

הנהו קפולאי דהו קפלי בארעא דרב נחמן, נחר בהו רב אחאי בר יאשיה. אתו ואמרו ליה לרב נחמן: נחר בן גברא. אתא ואמר ליה: מאן ניהו מר? אמר ליה: אנא אחאי בר יאשיה. אמר ליה: ולאו אמר רב מרי עתדי צדיקי דהו עפרא? אמר ליה: ומני מרי, דלא ידענא ליה. אמר ליה: והא קרא כתבי "וישוב העפר על הארץ כשהיה?"

The Gemara cites a related story: **The diggers who were digging in Rav Nahman's land** came upon a grave, and Rav Aḥai bar Yoshiya,<sup>NP</sup> who was buried there, rebuked them. They came and said to Rav Nahman: A deceased person just rebuked us. Rav Nahman came and said to the person buried there: **Who is the Master**, i.e., who are you? He said to him: **I am Aḥai bar Yoshiya**. Rav Nahman said to him: How has your body been preserved? **Didn't Rav Mari say that the righteous will turn to dust?** Rav Aḥai said to him: **And who is Mari, whom I do not know?** Why should I be concerned about what he says? Rav Nahman said to him: **Even without Rav Mari's statement, there is an explicit verse which is written: "And the dust will return to the earth as it was"** (Ecclesiastes 12:7).

אמר ליה: דאקרינך קהלת לא אקרינך משלי, דכתבי "ורקב עצמות קנאה" כל מי שיש לו קנאה בלבו - עצמותיו מרקבים, כל שאין לו קנאה בלבו - אין עצמותיו מרקבים.

Rav Aḥai said to him: **Whoever taught you the book of Ecclesiastes did not teach you the book of Proverbs, for it is written in Proverbs: "A tranquil heart is the life of the flesh, but envy is the rotting of the bones"** (Proverbs 14:30). This means that **anyone who has envy in his heart during his lifetime, his bones rot in the grave, and anyone who does not have envy in his heart, his bones do not rot.**

גשטיה, חזייה דאית ביה מששא. אמר ליה: ליקום מר לגווייה דביתא. אמר ליה: גלית אדעתך דאפילו נביאי לא קרית, דכתבי "וידעתם כי אני ה' בפתי את קברותיכם".

Rav Nahman touched him and saw that he had substance. Rav Nahman said to him: **Let the Master arise and come into my house**. Rav Aḥai said to him: **You have revealed that you have not even studied Prophets,**<sup>N</sup> and it is not just the Writings of which you are ignorant, **for it is written: "And you shall know that I am the Lord when I open up your graves and lift you up from your graves, My nation"** (Ezekiel 37:13). As long as the dead have not been instructed to leave their graves, leaving of their own accord is prohibited.

אמר ליה: והכתבי "כי עפר אתה ואל עפר תשוב". אמר ליה: ההוא - שעה אחת קודם תחיית המתים.

Rav Nahman once again asked Rav Aḥai about the preservation of the flesh, and he said: **But it is written: "For you are dust and you shall return to dust"** (Genesis 3:19), so why has your body not turned into dust? He said to him: **That verse applies to the righteous only one hour before the resurrection of the dead, so that they, too, may be created anew** (Maharsha).

אמר ליה ההוא מינא לרבי אבהו: אמריתו "נשמתן של צדיקים גנוזות תחת כסא הכבוד". אובא טמיא היכא אסקיה לשמואל בנגידא? אמר ליה: התם בתוך שנים עשר חדש הוה. דתניא: כל שנים עשר חדש גופו קיים, ונשמתו עולה ויורדת. לאחר שנים עשר חדש הגוף בטל.

A certain apostate once said to Rabbi Abbahu: **You say that the souls of the righteous are stored beneath the Throne of Glory, but if so, how did the oracle woman raise up Samuel using necromancy if his soul was no longer in this world?** Rabbi Abbahu said to him: **There, it was within twelve months of his death, as it was taught in a baraita: For a full twelve months a deceased person's body remains and his soul ascends and descends, such that it is sometimes in this world with its body. After twelve months, the body ceases to exist**

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and his soul ascends to its place beneath the Throne of Glory, and does not descend anymore.

אמר רב יהודה בריה דרב שמואל בר שילת משמיה דרב: מהספדו של אדם נפר אם בן העולם הבא הוא אם לא. איני, והאמר ליה רב לרב שמואל בר שילת: אחים בהספידא, דהתם קאימנא. לא קשיא, הא - דמתמו ליה ואחים, הא - דמתמו ליה ולא אחים.

Rav Yehuda, son of Rav Shmuel bar Sheilat, said in the name of Rav: **From a person's eulogy it is apparent whether or not he has a share in the World-to-Come**. If the listeners are pained and brought to tears during the eulogy, it is clear that the person was righteous. The Gemara asks: **Is that so? Didn't Rav say to Rav Shmuel bar Sheilat: Stir the hearts of those gathered during my eulogy, for I will be standing there and listening to your words?** Even a person as great as Rav needed to give instructions about his eulogy. The Gemara answers: **This is not difficult, for this statement, which maintains that those who merit a share in the World-to-Come can be identified by their eulogies, is referring to a situation in which they attempt to stir the listener and he is stirred;**<sup>N</sup> while that statement is referring to a situation in which they attempt to stir the listener and he is not stirred. That is an indication that the deceased person was not righteous.

