

אמר ליה: ולא שני לך בין היכא  
 דשבת באויר מחיצות מבעוד יום,  
 להיכא דלא שבת באויר מחיצות  
 מבעוד יום?

Rabba said to Abaye: Do you not distinguish between a case where the person established residence within the airspace of partitions before Shabbat while it was still day, as in the case of the cave, and a case where he did not establish residence within the airspace of partitions before Shabbat while it was still day, as in the case of the mishna? The principle governing the Shabbat limits being subsumed in one another only applies in the former case, where both of the Shabbat limits were established before Shabbat, but not in the latter case, where the two limits were established at different times, one before Shabbat and one on Shabbat.

והיכא דלא שבת לא?

Abaye raised a difficulty: And in a case where he did not acquire his place of residence within those partitions before Shabbat, does the principle governing the subsuming of limits not apply?

Perek IV  
 Daf 45 Amud a

HALAKHA

Those who are permitted to leave the limit – היוצאים – One who is permitted to travel beyond his Shabbat limit may travel two thousand cubits from his destination. If he reaches a town, he is considered an inhabitant of the town for the purpose of walking on Shabbat (*Shulhan Arukh, Oraḥ Hayyim 407:1*).

NOTES

To save lives is different – להציל שאני – The Ritva explains that the Sages were certainly more lenient with one who went beyond the Shabbat limit for a lifesaving mission. However, the phrase: A person who was permitted to travel beyond his Shabbat limit, refers also to a midwife's attendance at a birth or to testimony with regard to the new month, where the same level of danger is not manifest.

והתנן, רבי אליעזר אומר: שתים  
 יכנס, שלשה לא יכנס. מאי לאו,  
 רבי אליעזר לטעמיה, דאמר: והוא  
 באמצען.

Didn't we learn in a mishna that Rabbi Eliezer says: If a person left his Shabbat limit by walking two cubits beyond it, he may reenter his original limit; but if he left his Shabbat limit by walking three cubits beyond it, he may not reenter. What, is it not that Rabbi Eliezer follows his standard line of reasoning, in that he said with regard to the four cubits a person is allotted wherever he is, he is set in the middle of them, i.e., he may walk two cubits in each direction?

וארבע אמות דיהבו ליה רבנן כמאן  
 דמיבלען דמו, וקאמר "יכנס", אלמא:  
 הבלעת תחומין מילתא היא!

The Gemara explains that the four cubits that the Sages gave a person are regarded here as being subsumed within his original limit, and it is for this reason that he said: He may reenter his original limit. Apparently he is of the opinion that the subsuming of one Shabbat limit within another is something significant.

אמר ליה רבה בר בר חנה לאביי:  
 ומדרבי אליעזר קמותבת ליה למר?  
 אמר ליה: אין, דשמיע לי מיניה דמר:  
 עד כאן לא פליגי רבנן עליה דרבי  
 אליעזר – אלא לדבר הרשות, אבל  
 לדבר מצוה – מודו ליה.

Rabba bar bar Hana said to Abaye: Do you raise an objection against our Master, Rabba, from the statement of Rabbi Eliezer? But isn't the halakha in accordance with the opinion of the Rabbis? Abaye said to him: Yes, as I heard from our Master himself that the Rabbis disagree with Rabbi Eliezer only with regard to one who went beyond his limit for a voluntary matter, but with regard to one who went out for a mitzva matter, they agree with him about the subsuming of limits, i.e., that if one limit is subsumed in another, it is permitted to pass between them. This demonstrates that the halakha recognizes the principle of the subsuming of limits.

וכל היוצאים להציל חוזרין למקומן.  
 ואפילו טובא? והא אמרת רישא  
 "אלפים אמה" ותו לא!

The mishna teaches: All who go out to save lives may return to their original locations on Shabbat.<sup>h</sup> The Gemara asks: Does this mean that he may return to his original place even if he went out more than two thousand cubits beyond his limit? Didn't the first clause say that a person who was permitted to travel beyond his Shabbat limit is allotted two thousand cubits, and no more?

אמר רב יהודה, אמר רב: שחוזרין  
 בכלי זיין למקומן. ומאי קושטא?  
 דילמא להציל שאני?

Rav Yehuda said that Rav said: What this means is that they may return with their weapons to their original locations, provided they are within two thousand cubits. The Gemara asks: What is the difficulty with returning home in this situation? Perhaps in the case where people went out to fight and save lives the law is different,<sup>n</sup> and they are allowed to go home even if they went more than two thousand cubits beyond the limit.

