻלְעִיָה, אָמְרוּ: מִי הוּא זֶה מֶלֶךְ הַכְּבוֹד? אָמַר לָהֶם: ה' עֲזוּ וְגִבּוֹרוּ. תּוֹר וְאָמַר: שְׂאוּ שַׁעֲרֵי רְאִשֵׁיכֶם וְשְׂאוּ פִתְחֵי עוֹלָם וְיָבֹא מֶלֶךְ הַכְּבוֹד. מִי הוּא זֶה מֶלֶךְ הַכְּבוֹד ה' עֲבָאוֹת הוּא מֶלֶךְ הַכְּבוֹד סֵלָה וְלֹא נִעֲנָה. בֵּין שְׂאָמְרוּ: ה' אֱלֹהִים אֵל תָּשֵׁב פָּנֵי מִשְׁיַחְךָ זְכַרְהָ לְחִסְדֵי דָוִד עַבְדְּךָ – מִיָּד נִעֲנָה. בְּאוֹתָהּ שָׁעָה נִהַפְכוּ פָּנֵי כָל שׁוֹנְאֵי דָוִד כְּשׁוֹלֵי קְדִירָה, וְיָדְעוּ כָּל הָעָם וְכָל יִשְׂרָאֵל שֶׁמַּחֲל לֹו הַקְּדוֹשׁ בְּרוּךְ הוּא עַל אוֹתוֹ עוֹן. וְלֹא יָפָה אָמַר שְׁלֹמֹה: וְשִׁבַּח אֲנִי אֶת הַמֵּתִים שְׁכָבְרֵי מֵתֵי!?

וְהֵינּוּ דְכָתִיב: בַּיּוֹם הַשְּׁמִינִי שִׁלַּח אֶת הָעָם וְיִבְרְכוּ אֶת הַמֶּלֶךְ וְיִלְכוּ לְאַהֲלֵיהֶם שְׂמֵחִים וְטוֹבֵי לֵב עַל כָּל הַטּוֹבָה אֲשֶׁר עָשָׂה ה' לְדָוִד עַבְדּוֹ וְלְיִשְׂרָאֵל עַמּוֹ: יִלְכוּ לְאַהֲלֵיהֶם – שְׂמֵצָאוֹ נְשׁוֹתֵיהֶן בְּטָהֳרָה. שְׂמֵחִים – שְׁנֵהֲנוּ מִזִּוּי הַשְּׂכִינָה. וְטוֹבֵי לֵב – שְׁנֵתְעַבְרוּ נְשׁוֹתֵיהֶן שֶׁל כָּל אֶחָד וְאֶחָד וְיִלְדָה זָכָר. עַל כָּל הַטּוֹבָה אֲשֶׁר עָשָׂה ה' לְדָוִד עַבְדּוֹ (וְלְיִשְׂרָאֵל עַמּוֹ, לְדָוִד עַבְדּוֹ) – שְׂמַחֲל לֹו עַל אוֹתוֹ עוֹן, וְלְיִשְׂרָאֵל עַמּוֹ – דְּאֲחִיל לָהֶו עוֹן דְּיוֹם הַכְּפּוּרִים.

And that which Solomon said: “And I praised the dead that are already dead”; he was not speaking of all dead people, but rather in praise of certain dead people. As when Israel sinned in the desert, Moses stood before the Holy One, Blessed be He, and he said several prayers and supplications before Him, and his prayers were not answered. And when he said: “Remember Abraham, Isaac, and Israel, Your servants” (Exodus 32:13), his prayers were answered immediately. Consequently, did Solomon not speak appropriately when he said: “Wherefore I praised the dead that are already dead”? Certainly the merit of the deceased forefathers is greater than that of the righteous people who are alive. Alternatively, the way of the world is such that when a flesh-and-blood prince issues a decree on the public it is uncertain whether they fulfill it and uncertain whether they do not fulfill it. And even if you want to say that they fulfill it, it is only during his lifetime that they fulfill it; after he dies they do not fulfill it. But Moses our teacher issued several decrees and instituted several ordinances,^N and they are in effect forever and ever. And, if so, is it not appropriate that which Solomon said: “Wherefore I praised the dead that are already dead”?

Alternatively, another explanation is given for the verse: “And I praised the dead that are already dead,” is in accordance with that which Rav Yehuda said that Rav said. As Rav Yehuda said that Rav said: What is the meaning of the verse that was written: “Work on my behalf a sign for good; that they that hate me may see it, and be put to shame” (Psalms 86:17)? David said before the Holy One, Blessed be He: Master of the Universe, forgive me for that sin in the matter of Bathsheba. He said to him: It is forgiven you. David said to Him: Show me a sign in my lifetime so that all will know that You have forgiven me. God said to him: In your lifetime I will not make it known that you were forgiven; however, in the lifetime of your son Solomon I will make it known.

When Solomon built the Temple and sought to bring the Ark into the Holy of Holies, the gates^N clung together and could not be opened. Solomon uttered twenty-four songs of praise,^N as in his prayer there are twenty-four expressions of prayer, song, etc. (I Kings 8), and his prayer was not answered. He began and said: “Lift up your heads, O you gates, and be you lifted up, you everlasting doors; that the King of glory may come in” (Psalms 24:7). Immediately, the gates ran after him to swallow him, as they thought that in the words: “King of glory” he was referring to himself, and they said to him: “Who is the King of glory?” (Psalms 24:8). He said to them: “The Lord strong and mighty, the Lord mighty in battle” (Psalms 24:8). And he said again: “Lift up your heads, O you gates, yea, lift them up, you everlasting doors; that the King of glory may come in. Who then is the King of glory? The Lord of hosts; He is the King of glory. Selah” (Psalms 24:9–10), and he was not answered. When he said: “O Lord God, turn not away the face of Your anointed; remember the good deeds of David Your servant” (II Chronicles 6:42), he was immediately answered, and a fire descended from Heaven (II Chronicles 7:1). At that moment, the faces of all of David's enemies turned dark like the charred bottom of a pot. And all of Israel knew that the Holy One, Blessed be He, forgave him for that sin. And if so, is it not appropriate what Solomon said: “And I praised the dead that are already dead,” David, more than the living, Solomon, to whose request to open the gates of the Temple God did not respond?

And that is what is written: “On the eighth day he sent the people away, and they blessed the king, and went unto their tents joyful and glad of heart for all the goodness that the Lord had shown unto David His servant and to Israel His people” (I Kings 8:66). The Gemara explains: And went unto their tents, in accordance with the common expression: One's house is his wife. It is explained that when they returned home they found their wives ritually pure from the ritual impurity of menstruation. Joyful means that they enjoyed the aura of the Divine Presence at the dedication of the Temple. And glad of heart means that the wife of each and every one of them was impregnated and gave birth to a male. The verse continues: For all the goodness that the Lord had shown unto David His servant and to Israel His people. Unto David His servant means that at that opportunity they all saw that God forgave him for that sin. And to Israel His people means that He forgave them for the sin of Yom Kippur, as they did not fast that year (see I Kings 8:65).

וּדְקָאֵר מִרְבֵּי שְׁלֹמֹה: "כִּי לְכָלֵב חַי הוּא טוֹב מִן הָאֲרִיָּה וְהַמֵּת" – כְּדָרְבַּי יְהוּדָה אָמַר רַב, דָּאֵמַר רַב יְהוּדָה אָמַר רַב: מֵאֵי דְכִתְיִב: "הוֹדִיעַנִי ה' קֶצֶי וּמִדַּת יָמַי מַה הִיא אֲדַעָה מַה חֲדָל אָנִי", אָמַר דּוֹד לְפָנַי הַקְדוּשׁ בְּרוּךְ הוּא: רְבוּנוּ שֶׁל עוֹלָם, "הוֹדִיעַנִי ה' קֶצֶי! אָמַר לוֹ: גִּזְרָה הִיא מִלְּפָנַי שְׂאִין מוֹדִיעִין קֶצֶוּ שֶׁל בֶּשֶׂר וְדָם. "וּמִדַּת יָמַי מַה הִיא?" גִּזְרָה הִיא מִלְּפָנַי שְׂאִין מוֹדִיעִין מִדַּת יָמָיו שֶׁל אָדָם. "וְאֲדַעָה מַה חֲדָל אָנִי", אָמַר לוֹ: כִּבְר בְּשַׁבַּת תָּמוֹת. אָמוֹת בְּאֶחָד בְּשַׁבָּת! אָמַר לוֹ: כִּבְר הַגִּיעַ מַלְכוּת שְׁלֹמֹה בְנֵךְ, וְאִין מַלְכוּת נֹאֲגַעַת בְּחִבְרָתָהּ אֲפִילוֹ כְּמֵלָא נִימָא. אָמוֹת בְּעָרְב שַׁבָּת! אָמַר לוֹ: "כִּי טוֹב יוֹם בְּחִצְרֵיךְ מֵאֲלָף" טוֹב לִי יוֹם אֶחָד שְׂאֵתָהּ וְיֹשֵׁב וְעוֹסֵק בְּתוֹרָה מֵאֲלָף עוֹלוֹת שְׂעֵתֵיךְ שְׁלֹמֹה בְנֵךְ לְהִקְרִיב לְפָנַי עַל גְּבֵי הַמִּזְבֵּחַ.

The Gemara continues: **And that which Solomon said: "For a living dog is better than a dead lion" (Ecclesiastes 9:4), is in accordance with that which Rav Yehuda said that Rav said. As Rav Yehuda said that Rav said: What is the meaning of that verse which David said: "Lord, make me to know my end, and the measure of my days, what it is; let me know how short-lived I am" (Psalms 39:5)? It means that David said before the Holy One, Blessed be He: Master of the Universe, Lord, make me to know my end; in how long will I die? God said to him: It is decreed before Me that I do not reveal the end of the life of flesh and blood. He asked further: And the measure of my days; on what day of the year will I die? He said to him: It is decreed before Me not to reveal the measure of a person's days. Again he requested: Let me know how short-lived I am; on what day of the week will I die? He said to him: You will die on Shabbat. David requested of God: Let me die on the first day of the week so that the honor of Shabbat will not be tarnished by the pain of death. He said to him: On that day the time of the kingdom of your son Solomon has already arrived, and one kingdom does not overlap with another and subtract from the time allotted to another even a hairbreadth. He said to him: I will cede a day of my life and die on Shabbat eve. God said to him: "For a day in your courts is better than a thousand" (Psalms 84:11); a single day in which you sit and engage in Torah is preferable to Me than the thousand burnt-offerings that your son Solomon will offer before Me on the altar (see I Kings 3:4).**

Perek II
Daf 30 Amud b

כָּל יוֹמָא דְשַׁבְּתָא הוּא יְתִיב וְגָרִיס כּוֹלֵי יוֹמָא, הַהוּא יוֹמָא דְבִיעֵי לְמִינַח נַפְשִׁיהָ קָם מִלְּאֲךָ הַמּוֹת קַמִּיהָ וְלֹא יָכִיל לֵיהּ, דְּלֹא הוּא פָּסַק פּוּמִיהָ מִגְּוִרָא. אָמַר: מֵאֵי אֲעָבִיד לֵיהּ? הוּא לֵיהּ בּוֹסְתָנָא אַחוּרֵי בֵיתָהּ, אֲתֵא מִלְּאֲךָ הַמּוֹת סְלִיק וּבְחִישׁ בְּאֵילָנִי, נִפְק לְמִיחוּזֵי. הוּא סְלִיק בְּדַרְגָּא. אִיפְחִית דְּרָגָא מִתּוֹתֵיהּ, אִישְׁתִּיק וְנָח נַפְשִׁיהָ.

What did David do? Every Shabbat he would sit and learn all day long to protect himself from the Angel of Death. On that day on which the Angel of Death was supposed to put his soul to rest, the day on which David was supposed to die, the Angel of Death stood before him and was unable to overcome him because his mouth did not pause from study. The Angel of Death said: What shall I do to him? David had a garden [bustana]¹ behind his house; the Angel of Death came, climbed, and shook the trees. David went out to see. As he climbed the stair, the stair broke beneath him. He was startled and was silent, interrupted his studies for a moment, and died.

שְׁלַח שְׁלֹמֹה לְבֵי מִדְרָשָׁא: אֲבָא מִתּוֹמָא בְּחַמָּה, וְכָלְבִים שְׁל בֵּית אֲבָא רַעֲבִים, מַה אֲעָשֶׂה? שְׁלַחוּ לֵיהּ: חֲתוּךְ נִבְלָה וְהַנַּח לְפָנַי הַכְּלָבִים, וְאֲבִיךָ – הַנַּח עָלָיו כֶּכֶר אוֹ תִינּוֹק וְטִלְטְלוּ. וְלֹא יָפֶה אָמַר שְׁלֹמֹה: "כִּי לְכָלֵב חַי הוּא טוֹב מִן הָאֲרִיָּה הַמֵּת?" וְלַעֲנֵן שְׂאִילָה דְשְׂאִילָנָא קְדַמִּיכוּן: נֵר קְרוּיָה נֵר, וְנִשְׁמָתוֹ שֶׁל אָדָם קְרוּיָה נֵר, מוֹטָב תְּכַבְּהָ נֵר שֶׁל בֶּשֶׂר וְדָם מִפְּנֵי נֵר שֶׁל הַקְדוּשׁ בְּרוּךְ הוּא.

Since David died in the garden, Solomon sent the following question to the study hall: **Father died and is lying in the sun, and the dogs of father's house are hungry.** There is room for concern lest the dogs come and harm his body. What shall I do? **They sent an answer to him: Cut up an animal carcass and place it before the dogs.**^h Since the dogs are hungry, handling the animal carcass to feed them is permitted. **And with regard to your father, it is prohibited to move his body directly. Place a loaf of bread or an infant on top of him, and you can move him^h into the shade due to the bread or the infant. And is it not appropriate what Solomon said: "For a living dog is better than a dead lion."** The ultimate conclusion of this discussion is that life is preferable to death. **And now, with regard to the question that I asked before you; Rav Tanḥum spoke modestly, as, actually, they had asked him the question. A lamp is called ner and a person's soul is also called ner,ⁿ as it is written: "The spirit of man is the lamp [ner] of the Lord" (Proverbs 20:27). It is preferable that the lamp of a being of flesh and blood, an actual lamp, will be extinguished in favor of the lamp of the Holy One, Blessed be He, a person's soul. Therefore, one is permitted to extinguish a flame for the sake of a sick person.**

LANGUAGE

בּוֹסְתָנָא – Garden [bustana] – From the Iranian bōstān, meaning a fragrant place, i.e., a garden or orchard.

NOTES

A lamp is called *ner* and a person's soul is also called *ner* – נֵר קְרוּיָה אָדָם שֶׁל וְנִשְׁמָתוֹ – נֵר קְרוּיָה נֵר: According to the Gemara in tractate *Yoma* (85b), the *halakha* that requires one to perform prohibited labors on Shabbat in order to save human life is not based on this homily. The actual source is the verse that states that the mitzvot of the Torah were given so that one should "live by them" (Leviticus 18:4–5), from which it is inferred that, as a rule, one is not commanded to give his life in order to fulfill a positive mitzva or to avoid violating a prohibition. Since this teaching was presented before an unlearned crowd, it was expounded in a manner that would appeal to a wide audience (Rashi).

HALAKHA

חֲתוּךְ נִבְלָה וְהַנַּח לְפָנַי הַכְּלָבִים – Cut up a carcass and place it before the dogs – On Shabbat, it is permitted to cut up an animal carcass that is difficult for dogs to eat whole, even if the animal died on Shabbat. However, it is prohibited to do so if the dogs are able to eat the carcass uncut (Rambam *Sefer Zemanim, Hilkhot Shabbat* 21:18; *Shulḥan Arukh, Oraḥ Hayyim* 324:7).

available, but one has two beds available, he may move the corpse by continuously rolling it from one bed to the other until he moves it to a more suitable place. If neither of those options is available, he may simply move the corpse.

וְאֲבִיךָ הַנַּח עָלָיו כֶּכֶר אוֹ תִינּוֹק וְטִלְטְלוּ – And with regard to your father, place a loaf of bread or an infant on top of him and move him – On Shabbat, it is permitted to move a corpse that is lying in a place where it might be disgraced by placing upon it a loaf of bread, or an infant, or any other object that may be moved on Shabbat (*Mishna Berura*). If there is neither bread nor an infant

ever, moving a corpse from one domain to another is not permitted under any circumstances (*Shulḥan Arukh*). According to many of the later commentaries, one is permitted to move a corpse into a *karmelit* or even into another domain to prevent dishonoring the dead. Some commentaries add that it is preferable to move the corpse without bread or an infant to minimize that which is being carried from one domain to another on Shabbat (Rambam *Sefer Zemanim, Hilkhot Shabbat* 26:21; *Shulḥan Arukh, Oraḥ Hayyim* 311:1).

The Sages sought to suppress the book of Ecclesiastes – בקשו חכמים לגנוז ספר קהלת: The proposed suppression of Ecclesiastes was not an attempt to repudiate its contents. Rather, the Sages feared that its apparent contradictions would confuse those who study it. Nevertheless, since they found significant Torah content in Ecclesiastes, they made the effort to resolve the contradictions.

HALAKHA

The joy of a mitzva – שמחה של מצוה: The Rambam wrote: The joy of performing mitzvot... is a great service... and there is no greatness and honor other than being joyful before God, as it is stated: "King David leaping and dancing before God" (II Samuel 6:16; see Rambam *Sefer Zemanim, Hilkhos Shofar VeSukka VeLulav* 8:15).

The Divine Presence does rests upon an individual neither from an atmosphere of sadness... but rather from an atmosphere imbued with the joy of a mitzva – שאין שכונה שורה לא מתוך עצבות... אלא מתוך דבר שמחה של מצוה: None of the prophets could prophesy at will. Rather, they would meditate in solitude, focus their thoughts, and fill their hearts with joy. By the same token, the prophetic spirit does not rest upon one who is sad or lazy but only upon one filled with joy. Therefore, the novice prophets would play the drums, lyres, flutes, and harps while the prophets sought to prophesy (Rambam *Sefer HaMadda, Hilkhos Yesodei HaTorah* 7:4).

אמר רב יהודה בריה דרב שמואל בר שילת משמיה דרב: בקשו חכמים לגנוז ספר קהלת מפני שדבריו סותרין זה את זה, ומפני מה לא גנוזוהו – מפני שתחילתו דברי תורה וסופו דברי תורה, תחילתו דברי תורה – דכתיב: "מה יתרון לאדם בכל עמלו שייעמול תחת השמש" ואמרי דבי רבי ינאי: תחת השמש הוא דאין לו קודם שמש – יש לו. סופו דברי תורה – דכתיב: "סוף דבר הכל נשמע את האלהים ירא ואת מצותיו שמור כי זה כל האדם". מאי כ"י זה כל האדם? אמר רבי (אליעזר): כל העולם כולו לא נברא אלא בשביל זה. רבי אבא בר כהנא אמר: שקול זה כנגד כל העולם כולו. שמעון בן עזאי אומר, ואמרי לה שמעון בן זומא אומר: לא נברא כל העולם כולו אלא לצוות לזה.

ומאי דבריו סותרין זה את זה? כתיב: "טוב בעם משחוק" וכתיב: "ולשחוק אמרתי מהלל". כתיב: "ולשמחה אני את השמחה" וכתיב: "ולשמחה מה זה עושה". לא קשיא "טוב בעם משחוק" – טוב בעם שבועים הקדוש ברוך הוא על הצדיקים בעולם הזה, משחוק שמשחק הקדוש ברוך הוא על הרשעים בעולם הזה. "ולשחוק אמרתי מהלל" – זה שחוק שמשחק הקדוש ברוך הוא עם הצדיקים בעולם הבא.

"ולשמחה אני את השמחה" שמחה של מצוה, "ולשמחה מה זה עושה" – זו שמחה שאינה של מצוה. ללמדך שאין שכונה שורה לא מתוך עצבות ולא מתוך עצלות ולא מתוך שחוק ולא מתוך קלות ראש ולא מתוך שיחה ולא מתוך דברים בטלים, אלא מתוך דבר שמחה של מצוה, שנאמר: "ועתה קחו לי מנגון והיה כנגן המנגן ותהי עליו יד ה'". אמר רב יהודה: וכן לדבר הלכה. אמר רבא: וכן לחלום טוב.

איני?! והאמר רב גידל אמר רב: כל תלמיד חכם שישב לפני רבו ואין שפתותיו נוטפות מור – תכוינה, שנאמר: "שפתותיו שושנים נוטפות מור עובר", אל תקרי מור עובר, אלא מור עובר, אל תקרי "שושנים" אלא "שושנים"! לא קשיא, הא – ברבה והא – בתלמיד. ואיבעית אימא: הא והא ברבה, ולא קשיא, הא – מקמי דלפתח, הא – לכתר דפתח. כי הא דרבה, מקמי דפתח להו לרבנן אמר מילתא דבדיחותא, ובדחי רבנן. לסוף יתיב באימתא ופתח בשמעתא.

Since contradictions in Ecclesiastes were mentioned, the Gemara cites additional relevant sources. Rav Yehuda, son of Rav Shmuel bar Sheilat, said in the name of Rav: The Sages sought to suppress the book of Ecclesiastes^h and declare it apocryphal because its statements contradict each other and it is liable to confuse its readers. And why did they not suppress it? Because its beginning consists of matters of Torah and its end consists of matters of Torah. The ostensibly contradictory details are secondary to the essence of the book, which is Torah. The Gemara elaborates: Its beginning consists of matters of Torah, as it is written: "What profit has man of all his labor which he labors under the sun?" (Ecclesiastes 1:3), and the Sages of the school of Rabbi Yannai said: By inference: Under the sun is where man has no profit from his labor; however, before the sun, i.e., when engaged in the study of Torah, which preceded the sun, he does have profit. Its ending consists of matters of Torah, as it is written: "The end of the matter, all having been heard: Fear God, and keep His mitzvot; for this is the whole man" (Ecclesiastes 12:13). With regard to this verse, the Gemara asks: What is the meaning of the phrase: For this is the whole man? Rabbi Eliezer said: The entire world was only created for this person. Rabbi Abba bar Kahana said: This person is equivalent to the entire world. Shimon ben Azzai says and some say that Shimon ben Zoma says: The entire world was only created as companion to this man, so that he will not be alone.

And to the essence of the matter, the Gemara asks: What is the meaning of: Its statements that contradict each other? It is written: "Vexation is better than laughter" (Ecclesiastes 7:3), and it is written: "I said of laughter: It is praiseworthy" (Ecclesiastes 2:2), which is understood to mean that laughter is commendable. Likewise in one verse it is written: "So I commended mirth" (Ecclesiastes 8:15), and in another verse it is written: "And of mirth: What does it accomplish?" (Ecclesiastes 2:2). The Gemara answers: This is not difficult, as the contradiction can be resolved. Vexation is better than laughter means: The vexation of the Holy One, Blessed be He, toward the righteous in this world is preferable to the laughter which the Holy One, Blessed be He, laughs with the wicked in this world by showering them with goodness. I said of laughter: It is praiseworthy, that is the laughter which the Holy One, Blessed be He, laughs with the righteous in the World-to-Come.

Similarly, "So I commended mirth," that is the joy of a mitzva.^h "And of mirth: What does it accomplish?" that is joy that is not the joy of a mitzva. The praise of joy mentioned here is to teach you that the Divine Presence rests upon an individual neither from an atmosphere of sadness, nor from an atmosphere of laziness, nor from an atmosphere of laughter, nor from an atmosphere of frivolity, nor from an atmosphere of idle conversation, nor from an atmosphere of idle chatter, but rather from an atmosphere imbued with the joy of a mitzva.^h As it was stated with regard to Elisha that after he became angry at the king of Israel, his prophetic spirit left him until he requested: "But now bring me a minstrel; and it came to pass, when the minstrel played, that the hand of the Lord came upon him" (II Kings 3:15). Rav Yehuda said: And, so too, one should be joyful before stating a matter of halakha. Rava said: And, so too, one should be joyful before going to sleep in order to have a good dream.

The Gemara asks: Is that so, that one should introduce matters of halakha joyfully? Didn't Rav Giddel say that Rav said: Any Torah scholar who sits before his teacher and his lips are not dripping with myrrh due to fear of his teacher, those lips shall be burnt, as it is stated: "His lips are as lilies, dripping with flowing myrrh [shoshanim notefot mor over]" (Song of Songs 5:13)? He interpreted homiletically: Do not read mor over, flowing myrrh; rather, read mar over, flowing bitterness. Likewise, do not read shoshanim, lilies; rather, read sheshonim, that are studying, meaning that lips that are studying Torah must be full of bitterness. The Gemara explains: This is not difficult, there is no contradiction here, as this, where it was taught that one should introduce matters of halakha joyfully, is referring to a rabbi, and that, where it was taught that one must be filled with bitterness, is referring to a student, who must listen to his teacher with trepidation. And if you wish, say instead that this and that are referring to a rabbi, and it is not difficult. This, where it was taught that he must be joyful, is before he begins teaching, whereas that, where it was taught that he must be filled with bitterness and trepidation, is after he already began teaching halakha. That explanation is like that which Rabba did. Before he began teaching halakha to the Sages, he would say something humorous and the Sages would be cheered. Ultimately, he sat in trepidation and began teaching the halakha.

Your wife is my wife – אִשְׁתִּיךָ אֲשֵׁתִי – The man who came to Rabbi Yehuda Hanasi claimed in the course of a confession that Rabbi Yehuda Hanasi's wife had been unfaithful, and that Rabbi Yehuda Hanasi was not the father of her children. The man who came before Rabbi Hiyya made a similar claim. Although these are very serious charges, the Sages did not consider it proper to argue with those who brought them. Therefore, they found a way to discreetly be rid of these people.

From impudent people and from insolence – מַעְזֵי וּמַעֲזוֹת פְּנִים – In tractate *Kiddushin* (70b), the Sages state that impudence is an indication of tarnished lineage, as one of distinguished lineage is shy and modest. Therefore, impudence became known as a characteristic of a *mamzer*.

Rabban Gamliel and the student – רַבֵּן גַּמְלִיאֵל וְהַתְּלָמִיד – Rabban Gamliel spoke metaphorically when he explained that in messianic times there will be plenty in the world and life will be much easier and more comfortable. However, the student did not understand his metaphors and thought they were to be taken literally. This led the student to challenge Rabban Gamliel with a verse from the Bible. Therefore, the Sages said that Rabban Gamliel acted in accordance with the maxim: Answer a fool according to his folly. Since that student was a fool and asked questions that indicated his lack of understanding, the response was in kind (Rambam's Commentary on the Mishna).

