

He who picks up a moist log – דְּלוּיָהּ לְרִטְבָּהּ: Based on a variant reading of the Gemara, the *Arukh* explains as follows: When one sees another person picking up a moist log, which is unusable for firewood, it is a good idea to ask him what he is doing, in case he intends to strike him with it.

He recited *kiddush* and the blessing for time – קְדִישׁ וְאָמַר זְמַן: How did the Sages understand from Rav H̄isda's actions that one is obligated to recite the blessing over time on Rosh HaShana? Perhaps Rav H̄isda holds that it is only optional to do so? One answer is that Rav H̄isda recited the blessing after *kiddush* but before drinking the wine. If the blessing were not obligatory, he would not have recited it at that point and thereby caused an interruption between the blessing over the wine and the drinking of the wine. Therefore, the recitation of the blessing must be obligatory (*She'erit Berakha*).

## HALAKHA

The blessing: Who has given us life, on Rosh HaShana and on Yom Kippur – שְׁהֵחֵינֵנוּ בְּרֵאשׁ הַשָּׁנָה וְיוֹם הַכִּפּוּרִים: One must recite the blessing for time, Who has given us life, on Rosh HaShana and Yom Kippur. On Yom Kippur one does not recite it over a cup of wine because of the concerns raised by the Gemara (*Shulḥan Arukh, Oraḥ Ḥayyim* 619:1).

Completing a fast on Shabbat eve – הַשְּׁלֵמַת תַּעֲנִית בְּעֶרֶב שַׁבָּת: One who accepted upon himself to fast on Shabbat eve must fast until the end of the day when the stars come out, unless he explicitly stipulated when accepting the fast that he would fast only until the completion of the communal prayers on Friday night. The Rema rules that in the case of a private fast, one need not fast until the stars appear. However, it is preferable that one state his intention explicitly when he accepts the fast. Nevertheless, a public fast must be completed, and this is the custom. When the Gemara states that he completes it, this means that he may complete it if he so desires; he may stop beforehand, if he so stipulated (*Mordekhai; Shulḥan Arukh, Oraḥ Ḥayyim* 249:4).

The Ninth of Av on Shabbat – תַּשְׁעָה בְּאָב בַּשַּׁבָּת: If the Ninth of Av occurs on Shabbat or on Sunday, one eats the third Shabbat meal in the usual manner, which may include meat and wine. However, one must stop eating before sunset (Rema; *Shulḥan Arukh, Oraḥ Ḥayyim* 552:10).

## NOTES

A meal like that of King Solomon in his time – כְּסֵעוּדַת שְׁלֹמֹה: Rashi explains this expression in tractate *Ta'anit* (29b) in light of the story that Solomon was removed from his throne for a period of time and became a destitute, wandering pauper. Therefore, the Gemara states: Like that of King Solomon in his time, meaning at the time when he was a king.

And they brought him a slightly cooked egg – וְהֵבִיאוּ לוֹ בֵּיצָה: Some commentaries explain that since Rabbi Akiva lived in the generation of Rabban Gamliel, he followed his opinion, as explained below. However, in the subsequent generation, Rabbi Akiva's students accepted Rabbi Yosei's opinion with the certainty that Rabbi Akiva would also have returned to the approach of his teacher, Rabbi Yehoshua (*Ge'on Ya'akov*). See *Tosafot* for an alternate tradition with regard to Rabbi Akiva's behavior.

מֵאֵי הוּי עָלֶיהָ? שְׁדֻרוּהָ רַבְּנָן לְרַב יֵימָר סָבָא קָמִיָּה דְּרַב חֲסָדָא בְּמַעְלֵי יוֹמָא דְּרִישׁ שַׁתָּא, אָמְרוּ לֵיהּ: זִיל חֲוֵי הֵיכִי עֲבִיד עוֹבְדָא, תָּא אִימָא לָךְ. כִּי חֲוִיָּה אָמַר לֵיהּ: דְּלוּיָהּ לְרִטְבָּה, רַפְסָא לֵיהּ בְּדוֹכְתֵיהּ. אֵייתֵוּ לֵיהּ כֶּסֶא דְּחַמְרָא, קְדִישׁ וְאָמַר זְמַן.

The Gemara asks: What conclusion was reached about this matter? Must one recite the blessing: Who has given us life, on Rosh HaShana and Yom Kippur? The Sages sent Rav Yeimar the Elder before Rav H̄isda on the eve of Rosh HaShana. They said to him: Go, see how he acts in this regard and then come and tell us. When Rav H̄isda saw Rav Yeimar, he said to him in the words of a folk saying: One who picks up a moist log, which is not fit for firewood, must want to do something on the spot.<sup>N</sup> In other words, you certainly have come to me with some purpose in mind, and not just for a visit. They brought him a cup of wine, and he recited *kiddush* and the blessing for time.<sup>N</sup>

וְהִלְכְתָּא: אָמַר זְמַן בְּרֵאשׁ הַשָּׁנָה וְיוֹם הַכִּפּוּרִים. וְהִלְכְתָּא: זְמַן אָמְרוּ אֲפִילוּ בְּשׁוּק.

The Gemara concludes: The *halakha* is that one recites the blessing for time on Rosh HaShana and on Yom Kippur,<sup>H</sup> and the *halakha* is that one may recite the blessing for time even in the market, as it does not require a cup of wine.

וְאָמַר רַבָּה, כִּי הוּינָן בֵּי רַב הוּנָא אֵיבְעִינָא לָךְ: בַּר בִּי רַב דִּיתִיב בְּתַעֲנִיתָא בְּמַעְלֵי שַׁבָּתָא, מַהוּ לֹא שְׁלוּמִי? לֹא הוּוּ בִּידֵיהּ. אֲתָאֵי לְקָמִיָּה דְּרַב יְהוּדָה וְלֹא הוּוּ בִּידֵיהּ.

Having discussed a question that was raised during Rabba's student years, the Gemara now records another such question. And Rabba also said: When we were in the house of study of Rav Huna, we raised the following dilemma: A student in his master's house who is fasting on Shabbat eve, what is the *halakha* with regard to whether he has to complete the fast until the end of the day? Do we perhaps say that he must stop fasting before Shabbat, so as not to enter Shabbat weary from his fast?<sup>H</sup> Rav Huna did not have an answer at hand. I subsequently came before Rav Yehuda, and he too did not have an answer at hand.