אלא אי קשיא הא קשיא: דתנן,  
 בראשונה לא היו זזין משם כל היום  
 בולו.

Rather, if there is a difficulty, this is the difficulty: As we learned in a mishna in tractate *Rosh HaShana*, at first they would take the witnesses who had come to Jerusalem from a distant place on Shabbat to testify that they had seen the new moon, and bring them into a special courtyard, and they would not move from there the entire day. This was in accordance with the law governing one who was permitted to go out beyond his limit, as once he fulfilled his mission, he was no longer permitted to move beyond four cubits.

Return with their weapons – חוזרים בכלי זיין – Those who go beyond the Shabbat limit to rescue others are granted two thousand cubits from the place where they arrive. In a situation where there is fear of enemy reprisal, they may return to their original locations with their weapons (*Shulhan Arukh, Orah Hayyim 407:3, 329:9*).

War against gentiles on Shabbat – מלחמה בנכרים – **בשבת**: If foreign armies invade Jewish cities and lay siege to a town with intent to kill, or if their intention is uncertain (Rambam), the Jews may go to war against them, even if this entails the desecration of Shabbat. However, if the enemy's goal is strictly monetary gain, the defending Jews may not desecrate Shabbat. If the town is near the border, the Jews may go out and fight, even if the foreign army comes with the stated intention of plundering hay and straw, i.e., monetary gain. It is likewise permitted to wage a preemptive war on Shabbat, if there is reasonable intelligence that the gentiles are about to invade (Rema; *Shulhan Arukh, Orah Hayyim 329:6*).

BACKGROUND

Neharde'a – נהרדעא – The town of Neharde'a, located near the Euphrates River, was on the border of the Persian Empire for many years. It was conquered on several occasions by the Romans and by other bordering kingdoms.

התקין רבן גמליאל הזקן שיש להן אלפים אמה לכל רוח. ולא אלו בלבד אמרו, אלא אפילו חכמה הבאה לילה, והבא להציל מן הגינים ומן הנהר ומן המפולת ומן הדליקה – הרי הן כאנשי העיר, ויש להן אלפים אמה לכל רוח.

ותו לא? והא אמרת: כל היוצאין להציל חוזרין למקומן, אפילו טובא!

אמר רב [יהודה, אמר רב]: שחוזרין בכלי זיין למקומן. בדתנאי: בראשונה היו מניחין כלי זיין בבית הסמוך לחומה,

פעם אחת הכירו בהן אויבים ורדפו אחריהם, ונכנסו ליטול כלי זיין, ונכנסו אויבים אחריהן. דחקו זה את זה, והרגו זה את זה יותר ממה שהרגו אויבים. באותה שעה התקינו שיהו חוזרין למקומן בכלי זיין.

רב נחמן בר יצחק אמר: לא קשיא: כאן – שנצחו ישראל את אומות העולם, כאן – שנצחו אומות העולם את עצמן.

אמר רב יהודה, אמר רב: נכרים שצרו על עיירות ישראל – אין יוצאין עליהם בכלי זיין, ואין מחללין עליהן את השבת.

תנאי נמי הכי: נכרים שצרו וכו'. במה דברים אמורים – בשבאו על עסקי ממון. אבל באו על עסקי נפשות – יוצאין עליהן בכלי זיין, ומחללין עליהן את השבת.

ובעיר הסמוכה לספר, אפילו לא באו על עסקי נפשות אלא על עסקי תבן וקש – יוצאין עליהן בכלי זיין, ומחללין עליהן את השבת.

אמר רב יוסף בר מניומי, אמר רב נחמן: ובבל בעיר הסמוכה לספר דמניא. ותרנומא – נהרדעא.

However, Rabban Gamliel the Elder instituted that they should have two thousand cubits in each direction, so that witnesses not refrain from coming to testify. And it is not only these whom the Sages said are given two thousand cubits in the place that they have reached, but even a midwife who comes to deliver a child, and one who comes to rescue Jews from an invasion of gentile troops or from a river or a collapsed building or a fire; they are like the inhabitants of the town at which they arrive, and they have two thousand cubits in each direction.

The question may be raised: Are they given no more than two thousand cubits? Didn't it say in the mishna: All who go out to save lives may return to their original locations on Shabbat, which indicates that they may walk even more than two thousand cubits?