BACKGROUND

Caper bush – צִלְפָּה – The most common species of caper bush in Israel is the thorny caper bush, *Caparis spinosa*, a thorny, deciduous bush that grows to a height of 1.5 m. Its rounded leaves range in color from purple to green and alongside each leaf there is a pair of thorns. The caper has large white flowers, approximately 6 cm in diameter, with purple stamens.

The buds of the caper bush, the *kaprison*, from the Greek *κάππαρις*, *kapparis*, meaning caper bush or fruit of the caper bush, are the buds of flowers that have not yet bloomed. Nowadays, in Provence, Greece, and other Mediterranean countries, the caper-bush is grown primarily for its buds, which are pickled and eaten.

If not harvested, these buds open into new flowers on a daily basis and are then pollinated and wither on that same day. The *evyona*, the ripe berry of the caper bush, is similar in shape to a date or small squash and grows to 6 cm.

The young fronds are apparently the caper bush's young, purple-green branches and their leaves, which in ancient times were pickled and eaten. They are called *shuta* in Aramaic.

Botanically, the fruit of the caper bush is the berry, which even today is generally eaten pickled.



Flower of the caper bush

ואף ספר משלי בקשו לגנוז, שהיו דבריו סותרים זה את זה. ומפני מה לא גנוזוהו – אמרו: ספר קהלת לאו עיינינו ואשכחנו טעמא? הכא נמי ליעינינו. ומאי דבריו סותרים זה את זה – כתוב: “אל תען כסיל באולתו” וכתוב: “ענה כסיל באולתו” לא קשיא, הא – בדברי תורה, הא במילי דעלמא.

כי הא דההוא דאתא לקמיה דרבי, אמר ליה: אשתך אשתי ובנך בני. אמר ליה: רצונך שתשתה כוס של יין? שתה ופקע. ההוא דאתא לקמיה דרבי חייא, אמר ליה: אמך אשתי ואתה בני. אמר ליה: רצונך שתשתה כוס של יין? שתה ופקע. אמר רבי חייא: אהניא ליה צלותיה לרבי דלא לשווייה בני ממזירי. דרבי כי הוה מצלי, אמר: יהי רצון מלפניך ה' אלהינו שתצילני היום מעזי פנים ומעזות פנים.”

בדברי תורה מאי היא? כי הא דיתיב רבן גמליאל וקא דריש: עתידה אשה שתלד בכל יום, שנאמר: “הרה ויולדת יחדיו”. ליגלג עליו אותו תלמיד, אמר: “אין כל חדש תחת השמש!” אמר ליה: בא ואראך דוגמתן בעולם הזה, נפק אחוי ליה תרנגולת.

ותו יתיב רבן גמליאל וקא דריש: עתידים אילנות שמוציאין פירות בכל יום, שנאמר: “ונשא ענף ועשה פרי”, מה ענף בכל יום – אף פרי בכל יום. ליגלג עליו אותו תלמיד, אמר: והכתוב “אין כל חדש תחת השמש!” אמר ליה: בא ואראך דוגמתם בעולם הזה, נפק אחוי ליה צלף.

ותו יתיב רבן גמליאל וקא דריש: עתידה ארץ ישראל שתוציא גלוקסאות וכלי מילת, שנאמר “יהי פסת בר בארץ”. ליגלג עליו אותו תלמיד, ואמר: “אין כל חדש תחת השמש!” אמר ליה: בא ואראך דוגמתן בעולם הזה, נפק אחוי ליה כמיהין ופטיריות, ואכלי מילת – נברא בר קורא.

And, the Gemara continues, the Sages sought to suppress the book of Proverbs as well because its statements contradict each other. And why did they not suppress it? They said: In the case of the book of Ecclesiastes, didn't we analyze it and find an explanation that its statements were not contradictory? Here too, let us analyze it. And what is the meaning of: Its statements contradict each other? On the one hand, it is written: “Answer not a fool according to his folly, lest you also be like him” (Proverbs 26:4), and on the other hand, it is written: “Answer a fool according to his folly, lest he be wise in his own eyes” (Proverbs 26:5). The Gemara resolves this apparent contradiction: This is not difficult, as this, where one should answer a fool, is referring to a case where the fool is making claims about Torah matters; whereas that, where one should not answer him, is referring to a case where the fool is making claims about mundane matters.

The Gemara relates how Sages conducted themselves in both of those circumstances. As in the case of that man who came before Rabbi Yehuda HaNasi and said to him: Your wife is my wife^N and your children are my children, Rabbi Yehuda HaNasi said to him: Would you like to drink a cup of wine? He drank and burst and died. Similarly, the Gemara relates: There was that man who came before Rabbi Hiyya and said to him: Your mother is my wife, and you are my son. He said to him: Would you like to drink a cup of wine? He drank and burst and died. Rabbi Hiyya said with regard to the incident involving Rabbi Yehuda HaNasi: Rabbi Yehuda HaNasi's prayer that his children will not be rendered *mamzerim*, children of illicit relations, was effective for him. As when Rabbi Yehuda HaNasi would pray, he said after his prayer: May it be Your will, O Lord, my God, that You will deliver me today from impudent people and from insolence.^N Insolence, in this case, refers to *mamzerut*. It was due to his prayer that that man burst and was unsuccessful in disparaging Rabbi Yehuda HaNasi's children.

In matters of Torah, what is the case with regard to which the verse said that one should respond to a fool's folly? As in the case where Rabban Gamliel was sitting and he interpreted a verse homiletically: In the future, in the World-to-Come, a woman will give birth every day, as it says: “The woman with child and her that gives birth together” (Jeremiah 31:7), explaining that birth will occur on the same day as conception. A certain student^N scoffed at him and said: That cannot be, as it has already been stated: “There is nothing new under the sun” (Ecclesiastes 1:9). Rabban Gamliel said to him: Come and I will show you an example of this in this world. He took him outside and showed him a chicken that lays eggs every day.

And furthermore: Rabban Gamliel sat and interpreted a verse homiletically: In the future, in the World-to-Come, trees will produce fruits every day, as it is stated: “And it shall bring forth branches and bear fruit” (Ezekiel 17:23); just as a branch grows every day, so too, fruit will be produced every day. A certain student scoffed at him and said: Isn't it written: There is nothing new under the sun? He said to him: Come and I will show you an example of this in this world. He went outside and showed him a caper bush,^B part of which is edible during each season of the year.

And furthermore: Rabban Gamliel sat and interpreted a verse homiletically: In the future, the World-to-Come, Eretz Yisrael will produce cakes and fine wool garments that will grow in the ground, as it is stated: “Let abundant grain be in the land.” A certain student scoffed at him and said: There is nothing new under the sun. He said to him: Come and I will show you an example in this world. He went outside and showed him truffles and mushrooms, which emerge from the earth over the course of a single night and are shaped like a loaf of bread. And with regard to wool garments, he showed him the covering of a heart of palm, a young palm branch, which is wrapped in a thin net-like covering.

A person should always be patient like Hillel, etc. – לעולם
 ואל יהא קפדן בשמאי. מעשה בשני בני
 אדם

To the best of one's ability, one should adopt the trait of patience and humility, distancing himself from arrogance and anger, as per the Gemara's depiction of Hillel (Rambam *Sefer HaMadda*, *Hilkhot Deot* 2:3).

Perek II
 Daf 31 Amud a

NOTES

They said that anyone who will go and aggravate Hillel will take, etc. – אמרו כל מי שילך ויקנט את הלל יטול וכו' – The attempt to provoke Hillel combined several factors, each of which was aggravating. The first was the choice of the day and time. Shabbat eve is a busy time, in general, and the person chose to disturb Hillel while he was washing his hair. Hillel was forced to interrupt his shampoo in order to respond. The second factor was the contemptuous manner in which he addressed Hillel, as if he did not know who Hillel was. Finally, the series of ridiculous questions with inflammatory implications was particularly irritating (Maharsha).

You have asked a significant question – שאלה גדולה שאלת: Hillel's approach was to respond seriously and deliberately to anyone who asked him a question. If the questioner was turned away and embarrassed when asking a frivolous question, he would not return to ask significant questions that required meaningful answers (*Iyyun Ya'akov*).

LANGUAGE

Bleary [*terutot*] – תריות: There are several opinions as to the origin of this word and its meaning. One possibility is that it is a derivative of the Greek verb *δρῦσταιν*, to tear. Another possibility is the Latin *teres*, genitive *teretis*, meaning round.

BACKGROUND

Tadmorians and Africans – תרמודיים ואפריקיים: The Tadmorians are the residents of Tadmor, Palmyra, a city located in the heart of the Syrian desert and visited by sandstorms from time to time.

The Africans mentioned here are apparently the inhabitants of the southern Nile Valley, the swampy regions adjacent to southern Sudan.

Four hundred *zuz* – ארבע מאות זוז: The easiest way to appreciate the value of this sum is by quantifying its buying power. Four hundred *zuz* was approximately four months' salary.

תנו רבנן: לעולם יהא אדם ענוותן כהלל
 ואל יהא קפדן בשמאי. מעשה בשני בני
 אדם

Since the Gemara discussed the forbearance of Sages, who remain silent in the face of nonsensical comments, it cites additional relevant examples. **The Sages taught in a baraita: A person should always be patient like Hillel¹⁴ and not impatient like Shammai.** The Gemara related: There was an incident involving two people

שהמרו זה את זה, אמרו: כל מי שילך
 ויקנט את הלל – יטול ארבע מאות זוז.
 אמר אחד מהם: אני אקניטנו. אותו היום
 ערב שבת היה, והלל חפף את ראשו. הלך
 ועבר על פתח ביתו, אמר: מי כאן הלל? מי
 כאן הלל? נתעטף ויצא לקראתו. אמר לו:
 בני, מה אתה מבקש? אמר לו: שאלה יש
 לי לשאול. אמר לו: שאל בני, שאל! מפני
 מה ראשיתך של בבלים סגלגלות? אמר
 לו: בני, שאלה גדולה שאלת – מפני שאין
 להם אחיות פקחות.

who wagered with each other and said: **Anyone who will go and aggravate Hillel to the point that he reprimands him, will take^N four-hundred *zuz*.** One of them said: **I will aggravate him.** That day that he chose to bother Hillel was Shabbat eve, and Hillel was washing the hair on his head. **He went and passed the entrance to Hillel's house and in a demeaning manner said: Who here is Hillel, who here is Hillel?** Hillel wrapped himself in a dignified garment and went out to greet him. **He said to him: My son, what do you seek?** He said to him: **I have a question to ask.** Hillel said to him: **Ask, my son, ask.** The man asked him: **Why are the heads of Babylonians oval?** He was alluding to and attempting to insult Hillel, who was Babylonian. **He said to him: My son, you have asked a significant question.^N** The reason is because they do not have clever midwives. They do not know how to shape the child's head at birth.

הלך והמתין שעה אחת, חזר ואמר: מי כאן
 הלל? מי כאן הלל? נתעטף ויצא לקראתו.
 אמר לו: בני, מה אתה מבקש? אמר לו:
 שאלה יש לי לשאול. אמר לו: שאל
 בני, שאל! מפני מה עיניך של תרמודין
 תריות? אמר לו: בני, שאלה גדולה
 שאלת – מפני שדרין בין החולות.

That man went and waited one hour, a short while, returned to look for Hillel, and said: **Who here is Hillel, who here is Hillel?** Again, Hillel wrapped himself and went out to greet him. Hillel said to him: **My son, what do you seek?** The man said to him: **I have a question to ask.** He said to him: **Ask, my son, ask.** The man asked: **Why are the eyes of the residents of Tadmor bleary [*terutot*]?¹** Hillel said to him: **My son, you have asked a significant question.** The reason is because they live among the sands and the sand gets into their eyes.

הלך והמתין שעה אחת, חזר ואמר: מי כאן
 הלל? מי כאן הלל? נתעטף ויצא לקראתו.
 אמר לו: בני, מה אתה מבקש? אמר לו:
 שאלה יש לי לשאול. אמר לו: שאל בני,
 שאל! מפני מה רגליהם של אפריקיים
 רחבות? אמר לו: בני, שאלה גדולה
 שאלת – מפני שדרין בין בצעי המים.

Once again the man went, waited one hour, returned, and said: **Who here is Hillel, who here is Hillel?** Again, he, Hillel, wrapped himself and went out to greet him. **He said to him: My son, what do you seek?** He said to him: **I have a question to ask.** He said to him: **Ask, my son, ask.** The man asked: **Why do Africans⁸ have wide feet?** Hillel said to him: **You have asked a significant question.** The reason is because they live in marshlands and their feet widened to enable them to walk through those swampy areas.

אמר לו: שאלות הרבה יש לי לשאול,
 ומתירא אני שמא תבעוס. נתעטף וישב
 לפניו, אמר לו: כל שאלות שיש לך
 לשאול – שאל. אמר לו: אתה הוא הלל
 שקורין אותך נשיא ישראל? אמר לו: הן.
 אמר לו: אם אתה הוא – לא ירבו כמותך
 בישראל. אמר לו: בני, מפני מה? אמר לו:
 מפני שאבדתי על ידך ארבע מאות זוז.
 אמר לו: הוי זהיר ברוחך, כדי הוא הלל
 שתאבד על ידו ארבע מאות זוז וארבע
 מאות זוז – והלל לא יקפיד.

That man said to him: **I have many more questions to ask, but I am afraid lest you get angry.** Hillel wrapped himself and sat before him, and he said to him: **All of the questions that you have to ask, ask them.** The man got angry and said to him: **Are you Hillel whom they call the *Nasi* of Israel?** He said to him: **Yes.** He said to him: **If it is you, then may there not be many like you in Israel.** Hillel said to him: **My son, for what reason do you say this?** The man said to him: **Because I lost four hundred *zuz*⁸ because of you.** Hillel said to him: **Be vigilant of your spirit and avoid situations of this sort. Hillel is worthy of having you lose four hundred *zuz* and another four hundred *zuz* on his account, and Hillel will not get upset.**

On one foot – על רגל אחת: Apparently, his intention was to ask the Sage for a single fundamental principle, one foot, upon which all of Judaism is based. Indeed, just as Hillel based the Torah upon this single principle, so too Rabbi Akiva and ben Azzai later attempted to formulate the same concept in different, broader terms (Maharsha).

That which is hateful to you do not do to another – דעלך סני לחברך לא תעביד: This phrase appears in the Aramaic translation, *Targum Yonatan*, of the Torah verse: “And you shall love your neighbor as yourself” (Leviticus 19:18). It is not a precise translation; rather, it is a limited interpretation. It does not express the positive mitzva to love another, but the prohibition, proscribing actions harmful to others. Apparently, Hillel sought to express through this principle that at the basis of the Torah are those mitzvot, which are fundamental principles that may be universally applied (Maharsha).

Accepting converts – קבלת גרים: In practice, people like the ones Hillel converted are not accepted as converts because the *halakha* insists that a convert accept upon himself the entire Torah without intention to accrue personal benefit. However, Hillel apparently relied on the fact that these converts could eventually accept Judaism in its entirety at a later time.

BACKGROUND

ואלה הבגדים וכו' – ואלה הבגדים וכו': These are the priestly garments worn by the High Priest, also referred to as the golden garments (Exodus 28). Four of them, the breastplate, the *efod*, the robe, and the frontplate, were unique to the High Priest. Four other garments, the trousers, the tunic, the sash, and the miter, resembled those worn by common priests. There was a debate among the Sages whether the sash worn by the High Priest was identical to that worn by the common priests. It appears that the miters differed, at least in the way they were worn.



Priestly garments

LANGUAGE

Protocols [*takhsisei*] – טכסיסי: From the Greek τάξις, *taxis*, which means, among other things, order, protocol, and observances.

תנו רבנן: מעשה בגוי אחד שבא לפני שמאי, אמר לו: כמה תורות יש לכם? אמר לו: שתים, תורה שבכתב ותורה שבעל פה. אמר לו: שבכתב – איני מאמינך, ושבעל פה – איני מאמינך. גיירני על מנת שתלמדני תורה שבכתב. גער בו והוציאנו בניו. בא לפני הלל – גייריה, יומא קמא אמר ליה: א"ב ג"ד, למחר אפיך ליה. אמר ליה: והא אתמול לא אמרת לי הכי? אמר ליה: לאו עלי דידי קא סמכת? דעל פה נמי סמוך עלי.

שוב מעשה בגוי אחד שבא לפני שמאי, אמר לו: גיירני על מנת שתלמדני כל התורה כולה בשאני עומד על רגל אחת. דחפו באמת הבנן שבדי. בא לפני הלל, גייריה. אמר לו: דעלך סני לחברך לא תעביד – זו היא כל התורה כולה, ואיך – פירושה הוא, זיל גמור.

שוב מעשה בגוי אחד שהיה עובר אחורי בית המדרש, ושמע קול סופר שהיה אומר: ואלה הבגדים אשר יעשו חושן ואפוד. אמר: הללו למי? אמרו לו: לכהן גדול. אמר אותו גוי בעצמו: איך ואתגני, בשביל שישמוני כהן גדול. בא לפני שמאי, אמר ליה: גיירני על מנת שתשימני כהן גדול. דחפו באמת הבנן שבדי. בא לפני הלל – גייריה.

אמר לו: בלום מעמידין מלך אלא מי שיועד טכסיסי מלכות? לך למוד טכסיסי מלכות. הלך וקרא, בין שהגיע והזר הקרב יומת? אמר ליה: מקרא זה על מי נאמר? אמר לו: אפילו על דוד מלך ישראל. נשא אותו גר קל וחומר בעצמו: ומה ישראל שנקראו בנים למקום, ומתוך אהבה שאהבם קרא להם: “בני בכורי ישראל” – כתיב עליהם: “והזר הקרב יומת”, גר הקל שבא במקלו ובתרמילו – על אחת כמה וכמה!

בא לפני שמאי, אמר לו: בלום ראיני איני להיות כהן גדול? והלא כתיב בתורה: “והזר הקרב יומת”! בא לפני הלל, אמר לו: ענוותן הלל, ינחו לך ברכות על ראשך שהקרבתי תחת כנפי השכינה. לימים נודונו שלשתן למקום אחד, אמרו: קפדנותו של שמאי בקשה לטורדנו מן העולם, ענוותנותו של הלל קרבנו תחת כנפי השכינה.

The Sages taught: There was an incident involving one gentile who came before Shammai. The gentile said to Shammai: How many Torahs do you have? He said to him: Two, the Written Torah and the Oral Torah. The gentile said to him: With regard to the Written Torah, I believe you, but with regard to the Oral Torah, I do not believe you. Convert me on condition that you will teach me only the Written Torah. Shammai scolded him and cast him out with reprimand. The same gentile came before Hillel, who converted him and began teaching him Torah. On the first day, he showed him the letters of the alphabet and said to him: *Alef, bet, gimmel, dalet*. The next day he reversed the order of the letters and told him that an *alef* is a *tav* and so on. The convert said to him: But yesterday you did not tell me that. Hillel said to him: You see that it is impossible to learn what is written without relying on an oral tradition. Didn't you rely on me? Therefore, you should also rely on me with regard to the matter of the Oral Torah, and accept the interpretations that it contains.

There was another incident involving one gentile who came before Shammai and said to Shammai: Convert me on condition that you teach me the entire Torah while I am standing on one foot.ⁿ Shammai pushed him away with the builder's cubit in his hand. This was a common measuring stick and Shammai was a builder by trade. The same gentile came before Hillel. He converted him and said to him: That which is hateful to you do not do to another,ⁿ that is the entire Torah, and the rest is its interpretation. Go study.

There was another incident involving one gentile who was passing behind the study hall and heard the voice of a teacher who was teaching Torah to his students and saying the verse: “And these are the garments^b which they shall make: A breastplate, and an *efod*, and a robe, and a tunic of checkered work, a mitre, and a girdle” (Exodus 28:4). The gentile said: These garments, for whom are they designated? The students said to him: For the High Priest. The gentile said to himself: I will go and convert so that they will install me as High Priest. He came before Shammai and said to him: Convert me on condition that you install me as High Priest. Shammai pushed him with the builder's cubit in his hand. He came before Hillel; he converted him.

Hillel said to him, to the convert: Is it not the way of the world that only one who knows the protocols [*takhsisei*]^l of royalty is appointed king? Go and learn the royal protocols by engaging in Torah study. He went and read the Bible. When he reached the verse which says: “And the common man that draws near shall be put to death” (Numbers 1:51), the convert said to Hillel: With regard to whom is the verse speaking? Hillel said to him: Even with regard to David, king of Israel. The convert reasoned an *a fortiori* inference himself: If the Jewish people are called God's children, and due to the love that God loved them he called them: “Israel is My son, My firstborn” (Exodus 4:22), and nevertheless it is written about them: And the common man that draws near shall be put to death; a mere convert who came without merit, with nothing more than his staff and traveling bag, all the more so that this applies to him, as well.

The convert came before Shammai and told him that he retracts his demand to appoint him High Priest, saying: Am I at all worthy to be High Priest? Is it not written in the Torah: And the common man that draws near shall be put to death? He came before Hillel and said to him: Hillel the patient, may blessings rest upon your head as you brought me under the wings of the Divine Presence. The Gemara relates: Eventually, the three converts gathered together in one place, and they said: Shammai's impatience sought to drive us from the world; Hillel's patience brought us beneath the wings of the Divine Presence.ⁿ

NOTES

Strength, that is the order of *Nashim* – חֹסֶן: זה סדר נשים – The order of *Nashim* in the Mishna, which deals with the *halakhot* pertaining to women and marriage, is called strength because a man who lives without a wife, lives without a protective wall (*Yevamot* 62b).

HALAKHA

Did you conduct business faithfully – נְשֵׂאת וְנִתְתָּ בְּאֵמוּנָה: From the outset, a person engaging in business should conduct himself honestly and faithfully. There should be no theft or deceit in one's business affairs. Indeed, that is one of the questions that a person is asked when standing before the heavenly court: Did you conduct your business honestly and faithfully? (*Mishna Berura; Shulhan Arukh, Oraḥ Hayyim* 156).

Did you designate times for Torah study – קִבַּעַת עֵתִים לְתוֹרָה: Every person must designate specific times for Torah study on a regular basis. Optimally, one should study Torah after prayer. If one does not have the skills to study classic texts, he should nevertheless study material that he does understand. For example, focusing one's attention and assessing his actions to ascertain whether or not he sinned, and then resolving to change his conduct falls under the rubric of Torah study.

To ensure that no day will pass without Torah study, the Sages introduced several paragraphs of Torah study at the conclusion of the prayer service, following the *Amida* prayer (*Be'er Heitev*). This too is one of the questions that a person is asked when standing before the heavenly court: Did you designate times for Torah? (*Mishna Berura; Rambam Sefer HaMadda, Hillkhot Talmud Torah* 1:8; *Shulhan Arukh, Oraḥ Hayyim* 155:1).

LANGUAGE

Homton – חוֹמְטוֹן: Some commentaries state that the proper reading should be *homoton*, from the Greek word *αμαθος*, *amathos*, meaning sand or sandy earth. It also refers to the sand and salts near the sea.

BACKGROUND

A *kav* into a *kor* – קֵב בְּכוֹר: There are 180 *kav* in a *kor*. Therefore, one is only permitted to mix a small percentage, a little more than one half of one percent, of *homton* into a *kor* of wheat.

אָמַר רִישׁ לְקִישׁ, מַאי דְכַתִּיב: 'וְהָיָה אֲמוּנַת עַתִּידָהּ חוֹסֶן יְשׁוּעוֹת חֻמְטוֹת וְדַעַת גּוֹ' – 'אֲמוּנַת' זֶה סֵדֶר זֵרַעִים, 'עַתִּידָהּ' – זֶה סֵדֶר מוֹעֵד, 'חוֹסֶן' – זֶה סֵדֶר נְשִׂים, 'יְשׁוּעוֹת' – זֶה סֵדֶר נְזִיקִין, 'חֻמְטוֹת' – זֶה סֵדֶר קִדְּשִׁים, 'וְדַעַת' – זֶה סֵדֶר טְהוֹרוֹת. וְאֶפְּלוּ הָכִי 'יִרְאֵת ה' הִיא אוֹצְרוֹ'.

אָמַר רַבָּא: בְּשַׁעַה שְׁמִכְנִיסִין אָדָם לְדִין אוֹמְרִים לוֹ: נְשֵׂאת וְנִתְתָּ בְּאֵמוּנָה, קִבַּעַת עֵתִים לְתוֹרָה, עִסְקַת בְּפִרְיָה וּרְבִיָּה, עֲצִית לִישׁוּעָה, פְּרַפְּלַת בְּחֻמְטוֹה, הִבְנַת דְּבַר מוֹתוֹךְ דְּבַר? וְאֶפְּלוּ הָכִי: אֵי יִרְאֵת ה' הִיא אוֹצְרוֹ – אֵין, אֵי לֹא – לֹא. מְשַׁל לְאָדָם שְׂאֵמֶר לְשִׁלּוּחוֹ: הֲעֵלָה לִי כוֹר חֵיטִין לְעֵלְיָהּ. הֲלֵךְ וְהֵעֵלָה לוֹ. אָמַר לוֹ: עֵיִרְבַּת לִי בְּהֵן קֵב חוֹמְטוֹן? אָמַר לוֹ: לֹא. אָמַר לוֹ: מוֹטֵב אִם לֹא הֵעֵלְיָתָה.

תָּנַא דְּבִי רַבִּי יִשְׁמַעֵאל: מֵעֵרַב אָדָם קֵב חוֹמְטוֹן בְּכוֹר שְׁל תְּבוּאָה, וְאֵינוֹ חוֹשֵׁשׁ.

אָמַר רַבָּה בַּר רַב הוּנָא: כָּל אָדָם שֵׁישׁ בּו תוֹרָה וְאֵין בּוֹ

The Gemara continues discussing the conduct of the Sages, citing that Reish Lakish said: What is the meaning of that which is written: "And the faith of your times shall be a strength of salvation, wisdom, and knowledge, the fear of the Lord is his treasure" (Isaiah 33:6)? Faith; that is the order of *Zera'im*, Seeds, in the Mishna, because a person has faith in God and plants his seeds (Jerusalem Talmud). Your times; that is the order of *Moed*, Festival, which deals with the various occasions and Festivals that occur throughout the year. Strength; that is the order of *Nashim*,ⁿ Women. Salvations; that is the order of *Nezikin*, Damages, as one who is being pursued is rescued from the hands of his pursuer. Wisdom; that is the order of *Kodashim*, Consecrated Items. And knowledge; that is the order of *Teharot*, Purity, which is particularly difficult to master. And even if a person studies and masters all of these, "the fear of the Lord is his treasure," it is preeminent.