אָמַר רַבָּא: נַחֲוִיָּה אַנְן. דְּתַנְיָא: תַּשְׁעָה בְּאָב שְׁחַל לְהֵיטָב בַּשַּׁבָּת.

Rava said: Let us look ourselves for an answer from the sources. As it was taught in a *baraita* in the case of the Ninth of Av that occurs on Shabbat,<sup>H</sup>

## Perek III

## Daf 41 Amud a

וְכֵן עֶרֶב תַּשְׁעָה בְּאָב שְׁחַל לְהֵיטָב בַּשַּׁבָּת – אוֹכֵל וְשׁוֹתֵה כָּל צְרוּכֵוּ, וּמַעְלָה עַל שׁוּלְחָנֵוּ אֲפִילוּ כְּסֵעוּדַת שְׁלֹמֹה בְּשַׁעְתּוֹ. חַל לְהֵיטָב תַּשְׁעָה בְּאָב בְּעֶרֶב שַׁבָּת – מִבֵּיאֵן לוֹ כְּפִיזָה וְאוֹכֵל, כְּדִי שְׁלֹא יִכְנֵס לְשַׁבָּת כְּשֶׁהוּא מַעֲוָה.

and so too, on the eve of the Ninth of Av that occurs on Shabbat, one need not reduce the amount of food he eats; rather, he may eat and drink as much as he requires and bring to his table a meal even like that of King Solomon in his time.<sup>N</sup> If the Ninth of Av occurs on Shabbat eve, we bring him an egg-bulk of food toward end of the day, and he eats it, so that he not enter Shabbat in a state of affliction.

תַּנְיָא, אָמַר רַבִּי יְהוּדָה: פְּעַם אַחַת הָיְינוּ יוֹשְׁבֵינָן לְפָנֵי רַבִּי עֲקִיבָא, וְתַשְׁעָה בְּאָב שְׁחַל לְהֵיטָב בְּעֶרֶב שַׁבָּת הָיָה, וְהֵבִיאוּ לוֹ בֵּיצָה מְגוּלְגֵלַת וְגַמְעָה בְּלֹא מֶלַח. וְלֹא שְׁהִיָּה תָאֵב לָהּ, אֲלֵא לְהֵרְאוֹת לְתַלְמִידֵי הַלְכָהּ.

It was taught in a *baraita* that Rabbi Yehuda said: We were once sitting before Rabbi Akiva, and it was the Ninth of Av that occurs on Shabbat eve, and they brought him a slightly cooked egg,<sup>N</sup> and he swallowed it without salt. And it was not that he desired it so much that he ate it; rather, he did so to show the students the *halakha* that one need not complete the fast when the Ninth of Av occurs on Shabbat eve, so as not enter Shabbat in a state of affliction.

וְרַבִּי יוֹסֵי אָמַר: מִתְעַנֶּה וּמְשָׁלִים. אָמַר לְהֵן רַבִּי יוֹסֵי: אֵי אַתֶּם מוֹדִים לִי בְּתַשְׁעָה בְּאָב שְׁחַל לְהֵיטָב בְּאָחָד בַּשַּׁבָּת, שְׁמַפְסִיק מִבְּעוֹד יוֹם? אָמְרוּ לוֹ: אֲבָל אָמַר לָהֶם: מַה לִּי לִיכְנֵס בָּהּ כְּשֶׁהוּא מַעֲוָה, מַה לִּי לְצֵאת מִמֶּנָּה כְּשֶׁהוּא מַעֲוָה?

And Rabbi Yosei says: He must fast and complete the fast. Rabbi Yosei said to the other Sages: Don't you agree with me with regard to the Ninth of Av that occurs on Sunday, that one must stop eating on Shabbat while it is still day? They said to him: Indeed, we agree. Rabbi Yosei said to them: What is the difference to me between entering Shabbat in a state of affliction and leaving it in a state of affliction? If one stops eating before Shabbat is over, he is spending part of Shabbat fasting, and yet even the Sages concede that one must do so.

**תענית בחנוכה ובפורים – אפס תענית ברוש חודש, חנוכה או פורים.** A public fast is never decreed for Rosh Hodesh, Hanukkah or Purim. Nevertheless, if the community already began to observe a cycle of fasts for some misfortune, and a fast day in the cycle of Monday, Thursday, and Monday occurs on Rosh Hodesh, Hanukkah or Purim, the fast is observed. This ruling is in accordance with the opinion of Rabban Gamliel, as the later Sages did not dispute this point (*Shulhan Arukh, Oraḥ Hayyim 572:2*).

NOTES

**ואם התחילו – לא יפסיקו.** And if they had begun they do not interrupt – אין מפסיקו: The order of the public fasts decreed in times of drought is explained in tractate *Ta’anit*. It is with regard to this that they said that a cycle of fasts on Monday, Thursday, and Monday may not begin on the New Moon or on Hanukkah. However, if a cycle of fast days was already established, and one of the fast days occurred on the New Moon, the series is not interrupted.

**לא היה אדם שערער – לא יפסיקו.** And there was no one who disputed – לא היה אדם שערער: We generally do not accept the argument that we have not seen a tradition being observed or did not hear someone argue about an existing tradition, as the rule is: The fact that we have not seen is not proof. However, this restriction applies only when there is someone who claims to have seen or heard something with regard to the tradition. If several people say that they have never seen something before and no one denies this, it is considered to be proof (*Maharik*).

**יום טוב שלנו – יום טוב שלנו.** It was our Festival – יום טוב שלנו: This is explained at great length in tractate *Ta’anit*. The basic idea is as follows: In a particular time, when public funds were very scarce, several large families volunteered to sponsor the wood offering in the Temple. Over the course of time, even though the need for this donation passed, the custom remained. Each of these families observed the day on which it brought the wood to the Temple as a Festival on which fasting and eulogizing were prohibited.

אָמְרוּ לוֹ: אִם אָמַרְתָּ לְצַאת מִמֶּנָּה – שְׁהִי אָכֵל וְשָׁתָה כָּל הַיּוֹם כּוֹלּוֹ, תֹּאמַר לִיבְנֵים בְּהַ שְׁהוּא מְעוּנָה – שְׁלֹא אָכֵל וְשָׁתָה כָּל הַיּוֹם כּוֹלּוֹ.