NOTES

Rav Aḥai bar Yoshiya – רב אחאי בר יאשיה: Rav Aḥai bar Yoshiya – רב אחאי בר יאשיה: Some explain that the people digging in Rav Nahman's land were actually plowing his field and came across the grave. They did not know what to do with the body and went to ask Rav Nahman. Rav Aḥai bar Yoshiya appeared to Rav Nahman in a dream and their entire conversation took place in that dream (Pardes Rimmonim).

Ecclesiastes, Proverbs, Prophets – קהלת, משלי, נביאים: During the talmudic period, the common educational curriculum began with studying Torah and continued with the Prophets. Then the longer works of the Writings: Job, Proverbs and Psalms, were studied, followed by the shorter Writings: the five Scrolls [Megillot], including Ecclesiastes. Thus, Rav Aḥai bar Yoshiya said that Rav Nahman was even not an expert in the subjects taught to children, including Proverbs and the Prophets.

PERSONALITIES

Rav Aḥai bar Yoshiya – רב אחאי בר יאשיה: Rav Aḥai was one of the later *tanna'im* who lived during the time of Rabbi Yehuda HaNasi. Apparently, he was the son of the *tanna*, Rabbi Yoshiya, who was a student of Rabbi Yishmael. Rav Aḥai lived in the Babylonian city of Hutzal, although he conducted business in Neharde'a and was buried there. From the few sources that provide background about his life, it appears that he earned a living as a businessman, but was also the leader of the city of Hutzal and the surrounding villages. His teachings are quoted several times in the Talmud and the halakhic midrash. Rav Nahman lived and was active in Neharde'a a few generations after Rav Aḥai bar Yoshiya.

NOTES

They attempt to stir the listener and he is stirred – דמתמו ליה ואחים: If a eulogy is an indication that the deceased has earned a share in the World-to-Come, it is unnecessary to attempt to stir the hearts of the listeners, as it serves no purpose. If a speaker stirs the emotions of the crowd, an outpouring of emotion would not indicate the deceased's greatness. Nevertheless, even when the eulogizer attempts to deliver a moving eulogy, the listeners are not necessarily moved by every eulogy and thus the fact that they are stirred reflects well on the deceased.

PERSONALITIES

Rabba in Pumbedita – רבא בפומבדיתא: Rabba was the head of the yeshiva in Pumbedita for many years and was a fearless leader. Since he would not refrain from strongly reprimanding the leaders of the city for their negative character traits, he was not well loved by the local people. However, neither he nor his student Abaye saw fault in this, for Abaye said: If a Sage is beloved by the inhabitants of his city it is not because he is such a great leader, but because he does not rebuke them in matters related to fear of Heaven (Ketubot 105b).

HALAKHA

Repent one day before your death – שוב יום אחד לפני מיתתך: A person should always view himself as if death is at hand, and that he may die at any moment in his current sinful state. These thoughts will cause a person to repent immediately. One should not say: When I grow old I will return to God, lest one die before reaching old age. This is the meaning of that which King Solomon said: "At all times your clothes should be white" (Rambam Sefer HaMadda, Hilkhot Teshuva 7:2).

NOTES

אלו ואלו – אלו ואלו: The midrash similarly states that one who sits at a meal and does not eat suffers more than if he were merely hungry. This is the punishment of the wicked.

Let your clothes be white – בגדיך לבנים: This statement refers to ritual fringes because they are white. Although in past generations the fringes included threads which were dyed sky blue [tekhelet], one can fulfill the mitzva with white threads alone when the special sky blue dye is unavailable. The phrase: At all times, is used because the mitzva applies at all times. Similarly, the phrase: Shall not be absent, is the source for the law that one must wear phylacteries on his head even if those which are worn on the arm are unavailable (Maharsha).

אמר ליה אבאי לרבא: בגון מר, דסנו ליה כולהו פומבדיתאי, מאן אחים הספידא? אמר ליה: מיסתיא את ורבה בר רב חנן.

בעא מיניה רבי אלעזר מרב: איזהו בן העולם הבא? אמר ליה: "ואזוניך תשמענה דבר מאחריך לאמר זה הדרך לכו בו כי תאמינו וכי תשמאלו". רבי חנינא אמר: כל שדעת רבותינו נוחה הימנו. "וסבבו בשוק הסופדים". בני גלילא אמרי: עשה דברים לפני מותך, בני יהודה אמרי: עשה דברים לאחר מותך. ולא פליגי, מר בי אתריה ומר בי אתריה.

תנן התם, רבי אליעזר אומר: שוב יום אחד לפני מיתתך. שאלו תלמידיו את רבי אליעזר: וכי אדם יודע איזהו יום ימות? אמר להן: וכל שכן, ישוב היום שמוא ימות למחר, ונמצא כל ימיו בתשובה. ואף שלמה אמר בחכמתו: "בכל עת יהיו בגדיך לבנים ושמן על ראשך אל יחסר".

אמר רבי יוחנן בן זכאי: משל למלך שזימן את עבדיו לסעודה, ולא קבע להם זמן. פיקחין שבהן קיטטו את עצמן וישבו על פתח בית המלך. אמרו: בלום חסר לבית המלך? טיפשין שבהן הלכו למלאכתן, אמרו: בלום יש סעודה בלא טרח?

בפתאום ביקש המלך את עבדיו. פיקחין שבהן נכנסו לפניו בשעה מקושטין, והטיפשיים נכנסו לפניו בשעה מלוכלכין. שמח המלך לקראת פיקחים, וכעס לקראת טיפשיים. אמר: הללו שקיטטו את עצמן לסעודה – ישבו ויאכלו וישתו, הללו שלא קיטטו עצמן לסעודה – יעמדו ויראו.