With regard to the same verse, Rava said: After departing from this world, when a person is brought to judgment for the life he lived in this world, they say to him in the order of that verse: Did you conduct business faithfully?^h Did you designate times for Torah study?^h Did you engage in procreation? Did you await salvation? Did you engage in the dialectics of wisdom or understand one matter from another? And, nevertheless, beyond all these, if the fear of the Lord is his treasure, yes, he is worthy, and if not, no, none of these accomplishments have any value. There is a parable that illustrates this. A person who said to his emissary: Bring a *kor* of wheat up to the attic for me to store there. The messenger went and brought it up for him. He said to the emissary: Did you mix a *kav* of *homton*,^l a preservative to keep away worms, into it for me? He said to him: No. He said to him: If so, it would have been preferable had you not brought it up. Of what use is worm-infested wheat? Likewise, Torah and mitzvot without the fear of God are of no value.

On a related note, the Gemara cites a *halakha* that was taught in the school of Rabbi Yishmael: A person who sells wheat may, *ab initio*, mix a *kav* of *homton* into a *kor*^b of grain and need not be concerned that by selling it all at the price of grain he will be guilty of theft, as the *kav* of *homton* is essential for the preservation of the wheat.

Rabba bar Rav Huna said: Any person who has Torah in him but does not have

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LANGUAGE

Treasurer [*gizbar*] – גִּזְבָּר: This word, which appears in the Bible (*Ezra* 1:8), was apparently borrowed from the Old Persian word *ganzabara*, referring to the one in charge of the treasury. *Ganz* means treasury and *bara* means carrier.

יִרְאֵת שָׁמַיִם, דּוֹמָה לְגִזְבָּר שְׁמֶסְרוּ לוֹ מִפְּתַחוֹת הַפְּנִימִיּוֹת וּמִפְּתַחוֹת הַחִיצוֹנוֹת לֹא מְסָרוּ לוֹ. בְּהֵי עֵייל? מְכַרִּין רַבִּי יְנָאִי: חֶבֶל עַל דְּלִית לִיהּ דְּרִתָּא, וְתִרְעָא לְדִרְתָּא עֵבִיד. אָמַר רַב יְהוּדָה: לֹא בְרָא הַקָּדוֹשׁ בְּרוּךְ הוּא אֶת עוֹלָמוֹ אֶלָּא בְּדֵי שְׂרִירָאוֹ מְלַפְּנֵי, שְׂנָאֵמַר: 'וְהָאֱלֹהִים עָשָׂה שְׂרִירָאוֹ מְלַפְּנֵי'.

fear of Heaven is like a treasurer [*gizbar*]^l to whom they gave keys to the inner doors of the treasury but they did not give keys to the outer door. With what key will he enter? Although the Torah is the inner key, without fear of Heaven one cannot gain access to the genuine Torah. Similarly, Rabbi Yannai would proclaim: Woe unto one who does not have a courtyard, and who makes a fence for the courtyard, i.e., a person who lacks fear of Heaven and is nevertheless involved in Torah study. Rav Yehuda said: The Holy One, Blessed be He, only created His world so that people would fear before Him, as it is stated: "And God has so made it that men should fear before Him" (*Ecclesiastes* 3:14).

רבי סימון ורבי אלעזר הווי יתבי, חליף ואזיל רבי יעקב בר אחא. אָמַר ליה חד לחבריה: ניקו מקמייה, דגבר דחיל חטאין הוא, אָמַר אידין: ניקו מקמייה, דגבר בר אוריין הוא. אָמַר: אָמַינא לך אָנא דגבר דחיל חטאין הוא – ואמרת לי את "בר אוריין הוא"!

תסתיים דרבי אלעזר הוא דאמר "דגבר דחיל חטאין הוא", דאמר רבי יוחנן משום רבי אלעזר: אין לו להקדוש ברוך הוא בעולמו אלא יראת שמים בלבד, שנאמר: "ועתה ישראל מה ה' אלהיך שואל מעמך כי אם ליראה וגו'" וכתב: "ויאמר לאדם הן יראת ה' היא חכמה וגו'", שכן בלשון יוני קורין לאחת הן תסתיים.

דרש רב עולא, מאי דכתיב: "אל תרשע הרבה וגו'", הריבה הוא דלא לירשע, הא מעט לירשע? אלא: מי שאכל שום וריחו נודף, יחזור ויאכל שום אחר ויהא ריחו נודף?

דרש רבא בר רב עולא, מאי דכתיב: "כי אין הרצבות למותם ובריא אולם" – אָמַר הקדוש ברוך הוא: לא דיין לרשעים שאינן חרדין ועצבין מיום המיתה, אלא שולבם בריא להן כאולם. והיינו דאמר רבא, מאי דכתיב: "זה דרכם כסל למו" – יודעין רשעים שדרכם למיתה, ויש להם חלב על כסלם. שפא תאמר: שכחה היא מהן – תלמוד לומר: "ואחריהם בפיהם ירצו סלה".

"בחס על הגר כו". רבי יוסי כמאן סבירא ליה? אי כרבי יהודה סבירא ליה – אפילו בהגך נמי ליחייב, ואי כרבי שמעון סבירא ליה – פתילה נמי ליפטר! אָמַר עולא: לעולם כרבי יהודה סבירא ליה. וקסבר רבי יוסי: סותר על מנת לבנות במקומו – הוי סותר, על מנת לבנות שלא במקומו – לא הוי סותר.

The Gemara also related that Rabbi Simon and Rabbi Elazar were sitting. Rabbi Ya'akov bar Aḥa passed and went adjacent to them. One said to the other: Let us stand before him as he is a man who fears sin. The other said to him in response: Let us stand before him, as he is a man of Torah study. He said to him: I said to you that he is a man who fears sin, and you said me that he is a man of Torah study?^N The former is much greater praise than the latter.

The Gemara remarks: Conclude that Rabbi Elazar is the one who said that he is praiseworthy because he is a man who fears sin, as elsewhere he also spoke in praise of fear. As Rabbi Yoḥanan said in the name of Rabbi Elazar: The Holy One, Blessed be He, has in His world only fear of Heaven alone, as it is stated: "And now, Israel, what does the Lord your God ask of you, but to fear the Lord your God" (Deuteronomy 10:12). And it is written: "And unto man He said: Behold [hen], the fear of the Lord, that is wisdom; and to depart from evil is understanding" (Job 28:28), as in the Greek language they call one *hen*.^L Apparently, fear of God is of primary importance. The Gemara concludes: Indeed, conclude that Rabbi Elazar is the one who said so.

Rav Ulla taught: What is the meaning of that which is written: "Be not overmuch wicked"^M (Ecclesiastes 7:17)? This appears difficult, as, is that to say that only overmuch one should not be wicked; a little, one should be wicked? Rather, this can be understood based on the following adage: One who ate a clove of garlic and its odor spreads, should he again eat another clove of garlic so that its odor will spread further? If you were somewhat wicked, do not think that it is legitimate to continue and be very wicked.

Rava bar Rav Ulla taught: What is the meaning of that which is written: "For there are no pangs [hartzubot] at their death and their body is sound" (Psalms 73:4): The Holy One, Blessed be He, said: Is it not enough for wicked people that they are not anxious [hared] or sad [atzuv], hartzubot is an acronym of hared and atzuv, in anticipation of the day of their death, but also, their heart is as unyielding for them as the entrance to a hall is wide, and they devote no thought to it. And that is what Rabba said: What is the meaning of that which is written: "This is the way of them that are foolish and of those who after them speak approvingly, Selah" (Psalms 49:14)? It means that the wicked know that their path leads to eternal death, but they have fat on their kidneys that prevents that realization from entering their hearts. Lest you say that it is simply forgotten from them; therefore, the verse states: "And of those who after them speak approvingly, Selah" (Psalms 49:14). They are aware of their fate and speak of it, but it does not affect them.

We learned in the mishna that if one extinguished a flame on Shabbat because he sought to spare the lamp, the oil, or the wick, he is liable, but Rabbi Yosei exempts in all cases except in a case in which he extinguished the flame to spare the wick. The Gemara asks with regard to Rabbi Yosei: In accordance with whose opinion does he hold with regard to prohibited labor performed on Shabbat not for its own sake?^N If he holds in accordance with the opinion of Rabbi Yehuda, who holds that one is liable for a prohibited labor performed on Shabbat not for its own sake, then even in all those cases he should also deem him liable. And if he holds in accordance with the opinion of Rabbi Shimon, who holds that one is exempt for a prohibited labor performed on Shabbat not for its own sake, then even in the case of a wick he should also deem him exempt. Ulla said: Actually, Rabbi Yosei holds in accordance with the opinion of Rabbi Yehuda. However, Rabbi Yosei holds that with regard to every destructive action, if he dismantles in order to rebuild^H in the same place, then it is considered to be dismantling, and he is liable for having performed a prohibited labor on Shabbat. However, one who demolishes in order to build elsewhere it is not considered performance of the prohibited labor of dismantling. He merely performed a destructive act and is not liable. When one extinguishes the flame to spare the lamp or the oil, he does not do so in order to relight them. When he does so to spare the wick, he indicates that he intends to relight the wick.

היראה והחכמה – Fear and wisdom – There is a distinction between the statements of Rabba bar Rav Huna and Rabbi Yannai. Rabbi Yannai praises fear more because, in his opinion, fear is more sublime and more intrinsic than wisdom. Torah is nothing more than the gateway to fear. Others explained that there are various levels of fear. There is fear that serves as a prelude to acquiring the wisdom of the Torah, and Torah serves as a prelude to a higher level of fear (Shenei Luhot HaBerit; Maharsha).

אל תרשע הרבה – Be not overmuch wicked – The commentaries explain that this quotation was introduced at this point because the Gemara had previously discussed Ecclesiastes and its internal contradictions. Therefore, the Gemara cited another verse that seems self-contradictory, since it warns against both righteousness and wickedness. The Gemara answers that there are indeed wicked people who gradually exacerbate their wickedness (Maharsha; Iyyun Ya'akov).

מלאכה שאינה צריכה לגופה – Prohibited labor performed on Shabbat not for its own sake – The parameters of a prohibited labor by Torah law incorporate myriad details, including the intention to perform a complete action. As a result, there are differing opinions with regard to a prohibited labor performed not for its own sake, i.e., the labor was indeed performed, but the one performing the labor has no interest in its performance. If one needs dirt and digs a hole for that purpose, creating a pit is not part of his objective. The labor of extinguishing a flame is rarely performed for its own sake; rather, it is usually extinguished to prevent light or danger. In essence, the one extinguishing the flame is indifferent to whether or not the flame itself continues to burn.

LANGUAGE

One [hen] – הֵן: The reference is to the Greek word ἓν, *hen*, which means one.

HALAKHA

סותר – He dismantles in order to rebuild – One who dismantles or ruins a structure with the intent to repair it or to rebuild it, even if the intent is to rebuild it elsewhere, is liable. If his purpose in dismantling is destructive, he is exempt (Rambam *Sefer Zemanim, Hilkhot Shabbat* 10:15).

NOTES

And in lighting the Shabbat lamp – וּבְהַדְלִיקַת הַנֵּר – Some commentaries explain that women are not punished for failure to kindle the Shabbat lights. Rather, lack of caution results in their lighting after Shabbat has begun, and they are then punished for violating the Shabbat (Rashash).

HALAKHA

And in lighting the Shabbat lamp – וּבְהַדְלִיקַת הַנֵּר – Although both men and women are commanded to kindle the Shabbat lights, this mitzva has nevertheless become the purview of women, and it is their responsibility because they are generally in charge of the home. Furthermore, it comes as compensation for the fact that the first woman, Eve, extinguished the light of the world, as per the mishna and Gemara (Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:3; *Shulhan Arukh, Orah Hayyim* 263:3).

BACKGROUND

A quarter of a log of blood – רְבִיעֵית דָּם – A quarter of a log of blood, approximately 80–150 ml according to the varying opinions of the authorities, is halakhically considered to be the minimum amount of blood required to sustain a person. Apparently, the Sages arrived at this measurement by checking the amount of blood in an embryo at a certain stage of its development. As a result, it is possible to call a quarter of a log of blood the blood of the soul because it is the amount required to sustain a person at the beginning of his life.

אָמַר לִיהוָה רַבָּה: מִכְּדִי, כָּל מְלָאכּוֹת יִלְפִינָן לְהוֹ מִמּוֹשְׁבֵן וְהָתֵם סוֹתֵר עַל מִנְתְּ לְבָנוֹת שְׁלֵא בְּמִקּוֹמָא הוּא! אָמַר לִיהוָה: שְׂאֵינִי הָתֵם, בֵּינָן דְּכַתִּיב: "עַל פִּי ה' יִחַנּוּ" – כְּסוֹתֵר עַל מִנְתְּ לְבָנוֹת בְּמִקּוֹמָא דְּמִי.

Rabba said to him: That reasoning is implausible. After all, all labors prohibited on Shabbat, we derive them from the labors performed in the Tabernacle, and there it was a case of dismantling in order to build elsewhere. They would dismantle the Tabernacle and reconstruct it at the next encampment. Ulla said to Rabba: That is not a proof, as there, in the case of the Tabernacle, it is different. Since it is written: "At the commandment of the Lord they encamped" (Numbers 9:23). The time and place of their travels and their encampments were not determined by them but rather by the word of God. Consequently, when they took down the Tabernacle it was tantamount to demolishing in order to build in the same place. Since the demolition and the construction were both accomplished at the command of God, there was never a case of destruction without a constructive purpose.

וְרַבִּי יוֹחָנָן אָמַר: לְעוֹלָם כְּרַבִּי שְׂמַעוֹן סְבִירָא לִיהוָה, וּמַאי שְׂנָא פְּתִילָה – כְּדָאִמַר רַב הַמְנוּנָא וְאִיתִימָא רַב אֲדָא בַר אֲבָהָה: הֵכָא בְּפִתְלֵהּ שְׂצָרִיד לְהַבְהֵבָה עֲסָקִינָן, דְּבַהֲהֵיא אֲפִילוּ רַבִּי שְׂמַעוֹן מוֹדִי דְּקָא מִתְקַן מְנָא. אָמַר רַבָּא: דִּיקָא נְמִי דְּקִתְנִי "שְׂהוּא עוֹשֵׂה פָחֵם" וְלֹא קִתְנִי "מִפְּנֵי שְׂנַעֲשִׂית פָּחֵם" – שְׂמַע מִינָהּ.

And Rabbi Yohanan said: Actually, Rabbi Yosei holds in accordance with the opinion of Rabbi Shimon. And as far as the question, what is different about a wick, that can be answered as Rav Hamnuna said, and some say, Rav Adda bar Ahava said: Here, we are dealing with a wick that one must singe before lighting it in order to facilitate its burning, as, in that case, even Rabbi Shimon agrees that extinguishing the flame is prohibited, as, by doing so, he prepares a vessel for use. Rava said: That interpretation is also precise in the language of the mishna, as it was taught in the mishna that one who extinguished a wick is liable because he makes the wick into charcoal intentionally, and it was not taught because charcoal was made on its own. The Gemara concludes: Conclude from it that the mishna is to be understood in that manner.

מִתְנִי' עַל שְׁלֹשׁ עֲבִירוֹת נָשִׁים מֵתוֹת, בְּשַׁעַת לִידְתָּן: עַל שְׂאֵינָן וְהִירוֹת בְּנִדָּה, בַּחֲלָה, וּבְהַדְלִיקַת הַנֵּר.

MISHNA This mishna concludes the aggadic treatment of the topic of kindling the Shabbat lights. For three transgressions women are punished and die during childbirth: For the fact that they are not careful in observing the laws of a menstruating woman, and in separating *halla* from the dough, and in lighting the Shabbat lamp.^{NH}

גַּמ' נִדָּה מַאי טַעְמָא? אָמַר רַבִּי יִצְחָק: הִיא קְלַקְלָה בְּחַדְרֵי בִטְנָה – לְפִיכְךָ תִּלְקַח בְּחַדְרֵי בִטְנָה. תֵּינַח נִדָּה, חֲלָה וְהַדְלִיקַת הַנֵּר מַאי אִיכָּא לְמִימַר? כְּדִדְרַשׁ הָהוּא גְּלִילָאָה עֲלֶיהָ דְּרַב חֲסִדָּא, אָמַר הַקְּדוֹשׁ בְּרוּךְ הוּא: רְבִיעֵית דָּם נִתְתִּי בְּכֶם – עַל עֲסָקִי דָם הַזֶּה רַתִּי אֲתֶכֶם,

GEMARA The Gemara asks: A woman who was not careful in observing the laws of menstruation, what is the reason that she is punished during childbirth? Rabbi Yitzhak said: She sinned with regard to the chambers of her womb; therefore, she is afflicted in the chambers of her womb. The Gemara asks: Granted, with regard to menstruation; but with regard to a woman who was not careful in separating *halla* and in kindling the Shabbat lights, what is there to say? Rather, it must be explained in accordance with that which that Galilean taught before Rav Hisda. The Holy One, Blessed be He, said: I placed a quarter [*revi'it*] of a log of blood^b in you when you were formed, and about matters of the blood of menstruation I warned you.

Perek II
Daf 32 Amud a

רַאשִׁית קְרָאתִי אֲתֶכֶם – עַל עֲסָקִי רַאשִׁית הַזֶּהֲרָתִי אֲתֶכֶם, נִשְׁמָה שְׂנַתְתִּי בְּכֶם קְרוּיָה נֵר – עַל עֲסָקִי נֵר הַזֶּהֲרָתִי אֲתֶכֶם. אִם אַתֶּם מְקִיָּמִים אוֹתֶם – מוֹטֵב, וְאִם לֹא – הָרִינִי נוֹטֵל נִשְׂמַתְכֶם.

I called you first, as it is stated: "Israel is the Lord's hallowed portion, His first fruits of the increase" (Jeremiah 2:3) and I warned you about matters of the first: "Of the first of your dough you shall set apart *halla* for a gift" (Numbers 15:20). The soul that I have placed in you is called *ner*: "The spirit of man is the lamp [*ner*] of the Lord" (Proverbs 20:27), and I warned you about matters of the Shabbat lamp. If you fulfill these mitzvot, fine, and if not, then I will take your soul.

During childbirth – שעת לידתו: The fundamental concept underlying all of these statements is that only rarely do divine punishments come with no material foreshadowing. Nevertheless, the time for retribution is when one is in a dangerous situation engendered by external factors. The folk expressions cited here seek, in different ways and to varying degrees, to express the same concept: In times of distress, all of one's outstanding debts with God are settled.

HALAKHA

A person should never stand in a place of danger – לעולם אל יעמוד אדם במקום סכנה: One is required to distance himself from elements or places that are potentially dangerous and refrain from relying on miracles. The Sages even said: One must treat danger with greater stringency than he treats prohibition. Therefore, one must be more vigilant in avoiding potential danger than in avoiding potential prohibition (Rambam *Sefer Nezikin, Hilkhot Rotze'ah UShemirat HaNefesh* 12:6; *Shulhan Arukh, Yoreh De'ah* 116:5 and in the comment of the Rema).

BACKGROUND

Southern wind – שוּתָא: The *Arukh* explains that this refers to a strong easterly wind that is apparently very hot and dry, causes food to spoil, and causes discomfort and fatigue among the people.

ומאי שנא בשעת לידתו? אמר רבא: נפל תורא – חָדַד לְסַכְיָנָא. אבמי אמר: תפיש תירוס אמתא – בחד מחטרא ליהוי. רב חסדא אמר: שבקיה לרואי, דמנפשיה נפיל. מר עוקבא אמר: רעיא חגרא ועימי ריהטן, אבב חוטרא – מילי, ואבבי דרי – חושבנא, רב פפא אמר: אבב חנואתא נפשי אחי ומרחמי אבב בזויני – לא אחי ולא מרחמי.

And, if so, what is different during childbirth?^N Why does the divine attribute of judgment punish them for dereliction in fulfillment of these mitzvot specifically then? The Gemara cites several folk sayings expressing the concept that when a person is in danger, he is punished for his sins. Rava said: **If the ox fell, sharpen the knife to slaughter it.** Abaye said: **If the maidservant's insolence abounds, she will be struck by a single blow** as punishment for all her sins. So too, when a woman is giving birth and her suffering is great due to Eve's sin of eating from the Tree of Knowledge, all the punishments for her own sins are added to that suffering. Rav Hisda said: **Leave the drunk, as he falls on his own.** Similarly, the time of birth is a time of danger, and if the Holy One, Blessed be He, does not come to her assistance at that time, that is sufficient to cause her death. Mar Ukva said: **The shepherd is crippled, and the goats are running, and he cannot catch them. However, next to the gate, he speaks harsh words, and inside the pen he settles the account.** Similarly, as long as a woman is in a healthy state, her sins are in abeyance, and she is not held accountable for them. However, when she is giving birth, which is a time of danger, she is held accountable for her sins and a calculation is made whether or not she is worthy of a miracle. Rav Pappa said: **At the entrance to the stores, during a time of prosperity, brothers and loved ones abound.** When a person is prospering financially, everyone acts like his brother or friend. However, **at the gate of disgrace, during a time of loss and poverty, he has no brothers and no loved ones; everyone abandons him.**

וגברי היכא מיבדקי? אמר ריש לקיש: בשעה שעוברים על הגשר. גשר ותו לא?! אימא: בעין גשר. רב לא עבר במברא דיתבי ביה גוי, אמר: דילמא מיפקיד ליה דינא עליה, ומתפיסנא בהדיה. שמואל לא עבר אלא במברא דאית ביה גוי, אמר: שטנא בתרי אוימי לא שליט.

And the Gemara asks: **And where are men examined?** When are men vulnerable to judgment and held accountable for their actions? Reish Lakish said: **When they are crossing a bridge.** The Gemara wonders: Only when they are crossing a bridge and at no other time? Rather, say: Anything like a bridge, any place where danger is commonplace. On a similar note, the Gemara relates: **Rav would not cross a river in a ferry in which a gentile sat. He said to himself: Perhaps a judgment will be reckoned with him, and I will be caught together with him when he is punished.** Whereas, Shmuel would only cross in a ferry if there was a gentile in it. He said: **Satan does not have dominion over two nations.** He settles his accounts with people from each nationality separately.

רבי ינאי בדיק ועבר. רבי ינאי לטעמיה, דאמר: לעולם אל יעמוד אדם במקום סכנה לומר שעושין לו נס – שמא אין עושין לו נס. ואם עושין לו נס – מנבין לו מזביותו. אמר רבי חנין: מאי קראה – "קטנתו מפל החסדים ומפל האמת". רבי יורא בזמא דשותא לא נפיק לביני דיקלא.

Rabbi Yannai would examine the ferry and cross. The Gemara comments that Rabbi Yannai acted in accordance with his reasoning stated elsewhere, as he said: **A person should never stand in a place of danger^H saying that they on High will perform a miracle for him, lest in the end they do not perform a miracle for him.** And, moreover, even if they do perform a miracle for him, they will deduct it from his merits. Rabbi Hanin said: **What is the verse that alludes to this?** When Jacob said: "I am not worthy of all the mercies, and of all the truth, which You have shown unto Your servant" (Genesis 32:11), and he explains: Since You have bestowed upon me so much kindness and truth, my merits have been diminished. Similarly, the Gemara relates that **Rabbi Zeira would not go out and walk among the palm trees on a day when there was a southern wind^B blowing due to the fear that the trees might fall on him.**

אמר רב יצחק בריה דרב יהודה: לעולם יבקש אדם רחמים שלא יחלה, שאם יחלה – אומרים לו: הבא זכות והפטור. אמר מר עוקבא: מאי קראה – "כי יפול הנופל ממנו" ממנו להביא ראיה. תנא דבי רבי ישמעאל: "כי יפול הנופל ממנו" (ממנו) ראוי זה ליפול מששת ימי בראשית, שהרי לא נפל והכתוב קראו נופל. אלא שמגלגלין זכות על ידי זכאי וחובה על ידי חייב.

In a similar vein, Rav Yitzhak, son of Rav Yehuda, said: **A person should always pray that he will not become ill, as if he becomes ill they say to him: Bring proof of your virtue and exempt yourself.** It is preferable for a person not to be forced to prove that he merits staying alive, as he might not be able to prove it. Mar Ukva said: **What is the verse that alludes to this?** As it says: "When you build a new house, then you shall make a parapet for your roof, that you bring not blood upon your house, if the fallen falls *mimenu*" (Deuteronomy 22:8). He explains: **Mimenu, from him proof must be brought.** When one falls from his previous situation, it is his own responsibility to prove his innocence and emerge unharmed. **The school of Rabbi Yishmael taught: What is the meaning of the phrase: If the fallen falls from it? This person was destined to fall from that roof from the six days of Creation, it was ingrained into nature. As, although he did not yet fall, the verse calls him fallen.** Nevertheless, the owner of the house is indicted for this, as **merit is engendered by means of the innocent and guilt by means of the guilty.**

HALAKHA

One who became ill and tended toward death, they say to him: Confess – לוֹ אֹמְרִים לּוֹ – מִי שֶׁחָלָה וְנָטָה לְמוֹת, אֹמְרִים לּוֹ – הַתְּוֵדָה: They also say to him: Many people have confessed and survived, and many have not confessed and died. As a reward for confessing, you live, and anyone who confesses has a portion in the World-to-Come. If one is unable to verbalize his confession, he may confess in his heart. If he does not know how to confess, he is told to say: My death shall be atonement for my sins (Rambam Sefer HaMadda, Hilkhoh Teshuva 1:1; Shulhan Arukh Yoreh De'a 338:1).

LANGUAGE

Soldier [seradiyot] – סֵרַדְיּוֹט: From the Greek στρατιώτης, stratiotes, meaning soldier. Beginning in mishnaic times, it meant specifically a professional soldier or mercenary.

Chain [kolar] – קוֹלָר: From the Latin collare, meaning a chain around the neck of an animal or a prisoner.