וְאָמַר עוּלָא: הֲלָכָה כְּרַבִּי יוֹסֵי. וּמֵי עֲבָדִין כְּרַבִּי יוֹסֵי? וּרְמִינָה: אֵין גּוֹזְרִין תְּעִנִּית עַל הַצִּיּוּר בְּרֵאשֵׁי חֲדָשִׁים בְּחֲנֻכָּה וּבְפֻרִים, וְאִם הִתְחִילוּ – אֵין מְפַסְקִין, דְּבָרֵי רַבִּין גַּמְלִיאֵל. אָמַר רַבִּי מֵאִיר: אַף עַל פִּי שְׂאֵמַר רַבִּין גַּמְלִיאֵל “אֵין מְפַסְקִין”, מוֹדָה הִיָּה שְׂאֵין מְשַׁלְּמִין, וְכֵן בְּתַשְׁעָה בְּאַב שַׁחַל לְהִיּוֹת בְּעֶרֶב שַׁבָּת.

וְתַנָּא: לְאַחַר פְּטִירְתּוֹ שֶׁל רַבִּין גַּמְלִיאֵל נִבְנֵם רַבִּי יְהוֹשֻׁעַ לְהַפֵּר אֶת דְּבָרָיו. עָמַד רַבִּי יוֹחָנָן בֶּן נוּרִי עַל רַגְלָיו וְאָמַר: תּוּי אֲנָא דְּבִתְרֵי רִישָׁא גּוּפָא אֲזִיל, כָּל יָמָיו שֶׁל רַבִּין גַּמְלִיאֵל קָבְעֵנוּ הֲלָכָה כְּמוֹתוֹ, עֲכָשִׁי אֲתָה מְבַקֵּשׁ לְבַטֵּל דְּבָרָיו! יְהוֹשֻׁעַ, אֵין שׁוֹמְעִין לָךְ, שְׂכָבֵר נִקְבְּעָה הֲלָכָה כְּרַבִּין גַּמְלִיאֵל. וְלֹא הִיָּה אָדָם שְׁעָרַר בְּדָבָר כְּלוּם.

בְּדוֹרוֹ שֶׁל רַבִּין גַּמְלִיאֵל – עֲבוּד כְּרַבִּין גַּמְלִיאֵל, בְּדוֹרוֹ שֶׁל רַבִּי יוֹסֵי – עֲבוּד כְּרַבִּי יוֹסֵי.

וּבְדוֹרוֹ שֶׁל רַבִּין גַּמְלִיאֵל עֲבוּד כְּרַבִּין גַּמְלִיאֵל? וְהִתְנַיָּא, אָמַר רַבִּי אֶלְעָזָר (בֶּן) צְדוֹק: אֵין (הִיָּיתִי) מִבְּנֵי סְנָאָב בֶּן בִּנְיָמִין, פְּעַם אַחַת חָל תַּשְׁעָה בְּאַב לְהִיּוֹת בְּשַׁבָּת, וְדַחֲיָנָהוּ לְאַחַר הַשַּׁבָּת וְהִתְעַנִּינוּ בּוֹ וְלֹא הִשְׁלַמְנוּהוּ, מִפְּנֵי שְׂיֹם טוֹב שְׁלָנוּ הִיָּה. טַעְמָא דְּיוֹם טוֹב, הָא עֶרֶב יוֹם טוֹב מְשַׁלְּמִין!

אָמַר רַבִּינָא: שְׂאֵין יוֹם טוֹב שֶׁל דְּבָרֵיהֶם, מִתּוֹךְ שְׂמִתְעַנִּין בּוֹ שְׁעוֹת – מְשַׁלְּמִין בּוֹ עֶרְבִיּוֹת. שַׁבָּת, הוּאֵיל וְאֵין מְתַעַנִּין בָּהּ שְׁעוֹת – אֵין מְשַׁלְּמִין בָּהּ עֶרְבִיּוֹת.

They said to him: There is a difference. If you said that one may leave Shabbat in a state of affliction, that is because he ate and drank the entire day and will not suffer if he fasts a few minutes at the end of the day. Can you say that it is the same to enter Shabbat in a state of affliction, when he has not eaten or drunk anything the entire day?

And Ulla said: The *halakha* is in accordance with the opinion of Rabbi Yosei, and on the Ninth of Av that occurs on Shabbat eve one must complete the fast. The Gemara poses a question: Do we really act in accordance with the opinion of Rabbi Yosei? And the Gemara raises a contradiction based upon the following mishna: We do not initially decree a fast upon the public on the New Moon, Hanukkah, or Purim,<sup>11</sup> and if the community had already begun a cycle of fasts and one of them fell out on one of these days, they do not interrupt the series;<sup>12</sup> this is the statement of Rabban Gamliel. Rabbi Meir said: Even though Rabban Gamliel said that they do not interrupt the series, he conceded that they do not complete the fast on one of these days, and so too, the fast on the Ninth of Av that occurs on Shabbat eve is not completed.

And it was taught in a related *baraita*: Following the death of Rabban Gamliel, Rabbi Yehoshua entered the study hall to annul Rabban Gamliel’s statement with regard to fasts. Rabbi Yohanan ben Nuri stood on his feet and said: I see that the appropriate policy is that the body must follow the head, i.e., we must follow the statements of the earlier authorities and not deviate from established *halakha*. All of Rabban Gamliel’s life we established the *halakha* in accordance with his opinion, and now you seek to annul his statement? Yehoshua, we do not listen to you, as the *halakha* has already been established in accordance with the opinion of Rabban Gamliel. And there was no one who disputed<sup>13</sup> this statement in any way. Therefore, this *baraita* demonstrates that when the Ninth of Av occurs on Shabbat eve, one must observe the fast but not complete it, and this was the accepted practice.

The Gemara resolves the difficulty, arguing that this proof is not conclusive: Indeed, in the generation of Rabban Gamliel they acted in accordance with the opinion of Rabban Gamliel, but in the generation of Rabbi Yosei they acted in accordance with the opinion of Rabbi Yosei, and from then on, the *halakha* follows his view.

The Gemara asks: And is it correct that in the generation of Rabban Gamliel they acted in accordance with the opinion of Rabban Gamliel? Wasn’t it taught in a *baraita* that Rabbi Elazar ben Tzadok, a contemporary of Rabban Gamliel, said: I am a descendant of Sena’av ben Binyamin, who observed a family festival on the tenth of Av. One time, the Ninth of Av occurred on Shabbat, and we postponed it until after Shabbat, as we do not observe the fast on Shabbat, and we fasted on Sunday but did not complete the fast because that day was our Festival.<sup>14</sup> This indicates that the reason they did not complete the fast is that the day itself was a Festival for them, but on the eve of a Festival, they would indeed complete it. This proves that even in the generation of Rabban Gamliel, they did complete fasts on the eve of Shabbat and Festivals.