חתנו של רבי מאיר משום רבי מאיר אמר: אף הן נראין כמשמשין. אלא, אלו ואלו יושבין, הללו – אוכלין, והללו – רעבין, הללו שותין והללו צמאים, שנאמר "בה אמר ה' הנה עבדי יאכלו ואתם תרעבו הנה עבדי ישתו ואתם תצמאו הנה עבדי ירונו משוב לב ואתם תצעקו מכאב לב".

דבר אחר: "בכל עת יהיו בגדיך לבנים" – אלו ציצית, "ושמן על ראשך אל יחסר" – אלו תפילין.

הדרן עלך שואל

Abaye said to Rabba: In the case of the Master, i.e., Rabba, whom all of the inhabitants of his city, Pumbedita,<sup>p</sup> hate, who will be stirred during his eulogy? He said to him: It is sufficient for me if you and Rabba bar Rav Hanan are stirred.

Rabbi Elazar raised a dilemma before Rav: Which type of person has a share in the World-to-Come? He said to him: We can derive this from the verse: "And your ears shall hear a word behind you, saying: This is the path, walk on it, when you turn to the right or to the left" (Isaiah 30:21). In other words, if people eulogize one by saying that others should follow in his path, he must have a share in the World-to-Come. Rabbi Hanina said: Anyone with whom our Rabbis are pleased has a share in the World-to-Come. In interpreting the verse: "And the eulogizers walk about the marketplace" (Ecclesiastes 12:5), the people of the Galilee say: Do things that you will want people to say at your eulogy in front of your bier. The people of Judea say: Do things that you want people to say at your eulogy behind your bier. The Gemara remarks: And they do not disagree; this Sage expressed it according to the norm in his place, and this Sage expressed it differently according to the norm in his place. The custom in the Galilee was that the eulogizers would stand before the bier and the custom in Judea was that eulogizers would stand behind the bier.

We learned there in a mishna that Rabbi Eliezer says: Repent one day before your death.<sup>h</sup> Rabbi Eliezer's students asked him: But does a person know the day on which he will die? He said to them: All the more so this is a good piece of advice, and one should repent today lest he die tomorrow; and by following this advice one will spend his entire life in a state of repentance. And King Solomon also said in his wisdom: "At all times your clothes should be white, and oil shall not be absent from upon your head" (Ecclesiastes 9:8), meaning that a person always needs to be prepared.

Similarly, Rabban Yohanan ben Zakkai said the following story as a parable to this lesson: The situation is comparable to a king who invited his servants to a feast and did not set a time for them to come. The wise among them adorned themselves and sat at the entrance to the king's house. They said: Is the king's house missing anything necessary for the feast? Certainly the king could invite them at any moment. The fools among them went to attend to their work and said: Is there such thing as a feast without the toil of preparing for it? While the feast is being prepared, we will attend to other matters.

Suddenly, the king requested that his servants come to the feast. The wise among them entered before him adorned in their finest clothes, and the fools entered before him dirty. The king was happy to greet the wise ones and angry to greet the fools. The king said: These wise servants who adorned themselves for the feast shall sit and eat and drink, but these fools who did not adorn themselves for the feast shall stand and watch. There is a similar outcome for people who think that their day of death and judgment is far away and do not prepare themselves for it.

Rabbi Meir's son-in-law said in the name of Rabbi Meir: If the punishment for those who did not prepare themselves in advance was merely to stand and watch, it would not be severe enough because they also look like servants at the feast, which is not such a disgraceful punishment. Rather, these and these, both groups of people, sit at the feast.<sup>n</sup> These wise and righteous people eat, and these wicked fools are hungry; these righteous people drink, and these wicked people are thirsty, as it is stated: "Therefore, thus said the Lord, God: Behold, My servants shall eat and you shall be hungry; behold, My servants shall drink and you shall be thirsty; behold, My servants shall rejoice and you shall be ashamed. Behold, My servants shall sing from a joyous heart and you shall scream from a pained heart" (Isaiah 65:13-14).

Alternatively, the verse quoted above can be interpreted in the following way: "At all times let your clothes be white";<sup>n</sup> this is clothing that contains ritual fringes [tzitzit], which are white. "And oil shall not be absent from upon your head"; these words hint to phylacteries, which are worn on the head.

**מתני'** מי שהחשיך בדרך - נתן כיסו לגוי, ואם אין עמו גוי - מניחו על החמור. הגיע לחצר החיצונה - נוטל את הכלים הנשטלין בשבת, ושאינן נשטלין בשבת - מתיר החבליים, והשקין נוטלין מאיליהם.

**גמ'** מאי טעמא שרו ליה רבנן למיתב כייסיה לגוי? קים להו לרבנן דאין אדם מעמיד עצמו על ממונו, אי לא שרית ליה - אתי לאיתווי ארבע אמות ברשות הרבים.

אמר רבא: דוקא כיסו, אבל מציאה - לא. פשיטא, "כיסו" תנן! מהו דתמיא: הוא הדין אפילו מציאה, והאי דקתני כיסו - אורחא דמילתא קתני, קא משמע לן. ולא אמרן אלא דלא אתי לידיה, אבל אתי לידיה - ככייסיה דמי.

איכא דאמרי: בעי רבא: מציאה הבאה לידי מהו? פיון דאתא לידיה - ככייסיה דמי, או דילמא: פיון דלא טרח בה - לאו ככייסיה דמי? תיקו.