In response, Rav Yehuda said that Rav said: We must not infer from the mishna that they may go home even if they went out more than two thousand cubits from their limit, but rather that they may return with their weapons<sup>H</sup> to their original locations, provided that they are within two thousand cubits. As it was taught in the *Tosefta*: At first those returning from a rescue mission would place their weapons in the first house that they encountered upon their return, i.e., the house nearest the wall, to avoid carrying on Shabbat any more than necessary.

Once, their enemies noticed that they were no longer carrying their weapons, and they chased after them; and the defenders entered the house to take up their weapons and fight, and their enemies entered after them, causing great confusion. In the chaos of the defenders began to push one another, and they killed more of each other than their enemies killed of them. At that time the Sages instituted that they should return to their locations, i.e., their destinations, with their weapons.

The Gemara cites an alternate resolution that Rav Nahman bar Yitzhak said: This is not difficult. Here, in the mishna in *Rosh HaShana* where they only permitted two thousand cubits, it is referring to a situation where the Jews defeated the nations of the world, i.e., the gentiles, in battle; in such a case there is no concern and they need not return to their original locations. Whereas here, in the mishna which indicates that the Sages permitted even more than two thousand cubits, it is referring to a situation where the nations of the world defeated themselves, i.e., the Jews, whom the Gemara refers to euphemistically as themselves; in such a case the Sages allowed the defeated soldiers to return to their original locations.

Since the Gemara discussed war on Shabbat, the Gemara cites Rav Yehuda, who said that Rav said: With regard to gentiles who besieged Jewish towns, they may not go out to fight against them with their weapons, nor may they desecrate Shabbat in any other way due to them, but rather they must wait until after Shabbat.

That was also taught in a *baraita*, with a caveat: With regard to gentiles who besieged, etc. In what case is this said? It is said in a case where the gentiles came and besieged the town with regard to monetary matters, i.e., banditry. However, if they came with regard to lives, i.e., there is concern that the gentiles will attack, they may go out against them with their weapons, and they may desecrate Shabbat due to them.

And with regard to a town that is located near the border, even if the gentiles did not come with regard to lives, but rather with regard to matters of hay and straw, i.e., to raid and spoil the town, they may go out against them with their weapons, and they may desecrate Shabbat due to them, as the border must be carefully guarded, in order to prevent enemies from gaining a foothold there.<sup>H</sup>

Rav Yosef bar Manyumi said that Rav Nahman said: And Babylonia is considered like a town located near the border, and war may be waged there on Shabbat even if the gentiles came for financial gain. And this means the city of Neharde'a,<sup>B</sup> which was located near the border.

NOTES

Ke'ila – קעילה: *Tosafot* ask: What proof is there that this incident occurred on Shabbat? Ritva explains that the extra phrase “and they rob the threshing floors” adds a detail that is of no great significance for a weekday but is significant with regard to Shabbat.

He may enter the town – יכנס: Some commentaries explain that one may walk a distance of four thousand cubits, because it is as though he had established an *eiruv* by walking two thousand cubits from where he was, and was then permitted to continue walking another two thousand cubits from there (Rabbeinu Hananel, and others). Most commentaries, however, reject this explanation. If one explicitly states that he will establish residence where he is, some authorities state that he thereby disables himself from acquiring residence in the city, and his current location remains his Shabbat residence (Ra'avad). Other authorities permit the person to walk four thousand cubits in this case as well, because the effectiveness of the *eiruv* does not derive from the act of acquisition; rather, it is derived from the assumption that he wishes to reach an inhabited place. This is his presumed intention, and the fact that he did not state it outright, and even that he said that he would establish residence in his place, was the result of being unaware that he was within the city's Shabbat limit (Rabbeinu Yehonatan).

The study hall was subsumed within his limit – בית המדרש מובלע בתוך תחומו: Some commentaries refer to the Jerusalem Talmud, where Rabbi Yehuda answers that the fact that the *baraita* uses the phrase: In the morning, indicates that he really did not know where he was, and only when the sun rose did he discover his location.

HALAKHA

Established residence near a city – שבת קמון לעיר: One who is located near a city when Shabbat begins is considered like the inhabitants of the town in terms of Shabbat limits, even if he is unaware that he is near the town. This is in accordance with the opinion of Rabbi Yehuda, whose opinion is accepted in the dispute with Rabbi Meir (*Shulhan Arukh, Oraḥ Hayyim* 400:1).