Ravina said that this story poses no difficulty: A rabbinic Festival is different, as they are not as stringent as Shabbat or Festivals stated in the Torah, and the festival of the family of Sena’av was not a Festival from the Torah, but one established by the Sages. Since one may fast on such a Festival for a number of hours, i.e., one may fast on it for part of the day, one also completes a fast observed on the eve of such a Festival until the evening. With regard to Shabbat, however, since one may not fast on it even for several hours, one does not complete a fast observed on Shabbat eve.

אמר רב יוסף: לא שמיע לי הא  
 שמעתא. אמר ליה אבוי: את אמרת  
 ניהלן, ואהא אמרת ניהלן: אין גורין  
 תענית על הצבור בראשי חודשים  
 וכו'. ואמרין עליה, אמר רב יהודה,  
 אמר רב: זו דברי רבי מאיר שאמר  
 משום רבן גמליאל, אבל חכמים  
 אומרים: מתענה ומשלים.

Rav Yosef said: I did not hear this ruling that the *halakha* is in accordance with the opinion of Rabbi Yosei. Rav Yosef had fallen ill and forgotten his learning and so was unable to remember that such a ruling had been issued. His student, Abaye, said to him: You yourself told us this *halakha*, and it was with regard to this point that you told it to us, as we learned in a mishna: We do not initially decree a fast upon the public on the New Moon, on Hanukkah, or on Purim. Rabbi Meir said: Even though Rabban Gamliel said that if the community had already begun a cycle of fasts, they do not interrupt the series, he conceded that they do not complete the fast on one of these days, and similarly, the fast of the Ninth of Av that occurs on Shabbat eve is not completed. And we said with regard to this mishna that Rav Yehuda said that Rav said: This is the statement that Rabbi Meir said in the name of Rabban Gamliel. But the Rabbis say: One must fast and complete the fast.

מאי לאו אבוליהו? לא, אהנוכה  
 ופורים.

What? Does the Rabbis' ruling that one must complete the fast not refer to all the cases mentioned in the mishna, including that of the Ninth of Av that occurs on Shabbat eve? No, it was stated only with regard to Hanukkah and Purim, but one would not complete a fast on Shabbat eve.

הכי נמי מסתברא,

The Gemara comments: So too, it is reasonable to explain that this ruling does not apply to Shabbat eve,

Perek III  
 Daf 41 Amud b

דאי סלקא דעתך אבוליהו - הא  
 בעי מיניה רבה מרב יהודה ולא  
 פשט ליה!

as, if it should enter your mind to say that Rav Yehuda said that the *halakha* is in accordance with the opinion of the Rabbis with regard to all the cases in the mishna, including that of the Ninth of Av that occurs on Shabbat eve, there is a difficulty: Didn't Rabba raise a dilemma before Rav Yehuda with regard to this issue, and he did not answer him? This demonstrates that he did not have a decisive ruling on this subject.

ולטעמין, הא דדרש מר זוטרא  
 משמיה דרב הונא: הלכה, מתענה  
 ומשלים. הא בעא מיניה רבה מרב  
 הונא ולא פשט ליה!

The Gemara responds: And according to your opinion, that the issue had not been resolved, there is a difficulty with that which Mar Zutra expounded in the name of Rav Huna: The *halakha* is that one fasts and completes the fast on Shabbat eve. Didn't Rabba also raise this dilemma before Rav Huna, and he too did not answer him? How could Mar Zutra have reported this halakhic ruling in the name of Rav Huna?

אלא: הא - מקמי דשמעה, והא -  
 לבתר דשמעה. הכא נמי, הא - מקמי  
 דשמעה, הא - לבתר דשמעה.

Rather, you must say that this dilemma that Rabba raised to Rav Huna was before Rav Huna heard Rav's ruling on the subject; whereas this, i.e., Rav Huna's statement as cited by Mar Zutra, was made after he heard Rav's ruling on the matter, and the problem was resolved for him. Here, too, with regard to Rav Yehuda, we can say that this dilemma that Rabba raised before Rav Yehuda was before Rav Yehuda heard Rav's ruling on the topic, and therefore he did not know how to answer Rabba; whereas this, i.e., Rav Yehuda's statement in the name of Rav, was made after he heard it.

דרש מר זוטרא משמיה דרב הונא:  
 הלכה, מתענין ומשלימין.

The Gemara repeats the statement cited above in passing: Mar Zutra expounded in the name of Rav Huna: The *halakha* is that one fasts and completes the fast on the eves of Shabbat and Festivals.

הדרן עלך בכל מערבין



## Summary of Perek III

In this chapter, several of the *halakhot* of *eiruv* were discussed, primarily the *halakhot* of the joining of Shabbat boundaries. The issues raised were divided into distinct units that are related as far as preparation of the *eiruv* is concerned, not necessarily in terms of their intrinsic principles. With regard to the question of what may be used to establish an *eiruv*, the conclusion was that any item considered food in an amount sufficient for two meals, or alternatively any ingredient used in the consumption of two meals, e.g., spices, is suitable. This food must be suitable for human consumption, but there is no stipulation demanding that the one who placed the *eiruv* must actually be able to eat it. Even if for some reason he cannot, the *eiruv* is valid. However, neither water nor salt may be used for the *eiruv* since these are not considered food.

A second problem discussed with regard to the joining of Shabbat boundaries was: Who may establish the *eiruv*? The conclusion was that the one placing the *eiruv* must be of sound mind and acknowledge the *halakhot* of *eiruv*. If he is not of sound mind, then he can only serve as an instrument for transferring the *eiruv*; however, he cannot serve as an emissary in placing the *eiruv*.

With regard to the joining of boundaries, it was stated that the person placing the *eiruv* must do so in a location where he has access to it, enabling him to take the food the moment the *eiruv* takes effect, during twilight on Shabbat eve. Therefore, one may not place the *eiruv* in a place from where it would be prohibited to take it on Shabbat. For example, if one places the food outside the domain where he establishes residence on Shabbat, or if he were to place it in a location that it is prohibited for him to enter, the *eiruv* would be invalidated.