"אין עמו גוי". טעמא, דאין עמו גוי, הא יש עמו גוי - לגוי יהיב ליה. מאי טעמא? חמור אתה מצווה על שבידתו, גוי - אי אתה מצווה על שבידתו.

**MISHNA** One who was traveling on Shabbat eve and night fell, and Shabbat began while he was still en route,<sup>h</sup> gives his money pouch to a gentile traveling with him. And if there is no gentile with him he places it on the donkey. Once he reached the outer courtyard<sup>h</sup> of the city, where belongings can be securely placed, he takes the vessels that may be moved on Shabbat off the donkey. With regard to the vessels that may not be moved on Shabbat, he unties the ropes that attach his bags to the donkey, and the bags of vessels fall on their own.

**GEMARA** We learned in the mishna: One who was traveling on Shabbat eve and night fell, and Shabbat began while he was still en route, gives his money pouch to a gentile. The Gemara asks: **What is the reason that the Sages permitted him to give his pouch to a gentile?** Is it not prohibited for a Jew to ask a gentile to perform a prohibited labor on Shabbat? The Gemara answers: **The Sages maintain that a person does not restrain himself when faced with losing his money.<sup>n</sup> If you do not permit him to give his pouch to a gentile, he will come to carry four cubits in a public domain, thereby violating a Torah prohibition.**

Rava said: This allowance to give the pouch to a gentile is specifically with regard to his own pouch, but in the case of a lost object that he found, no, it was not permitted.<sup>h</sup> The Gemara asks: That is obvious, as we learned in the mishna: **His pouch**, and nothing else. The Gemara answers: Rava specified this lest you say that the same is true even with regard to a lost object, that one may give it to a gentile on Shabbat, and the mishna taught the case of his pouch merely because it is the manner in which the matter typically occurs. Therefore, Rava teaches us that the mishna is in fact establishing a halakha restricted to his pouch. The Gemara comments: **And we only said that this allowance does not apply to a lost object when it did not come into his possession before Shabbat. However, if the object already came into his possession before Shabbat, its legal status is like that of his pouch.**

Some state this dilemma in a different manner. Rava raised a dilemma: With regard to a lost object that came into his possession before Shabbat, what is the ruling? Is the halakha that since it already came into his possession, its legal status is like that of his pouch? Or perhaps, since he did not exert himself to acquire it, its legal status is not like that of his pouch. Since he expended no effort, he would be capable of restraining himself even when faced with losing it. Therefore, there is no need for the Sages to permit him to give it to a gentile. The Gemara concludes: **Let this dilemma stand unresolved.**

We learned in the mishna: **And if there is no gentile with him** he places it on the donkey. The Gemara infers: **The reason** is specifically because there is no gentile with him; if there is a gentile with him, he gives it to the gentile and does not place it on a donkey. The Gemara asks: **What is the reason for this halakha?** The Gemara answers: With regard to a donkey belonging to a Jew, you are commanded with regard to its rest on Shabbat. With regard to a gentile, you are not commanded with regard to his rest and no Torah prohibition is being violated.

HALAKHA

One who was traveling and night fell while he was en route - מי שהחשיך בדרך - One who is traveling and Shabbat begins while he is still on the road may give his money to a gentile to carry it for him if there is a gentile traveling with him. If there is no gentile with him, he may place his pouch on the donkey (Rambam *Sefer Zemanim, Hilkhot Shabbat* 6:22; *Shulhan Arukh, Oraḥ Hayyim* 266:1).

Once he reached the outer courtyard - הגיע לחצר החיצונה: One who is traveling on Shabbat eve and arrives after nightfall at a location where he can securely leave his belongings, may take the vessels that may be moved on Shabbat from his donkey. With regard to the rest of the vessels, i.e., the vessels that may not be moved on Shabbat, he may untie the ropes that attach his bags to the donkey and let the bags of vessels fall on their own (Rambam *Sefer Zemanim, Hilkhot Shabbat* 21:10; *Shulhan Arukh, Oraḥ Hayyim* 266:9).

Specifically with regard to his own pouch, but in the case of a lost object, no - דוקא כיסו, אבל מציאה לא - One may give a gentile an object that he is carrying on Shabbat if it is one's own property. However, it is prohibited to give a gentile someone else's lost object that one found after Shabbat began (Rambam *Sefer Zemanim, Hilkhot Shabbat* 6:22; *Shulhan Arukh, Oraḥ Hayyim* 266:1).

NOTES

A person does not restrain himself when faced with losing his money - אין אדם מעמיד עצמו על ממונו - The early commentaries pointed out that the Gemara applied this same principle to prohibit taking objects out of a burning house on Shabbat, and asked why it is cited here as a reason for leniency. They answered

that in the case of a house fire, panic reigns and if certain allowances were made, people would allow themselves to remove even prohibited items from the house. In this case, there is no sense of panic, and therefore there is no concern that one will extend the leniency to prohibited items (*Tosefot Rid*).

HALAKHA

A donkey, a deaf-mute, an imbecile, and a minor – חמור וחרש שוטה וקטן: One who was traveling and Shabbat began, and a donkey, a deaf-mute, an imbecile, and a minor were alongside him, should place his pouch on the donkey rather than hand it to the deaf-mute, the imbecile, or the minor, because it is preferable to place it on an animal rather than give it to a person (Rambam *Sefer Zemanim, Hilkhot Shabbat* 20:7; *Shulhan Arukh, Oraḥ Ḥayyim* 266:3).