One who was sleeping along the road and did not know that night had fallen – ישן בדרך ולא ידע – שחשיכה: If one is sleeping outside the city as Shabbat begins, he may travel two thousand cubits in each direction, in accordance with the opinion of Rabbi Yohanan ben Nuri, as this is the ruling stated in the Gemara (*Shulhan Arukh, Oraḥ Hayyim* 401:1).

דרש רבי דוקטאי דמן בירי: מאי דכתיב: “ויגידו לדוד לאמר הנה פלשתים נלחמים בקעילה והמה שוסים את הגרנות.”

תנא: קעילה עיר הסמוכה לספר היתה, והם לא באו אלא על עסקי תבן וקש. דכתיב: “והמה שוסים את הגרנות”, וכתיב: “וישאל דוד בה' לאמר האלך והביתי בפלשתים האלה ויאמר ה' אל דוד לך והכית בפלשתים והושעת את קעילה.”

מאי קמבעיא ליה? אילימא אי שרי אי אסור – הרי בית דינו של שמואל הרמתי קיים.

אלא: אי מצלח אי לא מצלח. דיקא נמי. דכתיב: “לך והכית בפלשתים והושעת את קעילה”, שמע מינה.

מתני' מי שישב בדרך ועמד וראה הרי (זה) הוא קמון לעיר – [הואיל] ולא היתה כוונתו לכך – לא יכנס, דברי רבי מאיר.

רבי יהודה אומר: יכנס. אמר רבי יהודה: מעשה היה ונכנס רבי טרפון בלא מתכוין.

גמ' תנא, אמר רבי יהודה: מעשה ברבי טרפון שהיה מהלך בדרך וחסכה לו, ולו חוץ לעיר. לשחרית מצאוהו ויעי בקר, אמרו לו: רבי, הרי העיר לפניך, הכניס! נכנס וישב בבית המדרש, ודרש כל היום כולו.

(אמרו לו:) משם ראיתה? שמא בלבו היתה, או בית המדרש מובלע בתוך תחומו היה.

מתני' מי שישן בדרך ולא ידע שחשיכה – יש לו אלפים אמה לכל רוח, דברי רבי יוחנן בן נורי.

וחכמים אומרים: אין לו אלא ארבע אמות. רבי אליעזר אומר: והוא באמצען.

Rabbi Dostai of the town of Biri expounded: What is the meaning of that which is written: “And they told David, saying: Behold, the Philistines are fighting against Ke'ila,<sup>N</sup> and they rob the threshing floors” (1 Samuel 23:1), after which David asked God how he should respond.

It was taught in a *baraita*: Ke'ila was a town located near the border, and the Philistines came only with regard to matters of hay and straw, as it is written: “And they rob the threshing floors.” And in the next verse it is written: “Therefore David inquired of the Lord, saying: Shall I go and smite these Philistines? And the Lord said to David: Go and smite the Philistines, and save Ke'ila” (1 Samuel 23:2), which indicates that war may be waged in a border town on Shabbat, even with regard to monetary matters.

The Gemara refutes this proof by asking: What is David's dilemma? If you say that he had a halakhic question and was in doubt whether it was permitted or prohibited to fight the Philistines on Shabbat, it is possible to respond: But the court of Samuel from Rama was then in existence, and rather than inquire by way of the *Urim Ve-Tummim* he should have inquired of the Great Sanhedrin.

Rather, he asked: Will he succeed or will he not succeed in his war? The Gemara comments: This is also precise in the language of the verse, as it is written in the response to David's query: “Go and smite the Philistines, and save Ke'ila.” Learn from this, from the assurance that God gave David of his victory, that this was the subject of his inquiry.

**MISHNA** With regard to a person who was sitting along the road on Shabbat eve toward nightfall, unaware that he was within the city's Shabbat limit, and when he stood up after Shabbat had already commenced, he saw that he was near the town, i.e., within its limit, since he had not intended to acquire his place of residence in the town, he may not enter it, but rather he measures two thousand cubits from his place; this is the statement of Rabbi Meir.

Rabbi Yehuda says: He may enter the town.<sup>N</sup> Rabbi Yehuda said: It once happened that Rabbi Tarfon entered a town on Shabbat without intention from the beginning of Shabbat to establish residence in the city.<sup>H</sup>

**GEMARA** It was taught in a *baraita* that Rabbi Yehuda said: It once happened that Rabbi Tarfon was walking along the way on Shabbat eve, and night fell upon him, and he spent the night outside the town. In the morning, cowherds who came to graze their cattle outside the town found him and said to him: Master, the town is before you; enter. He entered and sat in the study hall and taught the entire day. This indicates that one is permitted to enter.