Uncertainties arose due to the various restrictions that apply to the placement of the *eiruv*. Is the *eiruv* valid in a case where it is unclear whether the *eiruv* remained in place or was moved? Is it valid if it is not known whether the *eiruv* was eaten, destroyed, or became ritually impure, rendering it no longer fit for human consumption prior to the time when the *eiruv* took effect? In general, the resolution of those dilemmas was based on the ruling by the Sages: An *eiruv* whose validity is uncertain is nevertheless valid, since in principle the *halakhot* of *eiruv* are by rabbinic law.

The principle that one rules leniently in cases of *eiruv* since the *halakhot* are by rabbinic law resolved a different problem, which is the question of a conditional *eiruv*. An example is the case of an individual who seeks to establish residence not in one specific location, but rather places an *eiruv* in each of two different locations, stipulating that only later, on Shabbat, will he decide on which of the two he will rely. The dilemma that arises is whether or not one can rely on an indefinite *eiruv*. The halakhic conclusion was that even according to those who hold that there is no retroactive designation, i.e., the direction that one ultimately chooses was retroactively the direction that he originally intended, the *eiruv* is nevertheless valid. Since the *halakha* is by rabbinic law, the ruling is lenient and it is permitted to place a conditional *eiruv*.



## Introduction to Perek IV

This chapter, too, deals with the *halakhot* of the joining of Shabbat boundaries; however, here the discussion focuses on different aspects of this topic.

The halakhic rulings in the previous chapter dealt primarily with cases of an individual who, although he already has a place of residence on Shabbat, seeks to establish residence elsewhere by means of an *eiruv*. This chapter discusses the case of an individual who does not have a bona fide place of residence, e.g., one traveling to another city, or one who establishes residence along the way. Similarly, this chapter deals with the legal status of one who intends to establish residence in a place other than the place where he is located at present, and also considers the *halakha* with regard to one who went outside his Shabbat limit and thereby forfeited his rights within that limit.

Addressing these questions necessitates an analysis of the fundamental problems with regard to the manner in which one acquires his Shabbat limit and the manner in which he loses it. One of the questions requiring consideration is the legal status of one who ventures beyond his Shabbat limit, whether unwittingly, intentionally, or for the purpose of performing a mitzva. Does he then acquire certain rights of residence in this other place? If so, what are they?

One of the essential questions discussed is: Does one's right to walk within the Shabbat limit stem from his decision and assertion: My residence is at such and such location, and in that way he acquires the right to walk two thousand cubits from that location? Or, is the Shabbat limit determined by the individual's very presence at a specific location?

A similar issue is the Shabbat limit as it applies to vessels and other objects. Is their Shabbat limit determined by their presence at a specific location? An example of this is the statement in the Gemara: Ownerless objects acquire residence. Or, perhaps, if they belong to a specific individual, the limit for these objects is determined by the limit of their owner.

An additional fundamental problem is with regard to the manner in which one acquires the *eiruv*. The joining of Shabbat boundaries is based upon one's decision to acquire residence at a given distance from his present location. The *eiruv* is generally established through the placement of food sufficient for two meals at the location where one seeks to acquire residence. However, the question arises: Are there other methods in which this may be accomplished? For example, does one's decision that he intends to establish residence at a specific location suffice even without placing the food there? Alternatively, is it sufficient for one merely to visit that location during the day, even if he neither stays there nor places an *eiruv*?

These problems require examination of the essence of the Shabbat limit, which will lead to a detailed understanding of how it takes effect, how it is acquired, and how it is lost. These are the topics discussed in this chapter.





מתני' מי שהוציאוהו נכרים או רוח רעה – אין לו אלא ארבע אמות.

החזירוהו – באילו לא יצא.

הוליכוהו לעיר אחרת, נתנהו בדין או בסהר, רבן גמליאל ורבי אלעזר בן עזריה אומרים: מהלך את כולה. רבי יהושע ורבי עקיבא אומרים: אין לו אלא ארבע אמות.

מעשה שבאו מפלנדריסין והפליגה ספינתם בים, רבן גמליאל ורבי אלעזר בן עזריה הלכו את כולה, רבי יהושע ורבי עקיבא לא זזו מארבע אמות, שרצו להחמיר על עצמן.

פעם אחת לא נכנסו לנמל עד שחשיכה, אמרו לו לרבן גמליאל: מה אנו לירד?

אמר להם: מותרים אתם, שכבר הייתי מסתכל והיינו בתוך התחום עד שלא חשיכה.

גמ' תנו רבנן: שלשה דברים מעבירין את האדם על דעתו ועל דעת קונו, אלו הן: נכרים ורוח רעה, ודקדוקי עניות.

למאי נפקא מינה? למיבעי רחמי עליהו.

שלשה אין רואין פני גיהנם, אלו הן: דקדוקי עניות וחולי מעיין והרשות, ויש אומרים: אף מי שיש לו אשה רעה.

ואידך – אשה רעה מצוה לגרשה.

ואידך – זימנין דכתובתה מרובה, אי נמי: אית ליה בנים מינה, ולא מצי מגרש לה.

**MISHNA** With regard to **one whom gentiles forcibly took him out<sup>H</sup>** beyond the Shabbat limit, or if **an evil spirit<sup>N</sup>** took him out, i.e., he was temporarily insane, and found himself outside the Shabbat limit, he **has only four cubits** that he may walk from where he is standing.

If the gentiles **returned him**, or if he came back while still under the influence of the evil spirit, **it is as though he had never left** his Shabbat limit, and he may move about within his original limit as before.

If the gentiles **brought him to a different city<sup>H</sup>** that was surrounded by walls, or if they **put him into a pen or a stable**, i.e., animal enclosures, the Sages disagree. **Rabban Gamliel and Rabbi Elazar ben Azarya say: He may walk about the entire city**, as the whole city is considered like four cubits. **Rabbi Yehoshua and Rabbi Akiva say: He has only four cubits** from where he was placed.

The mishna relates: There was an incident where all of these Sages were coming from Pelandarsin,<sup>B</sup> an overseas location, and their boat set sail on the sea<sup>H</sup> on Shabbat, taking them beyond their Shabbat limit. **Rabban Gamliel and Rabbi Elazar ben Azarya walked about the entire boat**, as they hold that the entire boat is considered like four cubits, while **Rabbi Yehoshua and Rabbi Akiva did not move beyond four cubits**, as they sought to be stringent with themselves.