Kolar

Advocates [peraklitin] – פְּרַקְלִיטִין: from the Greek παράκλητος, parakletos, meaning one who pleads on another's behalf or a lawyer.

NOTES

Nine hundred... within that same angel – תְּשַׁע מֵאוֹת – Clearly, repentance and good deeds are identified with the advocate angel, since a good deed is itself an angel that advocates on one's behalf. Rabbi Eliezer, son of Rabbi Yosei HaGelili, added that even if the good deed contains other aspects that are not completely good, if there is just a kernel of good in the action, that is sufficient.

BACKGROUND

They call it ark – שְׁקוּרִין אֲרָנָא – Medieval and modern talmudic commentaries (see Tosafot) ask: What is the sin in referring to the Holy Ark as simply ark [arna]? The Sages refer to it the same way [aron]. Perhaps the distinction is that the proper Aramaic term for ark is arona, while arna also means wild goat. Therefore, the use of that term is inappropriate when referring to the Holy Ark.

תַּנּוּ רַבָּנַן: מִי שֶׁחָלָה וְנָטָה לְמוֹת, אֹמְרִים לּוֹ: הַתְּוֵדָה, שֶׁכֵּן כָּל הַמוֹמְתִין מִתְּוֵדִין. אָדָם יוֹצֵא לְשׁוּק – יְהִי דוֹמָה בְּעֵינָיו כְּמִי שֶׁנִּמְסַר לְסֵרַדְיּוֹט, חָשׁ בְּרָאוּשׁוֹ – יְהִי דוֹמָה בְּעֵינָיו כְּמִי שֶׁנִּתְּנָהוּ בְּקוֹלָר, עָלָה לְמִטָּה וְנָפַל – יְהִי דוֹמָה בְּעֵינָיו כְּמִי שֶׁהֶעֱלוּהוּ לְגֵרְדוֹם לִידוֹן; שֶׁכֵּן הָעוֹלָה לְגֵרְדוֹם לִידוֹן אִם יֵשׁ לּוֹ פְּרַקְלִיטִין גְּדוֹלִים – נִיצוֹל, וְאִם לֹא – אִינוֹ נִיצוֹל.

וְאֵלּוּ הֵן פְּרַקְלִיטִין שֶׁל אָדָם – תְּשׁוּבָה וּמַעֲשִׂים טוֹבִים. וְאִפִּילוֹ תְּשַׁע מֵאוֹת וְתִשְׁעִים וְתִשְׁעֵהוּ מִלְּמַדִּים עָלָיו חוֹבָה, וְאֶחָד מִלְּמַד עָלָיו זְכוּת – נִיצוֹל, שְׁנֵאמַר: "אִם יֵשׁ עָלָיו מִלְּאֵךְ מְלִיץ אֶחָד מִנִּי אֵלֶיךָ לְהַגִּיד לְאָדָם יִשְׂרָאֵל וַיַּחַנְנוּ וַיֹּאמֶר פְּדֵהוּ מִרְדֵּת שַׁחַת וְגו'". רַבִּי אֱלִיעֶזֶר בְּנֵי שֶׁל רַבִּי יוֹסִי הַגְּלִילִי אָמַר: אִפִּילוֹ תְּשַׁע מֵאוֹת וְתִשְׁעִים וְתִשְׁעֵהוּ בְּאוֹתוֹ מִלְּאֵךְ לְחוֹבָה וְאֶחָד לְזְכוּת – נִיצוֹל, שְׁנֵאמַר: "מְלִיץ אֶחָד מִנִּי אֵלֶיךָ".

תַּנּוּ רַבָּנַן: עַל שְׁלֹשׁ עֲבִירוֹת נָשִׁים מֵתוֹת יוֹלְדוֹת, רַבִּי אֱלִיעֶזֶר אָמַר: נָשִׁים מֵתוֹת יוֹלְדוֹת. רַבִּי אַחָא אָמַר: בְּעוֹן שֶׁמְכַבְּסוֹת צוֹאֹת בְּנִיהֶם בְּשַׁבָּת, וַיֵּשׁ אֹמְרִים: עַל שְׁקוּרִין לְאַרְזוֹן הַקֹּדֶשׁ "אֲרָנָא".

תַּנּוּיָא, רַבִּי יִשְׁמַעֵאל בֶּן אֱלִיעֶזֶר אָמַר: בְּעוֹן שֶׁנִּי דְבָרִים עֲמִי הָאַרְצוֹת מֵתִים – עַל שְׁקוּרִין לְאַרְזוֹן הַקֹּדֶשׁ "אֲרָנָא", וְעַל שְׁקוּרִין לְבֵית הַכְּנֶסֶת "בֵּית עַם". תַּנּוּיָא, רַבִּי יוֹסִי אָמַר: שְׁלֹשָׁה דְבָקִי מֵיִתָּה נִבְרָאוּ בְּאִשָּׁה, וְאִמְרִי לָהּ: שְׁלֹשָׁה דְבָקִי מֵיִתָּה, נִדָּה וְחִלָּה וְהִדְלַקְתָּ הַיָּר. חֲדָא כְּרַבִּי אֱלִיעֶזֶר, וְחֲדָא כְּרַבָּנַן.

תַּנּוּיָא, רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אָמַר: הַלְבוֹת הַקֹּדֶשׁ תְּרוּמוֹת וּמַעֲשָׂוֹת הֵן הֵן גּוֹפֵי תוֹרָה.

The Sages taught: One who became ill and tended toward death, they say to him: Confess,¹ as all those executed by the courts confess. Even if he is dying of natural causes, it is worthwhile for him to consider his death atonement for his sins. The Sages said: When a person goes out to the marketplace where there are fights and disputes, he should consider himself as someone who has been handed over to a soldier [seradiyot].¹ If his head hurt, he should consider it as if they placed him in a chain [kolar]¹ around his neck. If he climbed into bed and fell ill, he should consider himself as if they took him up to the gallows to be judged, as with regard to anyone who goes up to the gallows to be judged, if he has great advocates [peraklitin],¹ he is spared, and if not, he is not spared.

And with regard to divine judgment, these are a person's advocates: Repentance and good deeds. The Gemara comments: And even if there are nine hundred ninety-nine asserting his guilt and only one asserting his innocence, he is spared, as it is stated: "If there be for him an angel, an advocate, one among a thousand, to vouch for a man's uprightness; then He is gracious unto him, and says: Deliver him from going down to the pit, I have found a ransom" (Job 33:23–24). Rabbi Eliezer, son of Rabbi Yosei HaGelili, says: Even if there are nine hundred ninety-nine portions within that same angelⁿ accusing him, and one portion asserting his innocence, he is spared, as it stated: "An advocate, one among a thousand." Even when the advocate who asserts his innocence finds only one-tenth of one percent of innocence in this man, even then, he is gracious unto him, and says: Deliver him from going down to the pit, I have found a ransom.

The Sages taught in a baraita: For three transgressions women die in childbirth [yoledot]. Rabbi Elazar has a different version and says that women die when they are young [yeladot]. These transgressions are those enumerated in the mishna: The halakhot of a menstruating woman, halla, and Shabbat lights. Rabbi Aha says they are punished for the sin of laundering their children's feces from clothing on Shabbat. And some say: Because they call the Holy Ark simply ark.^b

Similarly, we learned in a baraita that Rabbi Yishmael ben Elazar says: On account of two sins, ignoramuses [amei ha'aretz] die young (Rav Ya'akov Emden): Because they call the Holy Ark simply ark, and because they call the synagogue the house of the people. It was taught in a baraita that Rabbi Yosei says: Three crucibles potentially leading to death were created in the woman, and some say: Three accelerants of death. They are: Menstruation, halla, and lighting the Shabbat lights. The Gemara explains that one version, accelerants of death, is in accordance with the opinion of Rabbi Elazar, who said that women die young. And the other one, crucibles of death, is in accordance with the opinion of the Rabbis, who said that women die in childbirth.

Similarly, it was taught in a baraita that Rabbi Shimon ben Gamliel says: The halakhot of consecrated items, terumot, and tithes are themselves the essence of Torah and are extremely severe,

וּנְמַסְרוּ לְעַמֵּי הָאָרֶץ. and they were given, among others, to ignoramusesⁿ to fulfill. When they are negligent in the performance of these mitzvot, they are punished for it.

NOTES

וּנְמַסְרוּ לְעַמֵּי הָאָרֶץ – וּנְמַסְרוּ לְעַמֵּי הָאָרֶץ: consecrated or teruma status, that is its status, not only for the one who consecrated it but for everyone. Therefore, ignoramuses also determine the sanctity of items, even in these stringent areas of halakha.

For the sin of dereliction in the study of Torah – **בְּעֵוֹן בִּטּוּל** – תורה: In tractate *Kalla* a similar concept is expressed, but a different proof is cited: “You have forgotten the Torah of your God; I too will forget your children” (Hosea 4:6).

תנא, רבי נתן אומר: בעון נדרים מתה אשה של אדם, שנאמר: “אם אין לך לשלם למה יקח משכבך מתחתידך.” רבי אומר: בעון נדרים בניס מתים בשהן קטנים, שנאמר: “אל תתן את פיך לחטיא את בשרך ואל תאמר לפני המלאך כי שגגה היא למה יקצוף האלהים על קולך וחבל את מעשה ידיך.” איזה הן מעשה ידי של אדם – הוי אומר: בני ובנותיו של אדם.

תנו רבנן, בעון נדרים בניס מתים – דברי רבי אלעזר ברבי שמעון, רבי יהודה הנשיא אומר: בעון ביטול תורה. בשלמא למאן דאמר בעון נדרים – בדאמרן, אלא למאן דאמר בעון ביטול תורה – מאי קראה? דכתיב: “לשוא הכיתי את בניכם מוסר לא לקחור.” רב נחמן בר יצחק אומר: למאן דאמר בעון נדרים נמי מהכא – “לשוא הכיתי את בניכם” – על עסקי שוא. מכדי, רבי יהודה הנשיא היינו רבי, ורבי בעון נדרים קאמר! בתר דשמעה מרבי אלעזר ברבי שמעון.

פליגי בה רבי חיאי בר אבא ורבי יוסי, חד אומר: בעון מזוזה, וחד אומר: בעון ביטול תורה. למאן דאמר “בעון מזוזה” – מקרא נדרש לפני ולא לפני פניו. ולמאן דאמר “בעון ביטול תורה” מקרא נדרש לפני ולא לפני פניו.

פליגי בה רבי מאיר ורבי יהודה, חד אומר: בעון מזוזה, וחד אומר: בעון ציצית. בשלמא למאן דאמר בעון מזוזה – דכתיב: “וכתבתם על מזוזות ביתך” וכתוב בתריה: “למען ירבו ימיכם וימי בניכם.” אלא למאן דאמר בעון ציצית, מאי טעמא? אומר רב כהנא ואיתימא שילא מרי, דכתיב: “גם בכנפך נמצאו דם נפשות אביונים נקיים.” רב נחמן בר יצחק אומר: למאן דאמר בעון מזוזה נמי מהכא, דכתיב: “לא במחתרת מצאתים” – שעשו פתחים כמחתרת.

It was taught in a *baraita* that Rabbi Natan says: Due to the sin of vows unfulfilled a person's wife dies. The allusion is as it is stated: “If you have not the wherewithal to pay, why should He take away your bed from under you?” (Proverbs 22:27). Rabbi Yehuda HaNasi says: Due to the sin of vows unfulfilled, children die when they are young, as it is stated: “Better is it that you should not vow, than that you should vow and not pay. Suffer not your mouth to bring your flesh into guilt, neither say you before the messenger that it was an error; wherefore should God be angry at your voice and destroy the work of your hands?” (Ecclesiastes 5:4–5). What is the work of a person's hands? You must say that it is a person's sons and daughters.

In order to clarify which sins cause one's young children to die, the Gemara cites what the Sages taught in a *baraita*: For the sin of vows, one's children die, this is the statement of Rabbi Elazar, son of Rabbi Shimon. Rabbi Yehuda HaNasi says: For the sin of dereliction in the study of Torah.^N The Gemara asks: Granted, according to the opinion of the one who said that one's children die due to the sin of vows, as we stated above. However, according to the opinion of the one who said that one's children die due to sin of dereliction in the study of Torah, what is the verse that supports this? The Gemara replies: As it is written: “In vain have I smitten your children; they received no morality” (Jeremiah 2:30). Children die because their fathers did not accept the morality, the Torah. Rav Nahman bar Yitzhak said: According to the one who said that one's children die because of the sin of vows, it can also be derived from here: In vain have I smitten your children; on matters of vanity, i.e., when one vows in vain and does not fulfill it. The Gemara asks: After all, Rabbi Yehuda HaNasi is Rabbi, and it was taught in a *Tosefta* that Rabbi said that one's children die because of the sin of vows. How then could it be that Rabbi Yehuda HaNasi said that it is due to the sin of dereliction in the study of Torah? The Gemara answers: After he heard it from Rabbi Elazar, son of Rabbi Shimon, he reconsidered and taught in accordance with Rabbi Elazar's opinion.

On the same topic, Rabbi Hiyya bar Abba and Rabbi Yosei disagree. One said that children die due to the sin of not affixing a *mezuzah* to one's doorpost. And one said children die due to the sin of dereliction in the study of Torah. According to the one who said that children die because of the sin of not affixing a *mezuzah*, his opinion there is based on an exegetical principle, which states that a verse is interpreted homiletically based on juxtaposition to the verse immediately preceding it and not on juxtaposition to the verse before the one preceding it. In this case, it says: “That your days may be multiplied, and the days of your children” (Deuteronomy 11:21), and the preceding verse says: “And you shall write them upon the doorposts of your house, and upon your gates” (Deuteronomy 11:20). And according to the one who said that children die due to the sin of dereliction in the study of Torah, that is because in his opinion the exegetical principle is that a verse is interpreted homiletically based on juxtaposition to the verse immediately preceding it, as well as to the verse before the one preceding it. In his opinion, the blessing of long life also relates to the verse before the one immediately preceding it: “And you shall teach them your children, talking of them” (Deuteronomy 11:19).

The *tanna'im* Rabbi Meir and Rabbi Yehuda also disagreed about this. One said: Children die due to the sin of *mezuzah*, and one said children die due to the sin of not affixing ritual fringes. The Gemara asks: Granted, according to the opinion of the one who said that children die due to the sin of *mezuzah*, it is based on the juxtaposition of the verses, as it is written: “And you shall write them upon the doorposts of your house, and upon your gates,” and it says thereafter: “That your days may be multiplied, and the days of your children.” However, according to the one who said that children die because of the sin of ritual fringes, what is the reason? What is the connection between these matters? Rav Kahana said, and some say that it was Sheila Mari: It is homiletically interpreted as is written: “Also in your corners is found the blood of the souls of the innocent poor” (Jeremiah 2:34). Due to one's failure to affix ritual fringes to the corners of his garments, the innocent poor, young children, who have not had opportunity to sin, die. Rav Nahman bar Yitzhak said: According to the one who said that children die because of the sin of *mezuzah*, it is also derived from here, as it is written in the continuation of that verse: “You did not find them breaking in; yet for all these things.” We see that this punishment comes because they made entrances like a thief's breach in the wall. They did not place *mezuzot* in their entrances.

Anyone who is vigilant in performing the mitzva of ritual fringes, etc. – כל ההיור בעיצית זכה ומשמשין לו שני אלפים ושמונה מאות עבדים, שנאמר: "כה אמר ה' [צבאות] בימים ההמה אשר יחזיקו עשרה אנשים מכל לשונות הגוים [והחזיקו] בכנף איש יהודי לאמר נלכה עמכם וגו'".

NOTES

Mnemonic – סימן: This mnemonic includes all the cases subsequently discussed, although the Gemara cited them with slight emendations. It is a mnemonic for hate, for gratuitous hatred; *halla*; *teruma*; theft; judgment, for distortion and perversion of justice; oath, for a vain oath; pouring, for murder; uncovering, for prohibited sexual relations; and vulgarity, for vulgar speech.

Consume the snow waters – יגולו מימי שלג: Apparently, the word consume applies to both the beginning and the end of the verse. It should be interpreted as follows: As drought and heat will consume, i.e., if people steal the gifts that they are meant to give to others in the summer, then ultimately, that will cause the snow waters to be consumed. The verse itself can also mean that when drought and heat consume the snow waters, it is a sign that: "So does the netherworld [consume] those that have sinned" (Rashi).

BACKGROUND

Mehoza – מְהוּזָא: Mehoza was a large city on the banks of the Tigris River, not far from the Malka River that connects the Tigris with the Euphrates River. Its location in the center of Babylonia led to its development as a wealthy commercial city. The people of Mehoza were known for their great wealth, to the extent that even the male residents would wear special, ornamented clothing. A large portion of the city's population was Jewish, and included many converts. Rava was the head of the yeshiva in Mehoza, which later merged with the yeshiva of Neharde'a-Pumbedita. He regularly rebuked the people of the city for their self-indulgence, dishonesty, and lack of fear of God.

אמר ריש לקיש: כל ההיור בעיצית זכה ומשמשין לו שני אלפים ושמונה מאות עבדים, שנאמר: "כה אמר ה' [צבאות] בימים ההמה אשר יחזיקו עשרה אנשים מכל לשונות הגוים [והחזיקו] בכנף איש יהודי לאמר נלכה עמכם וגו'".

סימן: שני חלה תרומה נגזלת דינא שבועה שיפוכתא גילויא ונבלותא. תניא. רבי נחמיה אומר: בעון שנאת חנם – מריבה רבה בתוך ביתו של אדם, ואשתו מפלת נפלים, ובניו ובנותיו של אדם מתים בשנה קטנים. רבי אלעזר ברבי יהודה אומר: בעון חלה אין ברכה במכונס, ומארה משתלחת בשערים, וזרעין ורעים ואחרים אוכלין, שנאמר: "אף אני אעשה זאת לכם והפקדתי עליכם בהלה את השקפת ואת הקדחת מכלות עינים ומדיבות נפש וזרעתם לריק וזרעכם ואכלו אויביכם", אל תקרי "בהלה" אלא "בחלה". ואם נתנין – מתברכין, שנאמר: "[ו]ראשית עריסותיכם תתנו לכהן להניח ברכה אל ביתך".

בעון ביטול תרומות ומעשרות שמים נעצרין מלהוריד טל ומטר, והיורק הוה, והשכר אבד, ובני אדם רצין אחר פונסתן ואין מגיעין, שנאמר: "ציה גם חום יגולו מימי שלג שאול חטאו". מאי משמע? תנא דבי רבי ישמעאל: בשביל דברים שצויתי אתכם בימות החמה ולא עשיתם – יגולו מכם מימי שלג בימות הגשמים. ואם נתנין – מתברכין, שנאמר: "הביאו את כל המעשר אל בית האוצר והי טרף בביתי ובחונני נא בזאת אמר ה' צבאות אם לא אפתח לכם את ארובות השמים והריקותי לכם ברכה עד בלי די", מאי "עד בלי די"? אמר רמי בר רב אומר רב: עד שיבלו שפתותיכם מלומר די.

בעון גול הגזבאי עולה, והרעב הוה, ובני אדם אוכלים בשר בניין ובנותיהן, שנאמר: "שמעו הדבר הזה פרות הבשן אשר בהר שומרון העושקות דלים הרוצעות אביונם" אמר רבא: כגון הנני נשי דמחוזא,

Since the Gemara discussed the importance of the mitzva of ritual fringes, it cites that which Reish Lakish said: Anyone who is vigilant in performing the mitzva of ritual fringes¹ merits that two thousand eight hundred servants will serve him in the World-to-Come. As it is stated: "Thus says the Lord of hosts: In those days it shall come to pass, that ten men shall take hold, out of all the languages of the nations, shall even take hold of the corner of the garment of him that is a Jew, saying: We will go with you, for we have heard that God is with you" (Zechariah 8:23). On each corner of a Jewish person's garment with ritual fringes, ten people from each of the seventy nations will take hold. That totals seven hundred people on each corner; 2,800 people altogether.

Together with these statements, the Gemara cites a mnemonic^N for additional rabbinic adages with regard to punishments for various sins: Hate, *halla*, *teruma*, stolen, judgment, oath, pouring, uncovering, and vulgarity. It was taught in a *baraita*, Rabbi Nehemya says: Due to the sin of gratuitous hatred that one has for another, the punishment is great discord within a person's home, and his wife miscarries, and his sons and daughters die when they are young. Rabbi Elazar, son of Rabbi Yehuda, said: Due to the sin of failure to separate *halla* from the dough, no blessing takes effect on the grain gathered in the storehouse and a curse spreads to the prices of crops, which increase, and they plant seeds and others eat their yield, as it is stated: "I also will do this unto you: I will appoint terror [*behala*] over you, even consumption and fever, that shall make the eyes to fail and the soul to languish; and you shall sow your seed in vain, for your enemies shall eat it" (Leviticus 26:16). Do not read it *behala*; rather, read it as *behalla*. Due to negligence in the separation of *halla* from the dough, these punishments come. And if they give *halla*, they are blessed, as it is stated: "And the first of your dough you shall give unto the priest to cause a blessing to rest on your house" (Ezekiel 44:30).

They also said: Due to the sin of abrogation of *terumot* and tithes, the heavens are prevented from pouring down dew and rain, and expense prevails, and profit is lost, and people pursue their livelihood but do not attain it, as it is stated: "Drought and heat consume the snow waters;^N so does the netherworld those that have sinned" (Job 24:19). The Gemara asks: What is the inference? How is that concept derived from this verse? The school of Rabbi Yishmael taught that it should be explained as follows: Due to the things that I commanded you during the summer, separating *terumot* and tithes from the summer crops, and you did not do them, the snow waters will be robbed from you during the rainy season. And if people give *terumot* and tithes, they are blessed, as it is stated: "Bring you the whole tithe into the storehouse, that there may be food in My house, and try Me now with this, says the Lord of Hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall be more than sufficiency [*ad bli dai*]" (Malachi 3:10). The Gemara asks: What is the meaning of: More than sufficiency [*ad bli dai*]? Rami bar Rav said that Rav said: It means that the abundance will be so great that your lips will be worn out [*yivlu*], similar to the word *beli*, from saying enough [*dai*].

Due to the sin of robbery, locusts emerge, and famine prevails, and people eat the flesh of their sons and daughters, as it is stated: "Hear this word, you cows of Bashan, that are in the mountain of Samaria, that oppress the poor, that crush the needy, that say unto their lords: Bring, that we may feast" (Amos 4:1). Afterward it says: "And I also have given you cleanness of teeth in all your cities, and want of bread in all your places" (Amos 4:6), which refers to famine. Rava said: The cows of Bashan; like those women of the city of Mehoza,^B

דְּאָכְלוּ וְלֹא עָבְדוּ. וְכַתִּיב: "הַבֵּיתִי אֲתֶכֶם בְּשֹׁדֶפֶן וּבִדְבַחַן וּבִדְבַחַן הַרְבוֹת גְּנוֹתֵיכֶם וּכְרֵמֵיכֶם וְתַאֲנִיכֶם וְיֵיתֵיכֶם יֹאכְל הַגֹּזִים." וְכַתִּיב: "יֵתֵר הַגֹּזִים אֲכַל הָאֲרֵבָה וְיֵתֵר הָאֲרֵבָה אֲכַל הַיֵּלֶק וְיֵתֵר הַיֵּלֶק אֲכַל הַחֲסִיל." וְכַתִּיב: "וְיִגְזֹר עַל יְמִין וְרֵעֵב וְיֹאכֵל עַל שְׂמֹאל וְלֹא שָׁבְעוּ אִישׁ בִּשְׂרָו וְרָעוּ יֵאָבְלוּ," אֵל תִּקְרֵי 'בִּשְׂרָו וְרָעוּ' אֶלֶּא 'בִּשְׂרָו וְרָעוּ'.

בְּעוֹן עֵינְי הַדִּין וְעֵיוֹת הַדִּין וְקִלְקוּל הַדִּין וּבִיטוּל תּוֹרָה חָרֵב וּבִיזָה רַבָּה, וְדָבָר וּבִצְרוֹת בָּא, וּבְנֵי אָדָם אוֹכְלִין וְאֵינָן שֹׁבְעִין, וְאוֹכְלִין לַחֲמֵם בְּמִשְׁקָל, דְּכַתִּיב: "וְהִבְאֵתִי עֲלֵיכֶם חָרֵב נֹקְמַת נֶקֶם בְּרִית וְגו'." וְאֵין בְּרִית אֶלֶּא תּוֹרָה, שְׁנַאֲמַר: "אִם לֹא בְרִיתִי יוֹמֵם וְלַיְלָה וְגו'." וְכַתִּיב: "בְּשִׁבְרֵי לֶחֶם מִטָּה לֶחֶם וְאֶפֶס עֶשֶׂר נָשִׁים וְגו'." וְכַתִּיב: "יֵעַן וּבִיעַן בְּמִשְׁפָּטֵי מֶאֶסוּ."

בְּעוֹן שְׁבוּעַת שְׂוֹא וּשְׁבוּעַת שֶׁקֶר וְחִילּוּל הַשֵּׁם וְחִילּוּל שַׁבַּת - חִזְיָה רְעָה רַבָּה, וּבְהִמָּה כְּלָה, וּבְנֵי אָדָם מִתְמַעֲטִין, וְהַדְּרָכִים מִשְׁתוּמְמִין, שְׁנַאֲמַר: "וְאִם בְּאֵלֶּה לֹא תִקְרוּ לִי" אֵל תִּקְרֵי בְּאֵלֶּה אֶלֶּא בְּאֵלֶּה, וְכַתִּיב: "וְהִשְׁלַחְתִּי בְכֶם אֶת חַיַּת הַשָּׂדֶה וְגו'." וְכַתִּיב בְּשְׁבוּעַת שֶׁקֶר: "וְלֹא תִשָּׁבְעוּ בְשֵׁמִי לְשֶׁקֶר וְחִלַּלְתָּ אֶת שֵׁם אֱלֹהֶיךָ" וּבְחִילּוּל הַשֵּׁם כַּתִּיב: "וְלֹא תַחֲלְלוּ אֶת שֵׁם קְדֹשִׁי" וּבְחִילּוּל שַׁבַּת כַּתִּיב: "מִחֲלִלָּהּ מוֹת יוּמָת", וְלִיף חִילּוּל חִילּוּל מִשְׁבוּעַת שֶׁקֶר.

who eat and do nothing to support themselves, and cause their husbands to commit the sin of theft. And it is written: "I have smitten you with blight and mildew; the multitude of your gardens and your vineyards and your fig trees and your olive trees has the palmerworm devoured" (Amos 4:9). And it is written: "That which the palmerworm has left the locust has eaten; and that which the locust has left the cankerworm has eaten; and that which the cankerworm has left the caterpillar has eaten" (Joel 1:4). And it is written: "And one snatches on the right hand, and is hungry; and he eats on the left hand, and is not satisfied; they eat every man the flesh of his own arm [besar zero'o]" (Isaiah 9:19). Do not read it: The flesh of his own arm [besar zero'o]; rather, the flesh of his own offspring [besar zaro]. All the punishments for theft listed above were explicitly mentioned in the verses.