The other Rabbis said to Rabbi Yehuda: Do you bring proof from there? Perhaps he had it in mind the day before to acquire residence in the city, or perhaps the study hall was subsumed within his Shabbat limit.<sup>N</sup> If the study hall was within two thousand cubits of the spot where he established residence, all agree that he may enter there.

**MISHNA** With regard to one who was sleeping along the road on Shabbat eve and did not know that night had fallen,<sup>H</sup> he has two thousand cubits in each direction; this is the statement of Rabbi Yohanan ben Nuri, who maintains that knowledge and awareness are not necessary for one to acquire residence, but rather, a person's presence in a given location establishes residence there.

But the Rabbis say: He has only four cubits, as since he did not knowingly acquire residence, he did not establish a Shabbat limit. Rabbi Eliezer says: He has only four cubits total and he is in the middle of them, i.e., he has two cubits in each direction.

Part of the cubits of one – מקצת אמותיו של זה – If two people are each restricted to a radius of four cubits, and the areas in which they are permitted to walk overlap, they may bring food and eat together in the middle (*Shulhan Arukh, Orach Hayyim 349:4*).

רבי יהודה אומר: לא יזוה רוח שירצה ילך. ומודה רבי יהודה, שאם בירר לו – שאינו יכול לחזור בו.

Rabbi Yehuda says: He may walk four cubits in any direction he wishes. But Rabbi Yehuda agrees that if he selected for himself the direction in which he wants to walk those four cubits, he cannot retract and walk four cubits in a different direction.

היו שנים, מקצת אמותיו של זה בתוך אמותיו של זה – מביאין ואוכלין באמצע.

With regard to a case where there were two people in this situation, positioned in such a way that part of the four cubits of one<sup>h</sup> were subsumed within the four cubits of the other, they may each bring food and eat together in the shared area in the middle,

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## Daf 45 Amud b

ובלבד שלא יוציא זה מתוך שלו לתוך של חברו.

provided that the one does not carry anything from his four-cubit limit into that of his fellow.

היו שלשה, והאמצעי מובלע ביניהן – הוא מותר במהן, והן מותרין עמו, ושנים החיצונים אסורין זה עם זה.

With regard to a case where there were three people in this situation, and certain parts of the four cubits of the middle one were subsumed within the respective limits of each of the others, so that he shared a certain area with each of them, he is permitted to eat with either of them, and they are both permitted to eat with him; but the two outer ones are forbidden to eat with each other, since they share no common area.

אמר רבי שמעון: למה הדבר דומה – לשלש חצירות הפתוחות זו לזו, ופתוחות לרשות הרבים. עירבו שתים עם האמצעית – היא מותרת עמהן והם מותרות עמה, ושתיים החיצונות אסורות זו עם זו.

Rabbi Shimon said: To what is this comparable? It is like three courtyards that open into one another, and also open into a public domain. If the two outer courtyards established an *eiruv* with the middle one, the middle one is permitted to carry to the two outer ones, and they are permitted to carry to it, but the two outer courtyards are prohibited to carry from one to the other, as they did not establish an *eiruv* with one another.

גמ' בעי רבא: מאי קסבר רבי יוחנן בן נורי? מסבר קא סבר: חפצי הפקר קונין שביתה.

**GEMARA** Rava raised a dilemma: What does Rabbi Yohanan ben Nuri hold? Does he hold that ownerless objects acquire residence for Shabbat, i.e., even an article that does not belong to anyone acquires residence at the onset of Shabbat and can therefore be carried two thousand cubits in each direction?

ובדין הוא דליפלוג בכלים. והא דקמפלגי באדם – להודיעך בוחן דרבנן, דאף על גב דאיכא למימר: הואיל וניעור קנה – ישן נמי קנה, קא משמע לן דלא.

And according to this understanding, Rabbi Yohanan ben Nuri should by right have disagreed with the Rabbis even about utensils that were left in the field, i.e., that according to the opinion of Rabbi Yohanan ben Nuri, ownerless utensils can be moved two thousand cubits in each direction. And the reason that they disagreed about a person is to convey the far-reaching nature of the stringent ruling of the Rabbis, that although there is room to say: Since a person who is awake acquires for himself two thousand cubits, he also acquires them if he is sleeping, the mishna nonetheless teaches us that the Rabbis did not accept this argument, and this is why the dispute is taught specifically with respect to a person.