The mishna further relates that on **one occasion, they did not enter the port [name<sup>L</sup>]**<sup>1</sup> until after nightfall on Shabbat eve. The others said to Rabban Gamliel: **What is the halakha** with regard to **alighting** from the boat at this time? In other words, were we already within the city's limit before Shabbat commenced?

**He said to them: You are permitted to alight, as I was watching, and I observed that we were already within the city's limit before nightfall.** We acquired our resting place in the city during the twilight period. Therefore, it is permitted to walk throughout the city even after nightfall.

**GEMARA** Since the Gemara discussed one who stepped beyond the Shabbat limit due to an evil spirit, the Gemara cites a related *baraita*, in which **the Sages taught: Three matters cause a person to act against his own will and the will of his Maker, and they are: Gentiles, and an evil spirit, and the depths of extreme poverty.**

The Gemara asks: **What is the practical halakhic difference** that emerges from this statement? The Gemara answers: It is significant as it teaches one **to request mercy for people<sup>N</sup>** who suffer from those problems.

The Gemara cites a related teaching: **Three classes of people do not see the face of Gehenna**, because the suffering that they bear in this world atones for their sins, and **they are: Those suffering the depths of extreme poverty, those afflicted with intestinal disease, and those oppressed by creditors. And some say: Even one who has an evil wife** who constantly harasses him.

The Gemara asks: **And why don't the other Sages include one with an evil wife** among those who will not be punished in Gehenna? The Gemara answers: They maintain that **it is a mitzva to divorce an evil wife**. Therefore, that source of distress can be remedied.

**And why do the other Sages include an evil wife?** The Gemara answers: **Sometimes payment of her marriage contract is very large**, and consequently he cannot divorce her since he cannot afford to pay it. **Alternatively, he has children from her**, and he cannot raise them himself, **and therefore he cannot divorce her.**

**HALAKHA**

**One whom gentiles took him out – מי שהוציאוהו נכרים** – If a person was taken out beyond his Shabbat limit by gentiles or by any other coercive force, he may walk only a distance of four cubits. However, if one was also forcibly returned to within the limit, it is as though he never left (*Shulḥan Arukh, Orah Ḥayyim* 405:5).

**If the gentiles brought him to a different city – הוליכוהו לעיר אחרת**: If gentiles took a person beyond the Shabbat limit to a different city surrounded by a wall, he may walk throughout the entire city, since it is all considered like four cubits. According to some authorities, this also applies if the person was taken beyond the Shabbat limit to any city or enclosed area. The *halakha* is in accordance with the view of Rabban Gamliel, because Rav adopted his opinion. However, if the person went out to a different city knowingly, he is only permitted to walk a distance of four cubits in that place (Rambam; Ramban; Ran). Some commentaries dispute this and permit him to walk any distance in the entire city (*Tosafot; Rashba; Shulḥan Arukh, Orah Ḥayyim* 405:6).

**A boat in the sea – ספינתם בים**: One is permitted to walk about an entire boat, even if it sailed beyond the Shabbat limit. All of the Sages of the Talmud agreed that, in this regard, the *halakha* accords with Rabban Gamliel's opinion (*Shulḥan Arukh, Orah Ḥayyim* 405:7).

**NOTES**

**An evil spirit [ruah ra'a] – רוח רעה**: Some commentaries explain the Hebrew phrase *ruah ra'a* literally as an evil wind, meaning that the person was forced out of his Shabbat limit by tempestuous storm winds (Rav Natan Av HaYeshiva). The Rambam, in his Commentary on the Mishna, explains that any coercive force is called an evil spirit.

**To request mercy for people – למיבעי רחמי עליהו**: Some commentaries explain that this statement has two ramifications: The first is for other people to pray on their behalf. The second is for the public to realize that even if these people acted improperly, they did not do so entirely out of their own free will. Therefore, they deserve pity rather than condemnation (*Ein Ya'akov*).

**BACKGROUND**

**Pelandarsin – פלנדריסין**: Variant readings indicate that the reference is to the Italian city of Brudisium, which is modern-day city of Brindisi in Calabria, Italy.

**LANGUAGE**

**Port [name<sup>L</sup>] – נמל**: In some variant readings, this common word appears as *lamen*, which is similar to the Greek *λιμήν*, *limen*, meaning a port or a place on the shore for boats to anchor, as well as a beach and a border.

LANGUAGE

Edema [*hidrokan*] – הדרוקן: From the Greek ὑδρικός, *hyderikos*, or ὑδρωπικός, *hydropikos*, which describes a condition where one's limbs become swollen and filled with water.

HALAKHA

If he returned knowingly – חזר לדעת: If a person went out beyond the Shabbat limit and then returned, he may walk only a distance of four cubits, in accordance with the opinion of Rav Nahman and the inference from the mishna (*Shulhan Arukh, Oraḥ Hayyim 405:5*).

If he knowingly went out and was forcibly returned – יצא לדעת וחזר באונס: If a person knowingly went out beyond the Shabbat limit, but was forcibly returned to within the limit while outside the city, he can only walk a distance of four cubits. However, if he was brought back into the city itself, he may walk any distance in the entire city, since the entire city is considered to be like four cubits (*Shulhan Arukh, Oraḥ Hayyim 405:8*).

If he went out of the Shabbat limit and needed to relieve himself – יצא מהתחום ונצרך לצרכיו: If a person knowingly went out beyond the Shabbat limit, he is prohibited from leaving his four cubits. However, if he then needs to relieve himself, he may walk until he finds a private spot. It is advisable for the person to walk in the direction of his limit, for if he returns, it is as though he never left. Nevertheless, if he found a private spot before reaching his Shabbat limit, he may go no further (*Rosh*). Some authorities state that the permission only applies to defecation (*Tur*, citing the *Rosh*), while other authorities are also lenient if he needs to urinate (*Rabbeinu Tam; Shulhan Arukh, Oraḥ Hayyim 406:1*).

NOTES

It is teaching disjunctively – לצדדין קתני: This common expression means that, occasionally, two tannaitic statements are to be understood as disjunctive such that one cannot draw inferences from one to the other. Rather, each stands on its own and must be understood separately.

Great is human dignity – גדול כבוד הבריות: This principle is derived from the permission granted by the Torah to ignore the obligation to return lost property, if handling the lost article can be accomplished only in an undignified manner. The Gemara's conclusion is that, in most cases, human dignity overrides a rabbinic prohibition. In this context, the prohibition related to the Shabbat limit is only of rabbinic origin.