A deaf-mute and an imbecile – חרש ושוטה: One who was traveling with a deaf-mute and an imbecile should give his pouch to the imbecile, who is completely lacking in halakhic intelligence (Rambam *Sefer Zemanim, Hilkhot Shabbat* 20:6; *Shulhan Arukh, Oraḥ Ḥayyim* 266:4).

An imbecile and a minor – שוטה וקטן: A minor will possess halakhic intelligence and be obligated to observe mitzvot when he reaches majority. Therefore, one who is traveling with an imbecile and a minor should give his pouch to the imbecile, even though the minor is not currently obligated to observe mitzvot (Rambam *Sefer Zemanim, Hilkhot Shabbat* 20:6; *Shulhan Arukh, Oraḥ Ḥayyim* 266:5).

A deaf-mute and a minor – חרש וקטן: One who is traveling with a deaf-mute and a minor may give his pouch to whomever he prefers. As the dilemma in the Gemara was not resolved, both the Rif and the Rosh ruled that one may act in accordance with either possibility (Rambam *Sefer Zemanim, Hilkhot Shabbat* 20:6; *Shulhan Arukh, Oraḥ Ḥayyim* 266:5).

חמור וחרש שוטה וקטן – אחרת מנח ליה. לחרש שוטה וקטן לא יתיב ליה. מאי טעמא – הני אדם, האי – לאו אדם. חרש ושוטה – לשוטה, שוטה וקטן – לשוטה.

איבעיא להו: חרש וקטן מאי איליבא דרבי אליעזר לא תיבעי לך, דתנא, רבי יצחק אומר משום רבי אליעזר: תרומת חרש

The Gemara teaches an additional *halakha*: If there was no gentile with him but there was a donkey, a deaf-mute, an imbecile, and a minor,<sup>H</sup> meaning someone under thirteen years old, one places it on the donkey, but one neither gives it to the deaf-mute, nor the imbecile, nor the minor. What is the reason for this? Although they are not obligated to fulfill mitzvot, these are people, but this donkey is not a person. It is preferable to place it on the donkey rather than give it to a person. And if a deaf-mute and an imbecile<sup>HN</sup> were with him, he gives it to the imbecile. If an imbecile and a minor<sup>H</sup> were with him, he gives it to the imbecile.

A dilemma was raised before the Sages: If a deaf-mute and a minor<sup>H</sup> were with him, what is the ruling? To whom does he give his pouch? The Gemara answers: According to the opinion of Rabbi Eliezer you have no dilemma. Rabbi Eliezer holds that a deaf-mute has a greater degree of halakhic intelligence than does a minor, as it was taught in a *baraita*: Rabbi Yitzhak says in the name of Rabbi Eliezer: The *teruma* of a deaf-mute that he separated from his produce

NOTES

A deaf-mute and an imbecile – חרש ושוטה: When the Sages refer to an imbecile they mean someone who has no halakhic intelligence at all, and is therefore exempt from all mitzvot and liabilities and has the halakhic status of an animal (Rabbeinu

Hananel). However, since he is a human being, one may not place an object on him as one may on an animal. When they refer to a deaf-mute they mean someone whose halakhic intelligence is limited. This was a consequence of the deaf-mute's

inability to communicate with his surroundings in ancient times. Although he is not obligated in mitzvot, the Sages imposed certain strictures with regard to him, and there are circumstances in which he can even facilitate the fulfillment of mitzvot by others.

Perek XXIV  
Daf 153 Amud b

NOTES

Five categories of people who may not separate *teruma* – חמשה קטגוריא לא יתרומו: It is explained in the Jerusalem Talmud in tractate *Terumat* that these categories are derived from the verse: “Speak to the children of Israel, that they take for Me an offering [*teruma*]; of every man whose heart makes him willing you shall take My offering. And this is the offering which you shall take of them” (Exodus 25:2–3). The phrase “the children of Israel” excludes gentiles; the phrase “from every man” excludes minors; the phrase “whose heart makes him willing” excludes imbeciles and deaf-mutes who lack the heart, i.e., the halakhic intelligence, to volunteer; and the phrase “that you shall take from them” excludes one who separates *teruma* from property that does not belong to him.

HALAKHA

Five categories of people who may not separate *teruma* – חמשה קטגוריא לא יתרומו: There are five categories of people whose separation of *teruma* is not considered *teruma*. They are: A deaf-mute, an imbecile, a minor, a gentile who separated *teruma* on behalf of a Jew, and a Jew who separated *teruma* from someone else's produce without the owner's consent (Rambam *Sefer Zera'im, Hilkhot Terumat* 4:2; *Shulhan Arukh, Yoreh De'a* 331:30).

לא תצא לחולין, מפני שהוא ספק.

כי תיבעי לך – איליבא דרבנן, דתנן: חמשה לא יתרומו, ואם תרמו אין תרומתן תרומה. אלו הן: חרש שוטה וקטן, והתורם את שאינו שלו, וגוי שתרם את של ישראל אפילו ברשותו – אין תרומתו תרומה.

does not vacate its sanctified status and assume non-sacred status because his status with regard to halakhic intelligence is uncertain. According to Rabbi Eliezer, a deaf-mute apparently has a degree of halakhic intelligence, and therefore has a greater obligation in mitzvot than a minor.