Furthermore, the Sages said that due to the sin of delay of justice, i.e., judges delay issuing their rulings due to personal considerations, and for distortion of justice, i.e., judges intentionally distort their verdicts, and for miscarriage of justiceⁿ that results from negligence, and for dereliction in the study of Torah, violence and looting abound in the world, and pestilence and famine come, and people eat and are not sated, and they eat their bread measured by weight. As it is written: "And I will bring a sword upon you, that shall execute the vengeance of the covenant; and you shall be gathered together within your cities; and I will send the pestilence among you; and you shall be delivered into the hand of the enemy" (Leviticus 26:25). And covenant means nothing other than Torah, as it is stated: "If My covenant be not with day and night, if I have not appointed the ordinances of heaven and earth" (Jeremiah 33:25). The study of Torah is the mitzva practiced both day and night. And it is written with regard to this punishment: "When I break your staff of bread, ten women shall bake your bread in one oven, and they shall deliver your bread again by weight; and ye shall eat, and not be satisfied" (Leviticus 26:26). And it is written: "Even because they rejected My ordinances, and their soul abhorred My statutes" (Leviticus 26:43). All of these punishments result from breaching the covenant of the Torah and the perversion of justice.

Due to the sin of an oath taken in vain^b and a false oath, and desecration of God's name, and desecration of Shabbat, wild beasts abound in the world, and domesticated animals cease to exist, and human beings decrease in number, and the roads become desolate, as it is stated: "And if in spite of these [be'eleh] things you will not be corrected unto Me, but will walk contrary unto Me casually" (Leviticus 26:23). Do not read of these [be'eleh]; rather, due to a vain oath [be'ala]. And it is written that the punishment for this is: "And I will send the beast of the field among you, which shall rob you of your children, and destroy your cattle, and make you few in number; and your ways shall become desolate" (Leviticus 26:22). And it is written with regard to a false oath: "And you shall not swear by My name falsely, so that you desecrate [vehillalta] the name of your God: I am the Lord" (Leviticus 19:12). And it is written with regard to desecrating the name of God: "And you shall not desecrate [tehallelu] My Holy Name" (Leviticus 22:32). And it is written with regard to desecrating Shabbat: "Every one that desecrates it [mehaleleha] shall surely be put to death" (Exodus 31:14). And derive by means of a verbal analogy [gezera shava] desecration [hillul] of Shabbat from desecration [hillul] of a false oath. Just as punishment for a false oath is desolation and wild beasts, one receives the same punishment for desecrating Shabbat and the name of God.

NOTES

And distortion of justice and miscarriage of justice – ועיוות הדין וקלקול הדין: Apparently, distortion of justice, does not refer to the judge himself, but to his attendants and aides who do not see to it that his rulings are implemented appropriately (Maharsha).

BACKGROUND

An oath taken in vain – שְׁבוּעַת שְׂוֹא: There is no halakhic difference between an oath taken in vain and a false oath. Whenever someone swears to an untruth, it falls into this category. However, a vain oath refers specifically to an oath that is patently untrue, i.e., one who takes two contradictory oaths and one of the two is a vain oath. If a person intentionally takes a vain oath, he is punishable by lashes. If he does so unwittingly, there is no punishment unless the oath also violates another prohibition, e.g., taking the name of God in vain. In addition, if one takes an oath that a known object is precisely what everyone perceives it to be, e.g., if one swears that a particular man is indeed a man, that oath falls under the rubric of an oath taken in vain.

בעון שפיכות דמים בית המקדש חרב, ושכינה מסתלקת מִיִּשְׂרָאֵל, שֵׁנֵאֲמַר: "וְלֹא תַחֲנִיפוּ אֹתָהּ וְלֹא תִטְמָא אֶת הָאָרֶץ אֲשֶׁר אַתֶּם יוֹשְׁבִים בָּהּ אֲשֶׁר אֲנִי שׁוֹכֵן בְּתוֹכָהּ", הָאֵתֶם מִטְמָאִים אֹתָהּ – אֵינְכֶם יוֹשְׁבִים בָּהּ, וְאֲנִי שׁוֹכֵן בְּתוֹכָהּ.

בעון גלוי עריות ועבודה זרה והשמטת שמיטין ויובלות – גלות בא לעולם, ומגלין אותן, ובאין אחרים ויושבין במקומן, שֵׁנֵאֲמַר: "כִּי אַתְּ כָל הַתּוֹעֵבוֹת הָאֵל עָשׂוּ אֲנֹשֵׁי הָאָרֶץ וְגו'". וכתוב: "וְהִטְמָא הָאָרֶץ וְאֶפְקֹד עֲוֹנָהּ עָלֶיהָ וְגו'". וכתוב: "וְלֹא תִקְיָא הָאָרֶץ אֶתְכֶם בְּטִמְאַכֶם אֹתָהּ".

ובעבודה זרה כתוב: "וְנִתְּתִי אֶת פְּגִרְכֶם וְגו'". וכתוב: "וְהִשְׁמֹתִי אֶת מִקְדְּשֵׁיכֶם וְגו' וְאֶתְכֶם אֲזַר בְּגוֹיִם".

בשמיטין ויובלות כתוב: "אִז תִּרְצֶה הָאָרֶץ אֶת שְׁבֻתוֹתֶיהָ כֹּל יְמֵי הַשְּׁמָה וְאַתֶּם בְּאָרֶץ אוֹיְבֵיכֶם וְגו'". וכתוב: "כֹּל יְמֵי הַשְּׁמָה תִשְׁבֹּת".

בעון נבלות פה צרות רבות, וגזירות קשות מתחדשות, ובחורי שונאי ישראל מתים, יתומים ואלמנות צועקין ואינם נענין, שֵׁנֵאֲמַר: "עַל כֵּן עַל בַּחֲוָרָיו לֹא יִשְׂמַח ה' וְאֶת יְתוּמָיו [וְאֶת] (ו) אֲלֵמְנוֹתָיו לֹא יִרְחַם כִּי כָלוּ חֲנָף וּמְרַע וְכָל פֶּה דוֹבֵר נְבִלָה בְּכָל זֹאת לֹא שָׁב אִפּוֹ וְעוֹד יָדוֹ נְטוּיָה".

מאי ועוד ידו נטויה? אָמַר רַבִּי חֲנַן בַּר רַבָּא: הַכֹּל יוֹדְעִין כְּלָה לָמָּה נִכְנְסָה לַחֻפָּה, אֲלֵא כֹל הַמְנַבֵּל פִּיּוֹ אֶפְיָלוֹ חוֹתְמִין עָלָיו גֹּזֵר דִּין שֶׁל שִׁבְעִים שָׁנָה לְטוֹבָה – הוֹפְכִין עָלָיו לְרָעָה. אָמַר רַבָּה בַּר שִׁילָא אָמַר רַב חֲסֵדָא: כֹּל הַמְנַבֵּל אֶת פִּי – מַעֲמִיקִין לוֹ גֵּיהֶנְם, שֵׁנֵאֲמַר: "שׁוֹחֵה עֲמוּקָה פִּי זֹרוֹת". רַב נַחֲמָן בַּר יִצְחָק אָמַר: אֵף שׁוֹמֵעַ וְשׁוֹתֵק, שֵׁנֵאֲמַר: "וְעוֹם ה' יפול שם".

Due to the sin of bloodshed, the Holy Temple is destroyed, and the Divine Presence leaves Israel, as it says: "So you shall not pollute the land wherein you are; for blood, it pollutes the land; and no expiation can be made for the land for the blood that is shed therein, but by the blood of him that shed it. And you shall not defile the land which you inhabit, in the midst of which I dwell; for I the Lord dwell in the midst of the children of Israel" (Numbers 35:33–34). However, if you defile the land, you will not inhabit it, and I will not dwell in it.

Due to the sin of prohibited sexual relations, and idol worship, and failure to let the land lie fallow during the Sabbatical and Jubilee Years, exile comes to the world and they exile the Jewish people from their land, and others come and settle in their place. As it is stated with regard to illicit sexual relations: "For all these abominations have the men of the land done, that were before you, and the land is defiled; that the land expel not you also, when you defile it, as it expelled the nation that was before you" (Leviticus 18:27–28). And it is written: "And the land was defiled, therefore I did visit the iniquity thereof upon it, and the land expelled her inhabitants" (Leviticus 18:25). And it is written: "That the land expel not you also, when you defile it, as it expelled the nation that was before you."

And with regard to idol worship it is written: "And I will cast your carcasses upon the carcasses of your idols" (Leviticus 26:30). And it is written: "And I will bring your sanctuaries unto desolation, and I will not smell the savor of your sweet odors" (Leviticus 26:31). "And you will I scatter among the nations, and I will draw out the sword after you; and your land shall be a desolation, and your cities shall be a waste" (Leviticus 26:33).

With regard to the sin of failure to observe the Sabbatical and Jubilee Years it is written: "Then shall the land be paid her Sabbaths, as long as it lies desolate, and you are in your enemies' land; even then shall the land rest, and repay her Sabbaths" (Leviticus 26:34). And it is written: "As long as it lies desolate it shall have rest; even the rest which it had not in your Sabbaths, when you dwelt upon it" (Leviticus 26:35).

Due to the sin of vulgar speech, troubles abound, and harsh decrees are renewed, and the youth among the enemies of Israel, a euphemistic reference to Israel, die, and orphans and widows cry out for help and are not answered, as it is stated: "Therefore the Lord shall have no joy in their young men, neither shall He have compassion on their fatherless and widows; for everyone is ungodly and an evildoer, and every mouth speaks wantonness. For all this His anger is not turned away, but His hand is stretched out still" (Isaiah 9:16).^N

The Gemara explains: What is the meaning of the phrase: But His hand is stretched out still? Rabbi Hanan bar Rava said: Everybody knows why the bride enters the wedding canopy. There is no secret revealed. Nevertheless, anyone who speaks vulgarly about it, even if they, on High, sealed for him a decree of seventy years of good fortune, they will reverse it to bad fortune because of this sin. And Rabba bar Sheila said that Rav Hisda said: Anyone who speaks vulgarly, they deepen Gehenna for him, as it is stated: "The mouth that speaks perversity is a deep pit: he that is abhorred of the Lord shall fall therein" (Proverbs 22:14), i.e., Gehenna is deepened for one who speaks vulgarly. Rav Nahman bar Yitzhak said: Even one who hears vulgar speech and is silent is punished, as it is stated: "He that is abhorred of the Lord shall fall therein,"^N even if he himself does not speak at all.

NOTES

But His hand is stretched out still [ve'od] – ועוד ידו נטויה: In this context, *ve'od* is understood as *va'ed*, forever. In human terms, this refers to the life expectancy of seventy years. When one commits this sin, the evil decree is forever (Rashi).

Shall fall therein – יפול שם: Some commentaries explain that the phrase:

Shall fall therein, can be understood in two ways. The first is that one shall fall therein, in Gehenna. The second is: He shall fall therein, in the sense of the verse: "Over against all his brethren he did fall" (Genesis 25:18). One who is present and remains silent is sentenced to the same punishment (Maharsha).

אמר רב אושעיא: כל הממרק עצמו לעבירה – חבורות ופצעים יוצאין בו, שנאמר: "חבורות פצע תמרוק ברע" ולא עוד אלא שנדון בהדרוקן, שנאמר: "וימכות חדרי בטן". אמר רב נחמן בר יצחק: סימן לעבירה הדרוקן.

תנו רבנן, שלשה מיני הדרוקן הן: של עבירה – עבה, ושל רעב – תפוח, ושל כשפים – דק.

שמואל הקטן חש ביה אומר: רבונו של עולם, מי מפים? איתסי. אביי חש ביה, אמר רבא: ידענא ביה בנחמני דמכפין נפשיה. רבא חש ביה. והא רבא הוא דאמר: נפיש קטילי קדר מנפחתי כפן! שאני רבא, דאנסי ליה רבנן בעידיניה בעל בורחיה.

תנו רבנן, ארבעה סימנין הן: סימן לעבירה הדרוקן, סימן לשנאת חנם ירוקן, סימן לגסות הרוח עניות, סימן ללשון הרע אסקרה.

תנו רבנן: אסקרה באה לעולם

And in a similar vein, Rav Oshaya said: **Anyone who prepares himself to commit a sin, wounds and bruises emerge on him, as it is stated: "Sharp wounds for one devoted to evil; so do stripes that reach the inward parts" (Proverbs 20:30).** And not only that, but he is sentenced to suffer from the disease of edema [*hidrokan*],^{1b} as it is stated: **So do stripes that reach the inward parts.** Rav Nahman bar Yitzhak said: **A sign indicating one who committed a sin is the disease *hidrokan*, which afflicts the inner parts.**

The Sages taught in a *baraita*: There are three types of *hidrokan*: The one that comes as punishment for sin is thick; and that which is the result of hunger is swollen, but not as thick; and the one caused by witchcraft is thin, and the flesh of the sick person becomes thin in other places.

The Gemara relates: **Shmuel HaKatan fell ill with *hidrokan*. He said: Master of the Universe, who will draw lots, meaning, who will be able to determine that this *hidrokan* is not the consequence of sin? He was cured.** Abaye also fell ill with *hidrokan*. Rava testified and said about him: **I know about Nahmani, Abaye, that he starves himself and that his *hidrokan* is the result of hunger.** The Gemara relates that **Rava fell ill with *hidrokan*, and they asked: But Rava did not starve himself, and there is no reason to suspect him of sin, and we cannot say that he contracted *hidrokan* because he did not relieve himself on time. Rava knew to relieve himself, as it is he who said: More have been killed due to the chamber pot, because they were not careful about relieving themselves in a timely manner, than those swollen due to starvation.** The Gemara answers: **Rava is different because the Sages compel him to remain in place against his will while he lectures.** Since he could not relieve himself, he became sick with *hidrokan*.

On a related note, **the Sages taught in a *baraita* that there are four signs: A sign of sin is *hidrokan*, a sign of gratuitous hatred is jaundice, a sign of arrogance is poverty,^N and a sign of slander is *askara*.**

The Sages taught: *Askara* comes to the world as punishment

LANGUAGE

Edema [*hidrokan*] – הדרוקן: From the Greek ὕδρωπικός *hydropikos*, which means one who is ill with edema.

BACKGROUND

Edema [*hidrokan*] – הדרוקן: Edema is a symptom characterized by swelling, which is the result of fluid that collects in body tissue. It is caused either by disruption in the blood circulation or by cirrhosis of the liver. All types of edema are called *hidrokan*. One type, known as *anasarca* or *hidropsia sicca* is a condition where the entire body is swollen. Another, known as *ascites*, is a condition in which the whole body is thin, yet the stomach is swollen, similar to the symptoms associated with cirrhosis of the liver. Similar swelling, hunger edema, occurs as a result of prolonged starvation. Constipation does not cause edema, although it can cause a one's stomach to swell.

NOTES

A sign of arrogance is poverty – סימן לגסות הרוח עניות: In tractate *Kiddushin*, the Sages explain that poverty in this context is not defined in terms of wealth; rather, it refers to poverty in terms of Torah. In this sense, poverty results from a person failing to take the opportunity to travel to a place of Torah scholars to study with them. Due to his arrogance, he is not even aware of his own ignorance (Rashi).

Perek II
Daf 33 Amud b

על המעשור, רבי אלעזר ברבי יוסי אומר: על לשון הרע, אמר רבא, ואיתימא רבי יהושע בן לוי: מאי קראה – "והמלך ישמח באלהים יתהלל כל הנשבע בו כי יסור פי דוברי שקר".

for neglecting to separate tithes. Rabbi Elazar, son of Rabbi Yosei, says: *Askara*^b comes as punishment for slander. Rava said, and some say that it was Rabbi Yehoshua ben Levi who said it: **What is the verse that alludes to this? "But the king shall rejoice in God; every one that swears by Him shall glory; for the mouth of them that speak lies shall be stopped" (Psalms 63:12).** The punishment for lying is that the mouth will be stopped. *Askara* affects the mouth along with other parts of the body.

BACKGROUND

Askara – אסקרה: *Askara* is diphtheria, an infectious disease of the throat that causes the mucous membrane in the throat to swell, causing a choking sensation. Diphtheria is very common among children, and until the discovery of innovative medical treatments it was extremely deadly. Those who contracted the illness would die of asphyxiation. During the Second Temple

period, members of the non-priestly watch would fast once a week so that *askara* would not befall young children.

Apparently, the description of the illness as beginning in the intestines comes from the symptoms that children display when contracting infectious diseases like this one, which include vomiting and stomachaches.

The vineyard in Yavne – **קָרַם בִּיבְנָה**: Apparently, the seat of the Sanhedrin in Yavne was called the vineyard in Yavne. According to an ancient tradition, the Sanhedrin was called a vineyard because when it was in session, the Sages themselves, along with their students, would sit in rows, like the rows of a vineyard (Jerusalem Talmud). The seat of the Sanhedrin may also have been located near vineyards, lending the name a double meaning. Since most of the prominent Sages of that generation assembled there and their decisions were especially significant for the future existence of the Jewish people, the vineyard in Yavne was held in high regard. The *halakhot* studied there, known as the *baraitot* of the vineyard, are extremely authoritative.

איבעיא להו: רבי אלעזר ברבי יוסי "על לשון הרע קאמר" או דילמא "אף על לשון הרע" נמי קאמר? תא שמע, כשנכנסו רבותינו לפרם ביבנה היה שם רבי יהודה ורבי אלעזר ברבי יוסי ורבי שמעון. נשאלה שאלה זו בפניהם: מכה זו מפני מה מתחלת בבני מעיים וגומרת בפה? נענה רבי יהודה ברבי אלעאי ראש המדברים בכל מקום ואמר: אף על פי שכליות יועצות, ולב מבין ולשון מחתך – פה גומר. נענה רבי אלעזר ברבי יוסי ואמר: מפני שאוכלין בה דברים טמאין. דברים טמאים סלקא דעתך? אלא: שאוכלין בה דברים שאינן מתוקנים. נענה רבי שמעון ואמר: בעון ביטול תורה.

אמרו לו: נשים יוכיחו! שמבטלות את בעליהן. גוים יוכיחו! שמבטלין את ישראל. תינוקות יוכיחו! שמבטלין את אביהן. תינוקות של בית רבן יוכיחו!

התם כדרבי גוריון, דאמר רבי גוריון, ואיתימא רב יוסף ברבי שמעיה: בזמן שהצדיקים בדור – צדיקים נתפסים על הדור, אין צדיקים בדור – תינוקות של בית רבן נתפסים על הדור. אמר רבי יצחק בר זעירי ואמרי לה אמר רבי שמעון בן נזירא: מאי קראה – "אם לא תדעי לך היפה בנשים צאי לך בעקבי הצאן וגו'" ואמרינן: גדוים הממושבין על הרועים. שמע מינה: אף על לשון הרע נמי קאמר, שמע מינה.

A dilemma was raised before those who were sitting in the study hall: Did Rabbi Elazar, son of Rabbi Yosei, say that *askara* comes as punishment only for slander, or perhaps he said it was also for slander? Come and hear a resolution to this dilemma from that which was taught in a *baraita*: When our Sages entered the vineyard in Yavne,⁸ Rabbi Yehuda, and Rabbi Elazar, son of Rabbi Yosei, and Rabbi Shimon were there, and a question was asked before them with regard to this plague of *askara*: Why does it begin in the intestines and end in the mouth? Rabbi Yehuda, son of Rabbi Ila'i, who was the head of the speakers in every place, responded and said: Even though the kidneys advise, and the heart understands, and the tongue shapes the voice that emerges from the mouth, still, the mouth completes the formation of the voice. Therefore, the disease begins in the same place that slander begins and it ends in the mouth. Rabbi Elazar, son of Rabbi Yosei, responded and said: This disease ends in the mouth because one eats with it non-kosher things. They immediately wondered about this: Does it enter your mind to say that *askara* is caused by eating non-kosher food? Are those who eat non-kosher food so numerous? Rather, it comes as a punishment for eating foods that were not ritually prepared, i.e., were not tithed. Rabbi Shimon responded and said: This disease comes as a punishment for the sin of dereliction in the study of Torah.

They said to him: Women will prove that dereliction in the study of Torah is not the cause, as they are not obligated to study Torah and, nevertheless, they contract *askara*. He answered them: They are punished because they cause their husbands to be idle from the study of Torah. They said to him: Gentiles will prove that this is not the cause, as they also contract *askara* even though they are not obligated to study Torah. He answered them: They are also punished because they cause Israel to be idle from the study of Torah. They said to him: Children will prove that this is not the cause, for they are not at all obligated to study Torah and they also suffer from *askara*. He answered them: They are punished because they cause their fathers to be idle from the study of Torah. They said to him: School children will prove that this is not the cause, as they study Torah and, nevertheless, they suffer from *askara*.

The Gemara answers: There, it must be understood in accordance with the statement of Rabbi Guryon, as Rabbi Guryon said, and some say that it was Rav Yosef, son of Rabbi Shemaya, who said it: At a time when there are righteous people in the generation, the righteous are seized, i.e., they die or suffer, for the sins of the generation.⁹ If there are no righteous people in the generation, school children, who are also without sin, are seized for the sins of the generation. Rabbi Yitzhak bar Ze'iri said, and some say that Rabbi Shimon ben Nezirah said: What is the verse that alludes to this? "If you know not, you fairest among women, go your way forth by the footsteps of the flock and feed your kids, beside the shepherds' tents [*mishkenot*]" (Song of Songs 1:8). And we say in explanation of this verse: They are the lambs that are taken as collateral [*hamemushkanin*], which is etymologically similar to the word *mishkenot*, in place of the shepherds. If the shepherds and leaders of the generation corrupt the multitudes, young children die because of their sins. With regard to the dilemma, conclude from it that Rabbi Elazar, son of Rabbi Yosei, said that the illness of *askara* also results from slander, as the *baraita* provides an additional cause of the illness. The Gemara comments: Indeed, conclude from it.

NOTES

צדיקים – The righteous are seized for the sins of the generation – **נתפסים על הדור**: Due to the general principle that all members of the Jewish people are mutually responsible for each other, clearly, leaders and the righteous suffer for the sins of the

multitudes. Furthermore, the wicked are punished by means of a plague that afflicts everyone, while the punishment meted out to the righteous is by God's hand and they alone are punished (*Sha'arei Ora*).

The actions of the Romans – **מעשי** – **הרומאים**: As opposed to the Greeks, the Romans did not directly impose cultural or spiritual changes on the peoples they conquered. Instead, the Romans excelled in effective organization and comprehensive building projects. In all of the lands they conquered, they expertly paved roads, many of which are intact to this day in Eretz Yisrael and in other countries. They erected bridges over rivers and streams and constructed well-planned cities and public establishments, such as bathhouses and theaters. All of these developments resulted in the improvement of the quality of life in the countries they conquered within a short period of time. Rabbi Yehuda's praise for them is understandable. Rabbi Shimon saw all of the Roman accomplishments merely as measures to facilitate domination and exploitation of the people they ruled.

HALAKHA

הלך יהודה – **בן גרים וסיפר דבריהם**: One who accepts information that could potentially cause pain or harm to an individual if it became public, even if that was not the intention of the source of the information, violates the prohibition against evil speech. That was the case of Yehuda, son of converts (Rambam *Sefer HaMadda*, *Hilkhot Deot* 7:5).

ואמאי קרו ליה "ראש המדברים בכל מקום"? דיתבי רבי יהודה ורבי יוסי ורבי שמעון, ויתיב יהודה בן גרים גבייהו. פתח רבי יהודה ואמר: כמה נאים מעשיהון של אומה זו: תקנו שווקים, תקנו גשרים, תקנו מרחצאות. רבי יוסי שתק. נענה רבי שמעון בן יוחאי ואמר: כל מה שתקנו – לא תקנו אלא לצורך עצמן, תקנו שווקין – להושיב בהן זונות, מרחצאות – לעדן בהן עצמן, גשרים – ליטול מהן מכס. הלך יהודה בן גרים וסיפר דבריהם, ונשמעו למלכות. אמרו: יהודה שעיילה – יתעלה, יוסי ששתק – יגלה לצפורי, שמעון שגונה – יהרג.

אזל הוא ובריה טשו בי מדרשא. כל יומא הוה מייתי להו דבייתהו ריפתא וכוזא דמיא וברכב. בי תקיף גזירתא, אמר ליה לבריה: נשים דעתן קלה עליהן דילמא מצערי לה ומגליא לן. אזלו טשו במערתא. איתרחיש ניסא איברי להו חרובא ועינא דמיא. והוה משלחי מניהו, והוה יתבי עד צואריהו בחלא, כולי יומא גרסי, בעידן צלויי לבישו מיכסו ומצלו, וחדר משלחי מניהו בי היכי דלא ליבלו. איתבו תריסר שני במערתא. אתא אליהו וקם אפיתחא דמערתא, אמר: מאן לודעיה לבר יוחי דמית קיסר ובטיל גזירתיה?

נפקו. חזו אינשי דקא כרבי וורעי, אמר: מניחין חיי עולם ועוסקין בחיי שעה! כל מקום שנותנין עיניהן – מיד נשרף. יצתה בת קול ואמרה להם: להחריב עולמי יצאתם? חזרו למערתכם! הדור אזול איתבי תריסר ירחי שתא. אמרי: משפט רשעים בגיהנם – שנים עשר חדש. יצתה בת קול ואמרה: צאו ממערתכם! נפקו, כל היכא דהוה מחי רבי אלעזר – הוה מסי רבי שמעון. אמר לו: בני, די לעולם אני ואתה.

בהדי פניא דמעלי שבתא חזו ההוא סבא דהוה נקיט תרי מדאני אסא, ורהיט בין השמשות. אמרו ליה: הני למה לך? אמר להו: לכבוד שבת ותיסקי לך בחד? חד כנגד "זכור", וחד כנגד "שמור". אמר ליה לבריה: חזי כמה חביבין מצות על ישראל! יתיב דעתיהו.