Human dignity – כבוד הבריות: The authorities disagree whether or not the consideration of human dignity includes the person's own dignity as well. For example, since it would be an insult to his dignity to remain within four cubits of the spot where he relieved himself, he may move away for this reason (*Rabbeinu Hananel; Rabbeinu Yehonatan; and others*). An alternative approach is that perhaps human dignity only applies to the shame of having to relieve himself in front of others, or to the embarrassment and humiliation caused to others if he relieves himself in their presence (*Rosh*, based on Rav Hai Gaon).

למאי נפקא מינה? לקבולי מאהבה.

שלושה מתין בשהן מספרין, ואילו הן: חולי מעיין, וחיה, והדרוקן.

למאי נפקא מינה? למשמושי בהו ויודתא.

אמר רב נחמן, אמר שמואל: יצא לדעת – אין לו אלא ארבע אמות. פשיטא! השתא מי שהוציאוהו נכרים אין לו אלא ארבע אמות, יצא לדעת מבפעא?!

אלא אימא: חזר לדעת – אין לו אלא ארבע אמות.

הא נמי תנינא: החזירוהו נכרים – באילו לא יצא. החזירוהו הוא דבאילו לא יצא. אבל הוציאוהו נכרים וחזר לדעת – אין לו אלא ארבע אמות!

אלא אימא: יצא לדעת והחזירוהו נכרים – אין לו אלא ארבע אמות.

הא נמי תנינא: הוציאוהו והחזירוהו – באילו לא יצא. הוציאוהו והחזירוהו הוא דבאילו לא יצא, אבל יצא לדעת – לא.

מהו דתימא: לצדדין קתני: מי שהוציאוהו נכרים וחזר לדעת – אין לו אלא ארבע אמות, אבל יצא לדעת והחזירוהו נכרים – באילו לא יצא. קא משמע לן.

בעו מיניה מרבה: הוצרך לנקביו מהו? אמר להם: גדול כבוד הבריות שדוחה את תעשה שבתורה.

The Gemara asks: **What is the practical halakhic difference** that emerges from this statement? The Gemara answers: It is significant as it teaches one **to accept** those afflictions **with love**, knowing that they will exempt him from the punishment of Gehenna.

It was similarly taught: **Three** classes of people are liable to **die while conversing** with others, i.e., to die suddenly, although they appear to be in good health and are capable of engaging in conversation, **and they are: Those afflicted with intestinal sickness, and a woman in childbirth, and one who is sick with edema** [*hidrokan*].<sup>1</sup>

Once again the Gemara asks: **What is the practical halakhic difference** that emerges from this statement? The Gemara answers: It is significant as it teaches one **to prepare shrouds for them**, in case they need them suddenly.

The Gemara proceeds to analyze the mishna: Rav Nahman said that Shmuel said: **If one knowingly went out** beyond the Shabbat limit, **he has only four cubits** that he may walk. The Gemara asks: This is obvious. Now, if with regard to **one whom gentiles forcibly took out** beyond the Shabbat limit, **he has only four cubits**, with regard to **one who knowingly went out**, is it necessary to teach that he has no more than four cubits within which he may walk?

Rather, say that Rav Nahman's statement means: **If he returned knowingly**<sup>1</sup> to within the Shabbat limit after having been taken out by gentiles, **he has only four cubits** within which he may walk, but no more.

The Gemara asks: **This, too, we learned** from a precise reading of the mishna: If the gentiles **returned him** to within the Shabbat limit **it is as though he had never left** the Shabbat limit, and he may move about as before. By inference, **it is specifically when the gentiles themselves returned him that it is as though he never left** his Shabbat limit. **However, if gentiles took him out, and then he returned knowingly** to his Shabbat limit, it is as though he left knowingly, and he **has only four cubits** within which he may walk.

Rather, say Rav Nahman's statement as follows: **If he knowingly went out** beyond the Shabbat limit, **and was later forcibly returned**<sup>1</sup> by gentiles to within his limit, **he has only four cubits** that he may walk, although he was restored to within his limit against his will.

The Gemara raises a difficulty: **This, too, we learned** from a precise reading of the mishna: If gentiles forcibly **took him out and later returned him, it is as though he never left**. By inference, **it is specifically when the gentiles themselves forcibly took him out and then themselves returned him that it is as though he never left** the Shabbat limit. **However, if he knowingly went out, no**, that is not the *halakha*, even if he was later forcibly returned by gentiles.

The Gemara answers: Rav Nahman's statement is necessary **lest you** say that perhaps the mishna is not referring to one specific case, but rather **it is teaching disjunctively**,<sup>N</sup> i.e., referring to two separate cases, as follows: **One who was forcibly taken out** beyond the Shabbat limit **by gentiles and later returned knowingly has only four cubits** within which to walk. **But if he knowingly went out** beyond the Shabbat limit **and was later forcibly returned by gentiles, it is as though he had never left**, and he may move within his original limit as before. Therefore, Rav Nahman **teaches us** that if he willingly went out beyond the Shabbat limit and was later forcibly returned by gentiles, it is considered as though he had returned knowingly, so that he has only four cubits within which to walk.

**They raised a dilemma before Rabba:** If a person who is restricted to an area of four cubits **needed to relieve himself** and no secluded spot is available, **what is the halakha?** **He said to them:** The Sages established a principle that **great is human dignity**,<sup>N</sup> which even **supersedes a negative precept of the Torah**, and therefore a person is permitted to overstep the Shabbat limit fixed by the Sages in order to relieve himself modestly.<sup>HN</sup>

The Sages of Neharde'a – נְהַרְדְּעִי: The Gemara states elsewhere that anonymous statements attributed to the Sages of Neharde'a refer to Rav Hama from Neharde'a, who served as the head of the yeshiva of Neharde'a for several years following the passing of Rav Nahman bar Yitzhak. Apparently, Rav Hama was related to the house of the Exilarch, and for a time was his official scholar. It is also possible that he was the same Rav Hama who met with the king of Persia and discussed Torah matters with him.

## NOTES

Produce that was taken out – פִּירוֹת שֶׁיֵּצְאוּ: Rashi and many other commentaries explain that this law only applies on a Festival, because then there is no prohibition against carrying from one domain to another, although the prohibition of limits applies. Therefore, it is permitted to carry the produce two thousand cubits, as long as it remains within the limit. On Shabbat, however, if the produce is not situated in a private domain, it may not be carried more than four cubits. In contrast, the Ramban suggests possible cases where this law could apply on Shabbat as well.

