Chavruta
Eiruvin – Daf Nun Vav

Translated by: *Rabbi Dov Grant*
Edited by*: R. Shmuel Globus*

[The Gemara is puzzled: Do you mean **to say that vegetables are good** for you?

But it was taught in a Baraita: **Three** things have the following negative effects on a person's health: they **increase** the amount of **excrement** he excretes, they **bend over the height** of the person **and** they **take away 1/500 of his eyesight. And these are they—]**

coarse bran-bread, new beer and vegetables.

This is not a difficulty.

That which Rav Huna taught, that vegetables are beneficial for the body, **is referring to garlic and leeks.**

Whereas **this** Baraita **is referring to other vegetables.**

For it was taught in a Baraita**: Garlic is a vegetable** and is beneficial. ***Kereishin* is half a vegetable** and is damaging to the body. When **a radish appears** on the table, then **a life**-giving **drug has appeared.**

The Gemara poses a difficulty: **But surely it was taught** in a Baraita: When **a radish appears** on the table, then **a death**-inducing **drug has appeared!**

The Gemara answers: **This is not a difficulty.**

Here, in the latter Baraita, it **is dealing with** the **leaves** of the radish, which are difficult to digest.

Whereas **here,** in the first Baraita, it **is dealing with the roots,** i.e. the radish itself**,** which is like a life-giving drug.

Further, **here** in the first Baraita, it **is dealing with** eating radishes during **the summer,** when they help the body to cool off.

Whereas **here** in the second Baraita, it **is dealing with** eating radishes during **the winter**, when the cooling effect is detrimental.

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Rav Yehudah said in the name of Rav: Any town that contains steep **inclines and** sharp **descents** is detrimental for its residents. They, the **men and animals** residing **in it, die within half their** allotted **lifespan** from the excessive exertion this causes.

The Gemara clarifies the statement. **Do you think** that it literally means that **they die?** It cannot be that the exertion has such a detrimental effect.

Rather, say: They the residents **age** i.e. their strength weakens **halfway through their lives.**

The Gemara supports the statement. **Rav Huna, the son of Rav Yehoshua, said: Those inclines** and descents between the two towns **of Bei Biri and Bei Narash caused me to age** prematurely.

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The Rabbis taught in a Baraita: **One who comes to make it square,** referring to the Shabbat boundaries of a town, **should square it according to the 'square of the world'**

i.e. the points of the compass**.** This means that **he should ensure that its north is to the north of the world, and that its south is to the south of the world.**

And your markings to determine the worldly directions are in the heavens. That is, he should align the town boundaries according to the following constellations: The **Calf** Taurus that **is in the north, and the Scorpion** that **is in the south.**

Rabbi Yose says: If he does not already **know** how **to make it** the town boundaries **square according to the 'square of the world',** then **he should square it according to the** passage of the sun at the turning points in its **cycle,** (known as solstices and equinoxes)**.** This too will align the boundaries according to the directions of the compass.

How can the passage of the sun at the solstices indicate the points of the compass?

The course upon which the **sun goes out on** the **long**est **day and sets on** the **long**est **day** (the summer solstice), **is 'the face of' the north.** For at that time, the sun rises in the northeast and sets in the northwest. (At night it continues its northward path, rising again in the northeast). As the days progress from the summer to the winter solstice, the sun rises each day slightly more southwards. From the winter solstice to the summer solstice, the sun returns and rises each day slightly more northwards.

The course upon which the **sun goes out on** the **short**est **day and sets on** the **short**est **day** (the winter solstice), **is the 'face of' the south.** For at that time, the sun rises in the southeast and sets in the southwest.

And the course of the sun is exactly east to west at **the turning point of its cycle** at **Nissan** (the spring equinox) **and the turning point of its cycle** at **Tishri** (the autumn equinox). At these times day and night are equal, (hence: 'equinox') and **the sun rises in the middle of the east**ern side of the sky **and sets in the middle of the west**ern side of the sky.

Perek 5 – 56a

All of this is contained in the words of Kohelet[1] (1:6), **as it says** about the sun: **"It goes to the south, and circles to the north".**

The Gemara analyzes the verse.

"It goes to the south" – in the day. For every day of the year the sun also travels in the south. This is true even at the summer solstice, when the sun rises in the northeast and sets in the northwest. For after the sun rises in the northeast, it turns to the south until midday and then turns to the north until it sets in the northwest.

"and it circles to the north" – at night. In the summer, the sun rises and sets in the northern side of the sky. In the night, we therefore regard the sun as if it is 'circling' the north.

The verse in Kohelet continues:

"The desire of the sun **is to circle around and travels" – this** means **the 'face of' the east and the 'face of' the west.**

That **sometimes,** i.e. during the long summer days, **it** the sun '**travels'** through **them** in the following manner.

From sunrise in the northeast it travels in a southerly direction until midday. This is the path of the sun through 'the face of the east'. Correspondingly, the sun travels after midday from the south to set in the northwest. This is the path through 'the face of the west'.

[1] Ecclesiastes

Perek 5 – 56a

And **sometimes,** i.e. during the winter nights, **it (**the sun) not being seen, is said to **'circle around' them** the east and west 'faces'.

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Rav Mesharshiya said: Those principles are not valid**. For it was taught** in a Baraita: **The sun never rose from the northeast corner** of the sky, **and set in the northwest corner. And it did not** ever **rise from the southeast corner and set in the southwest corner.**

By way of introduction:

There are four days that are turning points, evenly spaced out, within the solar year of three hundred and sixty five days and six hours. Two are known as solstices and two as equinoxes, as mentioned above. Each day starts off one of the four seasons: spring, summer, autumn and winter.