או דילמא, קסבר רבי יוחנן בן נורי בעלמא: חפצי הפקר אין קונין שביתה. והכא היינו טעמא: הואיל וניעור קנה – ישן נמי קנה?

Or perhaps we should understand his position differently, that in general Rabbi Yohanan ben Nuri holds that ownerless objects do not acquire residence of their own. But here, with regard to a person, the reason is as follows: Since a person who is awake acquires for himself two thousand cubits, he also acquires them if he is sleeping.

אמר רב יוסף, תא שמע: גשמים שירדו מערב יום טוב, יש להן אלפים אמה לכל רוח. ביום טוב – הרי הן פוגלי כל אדם.

Rav Yosef said: Come and hear a solution to this dilemma from the following *baraita*: Rain that fell on the eve of a Festival has two thousand cubits in each direction, meaning that one is permitted to carry the rainwater within a radius of two thousand cubits. But if the rain fell on the Festival itself, it is like the feet of all people, as it did not acquire residence, and consequently one is permitted to carry this water wherever he is permitted to walk.

NOTES

Rain near a city – בגשמים הסמוכין לעיר – Apparently, in this context the word near means just outside the city, such that the inhabitants of the city would have in mind to use the water. However, if the rain fell further from the city, even if it is within the Shabbat limit, it does not acquire two thousand cubits in each direction like the city's residents (*Me'ir*).

Like the feet of the one who draws the water – כרגלי הממלא: According to some commentaries, there is no essential difference between the feet of all people and the feet of the one who drew the water. The practical implication is that the water enters the domain of the one who draws it, and its limit corresponds to his. According to this approach, even if the one drawing the water were to give it to another, its limit would remain that of the one who drew the water (Rashi and others). Some authorities maintain that the phrase: Like the feet of the one who draws, is referring to the feet of only the one who draws it; that is, as long as the water is in his possession it is prohibited to take it out of his limit unless he gives it to someone else. However, the phrase: Like the feet of all people, means that they may pass the water from one person to another without any limitation at all (Ra'avad).

אי אמרת בשלמא קסבר רבי יוחנן בן נורי חפצי הפקר קונין שביתה, הא מני – רבי יוחנן היא.

אלא אי אמרת חפצי הפקר אין קונין שביתה, הא מני? לא רבי יוחנן ולא רבנן!

יתבי אביי וקאמר לה להא שמעתא. אמר ליה רב ספרא לאביי: ודילמא בגשמים הסמוכין לעיר עסקינן, ואנשי אותה העיר דעתם עיליהו?

אמר ליה: לא סלקא דעתך, דתנן: בור של יחיד – כרגלי יחיד, ושל אותה העיר – כרגלי אותה העיר, ושל עולי בבל – כרגלי הממלא.

ותנא: בור של שבטים יש להן אלפים אמה לכל רוח. קשיין אהדדי!

אלא לאו שמע מינה: הא – רבי יוחנן בן נורי, הא – רבנן.

כי אתא לקמיה דרב יוסף, אמר ליה: הכי קאמר רב ספרא, והכי אהדדי ליה. אמר ליה: ואמאי לא תנימא ליה מגופה: אי סלקא דעתך גשמים הסמוכין לעיר עסקינן – האי יש להן אלפים אמה לכל רוח!?

Granted, it is understandable if you say that Rabbi Yoḥanan ben Nuri holds that ownerless objects acquire residence; in accordance with whose opinion is this *baraita*? It is that of Rabbi Yoḥanan ben Nuri, and consequently the rain that fell on the eve of the Festival acquired residence in the spot where it fell.

However, if you say that he maintains that ownerless objects do not acquire residence, in accordance with whose opinion is this *baraita*? Neither that of Rabbi Yoḥanan ben Nuri, nor that of the Rabbis, as it clearly indicates that rain acquires a place of residence even though it has no owner. Rather, we must say that Rabbi Yoḥanan ben Nuri is of the opinion that ownerless objects acquire residence, and this *baraita* is in accordance with his opinion.

Abaye sat and recited this tradition. Rav Safra said to Abaye: Perhaps we are dealing with rain that fell near a city,<sup>N</sup> and the inhabitants of that city had it in mind, and that is why it acquires two thousand cubits in each direction.