## HALAKHA

Produce that was taken out beyond the Shabbat limit – פִּירוֹת שֶׁיֵּצְאוּ חוּץ לַתְּחוּם: If produce was unwittingly taken out beyond the Shabbat limit, one is permitted to eat it, but he may not carry it more than four cubits. If it was taken out intentionally, it is prohibited. However, the authorities disagree about this prohibition: Some authorities state that the rule applies to all people (Rosh; Tosafot), while other commentaries teach that it applies only to the one who took the produce beyond the limit (Mordekhai, citing Rabbi Meir of Rothenberg). If the produce was returned to its place, even intentionally, it may be eaten by anyone, even by the one who took it out. The halakha follows the anonymous first tanna since Rabbi Pappa decided in favor of his opinion (see Tosafot; Shulhan Arukh, Orah Hayyim 405:9).

אָמְרֵי נְהַרְדְּעִי: אִי פִּיקַח הוּא – עֵייל לַתְּחוּמָא, וְכִיּוֹן דְּעָל – עָל.

The Sages of Neharde'a<sup>p</sup> said: If this person is clever, he will enter into his original Shabbat limit, and since he was permitted to enter it, he entered, and may remain there.

אָמַר רַב פָּפָא: פִּירוֹת שֶׁיֵּצְאוּ חוּץ לַתְּחוּם וְדוּרוּ, אִפְּלוּ בְּמִזִּיד – לֹא הִפְסִידוּ אֶת מְקוֹמָן. מֵאֵי טַעְמָא – אֲנִיְסִין נִינְהוּ.

Rav Pappa said: With regard to produce that was taken out<sup>n</sup> beyond the Shabbat limit and was later returned, even if this was done intentionally, the produce has not lost its place; rather, it may still be carried within the entire limit. What is the reason for this halakha? It is that the produce did not go out willingly, but was taken due to circumstances beyond its control.

אִיתִיבִיָּה רַב יוֹסֵף בַּר שְׁמַעְיָה לְרַב פָּפָא: רַבֵּי נְחֵמְיָה וְרַבֵּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אֹמְרִים: לְעוֹלָם אֶסְוִרִין, עַד שֶׁיִּחְזְרוּ לְמְקוֹמָן שׁוֹגְגִין. בְּשׁוֹגֵג – אֵין, בְּמִזִּיד – לֹא!

Rav Yosef bar Shemaya raised an objection to the opinion of Rav Pappa from a baraita: Rabbi Neḥemya and Rabbi Eliezer ben Ya'akov say: It is actually prohibited to carry the produce beyond four cubits, unless it was returned to its place unwittingly. By inference, If it was returned unwittingly, yes, it is permitted, but if it was returned intentionally, it is not.

תִּנְיָא הֵיא, דְּתַנַּי: פִּירוֹת שֶׁיֵּצְאוּ חוּץ לַתְּחוּם, בְּשׁוֹגֵג – יֵאָכְלוּ, בְּמִזִּיד – לֹא יֵאָכְלוּ.

The Gemara answers: This is subject to a dispute between the tanna'im, as it was taught in a baraita: With regard to produce that was taken out beyond the Shabbat limit,<sup>h</sup> if it was taken out unwittingly, it may be eaten; but if it was taken out intentionally, it may not be eaten.

## Perek IV

## Daf 42 Amud a

רַבֵּי נְחֵמְיָה אָמַר: בְּמְקוֹמָן – יֵאָכְלוּ, שְׂלֵא בְּמְקוֹמָן – לֹא יֵאָכְלוּ.

Rabbi Neḥemya says: If the produce was returned and is now in its original place, it may be eaten; but if it is not in its original place, i.e., if it is still beyond the Shabbat limit, it may not be eaten.

מֵאֵי בְּמְקוֹמָן? אֵילִיָּמָא בְּמְקוֹמָן בְּמִזִּיד, וְהָא קָתַנּוּ בְּהַדְּרָא: רַבֵּי נְחֵמְיָה וְרַבֵּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אֹמְרִים: לְעוֹלָם אֶסְוִרִין עַד שֶׁיִּחְזְרוּ לְמְקוֹמָן שׁוֹגְגִין. בְּשׁוֹגֵג – אֵין, בְּמִזִּיד – לֹא!

The Gemara clarifies: What is meant by: In its place? If you say that the produce was returned to its place intentionally, there is a difficulty, as it was explicitly taught in a baraita: Rabbi Neḥemya and Rabbi Eliezer ben Ya'akov say: It is actually prohibited to carry the produce beyond four cubits, unless it was returned to its place unwittingly. By inference, only if it was returned unwittingly is it indeed permitted, but if it was returned intentionally, it is not permitted.

אֵלֹא לֹא בְּמְקוֹמָן בְּשׁוֹגֵג, וְחֶסְרִי מְחֻסְרָא וְהָכִי קָתַנּוּ: פִּירוֹת שֶׁיֵּצְאוּ חוּץ לַתְּחוּם, בְּשׁוֹגֵג – יֵאָכְלוּ, בְּמִזִּיד – לֹא יֵאָכְלוּ.

Rather, does it not mean that the produce was returned to its place unwittingly, and the baraita is incomplete and it teaches the following: With regard to produce that was taken out beyond the Shabbat limit, if it was taken out unwittingly, it may be eaten; but if it was taken out intentionally, it may not be eaten.

בְּמָה דְּבָרִים אֹמְרִים – שְׂלֵא בְּמְקוֹמָן, אֲבָל בְּמְקוֹמָן – אִפְּלוּ בְּמִזִּיד יֵאָכְלוּ. וְאֵתָא רַבֵּי נְחֵמְיָה לְמִימַר: אִפְּלוּ בְּמְקוֹמָן נְמִי, בְּשׁוֹגֵג – אֵין, בְּמִזִּיד – לֹא!

In what case is this statement said? In a case where the produce is not in its original place, i.e., it is still beyond the Shabbat limit. But if it was returned and is now in its original place, even if it was returned intentionally, it may be eaten. And Rabbi Neḥemya came to say: Even if the produce was returned and is now in its original place, a distinction applies. If it was returned unwittingly, yes, it is permitted; but if it was returned intentionally, it is not.