When you raise this dilemma, the issue is in accordance with the opinion of the Rabbis, as we learned in a mishna: There are five categories of people who may not separate *teruma*<sup>NH</sup> *ab initio*, and if they separated *teruma*, their *teruma* is not considered *teruma*. They are: A deaf-mute, an imbecile, and a minor, and one who separates *teruma* from produce that is not his; and a gentile who separated *teruma* from the produce of a Jew, even with his permission, his *teruma* is not considered *teruma* because a gentile cannot be appointed as an agent to separate *teruma*, and all the more so he cannot separate *teruma* on his own. The deaf-mute and the minor have the same legal status according to the Rabbis; therefore, a dilemma arises as to which of them should receive the pouch on Shabbat.

מאי, לחרש יתיב ליה – דקטן אתי לבלל דעת, או דילמא: לקטן יתיב ליה, דחרש אתי לאחלופי בגדול פיקוח? איבא דאמר: לחרש יתיב ליה, איבא דאמר: לקטן יתיב ליה.

What should one do? Should he give it to the deaf-mute because the minor will eventually reach the stage of halakhic intelligence, when he will be obligated to observe the mitzvot, and it is preferable that he not become accustomed to desecrating Shabbat? Or perhaps he should give it to the minor, because if he is allowed to give it to the deaf-mute, onlookers will mistake him for an adult with halakhic intelligence and conclude that it is permitted to give his pouch to an adult? In that case it would be preferable to give the pouch to a minor, as it is clear that he is not obligated in mitzvot. Regarding this *halakha*, some say that he gives it to the deaf-mute and some say that he gives it to the minor, and no definitive conclusion was reached.

Move the pouch in increments, each less than four cubits – מוליכו פחות פחות מארבע אמות – One who is traveling with money on Shabbat eve, and has neither a gentile, nor a donkey, nor a deaf-mute, nor an imbecile, nor a minor with him at nightfall, may carry it in increments smaller than four cubits until he reaches his destination (Rambam *Sefer Zemanim, Hilkhos Shabbat* 20:7; *Shulhan Arukh, Orah Hayyim* 266:7).

One places the pouch on the donkey as it is walking – מניחו עליה כשהיא מהלכת – When placing his pouch atop an animal on Shabbat, one must place it while the animal is walking and remove it when the animal stops. When the animal starts moving again he places it again. He does so to avoid performing a full-fledged act of carrying, which would consist of lifting and placing (Rambam *Sefer Zemanim, Hilkhos Shabbat* 20:6; *Shulhan Arukh, Orah Hayyim* 266:2).

Any action that if one performs it by himself he is liable – כל שבגופו חייב – If one lifts an object on Shabbat and places it on another person while that person is walking, and then takes it from him before that person stops, neither person is liable, even if they were walking from one domain to another. This is because there was no full-fledged act of carrying, which would consist of lifting and placing (Rambam *Sefer Zemanim, Hilkhos Shabbat* 13:12).

NOTES

On that day they measured with a large se'ah – בו ביום גרשו סאה – *Tosafot* understand the dispute between Rabbi Eliezer and Rabbi Yehoshua to be limited to the decree requiring one to give his pouch to a gentile on Shabbat. Others explain that the rest of the eighteen decrees were motivated by concern for ritual impurity or for violation of a prohibition. However, in this case it is possible to avoid carrying in the public domain by carrying the pouch in increments of less than four cubits. Therefore, the decree requiring one to give his pouch to a gentile can be considered an added stricture that people will not be able to fulfill and that will cause them to carry the pouch four cubits, thereby violating a Torah prohibition (Maharsha).

The Gemara asks: If there is neither a gentile nor a donkey nor a deaf-mute nor an imbecile nor a minor there, what should one do? Rabbi Yitzhak said: There was another manner of dealing with this situation, and the Sages did not want to reveal it. The Gemara asks: To what was Rabbi Yitzhak referring when he said: There was another manner? The Gemara answers: The alternative is to move the pouch in increments, each less than four cubits,<sup>h</sup> and thereby carry the object in the public domain without violating a Torah prohibition. The Gemara asks: Why didn't the Sages want to reveal this alternative? The Gemara answers that it is due to the verse: "It is the glory of God to conceal a thing; but the glory of kings is to search out a matter" (Proverbs 25:2). And here, what glory of God is there in concealing this option? The Gemara answers: If one were to move the pouch in this manner, there is concern lest he come to carry the object four cubits in the public domain.

The ruling that one should give his pouch to a gentile rather than carry in increments each less than four cubits was among the eighteen decrees issued in accordance with the position of Beit Shammai, enumerated in the first chapter of tractate *Shabbat*. Sages of later generations disagreed with regard to these eighteen decrees: It was taught in a *baraita* that Rabbi Eliezer says: On that day they measured with a large se'ah<sup>N</sup> measurement, i.e., they did well to issue these decrees, which construct a fence around the Torah to prevent its violation. Rabbi Yehoshua said: On that very day they measured with a minimal se'ah, i.e., because these decrees are difficult to observe, they not only will lead people to violate the decrees, but to violate Torah prohibitions as well.

It was taught in another *baraita*: The Sages articulated a parable to illustrate the opinion of Rabbi Eliezer. To what is this matter similar? It is similar to a basket full of squash and gourds into which a person places mustard seeds. Just as the basket also holds the mustard, the decree will also endure. They also articulated a parable to illustrate the opinion of Rabbi Yehoshua: To what is this matter similar? It is similar to a large bowl full of honey into which one places pomegranates and walnuts. Just as the bowl expels the honey from inside it, so too, the decree will cause Torah prohibitions to be violated.