Abaye said to him: It should not enter your mind that such an understanding is correct, as we learned in a mishna: A cistern that belongs to an individual, its water is like the feet of that individual, the owner of the cistern, in that it may be carried wherever he is permitted to walk. And a cistern that belongs to a particular city,<sup>H</sup> its water is like the feet of the people of that city, in that it may be carried wherever the inhabitants of that city may walk, i.e., two thousand cubits in each direction from the city. And a cistern that belongs to pilgrims from Babylonia<sup>H</sup> on the way to Eretz Yisrael, meaning that it belongs to all Jews and has no particular owner, its water is like the feet of the one who draws the water,<sup>N</sup> in that it may be carried wherever he is permitted to walk.

And it was taught in a *baraita*: A cistern that belongs to one of the tribes and has no particular owner, its water has two thousand cubits in each direction. If so, these two sources contradict each other, as the mishna teaches that water that belongs to the entire community does not establish residence, whereas the *tanna* of the *baraita* holds that it may be carried two thousand cubits from its place.

Rather, in order to resolve the contradiction, learn from here: This source, which states that the water may be carried two thousand cubits, was taught in accordance with the opinion of Rabbi Yoḥanan ben Nuri, who says that even ownerless objects acquire residence; that source, which states that water that does not belong to any particular person is like the feet of the one who draws it, was taught in accordance with the opinion of the Rabbis, who say that ownerless objects do not acquire residence.

The Gemara relates that when Abaye came before Rav Yosef, he said to him: This is what Rav Safra said, and this is what I answered him. Rav Yosef said to him: And why did you not answer him from the *baraita* itself? If it should enter your mind that we are dealing with rain that fell near a city, how can you understand the statement that the rainwater has two thousand cubits in each direction?

HALAKHA

בור של יחיד ושל – בור של יחיד ושל – A cistern that belongs to an individual or a city – Water collected in a private cistern may be carried only to a place where the owner of the cistern is permitted to walk. On the other hand, water collected in a public cistern, which belongs to all the inhabitants of a city, may be carried to wherever the inhabitants may walk. If one of the city's inhabitants establishes a joining of Shabbat limits [*eiruv*], one who lives outside the town may carry the water outside the limit with him (*Magen Avraham*, based on the Ran). Some

authorities rule that if the inhabitants of the city establish *eiruv* in several directions, those who live outside the city are prohibited to carry out of the city (*Shulḥan Arukh HaRav; Shulḥan Arukh, Oraḥ Ḥayyim* 397:14).

בור... של עולי – בבל – A cistern that belongs to pilgrims from Babylonia – There is no limitation on carrying water from a cistern that belongs to all Jews or from an ownerless cistern. The water has the status of the one who fills the cistern (*Shulḥan Arukh, Oraḥ Ḥayyim* 397:14).

Ocean [*okeyanos*] – אוקיינוס: From the Greek *ὠκεανός*, *okeyanos*, meaning the Great Sea, or the ocean that surrounds the continents.

Identifying signs of clouds – סימני העננים: Although clouds change their shape constantly, which would seem to preclude associating any kind of marker with them, they do possess other markers apart from their shape. Clouds differ from one another by formation, color, and depth. These cloud markers are helpful in identifying different clusters of clouds, even though they do not distinguish any one particular cloud from the others.

הָא "כְּרַגְלֵי אֲנָשֵׁי אוֹתָהּ הָעִיר"  
מִבְּעֵינָא לֵיהּ!

According to your understanding, that the rainwater may be carried two thousand cubits because the inhabitants of the town had it in mind, the *baraita* should have said: The rainwater is **like the feet of the inhabitants of that city**. Rather, you must say that the inhabitants of the city did not acquire the water and that it may be carried within a radius of two thousand cubits, because the *baraita* was taught in accordance with the opinion of Rabbi Yoḥanan ben Nuri, that ownerless objects acquire residence.

אָמַר מֶר: בְּיוֹם טוֹב – הָרִי הֵן פְּרָגְלֵי  
כָּל אָדָם. וְאַמַּאי? לִיקְנֵי שְׁבִיטָה  
בְּאוֹקֵינֹס!