In this *baraita* Rabbi Yehuda is described as head of the speakers in every place. The Gemara asks: **And why did they call him head of the speakers in every place?** The Gemara relates that this resulted due to an incident that took place when Rabbi Yehuda and Rabbi Yosei and Rabbi Shimon were sitting, and Yehuda, son of converts, sat beside them. Rabbi Yehuda opened and said: How pleasant are the actions of this nation, the Romans,⁸ as they established marketplaces, established bridges, and established bathhouses. Rabbi Yosei was silent. Rabbi Shimon ben Yoḥai responded and said: **Everything that they established, they established only for their own purposes. They established marketplaces, to place prostitutes in them; bathhouses, to pamper themselves; and bridges, to collect taxes from all who pass over them. Yehuda, son of converts, went and related their statements^h to his household, and those statements continued to spread until they were heard by the monarchy. They ruled and said: Yehuda, who elevated the Roman regime, shall be elevated and appointed as head of the Sages, the head of the speakers in every place. Yosei, who remained silent, shall be exiled from his home in Judea as punishment, and sent to the city of Tzippori in the Galilee. And Shimon, who denounced the government, shall be killed.**

Rabbi Shimon bar Yoḥai and his son, Rabbi Elazar, went and hid in the study hall. Every day Rabbi Shimon's wife would bring them bread and a jug of water and they would eat. When the decree intensified, Rabbi Shimon said to his son: **Women are easily impressionableⁿ and, therefore, there is room for concern lest the authorities torture her and she reveal our whereabouts. They went and they hid in a cave. A miracle occurred and a carob tree was created for them as well as a spring of water. They would remove their clothes and sit covered in sand up to their necks. They would study Torah all day in that manner. At the time of prayer, they would dress, cover themselves, and pray,ⁿ and they would again remove their clothes afterward so that they would not become tattered. They sat in the cave for twelve years. Elijah the Prophet cameⁿ and stood at the entrance to the cave and said: Who will inform bar Yoḥai that the emperor died and his decree has been abrogated?**

They emerged from the cave, and saw people who were plowing and sowing. Rabbi Shimon bar Yoḥai said: These people abandon eternal life of Torah study and engage in temporal life for their own sustenance. The Gemara relates that every place that Rabbi Shimon and his son Rabbi Elazar directed their eyes was immediately burned.ⁿ A Divine Voice emerged and said to them: Did you emerge from the cave in order to destroy My world? Return to your cave. They again went and sat there for twelve months. They said: The judgment of the wicked in Gehenna lasts for twelve months. Surely their sin was atoned in that time. A Divine Voice emerged and said to them: Emerge from your cave. They emerged. Everywhere that Rabbi Elazar would strike, Rabbi Shimon would heal. Rabbi Shimon said to Rabbi Elazar: My son, you and I suffice for the entire world, as the two of us are engaged in the proper study of Torah.

As the sun was setting on Shabbat eve, they saw an elderly man who was holding two bundles of myrtle branches and running at twilight. They said to him: **Why do you have these?** He said to them: **In honor of Shabbat.** They said to him: **And let one suffice.** He answered them: **One is corresponding to: "Remember the Shabbat day, to keep it holy" (Exodus 20:8), and one is corresponding to: "Observe the Shabbat day, to keep it holy" (Deuteronomy 5:12).** Rabbi Shimon said to his son: **See how beloved the mitzvot are to Israel. Their minds were put at ease and they were no longer as upset that people were not engaged in Torah study.**

NOTES

Women are easily impressionable – נשים דעתן קלה עליהן: In other words, women are more easily appeased and persuaded and are not always sensitive to the danger inherent in a given situation (Rashi).

They would dress, cover themselves, and pray – לבישו מיכסו ומצלו: Although they were covered in sand, they still donned their clothing during prayer because of the verse: "Prepare to meet your God" (Amos 4:12; see Maharsha).

Elijah the Prophet came – אתא אליהו: Some commentaries explain that any bearer of good news is referred to as Elijah. In this case, a person passed by and recounted what had happened in an incidental, unconsidered remark (*Beit Ya'akov*).

כל מקום שנותנין עיניהן מיד נשרף: Some commentaries explain this incident homiletically. Rabbi Shimon and his son convinced people to abandon their business and engage in Torah study for its own sake (*Beit Ya'akov*).

PERSONALITIES

רבי פנהס בן יאיר – Rabbi Pinehas ben Ya'ir was one of the Sages of the Mishna and among the outstanding righteous individuals of talmudic times. He also had a reputation for being a miracle worker.

Rabbi Pinehas ben Ya'ir was a contemporary of Rabbi Shimon bar Yoḥai. According to the text here, Rabbi Shimon was his father-in-law, but in other sources he is described as Rabbi Shimon's father-in-law. Even during his lifetime, he was revered by all of the Sages. There are so many miraculous stories told about him that in the Talmud it was said about him: How much greater was this man than Moses our teacher.

Even Rabbi Pinehas ben Ya'ir's donkey was righteous: He would not eat produce that was not tithed. Indeed, the Talmud relates several stories about the donkey of Rabbi Pinehas ben Ya'ir.

Only a few of his Torah statements are recorded. His most famous statement is his enumeration of the succession of character traits that ultimately lead one to prophecy and the advent of the Messiah.

שמע רבי פנחס בן יאיר חתניה ונפק לאפיה, עייליה לבי בניה הוה קא אריך ליה לבישריה, חיו דהוה ביה פילי בגופיה, הוה קא בכי, וקא נתרו דמעת עיניה וקמצוחא ליה. אמר לו: או לי שראיתך בכך! אמר לו: אשריך שראיתני בכך, שאילמלא לא ראיתני בכך – לא מצאת בי כך. דמעיקרא כי הוה מקשי רבי שמעון בן יוחי קושיא – הוה מפרק ליה רבי פנחס בן יאיר תריסר פירוקי, לסוף כי הוה מקשי רבי פנחס בן יאיר קושיא – הוה מפרק ליה רבי שמעון בן יוחי עשרין וארבעה פירוקי.

אמר: הואיל ואיתרחיש ניסא – איזיל אתקין מילתא, דכתוב: "ויבא יעקב שלם" ואמר רב: שלם בגופו, שלם בממונו, שלם בתורתו. "ויחן את פני העיר" אמר רב: מטבע תיקון להם, ושמואל אמר: שווקים תיקון להם, ורבי יוחנן אמר: מרחצאות תיקון להם. אמר: איבא מילתא דבעי לתקוני? אמרו ליה: איבא דוכתא דאית ביה ספק טומאה,

Rabbi Pinehas ben Ya'ir,^p Rabbi Shimon's son-in-law, heard and went out to greet him. He brought him into the bathhouse and began tending to his flesh. He saw that Rabbi Shimon had cracks in the skin on his body. He was crying, and the tears fell from his eyes and caused Rabbi Shimon pain. Rabbi Pinehas said to Rabbi Shimon, his father-in-law: Woe is me, that I have seen you like this. Rabbi Shimon said to him: Happy are you that you have seen me like this, as had you not seen me like this, you would not have found in me this prominence in Torah, as the Gemara relates: At first, when Rabbi Shimon ben Yoḥai would raise a difficulty, Rabbi Pinehas ben Ya'ir would respond to his question with twelve answers. Ultimately, when Rabbi Pinehas ben Ya'ir would raise a difficulty, Rabbi Shimon ben Yoḥai would respond with twenty-four answers.

Rabbi Shimon said: Since a miracle transpired for me, I will go and repair something for the sake of others in gratitude for God's kindness, as it is written: "And Jacob came whole to the city of Shechem, which is in the land of Canaan, when he came from Paddan-aram; and he graced the countenance of the city" (Genesis 33:18). Rav said, the meaning of: And Jacob came whole, is: Whole in his body, whole in his money, whole in his Torah. And what did he do? And he graced the countenance of the city; he performed gracious acts to benefit the city. Rav said: Jacob established a currency for them. And Shmuel said: He established marketplaces for them. And Rabbi Yoḥanan said: He established bathhouses for them. In any event, clearly one for whom a miracle transpires should perform an act of kindness for his neighbors as a sign of gratitude. He said: Is there something that needs repair? They said to him: There is a place where there is uncertainty with regard to ritual impurity

Perek II
Daf 34 Amud a

NOTES

טיהר – Ben Yoḥai purified the cemetery – טיהר: It is explained in the Jerusalem Talmud (*Shevi'it* 9:1) that Rabbi Shimon bar Yoḥai accomplished this miraculously. Everywhere that a corpse was buried, it would rise up from the earth. Although the Samaritans attempted to sabotage his effort, they were unsuccessful. Here, it is explained that Rabbi Shimon bar Yoḥai purified the ground by examining the texture of the soil to see whether or not the soil had been overturned at some point in the past.

גל של עצמות – A pile of bones – The implication is that he died, since with the passage of time a corpse turns into a mere pile of bones (Rashi).

PERSONALITIES

יהודה בן יריים – Yehuda, son of converts – He was called son of converts because his parents were indeed converts. He is counted among the students of Rabbi Shimon bar Yoḥai, who referred to him as a man of stature and treated him with respect. The fact that he sat in the company of the most prominent Sages indicates his significance and proves that they considered him loyal. However, Rabbi Shimon became angry with him because he violated a basic principle: Matters discussed in the study hall, whether statements about politics or topics that warrant discretion, should not be discussed outside the study hall (see *Tosafot*).

ואית להו צערא לכהנים לאקופי. אמר: איבא איניש דידע דאיתחוק הכא טהרה? אמר ליה ההוא סבא: כאן קיץ בן זבאי תורמסי תרומה. עבד איהו נמי הכי, כל היכא דהוה קשי – טהריה, וכל היכא דהוה רפי – צייניה.

and the priests are troubled by being forced to circumvent it, as it is prohibited for them to become ritually impure from contact with a corpse. There was suspicion, but no certainty, that a corpse was buried there. Therefore, they were unable to definitively determine its status. Rabbi Shimon said: Is there a person who knows that there was a presumption of ritual purity here? Is there anyone who remembers a time when this place was not considered ritually impure, or that at least part of it was considered to be ritually pure? An Elder said to him: Here ben Zakkai planted and cut the *teruma* of lupines. In this marketplace Rabbi Yoḥanan ben Zakkai, who himself was a priest, once planted lupines that were given to him as *teruma*. On that basis, the conclusion can be drawn that it was definitely ritually pure. Rabbi Shimon, like Jacob, also did so and took steps to improve the city and examined the ground (*Tosafot*). Everywhere that the ground was hard, he pronounced it ritually pure as there was certainly no corpse there, and every place that the ground was soft, he marked it indicating that perhaps a corpse was buried there. In that way, he purified the marketplace so that even priests could walk through it.

אמר ההוא סבא: טיהר בן יוחי בית הקברות! אמר ליה: אילמלי (לא) היית עמנו, ואפילו היית עמנו ולא נמנית עמנו – יפה אתה אומר. עכשיו שהיית עמנו ונמנית עמנו, לאמרו: זונות מפרסות זו את זו, תלמידי חכמים לא כל שכן? יהב ביה עיניה, ונת נפשיה. נפק לשוקא, חזייה ליהודה בן גרים, אמר: עדיין יש לזה בעולם? נתן בו עינו, ועשהו גל של עצמות.

A certain Elder said in ridicule and surprise: Ben Yoḥai purified the cemetery.ⁿ Rabbi Shimon got angry and said to him: Had you not been with us, and even had you been with us and were not counted with us in rendering this ruling, what you say is fine. You could have said that you were unaware of my intention or that you did not agree or participate in this decision. Now that you were with us and were counted with us in rendering this ruling, you will cause people to say that Sages are unwilling to cooperate with one another. They will say: If competing prostitutes still apply makeup to each other to help one another look beautiful, all the more so that Torah scholars should cooperate with each other. He directed his eyes toward him and the Elder died. Rabbi Shimon went out to the marketplace and he saw Yehuda, son of converts,^p who was the cause of this entire incident. Rabbi Shimon, said: This one still has a place in the world? He directed his eyes toward him and turned him into a pile of bones.ⁿ

מתני' שלשה דברים צריך אדם לומר בתוך ביתו ערב שבת עם חשכה: עשרתם, ערבבתם? הדליקו את הנר. ספק חשכה ספק אינו חשכה – אין מעשרין את הודאי, ואין מטבילין את הכלים, ואין מדליקין את הנרות. אבל מעשרין את הדמאי, ומעברין וטומנין את החמין.

MISHNA There are three things a person must say^H in his home on Shabbat eve at nightfall and not before. The mishna elaborates: He should ask the members of his household, **have you tithed the crop that required tithing? Have you placed the eiruv** for joining the courtyards and joining the Shabbat borders? If you have done so, **light the lamp** in honor of Shabbat. The Sages stated a principle: If the time arrives on Friday when there is **uncertainty** whether it is **nightfall** and **uncertainty** whether it is **not yet nightfall**,^{NH} **one may not tithe** the crop that has **definitely** not been tithed, and **one may not immerse ritually impure vessels** in a ritual bath to render them ritually pure, and **one may not light the Shabbat lights**. However, **one may tithe demai**, doubtfully tithed produce, which must be tithed due to mere suspicion. **And one may place an eiruv and insulate the hot water** to be used on Shabbat.

גמ' מנא הני מילי? אמר רבי יהושע בן לוי, אמר קרא: "וידעת כי שלום אהלך ופקדת נדך ולא תחטא." אמר רבה בר רב הונא: אף על גב דאמור רבנן שלשה דברים צריך אדם לומר וכו', צריך למימרניהו בניחותא. כי היכי דליקבלניהו מיניה. אמר רב אשי: אנא לא שמיע לי הא דרבה בר רב הונא, וקימתי מסברא.

GEMARA The Gemara attempts to clarify: **From where are these matters**, that one must ask these questions in his home at nightfall of Shabbat, derived? **Rabbi Yehoshua ben Levi said: As the verse said: "And you shall know that your tent is in peace;^N and you shall visit your habitation, and shall not sin"** (Job 5:24). From here it is derived that one should visit his habitation, i.e., ask in his home, so that he will not come to sin. **Rabba bar Rav Huna said: Although the Sages said that there are three things a person should**, indeed he is required to, **say in his home on Shabbat eve at nightfall, one must say them calmly so that the members of his household will accept them from him**. If he says them harshly, his family members may mislead him and cause him to sin. **Rav Ashi said: I did not hear this halakha of Rabba bar Rav Huna, but I fulfilled it based on my own reasoning.**

הא גופא קשיא: אמרת שלשה דברים צריך אדם לומר בתוך ביתו ערב שבת עם חשכה, עם חשכה – אין, ספק חשכה ספק אינו חשכה – לא, והדר תני: ספק חשכה ספק אינו חשכה מערב!

The Gemara asks: **This mishna itself is difficult**, as it contains an internal contradiction. On the one hand, **you stated initially that there are three things a person must say in his home before Shabbat at nightfall**, and this means: **At nightfall**, i.e., before nightfall, **yes**, he should say those things; when there is **uncertainty** whether it is **nightfall** and **uncertainty** whether it is **not yet nightfall**, **no**, he should not say them. Even if one were to ask then, it is no longer permitted to correct these matters. **And then it taught: When there is uncertainty whether it is nightfall and uncertainty whether it is not yet nightfall, one may place an eiruv**. One may correct the situation even then. Why did the mishna restrict asking these questions to an earlier time?

סימן: בגופיא זימרא ציפרא בחבלא דמילתא.

Incidentally, prior to answering this question, the Gemara lists all of the other *halakhot* in tractate *Shabbat* stated by the Sage who answers the question, with the **mnemonic: Self,^N pruning, bird, cord, silk**.

אמר רבי אבא אמר רב תייא בר אשי אמר רב: לא קשיא כאן – בעירובי תחומין, כאן – בעירובי תצרות.

Rabbi Abba said that Rabbi Hiyya bar Ashi said that Rav said: This is not difficult and there is no contradiction here. Here, at the beginning of the mishna, where it indicates that the *eiruv* can only be placed while it is still day, it is referring to the **joining of Shabbat boundaries**,^N which is based on a Torah law. Therefore, one must place this *eiruv* while it is definitely day. And **here**, where the mishna said that it is permitted even when it is uncertain whether or not it is already nighttime, it is referring to the **joining of courtyards**, which is more lenient and based merely on a stringency.

NOTES

Uncertainty whether it is nightfall and uncertainty whether it is not yet nightfall – ספק חשכה ספק אינו חשכה: Some commentaries explain that this period is not definitely twilight. It is uncertain twilight (*Penei Yehoshua*). Others explain that the phrase: Uncertainty whether it is nightfall, refers to the onset of Shabbat. Uncertainty whether it is not yet nightfall, refers to the conclusion of Shabbat (*Melo HaRo'im*).

That your tent is in peace – כי שלום אהלך: The verse alludes to the three actions mentioned in the mishna. "And you shall know that your tent is in peace" refers to the Shabbat light, as mentioned above: "And my soul is removed far off from peace," that is kindling the Shabbat light. "And you shall visit your habitation" refers to the *eiruv*, which is a stage in preparing the house for Shabbat. "And you shall not sin" refers to the tithe, as it is written with regard to eating untithed produce: "And you shall bear no sin by reason of it" (Numbers 18:32; see the Ran).

The mnemonic: Self, etc. – סימן: בגופיא וכו': This is a mnemonic of

the *halakhot* that Rabbi Abba said in the name of Rabbi Hiyya bar Ashi in the name of Rav throughout tractate *Shabbat*. Self refers to the solution to the question: This itself is difficult. Pruning refers to his statement: One who prunes is liable for the labor of planting (73b, p. 356). Bird refers to the *halakha* of a bird that flies under one's clothing (107a). Cord refers to the *halakha* that one may bring a rope from his house and tie it (113a). Silk refers to the issue of silk brooms (124b; see Maharsha).

Here, it is referring to the joining of Shabbat boundaries – כאן – בעירובי תחומין: The stringency of the joining of Shabbat boundaries [*eiruv tehumim*] stems from the dispute whether or not the prohibition to travel beyond city limits on Shabbat is by Torah law. Some *tanna'im* are of the opinion that the *halakha* of Shabbat boundaries is by Torah law, as it is stated: "Abide you every man in his place, let no man go out of his place" (Exodus 16:29). Even those who hold that the two-thousand-cubit Shabbat boundary is by rabbinic law understand that the essential Shabbat boundary, twelve *mil* beyond city limits, is by Torah law (Rambam).

שְׁלֹשָׁה דְּבָרִים – צָרִיךְ אָדָם לומר לומר בתוך ביתו ערב שבת עם חשכה: עשרתם, ערבבתם? הדליקו את הנר. ספק חשכה ספק אינו חשכה – אין מעשרין את הודאי, ואין מטבילין את הכלים, ואין מדליקין את הנרות. אבל מעשרין את הדמאי, ומעברין וטומנין את החמין. *Mishna Berura*: Have you tithed the produce? Have you placed the *eiruv*? Have you separated *halla*? After doing so, he says to them: Light the lamp, as per the statement of Rabba bar Rav Huna. Nowadays, when the joining of courtyards is placed for an entire year, or in a location where there is no mitzva to tithe, one need not ask those questions (Rema; *Be'er Heitev*; Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:3; *Shulhan Arukh, Orah Hayyim* 260:2).

Uncertainty whether it is nightfall and uncertainty whether it is not yet nightfall – ספק חשכה ספק אינו חשכה: When there is uncertainty whether or not night has fallen on Friday evening, one may not tithe produce that definitely has not been tithed, including fruit, for which tithing is required by rabbinic law (*Mishna Berura*). One may not immerse vessels in a ritual bath, one may not light the lamp, and one may not place a joining of the Shabbat boundaries. However, one may tithe *demai*, insulate hot water in a manner that does not add heat (*Mishna Berura*), and place a joining of the courtyards (Rambam *Sefer Zemanim, Hilkhot Shabbat* 4:4; *Shulhan Arukh, Orah Hayyim* 261:1).

NOTES

One to whom two people said: Go and place an *eiruv* for us – **אָמְרוּ לוֹ שְׁנַיִם צָא וְעָרַב עִלְיוֹנוּ** – The Gemara cited a case where two people asked a third to place an *eiruv* for them, rather than the simple case of two people who each placed his own *eiruv*, to underscore the *halakha* that even if the third person, the messenger, was to ask about the status of each *eiruv*, the Sages deemed them both valid (*Penei Yehoshua*). Although the essential basis of this issue is not fully developed here, the Gemara raises this basic problem in a similar case in which there are two paths, one ritually impure and one ritually pure, and one person took one path and one took the other, and they do not know which person took which path. Clearly, one of them must have been exposed to ritual impurity. The ruling is dependent on a dispute between the *tanna'im* with regard to the extent to which each case is treated independently. If the uncertainty is with regard to one person, it is prohibited, despite the fact that it is an uncertainty involving rabbinic law (*Melo HaRo'im*).

HALAKHA

One to whom two people said: Go and place an *eiruv* for us – **אָמְרוּ לוֹ שְׁנַיִם צָא וְעָרַב עִלְיוֹנוּ** – If two people deputized a third person to place an *eiruv* for them, and he placed the *eiruv* for one while it was still day and the *eiruv* food was eaten during twilight, and he placed the *eiruv* for the second one during twilight, then the *halakha* is that each *eiruv* is valid. For the one whose *eiruv* was eaten, twilight is considered nighttime, and it is as if the *eiruv* were eaten after Shabbat begun. For the one whose *eiruv* was placed during twilight, it is considered to be daytime, and it is as if the *eiruv* were placed during the day. Joining of courtyards is a rabbinic edict, and there is a principle that rulings in cases of uncertainty with regard to rabbinic ordinances are lenient. If the *eiruv* was both placed during twilight and eaten during twilight, it is invalid (*Rambam Sefer Zemanim, Hilkhot Eiruvim* 6:13; *Shulhan Arukh, Oraḥ Ḥayyim* 393:3).

One may not insulate in something that does not add heat from nightfall – **אֵין טוֹמְנֵן בְּדָבָר שֶׁאֵינוֹ מוֹסִיף הַבֵּל – מִשְׁחַשְׁבָּה**: One may not insulate food at night on Friday even in a substance that does not add heat. The decree is based on the fear that he might come to cook food on Shabbat. Therefore, this *halakha* applies only in a case where there is concern that the Torah prohibition against cooking might be violated (*Rambam Sefer Zemanim, Hilkhot Shabbat* 4:3; *Shulhan Arukh, Oraḥ Ḥayyim* 257:1, 318:4).

Perek II
Daf 34 Amud b

HALAKHA

One may not insulate in something that adds heat – **אֵין טוֹמְנֵן בְּדָבָר הַמוֹסִיף הַבֵּל**: One may not insulate food in a substance that adds heat, even while it is still day. If one did so, even unintentionally (*Magen Avraham*), it is prohibited to eat the food (*Rambam Sefer Zemanim, Hilkhot Shabbat* 4:2; *Shulhan Arukh, Oraḥ Ḥayyim* 257:1).

וְאָמַר רַבָּא: אָמְרוּ לוֹ שְׁנַיִם "צָא וְעָרַב עִלְיוֹנוּ". לְאֶחָד עִירַב עִלְיוֹ מִבְּעוֹד יוֹם, וְלְאֶחָד עִירַב עִלְיוֹ בֵּין הַשְּׁמֹשׁוֹת. זֶה שֶׁעִירַב עִלְיוֹ מִבְּעוֹד יוֹם – נֶאֱכַל עִירוּבוֹ בֵּין הַשְּׁמֹשׁוֹת, וְזֶה שֶׁעִירַב עִלְיוֹ בֵּין הַשְּׁמֹשׁוֹת – נֶאֱכַל עִירוּבוֹ מִשְׁחַשְׁבָּה, שְׁנֵיהֶם קִנְיָה עִירוּב.

מִה נִפְשָׁד, אִי בֵּין הַשְּׁמֹשׁוֹת יִמָּא הוּא – בְּתָרָא לִיקְנִי, קָמָא לָא לִיקְנִי! וְאִי בֵּין הַשְּׁמֹשׁוֹת לִילִיא הוּא, קָמָא לִיקְנִי, בְּתָרָא לָא לִיקְנִי! בֵּין הַשְּׁמֹשׁוֹת סָפְקָא הוּא, וְסָפְקָא דְרַבְנָן לְקוּלָא.

וְאָמַר רַבָּא: מִפְּנֵי מַה אָמְרוּ: אֵין טוֹמְנֵן בְּדָבָר שֶׁאֵינוֹ מוֹסִיף הַבֵּל מִשְׁחַשְׁבָּה – גּוֹרָה שְׁמָא יִרְתִּית. אָמַר לִיה אַבְיִי: אִי הָכִי, בֵּין הַשְּׁמֹשׁוֹת נִמְי גִּיגוֹר! אָמַר לִיה: סָתְמֵן קְדִיּוֹת רוֹתְחוֹת הֵן.

וְאָמַר רַבָּא:

In connection to this, the Gemara cites the *halakha* that Rava said in order to emphasize the rabbinic aspect of the *halakhot* of *eiruv*: One to whom two people said: Go and place an *eiruv*, a joining of courtyards (Rabbeinu Hananel), for us.¹¹ For one of them he placed an *eiruv* while it was still day, and for one he placed an *eiruv* at twilight, when it is uncertain whether it is day or night. The one for whom he placed an *eiruv* while it was still day had his *eiruv* eaten during twilight, and the one for whom he placed an *eiruv* during twilight had his *eiruv* eaten after nightfall. The principle is as follows: Whether or not an *eiruv* takes effect is determined at the moment that Shabbat begins. If one placed the *eiruv* beforehand, and it remains intact at the moment Shabbat begins, the *eiruv* is in effect. However, if the *eiruv* that was placed at the appropriate time was eaten during twilight, it is problematic. Twilight is a period of uncertainty. There is uncertainty whether it is day, and consequently the *eiruv* was not in place at the moment that Shabbat began, or whether it is night, and it was in place. In the latter case, there is still uncertainty as to whether or not the *eiruv* was in place prior to Shabbat, so that it could take effect at all. In that case, Rava ruled that both of them acquired the *eiruv*.