We learned in the mishna that the Master said: When there is no gentile with him, one places the pouch on the donkey. The Gemara asks: Isn't he thereby driving a laden animal? And the Torah stated: "And the seventh day is Shabbat for the Lord your God, you shall not perform any manner of labor, neither you, nor your son, nor your daughter, nor your slave, nor your maidservant, nor your animal, nor your stranger that is within your gates" (Exodus 20:10). He is causing the prohibited labors of carrying from domain to domain and of carrying in the public domain by placing the pouch on his donkey on Shabbat.

Rav Adda bar Ahava said: One places the pouch on the donkey as it is walking,<sup>h</sup> because in doing so he does not commit a full-fledged violation of the Torah prohibition against carrying out from domain to domain on Shabbat. A full-fledged violation consists of lifting and placing the object. Because the animal was already walking when the pouch was placed on it, the animal performed no lifting. The Gemara asks: Isn't it impossible that the animal will not stand in its place at some point after it begins walking, either in order to urinate or to defecate, and when it begins walking again there is both an act of lifting and an act of placing performed by the donkey. The Gemara answers: There is a solution to that problem. When the donkey is walking, one places the pouch on it, and when it stands, he removes it. The Gemara asks: If so, one could even place the pouch on another Jew as well, as there would be neither lifting nor placing.

Rav Pappa said: Any action that if one performs it by himself, he is liable<sup>h</sup> to bring a sin-offering for it, if he performed it by means of another, he is exempt but it is still prohibited for him to do so. And any action that if performed by means of another, he is exempt from bringing a sin-offering but it is still prohibited for him to do so, performing the action by means of his donkey is permitted *ab initio*.

אין שם לא גוי ולא חמור ולא חרש ולא שוטה ולא קטן, מאי? אמר רבי יצחק: עוד אחרת היתה, ולא רצו חכמים לגלותה. מאי "עוד אחרת היתה" – מוליכו פחות פחות מארבע אמות. אמאי לא רצו חכמים לגלותה – משום "כבוד אלהים הסתר דבר וכבוד מלכים חקור דבר". והכא, מאי "כבוד אלהים" איכא? דילמא אתי לאתויי ארבע אמות ברשות הרבים.

תניא, רבי אליעזר אומר: בו ביום גרשו סאה. רבי יהושע אומר: בו ביום מחקו סאה.

תניא, משל דרבי אליעזר, למה הדבר דומה – לקופה מלאה קישואין ודילועין, אדם נותן לתוכה חרדל – והיא מתוקת. משל דרבי יהושע, למה הדבר דומה – לעריבה מלאה דבש, נותן לתוכה רימונים ואגוזים – והיא מקיאה.

אמר ר' מר: אין עמו גוי – מניחו על החמור. והלא מתמור, ורחמנא אמן "לא תעשה כל מלאכה!"

אמר רב אדא בר אבהו: מניחו עליה כשהיא מהלכת. והא אי אפשר דלא קיימא להשתין מים ולהטיל גללים, ואיכא עקירה והנחה! כשהיא מהלכת – מניחו עליה, כשהיא עומדת – נוטלו הימנה. אי הכי, אפילו חבורו נמי!

אמר רב פפא: כל שבגופו חייב חטאת – בחבורו פטור אבל אסור, כל שחבורו פטור אבל אסור – בחמורו מותר לכתחלה.

NOTES

His package was resting on his shoulder – היתה: Here the Gemara does not suggest the solution of carrying the package in increments of less than four cubits, because the Gemara is discussing a large package, which would make it difficult for the person carrying it to stop so frequently (Me'iri). The Sages did not permit running with one's pouch as they did with a package, because the weight of the package would serve as a conspicuous reminder to continue running. Since a pouch is small, there is concern that even if he ran with it he might forget and end up carrying it in the usual manner (Rambam).

When he performs an action with his body – דעביד מעשה בגופיה: There is a fundamental rule throughout the Torah that one is liable to be punished only for violating prohibitions that he himself performed. Although in monetary matters one is liable for damage caused by his animal, that liability does not extend to corporal or capital punishment.

The prohibition of driving a laden animal – לאו דמחמר: The essence of the Gemara's question here is based on the assumption that a Shabbat prohibition for which one does not incur severe punishment is certainly not one of the standard prohibited labors, but rather one that is independent of the standard prohibited labors. Therefore, it is reasonable to posit that that this exceptional prohibition is the prohibition of performing labor by means of an animal on Shabbat. Even in rejecting the difficulty raised, the Gemara identifies other anomalous Shabbat prohibitions, e.g., going beyond the Shabbat limits, or kindling a fire according to the opinion of Rabbi Yosei.

HALAKHA

His package was resting on his shoulder – היתה: One who is carrying a package on his shoulder when Shabbat begins should run home with the package. This is permitted only if he runs; walking with the package in his usual manner is prohibited, lest he forget that it is Shabbat and perform the prohibited labor of carrying by lifting and placing. When he reaches his home, he throws the package down in an unusual manner, by dropping it behind him off his shoulder, because in that way he does not perform an act of placing prohibited by Torah law (Rambam Sefer Zemanim, Hilkhot Shabbat 13:9; Shulhan Arukh, Oraḥ Hayyim 266:11).

One who desecrates Shabbat – המחלל את השבת: One who desecrates Shabbat unwittingly is liable to bring a sin-offering. If he did so intentionally he is punishable by karet, and if there are witnesses and forewarning, he is liable to be executed by stoning (Rambam Sefer Zemanim, Hilkhot Shabbat 1:1).