The Gemara further examines the *baraita* cited earlier. **The Master said: If rain fell on the Festival<sup>a</sup> itself, it is like the feet of all people.** The Gemara raises a difficulty: **And why should this be?** The water should have acquired residence in the ocean [*okeyanos*],<sup>1</sup> where it was when the Festival began. And since the water went out on the Festival beyond its limit after it evaporated and formed into clouds, moving the water more than four cubits should be prohibited.

לֵימָא דְלֵא רַבִּי אֱלִיעֶזֶר, דְּאִי כְּרַבִּי  
אֱלִיעֶזֶר – הָא אָמַר: כָּל הָעוֹלָם  
כּוֹלֵו מִמֵּי אוֹקֵינֹס הוּא שׁוֹתָהּ!

Let us say that this *baraita* was taught **not in accordance with the opinion of Rabbi Eliezer. Because if it is in accordance with the opinion of Rabbi Eliezer, he said: The entire world drinks from the waters of the ocean;** that is to say, evaporated ocean water is the source of rain.

אָמַר רַבִּי יִצְחָק: הֵכָא בְּעֵבִים  
שְׁנַתְקִשְׁרוּ מֵעֶרְבַיּוֹם טוֹב עָסְקִינָן.

Rabbi Yitzḥak said: **Here we are dealing with clouds that were already formed on the eve of the Festival.** Since these clouds were already formed before the Festival, the water did not acquire residence in the ocean or travel beyond its limit on the Festival.

וְדִלְמָא הֵנָּךְ אֲזִילֵי וְהֵנָּךְ אַחֲרֵינֵי  
נִנְהוּ? דְּאִיתְּ לְהוּ סִימָנָא בְּגוּיְהוּ.

The Gemara asks: **But perhaps<sup>a</sup> those clouds that had already been formed on the eve of the Festival went away, and these clouds, from which the rain fell, are others that did acquire residence in the ocean?** The Gemara answers: We are dealing here with a case **where there is an identifying sign** that these are the same clouds and not others.<sup>b</sup>

וְאִיבְעִית אֵימָא: הָוִי סָפֵק  
דְּדַבְרֵיהֶם, וְסָפֵק דְּדַבְרֵיהֶם לְהַקְלֵי.

And if you wish, say that there is another reason we are not concerned that these might be other clouds: **This matter of whether or not they are the same clouds pertains to an uncertainty with respect to a rabbinic law,** and the principle is that with regard to **an uncertainty concerning a rabbinic law,** one may follow the **lenient understanding.**

וְלִיקְנֵי שְׁבִיטָה בְּעֵבִים! תִּיפְשׁוּט  
מִינָהּ דְּאִין תְּחֻמִּין לְמַעְלָה  
מֵעֶשְׂרֵה, דְּאִי יֵשׁ תְּחֻמִּין – לִיקְנֵי  
שְׁבִיטָה בְּעֵבִים!

The Gemara asks: **Let the water acquire residence in the clouds,** where it was when the Festival began, and its limit should be measured from there. Since the *baraita* taught that the water is like the feet of all people, if so, **resolve from here** another dilemma, and say that **there is no prohibition of Shabbat limits above ten handbreadths,** and one is permitted to travel more than two thousand cubits above this height. **For if there is a prohibition of Shabbat limits above ten handbreadths, let the water acquire residence in the clouds.**

לְעוֹלָם אֵימָא לָךְ: יֵשׁ תְּחֻמִּין, וּמִיָּא  
בְּעֵיבָא מִיבְלַע בְּלִיעֵי.

The Gemara rejects this argument: **Actually, I can say to you: There is a prohibition of Shabbat limits even above ten handbreadths, and the water does not acquire residence in the clouds because it is absorbed in the clouds.** Since water does not exist in its usual state within the clouds, but rather takes on a different form, it does not acquire residence there.

## NOTES

Rain that fell on a Festival – גְּשָׁמִים שְׁיֹרְדוּ בְּיוֹם טוֹב: The early commentaries ask: Why does rain that fell on a Festival have the status of the people? It can be argued that since the water came from a different place and did not acquire residence in its new place, it did not acquire residence at all. Therefore, it should be prohibited to carry it beyond four cubits. Some commentaries explain that reasoning of this kind applies only to one who has awareness and who

is capable of acquiring residence for himself; if he fails to do so, he acquires no Shabbat residence. However, water, which has no awareness, can be limited only by the person who finds it and makes use of it. Other authorities state that since the water was previously moving continuously, it does not establish a place of residence, and it falls to the ground without having established a Shabbat residence (Rashba; see Maharshah).