The Gemara is surprised by this: **Whichever way you look at it, this ruling is difficult. If the twilight period is considered day, let the latter one acquire his *eiruv*, but let the first one not acquire his because his *eiruv* was eaten while it was still day. And if the twilight period is night, let the first one acquire his *eiruv*, but let the latter one not acquire his *eiruv* because his was not placed before Shabbat.** In any event, it is impossible for the *eiruv* in both of these cases to be valid. The Gemara answers this according to Rava's position: **The status of twilight is uncertain, as it is unknown whether it is day, or night, or both, and uncertainty in the case of a rabbinic ordinance is ruled leniently.** Therefore, in both cases the *eiruv* is acquired.

And Rava said: Why did they say that one may not insulate hot water even in something that does not add heat, but only retains the pre-existing heat, from nightfall¹¹ on Friday? It is a decree lest one come to boil the pot on Shabbat. Abaye said to him: If so, if it is due to concern that one may boil it, then during twilight we should also issue a decree and prohibit insulating in something that does not add heat. Rava said to him: During twilight, there is no reason to be concerned because at that time most pots are boiling, as they have just been taken off of the fire. Later at night the pots cool down and it is conceivable that one may come to boil them in order to restore the heat.

And Rava said:

מִפְּנֵי מַה אָמְרוּ אֵין טוֹמְנֵן בְּדָבָר הַמוֹסִיף הַבֵּל וְאֶפִּילוּ מִבְּעוֹד יוֹם – גּוֹרָה שְׁמָא יִטְמִין בְּרִמְזָא שִׁישׁ בָּהּ גְּחָלִת. אָמַר לִיה אַבְיִי: וְיִטְמִין! גּוֹרָה שְׁמָא יַחַתָּה בְּגַחְלִים.

תְּנוּ רַבְנָן: בֵּין הַשְּׁמֹשׁוֹת סָפְקָא מִן הַיּוֹם וּמִן הַלַּיְלָה, סָפְקָא כּוּלוֹ מִן הַיּוֹם, סָפְקָא כּוּלוֹ מִן הַלַּיְלָה – מְשִׁילִין אוֹתוֹ לְחוּמְרָא שְׁנֵי יָמִים.

Why did the Sages say that one may not insulate hot water for Shabbat in something that adds heat,¹¹ even while it is still day? It is a decree lest one come to cover it in hot ashes that contain a glowing ember. People may not differentiate between addition of heat by means of hot ashes and other additions of heat. **Abaye said to him: Let him insulate it with hot ashes, what is the problem? Rava answered him: It is a decree lest one come to stoke the coals in order to make them burn on Shabbat and thereby violate a Torah prohibition.**

The Sages taught a *baraita* which discusses the range of problems that arise with regard to the twilight period. Twilight is a period of uncertainty. It is uncertain whether it consists of both day and night, it is uncertain whether it is completely day, and it is uncertain whether it is completely night. Therefore, the Sages impose the stringencies of both days upon it. If there is a stringency that applies on either of the days, one is obligated to adhere to it during the twilight period.

ואיזהו בין השמשות – משתשקע החמה כל זמן שפני מזרח מאדימין. הכסוף התחתון ולא הכסוף העליון – בין השמשות, הכסוף העליון והשוקה לתחתון – זהו לילה, דברי רבי יהודה. רבי נחמיה אומר: כדי שיהלך אדם משתשקע החמה חצי מיל. רבי יוסי אומר: בין השמשות כהרף עין, זה נכנס וזה יוצא, ואי אפשר לעמוד עליו.

אמר מר: "מטילין אותו לחומר שני ימים", למאי הלכתא? אמר רב הונא בריה דרב יהושע: לענין טומאה, בדתנן: ראה שני ימים בין השמשות – ספק לטומאה ולקרבו, ראה יום אחד בין השמשות ספק לטומאה.

הא גופה קשיא; אמרת: איזהו בין השמשות – משתשקע החמה, כל זמן שפני מזרח מאדימין. הא הכסוף התחתון ולא הכסוף העליון – לילה הוא. והדר תנא: הכסוף התחתון ולא הכסוף העליון – בין השמשות! אמר רבה אמר רב יהודה אמר שמואל: ברוך ויתני, איזהו בין השמשות – משתשקע החמה כל זמן שפני מזרח מאדימין, והכסוף התחתון ולא הכסוף העליון – נמי בין השמשות, הכסוף העליון והשוקה לתחתון – לילה. ורב יוסף אמר רב יהודה אמר שמואל: הכי קתני: משתשקע החמה כל זמן שפני מזרח מאדימין – יום, הכסוף התחתון ולא הכסוף העליון – בין השמשות, הכסוף העליון והשוקה לתחתון – לילה.

ואזו לטעמיהו, דאיתמר: שיעור בין השמשות בכמה? אמר רבה אמר רב יהודה אמר שמואל: שלשה חלקי מיל. מאי שלשה חלקי מיל? אילימא תלתא פלגי מילא – גימא מיל ומחצה! אלא תלתא תילתי מילא – גימא מיל! אלא: תלתא ריבועי מילא. ורב יוסף אמר רב יהודה אמר שמואל: שני חלקי מיל. מאי שני חלקי מיל? אילימא תרי פלגי מילא – לימא מיל! ואלא תרי רבעי מילא – לימא חצי מיל! אלא:

Nevertheless, the definition of twilight is uncertain. **And what is twilight? From when the sun sets, as long as the eastern face of the sky is reddened by the light of the sun. If the lower segment of the sky has lost its color, and the upper segment has not yet lost its color, that is the twilight period. If the upper segment has lost its color, and its color equals that of the lower one, it is night; this is the statement of Rabbi Yehuda. Rabbi Neḥemya says: The duration of the twilight period is the time it takes for a person to walk half a mil after the sun sets. Rabbi Yosef says: Twilight does not last for a quantifiable period of time; rather, it is like the blink of an eye: This, night, enters and that, day, leaves, and it is impossible to calculate it due to its brevity.**

It was taught in the *baraita* that the Master said: The Sages impose the stringencies of both days upon twilight. The Gemara asks: **With regard to what halakha was this stated? Rav Huna, son of Rav Yehoshua, said: With regard to the matter of ritual impurity, as we learned in a mishna: With regard to a zav who saw an emission for two consecutive days during twilight,^h it is unclear whether it should be considered as if he only saw the emission for a single day, as perhaps twilight of the first day was part of the following day, and twilight of the second day was part of the previous day; or, whether it should be considered as two days, attributing each twilight to either the previous or the following day; or, whether it should be considered three days, as it is possible to view the twilight period as two days. By Torah law, a zav who saw two emissions is ritually impure, and all of the stringencies of a zav apply to him. If he sees a third emission, he is liable to bring an offering as part of his purification ritual. Therefore, this zav, with regard to whom there is uncertainty whether he saw emissions for one day, two days, or three days, has uncertain status with regard to both ritual impurity and to sacrifice. If he saw an emission one day during twilight, he has uncertain status with regard to ritual impurity because it may be considered two days.**

The Gemara comments on the *baraita* cited by the Gemara. **This baraita is itself difficult, self-contradictory. Initially you said, what is twilight?^h From when the sun sets, as long as the eastern face of the sky is reddened by the light of the sun. By inference, if the bottom segment lost its color, and the upper one has not lost its color, it is night. And then the baraita taught: If the lower segment of the sky has lost its color, and the upper segment has not yet lost its color, that is the twilight period. There is an apparent internal contradiction in the baraita. Rabba said that Rav Yehuda said that Shmuel said: In order to resolve the contradiction, unify the two statements and teach it as follows: What is twilight? From when the sun sets, as long as the eastern face of the sky is reddened by the light of the sun. If the lower segment of the sky has lost its color and the upper segment has not yet lost its color, that is also the twilight period. Only if the upper segment lost its color, and it equals that of the lower one, is it night. And Rav Yosef said that Rav Yehuda said that Shmuel said otherwise: From when the sun sets, as long as the eastern face of the sky is reddened by the light of the sun, it is day. If the lower segment of the sky has lost its color, and the upper segment has not yet lost its color, that is the twilight period. If the upper segment lost its color and it equals that of the lower one, it is night.**

And the Gemara remarks: In this dispute over the precise definition of twilight both Rabba and Rav Yosef follow their line of reasoning stated elsewhere. **As it was stated: What is the measure of the duration of twilight? Rabba said that Rav Yehuda said that Shmuel said: The time it takes to walk three parts of a mil.ⁿ The Gemara asks: What is the meaning of three parts of a mil? If you say that it refers to three halves of a mil, let him say a mil and a half. Rather, if you say that it means three-thirds of a mil, let him simply say one mil. Rather, it means three-quarters of a mil. And Rav Yosef said that Rav Yehuda said that Shmuel said: The duration of twilight is two parts of a mil. Again the Gemara asks: What is the meaning of two parts of a mil? If you say that it means two halves of a mil, let him simply say one mil. Rather, if you say that it means two-quarters of a mil, let him say instead: Half of a mil. Rather,**

ראה שני ימים – **ראה שני ימים** – A zav who saw an emission during twilight is considered ritually impure based on an uncertainty. If a zav saw an emission on two consecutive days during twilight, his status is uncertain with regard to both ritual impurity and the sacrifice. Consequently, the sacrifice may not be eaten, as per the mishna (Rambam *Sefer Korbanot, Hilkhot Meḥusrei Kappara* 2:12–14).

What is twilight – **איזהו בין השמשות** – The duration of twilight lasts as long as it takes to walk three-quarters of a mil before nightfall. The *halakha* was decided in accordance with the opinion of Rabbi Yehuda, the ruling of Rabbi Yohanan, below, and the opinion of Rabba, in accordance with whose opinion the *halakha* is established in disputes with Rav Yosef (Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:4; *Shulḥan Arukh, Oraḥ Ḥayyim* 261:2).

NOTES

Three parts of a mil – **שלשה חלקי מיל** – The assumption in establishing the duration of twilight is that as simple a number as possible was chosen to quantify it. The possibility that Shmuel was referring to three-fifths or three-sevenths of a mil was not considered (Rashash).

LANGUAGE

One-sixth [*danka*] – דַּנְקָא: *Danka* is the name of a Persian coin. In Middle Persian, the word *dāng* means a tiny particle. *Ma'a* is the Aramaic equivalent of *danka*. Since the *ma'a* is one-sixth of a *dinar*, the Sages used the word *danka* to refer to one-sixth in many contexts.

NOTES

A wicker vessel with a capacity of two *kor*...three *kor*, etc. – חֲלֵתָא בֵּת תְּרֵי בּוּרֵי...תְּלַתָּא בּוּרֵי וְכוּ' In tractate *Eiruvין*, where this statement of Abaye is mentioned, a biblical allusion is cited. In the Bible, two contradictory measures were cited for the Sea of Solomon. One verse states: "It held two thousand baths" (I Kings 7:26), and another states: "It received and held three thousand baths" (II Chronicles 4:5). Abaye explains that the larger size is a dry measure and the smaller size is a liquid measure.

Round straw barrel or a round barrel made of reeds, etc. – כְּבוֹרַת הַקֶּשֶׁת וְכוֹרוֹת הַקְּנִים וְכוּ' The halakhic principle is as follows: In order for a vessel to be able to become ritually impure, it must be similar to a sack that can be carried full or empty. Therefore, any vessel that is so large that it cannot be carried when it is full is not considered a vessel and cannot become ritually impure.

And descend and immerse himself in the sea and emerge – יוֹרֵד וְיִטְבֹּל בַּיָּם וְיַעֲלֶה Some commentaries explain that the reference is to a person standing at the peak of Mount Carmel who descends and immerses himself in the sea and then emerges and climbs back to the peak of the mountain (Rashba).

HALAKHA

Moving a large vessel on Shabbat – טַלְטוּל כְּלֵי גְדוֹל בְּשַׁבָּת Any vessel, even a very large one, does not lose its status as a vessel and one is permitted to move it on Shabbat. This ruling is in contrast to the statement of Rabba and Rav Yosef, and in accordance with the conclusion reached in tractate *Eiruvין* (*Shulḥan Arukh, Oray Hayyim* 308:2).

Large vessel in matters of ritual impurity – כְּלֵי גְדוֹל לְעֻנּוּן טוּמְאָה A vessel that is made to permanently remain in a single place and not to be moved cannot become ritually impure if it holds forty *se'a* (Rambam *Sefer Tahara, Hilkhot Kelim* 3:2).

BACKGROUND

The cistern of an Alexandrian ship – בּוֹר סְפִינָה אֶלְכְּסַנְדְּרִית Given the need for large quantities of potable water on long sea journeys, a very large receptacle fashioned from animal hides was placed on the deck of the ship and filled with water. From time to time, they would even allow it to be filled with the rain that fell at sea. The Alexandrian ship mentioned here refers to a large ship that not only sails in rivers or along the shore but also travels longer distances, e.g., from Alexandria to Rome.

תְּרֵי תֵּילְתֵי מִיל מַאי בִּינְיֵיהוּ? אֵיכָּא בִּינְיֵיהוּ פְּלָגָא דְדַנְקָא.

it means two-thirds of a *mil*. The Gemara explains: What is the practical difference between them? The practical difference between them is half of one-sixth [*danka*], i.e., one-twelfth of a *mil*. Their disputes are consistent, as the duration of twilight according to Rav Yosef is shorter than its duration according to Rabba.

וְחִילוּפָהּ בְּחֵלְתָא, דְּאָמַר רַבָּה: חֲלֵתָא בֵּת תְּרֵי בּוּרֵי שְׁרֵי לְטַלְטוּלָהּ, וּבֵת תְּלַתָּא בּוּרֵי אָסוּר לְטַלְטוּלָהּ. וְרַב יוֹסֵף אָמַר: בֵּת תְּלַתָּא בּוּרֵי נִמְי שְׁרֵי, בֵּת אַרְבַּעָה בּוּרֵי אָסוּר.

The Gemara comments: And with regard to the legal status of a wicker vessel their dispute is the opposite. In that case, the size of the vessel permitted by Rav Yosef is larger than the size of the vessel permitted by Rabba. As Rabba said with regard to a wicker vessel with a capacity of two *kor*, one is permitted to move it on Shabbat. And one with a capacity of three *kor*,ⁿ one is prohibited to move it on Shabbat.^h It is much larger than the dimensions of a vessel and one is only permitted to move vessels on Shabbat. And Rav Yosef said: A vessel with a capacity of three *kor*, one is also permitted to move it, and only one with a capacity of four *kor*, it is prohibited to move.

אָמַר אַבְיֵי: בְּעֵי מִינְיָה דְמַר בְּשַׁעַת מַעֲשֵׂהָ, וְאִפְּלוּ בֵּת תְּרֵי בּוּרֵי לֹא שָׂרָא לִי, כַּמְאֵן – כִּהָּאֵי תַנָּא. דְּתַנְּן: כְּבוֹרַת הַקֶּשֶׁת וְכוֹרוֹת הַקְּנִים וְכוּ' וּבּוֹר סְפִינָה אֶלְכְּסַנְדְּרִית, אֵף עַל פִּי שֵׁישׁ לָהֶם שׂוּלִים וְהֵן מִחֻזְיוֹת אַרְבַּעִים סָאָה בְּלַח שָׁהֵן כּוּרִים בְּיָבֵשׁ – טְהוּרִים. אָמַר אַבְיֵי: שְׁמַע מִינְיָה – הָאֵי גּוֹדְשָׁא תֵּילְתָא הָוִי.

Abaye said: I raised the dilemma before my Master, Rabba, when it was practical, when I actually needed to know what to do, and he did not permit me to move even a vessel with a capacity of two *kor*. The Gemara explains: In accordance with whose opinion did Rabba issue his practical halakhic ruling? In accordance with the opinion of this *tanna* that we learned in the mishna discussing the laws of ritual purity: A round straw barrel, and a round barrel made of reeds,ⁿ and the cistern of an Alexandrian ship,^b which is a large vessel placed on a boat and filled with potable water, although these vessels have bottoms, i.e., they are receptacles, since they have a capacity of forty *se'a* of liquid, which is the equivalent of two *kor* of dry goods, they are ritually pure. Even if they come into contact with a source of ritual impurity, they do not become impure. Beyond a certain size, containers are no longer considered vessels and, consequently, cannot become ritually impure.^h Rabba held: Since with regard to the *halakhot* of ritual impurity a vessel of two *kor* is not considered a vessel, it may not be moved on Shabbat. With regard to this mishna, Abaye said: Learn from it that the surplus of dry goods in a vessel relative to liquids is one-third of the contents of the vessel. It says in the mishna that a vessel that can hold forty *se'a* of liquid holds two *kor* of dry produce, which is the equivalent of sixty *se'a*.

אַבְיֵי חֲזִייהָ לְרַבָּא דְקָא דְקָאֵי לְמַעְרַב, אָמַר לֵיהּ: וְהִתְנַיָּא כּלֵּי זְמַן שְׁפִינֵי מוֹרָח מִמְּאִדִּימִין! אָמַר לֵיהּ: מִי סְבַרְתָּ פְּנֵי מוֹרָח מִמְּשֵׁ? לֹא, פְּנִים הִמְאִדִּימִין אֶת הַמּוֹרָח. אֵיכָּא דְאָמְרֵי, רַבָּא חֲזִייהָ לְאַבְיֵי דְקָא דְקָאֵי לְמוֹרָח, אָמַר לֵיהּ: מִי סְבַרְתָּ פְּנֵי מוֹרָח מִמְּשֵׁ? פְּנִים הִמְאִדִּימִין אֶת הַמּוֹרָח! וְסִימְנִךְ כְּבוֹתָא.

The Gemara relates: Abaye saw that Rava was gazing westward on Shabbat eve to determine whether or not the sky was red and whether or not it was twilight. Abaye said to Rava: Wasn't it taught in a *baraita* that twilight is from when the sun sets, as long as the eastern face of the sky is reddened by the light of the sun? Why, then, are you looking westward? Rava said to him: Do you hold that the reference is actually to the eastern face of the sky? No, it is referring to the face of the sky that causes the east to redden, i.e., the west. Some say a different version of that incident. Rava saw that Abaye was gazing eastward. He said to him, do you hold that the reference is to the actual eastern face of the sky? The reference is to the face of the sky that causes the east to redden, i.e., the west. And your mnemonic is a window, as it is on the wall opposite the window that one can see how much sunlight is shining through.

רַבִּי נְחֵמְיָה אָמַר: כְּדֵי שִׁיחֵלֶךְ אָדָם מִשְׁתַּשְׁקַע חֲחֵמָה חָצִי מִיל – אָמַר רַבִּי חֲנִינָא: הַרוּצָה לִידַע שִׁיעוּרוֹ שֶׁל רַבִּי נְחֵמְיָה יֵנִיחַ חֲמָה בְּרֹאשׁ הַכְּרֶמֶל, יוֹרֵד וְיִטְבֹּל בַּיָּם וְיַעֲלֶה, וְהוּא שִׁיעוּרוֹ שֶׁל רַבִּי נְחֵמְיָה.

With regard to that which was taught in the *baraita* that Rabbi Neḥemya says: The duration of twilight is the time it takes for a person to walk half a *mil* after the sun sets. Rabbi Ḥanina said: One who wants to know the precise measure of Rabbi Neḥemya's twilight should do the following: Leave the sun at the top of Mount Carmel, as when one is standing on the seashore he can still see the top of Mount Carmel in sunlight, and descend and immerse himself in the sea, and emerge,ⁿ and that is Rabbi Neḥemya's measure of the duration of twilight.

Miriam's well – באַרַה של מרים: Miriam's well was the source of water for the Jews in the desert. It was attributed to Miriam because the verse relating her death (Numbers 20:1) is followed immediately by the verse: "And there was no water for the congregation" (Numbers 20:2). According to rabbinic tradition, the well was a rock that rolled and accompanied Israel wherever they went in the desert. Other sources state that Miriam's well is now located in the center of the Sea of Galilee.

Lest you say that the twilight of Rabbi Yosei is subsumed within, etc. – מהו דתימא: בין – השמשות דרבי יוסי מישך שייך וכו' There were those who explained that even the *amora'im* did not know clearly whether twilight as defined by Rabbi Yosei was proximate to twilight as determined by Rabbi Yehuda, or whether it was considerably later than that. Consequently, it was necessary for Rabbi Yohanan to rule that the *halakha* is in accordance with Rabbi Yosei in certain cases (Rosh).

אמר רבי תימא: הרוצה לראות בארה של מרים, יעלה לראש הרקמל ויצפה ויראה כמין כברה בים, וזו היא בארה של מרים. אמר רב: מעין המישליל – טהור, וזהו בארה של מרים.

אמר רב יהודה אמר שמואל: בין השמשות דרבי יהודה בהנים טובלין בו. למאן? אילימא לרבי יהודה – ספקא הוא! אלא בין השמשות דרבי יהודה לרבי יוסי בהנים טובלין בו.

פשיטא! מהו דתימא: בין השמשות דרבי יוסי – מישך שייך בדרבי יהודה, קא משמע לן: דשלים בין השמשות דרבי יהודה, והדר מתחיל בין השמשות דרבי יוסי.

אמר רבה בר בר חנה אמר רבי יוחנן: הלכה כרבי יהודה לענין שבת, והלכה כרבי יוסי לענין תרומה. בשלמא הלכה כרבי יהודה לענין שבת – לחומרא, אבל לענין תרומה מאי היא? אילימא לטבילה – ספקא היא!

Because of its similarity to Rabbi Hanina's statement, the Gemara cites that which Rabbi Hiyya said: **One who wants to see Miriam's well,^N which accompanied the Jewish people throughout their sojourn in the desert, should do the following: He should climb to the top of Mount Carmel and look out, and he will see a rock that looks like a sieve in the sea, and that is Miriam's well. Rav said: A spring that is portable, i.e., that moves from place to place, is ritually pure and is regarded as an actual spring and not as drawn water. And what is a movable spring? It is Miriam's well.**

Rav Yehuda said that Shmuel said: During Rabbi Yehuda's twilight, ritually impure priests who want to immerse themselves during the day to become ritually pure, so that sunset will follow immersion and they will be permitted to eat *teruma*, can still immerse themselves during that period. According to this opinion, twilight is still considered to be day. The Gemara asks: **In accordance with whose opinion is that true? If you say that it is in accordance with Rabbi Yehuda's own opinion, his opinion cited above is that twilight is a period of uncertainty.** Therefore, one who immerses at that time may not eat *teruma* until after the sunset of the following day. **Rather, the reference is to twilight of Rabbi Yehuda, in accordance with the opinion of Rabbi Yosei. Priests can immerse then, as Rabbi Yosei considers that time to still be day, and sunset will follow.**

The Gemara asks: It is **obvious** that according to Rabbi Yosei they are immersing themselves during the day. The Gemara answers: **Lest you say that the twilight of Rabbi Yosei is subsumed within^N and takes place at the end of the twilight of Rabbi Yehuda.** When the twilight of Rabbi Yehuda ends, Rabbi Yosei's twilight is also over. It is already night, sunset of that day has already passed, and there is no sunset to enable them to eat *teruma*. Therefore, **he teaches us that Rabbi Yehuda's twilight ends, and only thereafter does Rabbi Yosei's twilight begin.**

Rabba bar bar Hana said that Rabbi Yohanan said: **The halakha is in accordance with the opinion of Rabbi Yehuda with regard to the matter of Shabbat, and the halakha is in accordance with the opinion of Rabbi Yosei with regard to the matter of teruma.** The Gemara asks: **Granted, concerning the statement that the halakha is in accordance with the opinion of Rabbi Yehuda with regard to the matter of Shabbat, as like all other cases of uncertainty, the ruling is stringent with regard to Torah prohibitions. However, with regard to teruma, what is the case under discussion? If you say that it is referring to the matter of immersion, immersion is also a case of uncertainty with regard to a Torah law. Why would the ruling be more lenient in that case than in the case of Shabbat?**

Perek II

Daf 35 Amud b

אלא לאכילת תרומה, דלא אכלי בהנים תרומה עד דשלים בין השמשות דרבי יוסי.

אמר רב יהודה אמר שמואל: כוכב אחד – יום, שנים – בין השמשות, שלשה – לילה. תניא נמי הכי: כוכב אחד – יום, שנים – בין השמשות, שלשה – לילה. אמר רבי יוסי: לא כוכבים גדולים הנראין ביום, ולא כוכבים קטנים שאין נראין אלא בלילה, אלא בינונים.

Rather, it must be that the reference is with regard to eating *teruma*. **Priests may not eat teruma until twilight is completed, which according to Rabbi Yosei's opinion is slightly later than it is according to Rabbi Yehuda's opinion.**

With regard to the period of twilight, Rav Yehuda said that Shmuel said: When one can see **one star** in the evening sky, it is still day;^N **two stars, twilight; three^H stars, night. That was also taught in a baraita:** When one can see **one star** in the evening sky, it is still day; **two stars, twilight; three stars, night. Rabbi Yosei said: This is neither referring to large stars that are visible even during the day, nor to small stars that are visible only late at night. Rather, it is referring to medium-sized stars.**

HALAKHA

One star...three, etc. – כוכב אחד...שלשה וכו': In practice, night begins when three small stars are visible, even if they are dispersed in the sky (*Mishna Berura*) because we are not considered experts in the parameters of medium-sized

stars (*Taz; Magen Avraham*). On a fast day, medium-sized stars are sufficient to constitute the end of the fast, so as not to impose on the public (Rambam *Sefer Zemanim, Hilkhhot Shabbat* 5:4; *Sefer Zera'im, Hilkhhot Terumot* 7:2; *Shulhan Arukh, Oraḥ Hayyim* 235:1).

One star it is still day, etc. – כוכב אחד יום וכו': The determinations with regard to the stars rely on the basic Torah principle: Night begins with the emergence of the stars. Indeed, there is an opinion, cited in tractate *Berakhot* in the Jerusalem Talmud, that when one sees two stars it is already night because the word stars, in the plural, denotes a minimum of two. When there are two stars in the sky, the stars have emerged. As far as the practical *halakha* is concerned, there are numerous opinions. In the Jerusalem Talmud there is a comment that certain stars, such as Venus, are visible even during the day. They are not taken into consideration in the tally of stars that determine night.

One who performs a prohibited labor during two twilights – העושה מלאכה בשני בין השמשות: One who performs labor during twilight (*Kesef Mishne*) on Shabbat eve and at twilight at the conclusion of Shabbat is liable to bring a sin-offering (Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:4).