אמר רב אדא בר אבהו: היתה חבילתו מונחת לו על כתפו – רץ תחתיה עד שמגיע לביתו. דוקא רץ. אבל קלי קלי – לא.

מאי טעמא? כיון דלית ליה היכירא – אתי למיעבד עקירה והנחה, סוף סוף כי מטא לביתיה אי אפשר דלא קאי פורתא, וקמעיל מרשות הרבים לרשות היחיד! דרוק ליה בלאחר יד.

אמר רמי בר חמא: המחמר אחר בהמתו בשבת, בשוגג – חייב חטאת, במזיד – חייב סקילה. מאי טעמא? אמר רבא: דאמר קרא "לא תעשה כל מלאכה אתה ובהמתך" בהמתו דומיא דידיה, מה הוא – בשוגג חייב חטאת, במזיד חייב סקילה, אף בהמתו נמי, בשוגג – חייב חטאת, במזיד – חייב סקילה.

אמר רבא: שתי תשובות בדבר; חדא: דכתיב "תורה אחת יהיה לכם לעושה בשגגה והנפש אשר תעשה ביד רמה" הוקשה כל התורה כולה לעבודה זרה, מה עבודה זרה – דעביד מעשה בגופיה, הכא נמי – עד דעביד מעשה בגופיה.

ועוד, תנן: המחלל את השבת בדבר שחייבין על שגגתו חטאת ועל זדונו סקילה, מכלל דאיבא מידי דאין חייבין על שגגתו חטאת ולא על זדונו סקילה.

ומאי ניהו, לאו דמחמר? לא, תחומין ואליבא דרבי עקיבא, והבערה אליבא דרבי יוסי.

Rav Adda bar Ahava said: One who was traveling on Shabbat eve and his package was resting on his shoulder<sup>NH</sup> as night fell, he runs beneath it, i.e., with his package on his shoulder, until he reaches his home. The Gemara infers: Specifically one runs until he reaches home; however, walking a little bit at a time, no, he may not do so.

The Gemara asks: What is the reason for this? Since, when walking in the usual manner, he has no conspicuous reminder that it is Shabbat, there is concern lest he come to perform the acts of lifting and placing by stopping to rest on his way home. The Gemara asks: Ultimately, when he reaches his home, it is impossible that he will not stop and stand a bit, and at that point, he will have performed the prohibited labor of carrying the package from the public domain into the private domain of his house. The Gemara answers: This is referring to a case in which he does not place the package in the typical manner when he reaches his home. Rather, he throws it down in an unusual manner. Since he did not perform the action in the typical manner, it is not prohibited by Torah law.

With regard to the topic of driving a donkey on Shabbat, the Gemara cites that which Rami bar Hama said: With regard to one who drives his laden animal on Shabbat, if he does so unwittingly, he is liable to bring a sin-offering, and if he does so intentionally, he is liable to be executed by stoning. The Gemara asks: What is the reason for this ruling? Rava said that the verse states: "You shall not perform any manner of labor, neither you ... nor your animal" (Exodus 20:10). From this he derived: His animal is similar to himself; just as he, if he performed a prohibited labor on Shabbat unwittingly, he is liable to bring a sin-offering, and if he did so intentionally, he is liable to be executed by stoning, so too, if he performed a prohibited labor by means of his animal, if he did so unwittingly, he is liable to bring a sin-offering, and if he did so intentionally, he is liable to be executed by stoning.

Rava said: There are two possible responses with which this statement can be rejected. One is, as it is written: "You shall have one law [Torah] for him that does unwittingly... and for the proselyte who resides among them. But the soul that does with a high hand, whether he be home-born or a stranger, he blasphemes the Lord; and that soul shall be cut off from among his people" (Numbers 15:29–30). This verse is referring to one who worships idolatry unwittingly. The entire Torah is juxtaposed to idolatry, and from that juxtaposition it is derived: Just as in the case of idolatry one is liable only when he performs an action with his body,<sup>N</sup> i.e., himself, here too, in the case of Shabbat, he is liable only if he performs an action with his body, i.e., himself. He is not liable for an action performed by his animal.

And furthermore, with regard to the statement that if he drove the laden donkey he is liable to be executed by stoning, we learned in a mishna that enumerates those who are executed by stoning: One who desecrates Shabbat<sup>H</sup> by performing a matter that for its unwitting performance one is liable to bring a sin-offering, and for its intentional performance one is liable to be executed by stoning. By inference, there is another matter, another prohibition, that for which its unwitting performance one is not liable to bring a sin-offering, and for which its intentional performance one is not liable to be executed by stoning.

And what is that Torah prohibition? Is it not the prohibition of driving a laden animal?<sup>N</sup> Apparently, driving a laden animal and other labors performed by means of animals on Shabbat are not punishable by stoning, even though they are prohibited by Torah law. The Gemara rejects this second proof. No, this is not necessarily so. It is possible that the mishna is referring to the prohibition of Shabbat limits, and it is in accordance with the opinion of Rabbi Akiva, who holds that it is a Torah prohibition but that one is neither liable to bring a sin-offering for violating it unwittingly, nor is he liable to be executed by stoning for violating it intentionally. And likewise, it may refer to the prohibition of kindling a fire on Shabbat in accordance with the opinion of Rabbi Yosei, who holds that it is not punishable by stoning but by lashes, like other prohibitions.