You, who are not expert in the measures of the Sages – אתון דלא קים לכו בשיעורא דרבנן: One who is not an expert in the duration of twilight should light the Shabbat lights while the sun is still visible at the treetops. On a cloudy day, when it is difficult to see this, one should watch the roosters. When the roosters sit on their roosts, one should light the Shabbat lights, since the roosters sit at twilight. In a field, one should watch for when the crows return to their roosts and then light, as per the statement of Rava (*Shulhan Arukh, Oraḥ Hayyim* 261:3).

They sound six blasts on Shabbat eve – שש תקיעות: When the Jewish people lived in their land, they would sound six *shofar* blasts before Shabbat to inform the people to stop working. It was customary in the sacred communities that a special messenger would inform the people a half an hour or an hour before Shabbat that Shabbat was approaching, so that they would complete their Shabbat preparations. This practice replaced the blasts of the *shofar*, and it is appropriate to inform the people that Shabbat is approaching (Rambam *Sefer Zemanim, Hilkhot Shabbat* 5:18–19; *Shulhan Arukh, Oraḥ Hayyim* 256:1).

BACKGROUND

The plants [*adanei*] – אדאני: According to Rashi and other commentaries, the *adanei* mentioned here are one of the mallow species. The mallow, *Malva nicaeensis* All., is a leafy annual plant, one variety of which is indigenous to Israel. The mallow plant is common on roadsides and in fields throughout the Middle East. The round leaf of the mallow is slightly split, like the palm of a hand. The leaf adjusts its position during daylight hours and, as a rule, its wider surface faces in the direction of the sun. Apparently, this phenomenon can also be observed on cloudy days.



Common mallow whose leaves follow the direction of the sun

אמר רבי יוסי ברבי זבדא: העושה מלאכה בשני בין השמשות – חייב חטאת ממה נפשך. אמר ליה רבא לשמעיה: אתון דלא קים לכו בשיעורא דרבנן, אדשימשא אריש דיקלי – אתלו שרגא. ביום המעונן מאי? במתא חזי תרנגולא. בדברא – עורבי, אי נמי אדאני.

תנו רבנן, שש תקיעות תוקעין ערב שבת: ראשונה להבטיל את העם ממלאכה שבשדות, שנייה – להבטיל עיר וחנויות, שלישית – להדליק את הנר, דברי רבי נתן. רבי יהודה הנשיא אומר: שלישית לחלוץ תפילין ושוהה כדי צליית דג קטן, או כדי להדביק פת בתנור, ותוקע ומריע ותוקע ושובת.

אמר רבן שמעון בן גמליאל: מה נעשה להם לבבליים, שתוקעין ומריעין ושובתין – מתוך מריעין. "תוקעין ומריעין"? הוּוּ לְהוּ חִמְשָׁה! אלא: שתוקעין, וחוזרין ותוקעין, ומריעין ושובתין מתוך מריעין – מנהג אבותיהן בידיהן.

מתני ליה רב יהודה לרב יצחק ברביה: שנייה – להדליק את הנר. כמאן? לא ברבי נתן ולא ברבי יהודה הנשיא! אלא: שלישית להדליק את הנר, כמאן? ברבי נתן.

Rabbi Yosei, son of Rabbi Zevida, said: One who performs a prohibited labor during two twilights,^h one between Friday and Shabbat and one between Shabbat and the conclusion of Shabbat on Saturday night, is liable to bring a sin-offering for performing a prohibited labor on Shabbat whichever way you look at it. Whether we say that twilight is day or night, certainly one of those labors was performed on Shabbat. Rava said to his servant: You, who are not expert in the measures of the Sages,^h when the sun is at the top of the palm trees, light the Shabbat lights. His servant asked him: What should we do on a cloudy day, when the sun is not visible at the top of the trees? Rava said to him: In the city, watch the roosters because as evening approaches they sit on their beams. In a field, watch the ravens because they return to their nests as evening approaches. Alternatively, you can watch the plants [*adanei*]^b that turn westward in the evening. When they begin to turn westward evening is approaching.

The Sages taught in a *baraita*: They sound six blasts on Shabbat eve^h to announce that Shabbat is approaching. The Gemara details what each blast signifies. The first blast is in order to stop the people from work in the fields. The second blast is to stop those who are working in the city, and to inform the proprietors to close the stores. The third is to inform them to light the Shabbat light; that is the statement of Rabbi Natan. Rabbi Yehuda HaNasi says: The third blast is to inform those who don phylacteries throughout the day to remove their phylacteries,ⁿ as one does not don phylacteries on Shabbat. And he pauses after the third blast for the length of time it takes to fry a small fish or to stick bread to the sides of the oven. One who forgot to do so and needs those foods for Shabbat may do so then. And he sounds a *tekia*, and sounds a *terua*, and sounds a *tekia*, and he accepts Shabbat.ⁿ It is then that Shabbat begins in every sense.

Rabban Shimon ben Gamliel said: What shall we do to the Babylonian Jews? They stray from the custom, as they sound a *tekia* and a *terua*, and they accept Shabbat during the *terua*, i.e., upon hearing the blast of the *terua*. The Gemara asks about this: Do the Babylonians really sound only a *tekia* and a *terua* and no more blasts? If so, there are only five blasts and not six, as it was taught in the *baraita*. Rather, the correct version is: They sound a *tekia*, and they again sound a *tekia*, and then they sound a *terua*, and they accept Shabbat during the *terua*. They do so because they continue the custom of their fathers that was handed down to them.

Rav Yehuda taught to Rav Yitzhak, his son: The second blast that is sounded before Shabbat is to inform people to light the light. The Gemara asks: In accordance with whose opinion did he say this? It is neither in accordance with the opinion of Rabbi Natan nor in accordance with the opinion of Rabbi Yehuda HaNasi. Rather, certainly he told him that the third blast is in order to inform people to light the light, and in accordance with whose opinion did he say this? It is in accordance with the opinion of Rabbi Natan.

NOTES

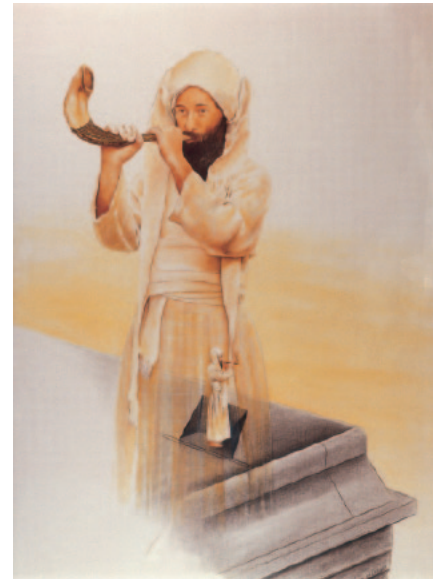
The third is to remove phylacteries – שלישית לחלוץ תפילין: To a certain extent, the emphasis on phylacteries is connected to the dispute between Rabbi Eliezer ben Hyrcanus and his son with regard to the significance of removing phylacteries with the advent of Shabbat. The opinion of Rabbi Eliezer, and apparently that of Rabbi Natan, is that there is no urgency to remove the phylacteries, and one may begin Shabbat while still donning phylacteries. According

to this opinion, which is the accepted *halakha*, even though one does not don phylacteries on Shabbat, there is no serious prohibition against wearing them on Shabbat (Rav Nissim Gaon, based on the Jerusalem Talmud).

And he accepts Shabbat – ושובת: In other words, from that point on, Shabbat has begun for all (Ran).

Blasts are sounded on Shabbat eve – תְּקִיעוֹת תּוֹקְעִין – עֶרֶב שַׁבָּת: The *shofar* blasts advising the people of the imminent onset of Shabbat had to be heard throughout the city of Jerusalem and beyond, especially by those working in the fields. The Gemara, though, does not identify the location from where the *shofar* blasts were sounded. Josephus refers to the spot as being on one of the towers of the Temple (*Judean Wars* 4:9:12).

During the archaeological excavations conducted adjacent to the Western Wall in the wake of the Six-Day War, a large stone was discovered at the southwest corner of the walls surrounding the Temple Mount, with the inscription: To the trumpeting to... Apparently, it fell from a tower atop the wall and shattered during the destruction of the Temple by the Romans in 70 CE.



Blowing the *shofar* on top of the tower

תָּנָא דְּבִי רַבִּי יִשְׁמַעֵאל, שֵׁשׁ תְּקִיעוֹת תּוֹקְעִין עֶרֶב שַׁבָּת: הַתְּחִיל לְתַקֵּעַ תְּקִיעָה רִאשׁוֹנָה – נִמְנְעוּ הָעוֹמְדִים בְּשָׂדֵה מְלַעְדוֹר וּמְלַחְרוֹשׁ וּמְלַעֲשׂוֹת כָּל מְלֹאכָה שְׂבִשְׂדוֹת, וְאִין הָקְרוּבִין רְשָׁאִין לִיכְנֵס עַד שְׂבִיבֹאוּ רְחוֹקִין וְיִכְנְסוּ כּוֹלָם כְּאַחַד. וְעֵדִיין חֲנוּיֹת פְּתוּחוֹת וְתִרְסִין מוּנְחִין, הַתְּחִיל לְתַקֵּעַ תְּקִיעָה שְׁנִיָּה – נִסְתְּלוּ הַתְּרִסִין וּנְנַעְלוּ הַחֲנוּיֹת, וְעֵדִיין חֲמוּן מוּנְחִין עַל גְּבֵי בֵּירָה. וְקִדְרוֹת מוּנְחוֹת עַל גְּבֵי בֵּירָה הַתְּחִיל לְתַקֵּעַ תְּקִיעָה שְׁלִישִׁית – סִילַק הַמְּסַלַק, וְהִטְמִין הַמְּטַמֵּן, וְהִדְלִיק הַמְּדַלֵּיק, וְשׁוּהָה כְּדִי צְלִיית דָּג קָטָן, אוֹ כְּדִי לְהַדְבִּיק פֶּת בַּתְּנּוֹר, וְתוֹקַע וּמְרִיעַ וְתוֹקַע וְשׁוּבָת.

On a similar note, the school of Rabbi Yishmael taught in greater detail: **Six blasts are sounded on Shabbat eve.**ⁿ When one begins sounding the first *tekia*, the people standing and working in the fields refrained from hoeing, and from plowing and from performing all labor in the fields. And those workers who work close to the city are not permitted to enter the city until those who work farther away come, so that they will all enter together. Otherwise, people would suspect that the workers who came later continued to work after the blast. **And still**, at this time, the stores in the city are open and the shutters of the stores, upon which the storekeepers would arrange their merchandise in front of the stores, remain in place. When he began sounding the second blast, the shutters were removed from where they were placed and the stores were locked and in the homes, however, hot water was still cooking on the stove and pots remained in place on the stove. When he began sounding the third blast, the one charged with removing food from the stove removed it, and the one charged with insulating hot water for Shabbat so that it would not cool off insulated it, and the one charged with kindling the Shabbat lights lit. **And the one sounding the *shofar* pauses for the amount of time it takes to fry a small fish or to stick bread to the sides of the oven, and he sounds a *tekia*, and sounds a *terua*, and sounds a *tekia*, and accepts Shabbat.**

אָמַר רַבִּי יוֹסֵי (בַּר) חֲנִינָא: שְׂמַעְתִּי שְׂאָם בָּא לְהַדְלִיק אַחֵר שֵׁשׁ תְּקִיעוֹת – מְדַלֵּיק, שְׁהֵרִי נִתְּנוּ חֲכָמִים שִׁיעוּר לְחֹן הַכְּנֶסֶת לְהוֹלִיךְ שׁוֹפָר לְבֵיתוֹ. אָמַר לוֹ: אִם כֵּן, נִתְּתָ דְּבִרְיָךְ לְשִׁיעוּרִין! אָלָּא: מְקוּם צְנוּעַ יֵשׁ לוֹ לְחֹן הַכְּנֶסֶת בְּרֹאשׁ גַּג, שְׂשָׁם מְנִיחַ שׁוֹפָרוֹ, לְפִי שְׂאִין מְטַלְטְלִין לֹא אֶת הַשׁוֹפָר וְלֹא אֶת הַחֲצוֹצְרוֹת.

Rabbi Yosei bar Hanina, said: I heard that a person who was pressed for time and comes to light Shabbat lights after six blasts may light without concern, as even the moment of the sixth blast is not yet Shabbat. Proof for this is that the Sages provided the sexton of the synagogue a period of time to take his *shofar*, which he used to sound the blasts on a tall roof in the middle of the city, to his house. Clearly, during that interval it is not yet Shabbat. He said to him: If so, then you have rendered your statement subject to circumstances,^b and it would not apply uniformly to all. Shabbat would start at a different time in each place based on the distance between the site where the *shofar* is sounded and the home of the sexton. Rather, Shabbat began immediately after the final blast with no pause in between. The sexton had a concealed place on top of his roof, where he would sound the *shofar*, in which he would place his *shofar* because the consensus is that one may move neither the *shofar* nor the trumpets on Shabbat.

וְהִתְנִיא: שׁוֹפָר מִיִּטְלָל וְחֲצוֹצְרוֹת אֵינָם מִיִּטְלָלִין! אָמַר רַב (יוֹסֵי): לֹא קִשְׁיָא, כָּאֵן – בִּיחִיד, כָּאֵן – בְּצַבּוּר. אָמַר לִיהּ אַבְי: וּבִיחִיד לְמַאי חֲזִי – הוֹאִיל וְרִאיוּ לְגַמַּע בּוֹ מִים

The Gemara asks with regard to this last *halakha*: Wasn't it taught in a *baraita* that the *shofar* may be moved on Shabbat, and the trumpets may not be moved? Rav Yosei said: This is not difficult, as one could say that here, where moving a *shofar* was permitted, it is referring to a *shofar* belonging to an individual. Because it has a use even on Shabbat, it may be moved. There, where moving a *shofar* was prohibited, it is referring to a *shofar* that belongs to a community. Because it has no use on Shabbat, it is, therefore, considered set-aside [*muktze*]. Abaye said to him: And in the case of an individual, for what permitted action is a *shofar* fit to be used on Shabbat? It is fit for use since it is suitable to give water with it

BACKGROUND

You have rendered your statement subject to circumstances – נִתְּתָ דְּבִרְיָךְ לְשִׁיעוּרִין: This expression appears throughout the Talmud as a rationale for rejecting a *halakha* that does not include fixed parameters. Although in certain cases it is possible that, due to the rationale for a specific *halakha*, there is

room for leniency or stringency, the concern remains that if the standards are subject to change, the authority of the halakhic determination will be undermined. Therefore, *halakhot* are established with fixed parameters without reference to specific circumstances.

HALAKHA

מְטַלְטֵל שׁוֹפָר – מְטַלְטֵל שׁוֹפָר
 Moving a *shofar* and a trumpet – **הַצְּצִיפָה**: Sounding a *shofar* or a trumpet is prohibited on Shabbat. However, since the ruling with regard to set-aside is in accordance with Rabbi Shimon's opinion, one may move them to utilize them for a permitted use or to utilize their place (Rambam *Sefer Zemanim, Hilkhot Shabbat* 25:3; *Shulhan Arukh, Orah Hayyim* 308:3).

לְתִינוּק, בְּצִיבוֹר נְמִי חָזִי – לְגַמֵּעַ
 לְתִינוּק עָנִי וְתוֹ, הָא דְתֵנְיָא: כְּשֵׁם
 שְׂמִטְלָטְלִין אֶת הַשׁוֹפָר – כְּד מְטַלְטֵלִין
 אֶת הַצְּצִיפּוֹת, מִנִּי? אֵלָּא, לָא קִשְׂיָא,
 הָא – רַבִּי יְהוּדָה, הָא – רַבִּי שִׁמּוֹן,
 הָא – רַבִּי נְחֵמְיָה.

to a child. Because the mouth of a *shofar* is bent, one can pour a little water at a time. If so, a *shofar* belonging to the community is also suitable to feed water to a poor infant whose sustenance is provided by the community. And furthermore, that *halakha* which was taught in a *baraita*: Just as one may move the *shofar*, so too one may move the trumpets,^H is contrary to that which was taught previously that there is a difference between moving the *shofar* and moving the trumpet. In accordance with whose opinion is that *baraita*? Rather, this is not difficult, as it can be explained that these three *baraitot* correspond to the three opinions with regard to these *halakhot*. This *baraita*, which permits moving the *shofar* but not the trumpet, is in accordance with the opinion of Rabbi Yehuda, who holds that the laws of set-aside apply to these items on Shabbat and one may not move a utensil whose only function is prohibited. Since a trumpet has no permitted use on Shabbat, it may not be moved. On the other hand, one is permitted to move a *shofar*, which can be used to feed a child. And that *baraita*, which permits moving both a *shofar* and a trumpet, is in accordance with the opinion of Rabbi Shimon, who holds that the *halakhot* of set-aside do not apply to utensils of this kind on Shabbat. Whereas this other *baraita*, which prohibits moving both a *shofar* and a trumpet, is in accordance with the opinion of Rabbi Nehemya,^N who holds that one may not use a utensil whose primary function is prohibited on Shabbat, even for a permissible purpose.

וּמַאי שׁוֹפָר – נְמִי הַצְּצִיפּוֹת, כְּדָרְב
 חֲסָדָא. דְּאָמַר רַב חֲסָדָא: הֵינִי תְּלֵת
 מִיְלֵי אִישְׁתַּנִּי שְׂמִייהוּ מִכִּי חָרַב בֵּית
 הַמִּקְדָּשׁ: הַצְּצִיפָתָא שׁוֹפָרָא, שׁוֹפָרָא
 הַצְּצִיפָתָא. לְמַאי נִפְקָא מִיְנָה – לְשׁוֹפָר
 שְׁל רֵאשׁ הַשָּׁנָה.

However, this explanation raises a slight difficulty with regard to the statement that one may move neither a *shofar* nor a trumpet. There was no need to mention the trumpet. If one may not move a *shofar*, certainly he may not move a trumpet. However, it can be explained as follows: What is the *shofar* mentioned in this *baraita*? It refers to trumpets, in accordance with the statement of Rav H̄isda, as Rav H̄isda said: These three objects, their names changed since the Holy Temple was destroyed. That which was called trumpet was called *shofar* in later generations, and that which was called *shofar* was called trumpet in later generations. The *baraita* that was cited employed the style that switches trumpet and *shofar*, and they were mentioned in that order. Incidentally, the Gemara asks: What is the practical halakhic difference whether a *shofar* is called *shofar* or trumpet? The Gemara answers: It is significant with regard to the *halakhot* of *shofar* of Rosh HaShana. On Rosh HaShana one fulfills his obligation only by sounding a *shofar*. If one comes today and asks what instrument he should use to sound the requisite blasts, he should be told to use a trumpet.

BACKGROUND

Willow and tzaftzafa – עֲרֵבָה וְצִפְצִפָּה: Even though the Talmud provides several distinguishing characteristics of both a willow and a *tzaftzafa*, scholars disagree with regard to their identity. Apparently, both belong to the species of willow called *Salix*, and they are both short trees that grow quickly. Both come in many variations, and there are even trees that are a hybrid of the two.



Willow branch with pointed leaves, *Salix acmophylla* Boiss

The *tzaftzafa* has differently shaped leaves. Branches from the willow are used with the palm branch on the festival of *Sukkot*. Apparently, one of the trees is the modern-day white willow, *Salix alba* L.



Tzaftzafa

עֲרֵבָה צִפְצִפָּה, צִפְצִפָּה עֲרֵבָה. לְמַאי
 נִפְקָא מִיְנָה – לְלוּלָב.

The second object whose name was changed: That which was called willow [*arava*] was called in later generations *tzaftzafa*,^B and that which was called *tzaftzafa* was called willow. Here too the Gemara asks: What is the practical halakhic difference that emerges from the name change? The Gemara answers: With regard to the mitzva of the four species, referred to by the name of one of the species, as taking the palm branch, as one of the four species is a willow branch, not a *tzaftzafa*.

NOTES

This is Rabbi Nehemya – הָא רַבִּי נְחֵמְיָה: Rabbi Nehemya's opinion, which is the most stringent with regard to the *halakhot* of set-aside, is very different from the mainstream understanding of this concept. Generally speaking, the category of set-aside applies to an object whose use is prohibited on Shabbat. Due to that prohibition, one removes that object from his conscious-

ness and it is set aside from use on Shabbat. Apparently, Rabbi Nehemya's position is based on an alternative understanding of set-aside. In his opinion, objects are set aside to reinforce the restriction against carrying out on Shabbat, so that one will not come to carry objects from one domain to another (Rambam).

פְּתוּרָה פְּתוּרָתָא, פְּתוּרָתָא פְּתוּרָה,
לְמַאי נִפְקָא מִיְנָה – לְמַקָּח וּמְכֻרָה.

אָמַר אַבְי: אָף אָנוּ נֹאמְר, הוּבְלִילָא
בֵּי כְּסִי, בֵּי כְּסִי הוּבְלִילָא. לְמַאי
נִפְקָא מִיְנָה – לְמַחַט שְׁנַמְצָאת בְּעוֹבֵי
בֵּית הַכּוֹסוֹת, דְּמַצֵּד אֶחָד בְּשִׁירָה
וּבְשֵׁנֵי צְדָדִים טְרִיפָה.

אָמַר רַב אֲשִׁי: אָף אָנוּ נֹאמְר, בְּבָבֶל
בּוּרְסִיף, בּוּרְסִיף בְּבָבֶל.

The third item whose name was changed: A large table that was originally called *petora* was called in later generations by the name previously used for a small table, *petorata*. And a *petorata* was called *petora*. And the Gemara asks: **What is the practical halakhic difference** that emerges from the change of name? The Gemara answers: With regard to the laws of **buying and selling**.^N A person who orders a *petora* should know that he ordered a small table and not a large one.

Abaye said: **We too shall speak** and comment on changes in the meaning of terms in our generation. What was called *huvlila*, the first stomach of animals that chew their cud, is, in recent generations, called *bei kasei*, the name of the animal's second stomach.^N Similarly, what was once called in the past *bei kasei* is called *huvlila* in recent generations. **What is the practical halakhic difference** that emerges from this change of names? **With regard to a needle that is found in the thick wall of the second stomach.** In the *halakhot* of *tereifot*, one is prohibited to eat animals with a life expectancy of less than a year. It was established that if a needle punctured the wall of the second stomach **from only one side**, the animal is **kosher**. If the needle penetrated through the wall in a manner visible **from both sides**, the animal assumes the halakhic status of a *tereifa*. In the first stomach, even if the needle penetrated only one side of the wall, the animal assumes the halakhic status of a *tereifa*. Therefore, it is crucial to distinguish between the first and the second stomachs.

Rav Ashi said: **We too shall speak** of matters whose name changed over the generations. The city that, in biblical times, was called **Babylon** was called **Bursif** in later generations, and **Bursif** was called **Babylon** in later generations.

NOTES

To the laws of buying and selling – לְמַקָּח וּמְכֻרָה: In the *halakhot* governing business transactions, there are a significant number of restrictions on the type of proof that is valid in these cases. For example: Money is not proof (*Bava Metzia* 40b). The fact that one paid a larger sum of money cannot be cited as proof that he actually bought a larger table. As a result, it is crucial to know the term used for a given item in determining commercial transactions.

The first stomach and the second stomach – בֵּית הַכּוֹסוֹת: A mortally wounded animal is a *tereifa* and may not be eaten. Generally, in talmudic times, those who slaughtered animals were not professionals. Consequently, they would often pose questions to the Sages. Therefore, the Gemara emphasized the importance of familiarity with the colloquial terms for the parts of an animal's body.

Perek II

Daf 36 Amud b

לְמַאי נִפְקָא מִיְנָה – לְגִיטֵי נָשִׁים.

What is the practical halakhic difference that emerges from this change of names? It is in the area of **women's bills of divorce**.^N With regard to bills of divorce, special care is devoted to ensuring that the name of the place where the bill is written is not altered. Therefore, it is important to be aware that Babylon underwent a name change in later generations.

הדרן עלך במה מדליקין

NOTES

Of women's bills of divorce – לְגִיטֵי נָשִׁים: When writing a bill of divorce [*get*], the *halakha* requires that the names of the people, their nicknames, and the name of the place where the divorce takes place be written as accurately as possible. This is to prevent any reason for invalidating the document. Therefore, it is vitally important to determine the precise name of that particular place. Consequently, many commentaries understand that the discussion here is about the relationship of Bursif to Babylon. Babylon was a center of Torah study, and the Babylonian communities adopted the custom of Eretz Yisrael and did not require a messenger who delivered a bill of divorce from Babylonia to Eretz Yisrael to testify that he was present when the bill of divorce was properly drafted. Below is a picture of the archaeological remains of the city of Babylon, which, at its height, extended over both banks of the Euphrates River. Over the course of generations, the city center moved from the right side of the river to Bursif on its left side.



Bursif and Babylon

Summary of Perek II

The nature of the mitzva of kindling the Shabbat lights is the fundamental problem that was addressed in this chapter. It was clearly resolved in one direction. The conclusion was that the Shabbat lights essentially have a functional purpose: To introduce light into the experience of delighting in Shabbat, to enhance the atmosphere, and to make partaking in the festive Shabbat meal more comfortable. Therefore, it was concluded that the oil suitable for kindling the Shabbat lights must provide a clear, consistent glow. Although there were Sages who sought to restrict the use of certain oils in an attempt to further enhance the stature of the mitzva, their opinions were not incorporated into the ultimate halakhic ruling. Certain oils and wicks were ultimately prohibited either because they do not provide effective illumination or because their use is liable to result in the desecration of Shabbat.

The comprehensive discussion of the Hanukkah lights found in this chapter, which, in effect, included all the *halakhot* of Hanukkah, underscored the role of the Shabbat lights. The conclusion was that, in virtually every matter, there is a contrast between Hanukkah lights and Shabbat lights. The objective of the mitzva to kindle the Shabbat lights is to illuminate. The mitzva of kindling the Hanukkah lights has no such practical objective; the mitzva is the act of kindling itself. The Shabbat lights are kindled so that the entire family can derive benefit from them. It is prohibited to derive benefit from the Hanukkah candles at all. Consequently, the Shabbat lamp must be equipped with materials that burn clearly and consistently. There is no such requirement for the Hanukkah candles. Their sole purpose is to publicize the miracle of Hanukkah.

Although the *halakha* has determined that the essence of the Shabbat lights lies in their practical function, the Sages, in a series of aggadic statements, enhanced the stature of the mitzva and its symbolic essence, transforming it into a manifestation of the very sanctity of Shabbat.