The spring equinox is called 'the turning point of its cycle at Nissan'. The summer solstice is called 'the turning point of its cycle at Tammuz'. The autumn equinox is called 'the turning point of its cycle at Tishri". The winter solstice is called 'the turning point of its cycle at Tevet'.

Each season consists of ninety-one days and seven and a half hours, or thirteen weeks and seven and a half hours. Thus the next season always starts off seven and a half hours later in the day than the last season started.

The year consists of fifty-two weeks, one day and six hours. Thus the new solar year always starts off one and a quarter days later than the start of the previous year. In terms

of hours, the New Year always starts off six hours, or a quarter day, later in the day than the previous year.

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Shmuel said: The sun was put into the sky in Nissan, at the *beginning* of the night of the fourth day of Creation. **The turning point of the cycle at Nissan** (the spring equinox) therefore **only falls at the** start of the **four quarters of the day.** For, as we said, in terms of the time of day, the New Year always starts off a quarter day later than the previous year. Thus the first year started at the beginning of the night, the next year at the beginning of the second quarter of the night, the third year at the beginning of the third quarter, and so on.

Thus, the spring equinox falls **either at the beginning of the day, or at the beginning of the night, or at midday or at midnight.**

And it follows from this, that we can state a rule for the next season of Tammuz. For, in terms of hours, each season starts off seven and a half hours later than the previous season (as above). Therefore, **the turning point of the cycle at Tammuz** (the summer solstice) **only falls either at one and a half** hours**, or at seven and a half** hours, **day or night.**

And the turning point of the cycle at Tishri (the autumn equinox) **only falls** seven and a half hours after the summer solstice, **either at three hours or at nine hours, day or night.**

And the turning point of the cycle at Tevet (the winter solstice) **only falls either at four and a half** hours **or at ten and a half** hours, **day or night.**

Perek 5 – 56a

And between the turning points there is exactly ninety-one days and seven and a half hours.

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Before continuing with Shmuel's statement, the following introduction is necessary:

There are seven celestial bodies that exert influence during an hour of the day, one after the other, in a repetitive cycle. These are: the sun, the moon and the five planets[2]. Their order of influence is: Mercury, the moon, Saturn, Jupiter, Mars, the sun and Venus.

Thus, Mercury exerts influence in the first hour of the week, upon the departure of Shabbat. Then the moon follows in the next hour, followed by Saturn, etc. In the eighth hour, the cycle repeats itself, starting again with Mercury. The thirteenth hour, which is the first hour of daylight on Sunday morning, starts with the sun.

According to this calculation, the celestial bodies exert influence in the first hour of daylight of the days of the week in the following order: Sun, moon, Mars, Mercury, Jupiter, Venus and Saturn (known as *Shabbetai*, similar to the word Shabbat, which exerts an influence of rest on the Shabbat).

Correspondingly, the order of influence at the start of the nights of the week is as follows: Mercury, Jupiter, Venus, Saturn, sun, moon and Mars.

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We now return to Shmuel's statement:

[2] In classical astronomy, Earth is not considered a planet, rather as the center of the system. The other bodies are seen as orbiting around Earth. Furthermore, the outermost planets recognized by modern astronomy are not spoken of.

Perek 5 – 56a

And from the above it follows that **a turning point of the sun's cycle,** in terms of its position in the cycle of celestial bodies, **only extends** i.e. differs **from its adjacent turning point by half an hour.**

For we stated above that between the turning points of the sun's cycle there is ninety-one days and seven and a half hours. Ninety-one divides exactly into thirteen weeks, each week starting with the same celestial body of influence. After another seven hours, the cycle returns to that same body. There now remains half an hour. This represents the difference between the start of the seasons in relation to the cycle of celestial bodies.

By way of illustration, let us say that the first Nissan season, which began the night of the fourth day of Creation, started at the beginning of the hour of influence of Venus. Then the next season of Tammuz began half an hour through the hour of influence of Venus. The following season of Tishri began half an hour later at the start of the hour of influence of Saturn. Then the following season of Tevet began half an hour later through the hour of influence of Saturn. The following season of Nissan, starting off the second year of Creation, began at the start of the hour of influence of the sun.

And Shmuel further **said:** When **the turning point of the cycle at Nissan** (the spring equinox) **falls at** the hour of the influence of **Jupiter,** it **always breaks the trees.**

And when **the turning cycle at Tevet** (the winter solstice) **falls at** the hour of the influence of **Jupiter,** it **always dries out the seeds.**

But this is only true **when** the **time of the new moon** of Nissan or Tevet occurs **either at** the hour of the influence of **the moon, or at** that of **Jupiter.**

Perek 5 – 56b

Ammud Bet

The Rabbis taught in a Baraita: **One who wants to make it square,** referring to the boundaries of a round town**,** in order to calculate the Shabbat boundaries, first he **makes it like a square tablet.** He makes a square around the circle of the town.

The Gemara will later conclude, based on the following calculations, that the Baraita is speaking of a town whose diameter is two thousand *ammot*.

And when he wants to measure the extent of the Shabbat boundary, **he repeats** the process **and squares the** four **boundaries** of the town. Each side of the squared town's boundaries extends outwards two thousand *ammot*. **And he makes them** the town boundaries **like a square tablet.** That is, each side of the town forms the side of another

square, extending outwards two thousand *ammot*. Thus the town is now surrounded by four squares. (see illustration[3])

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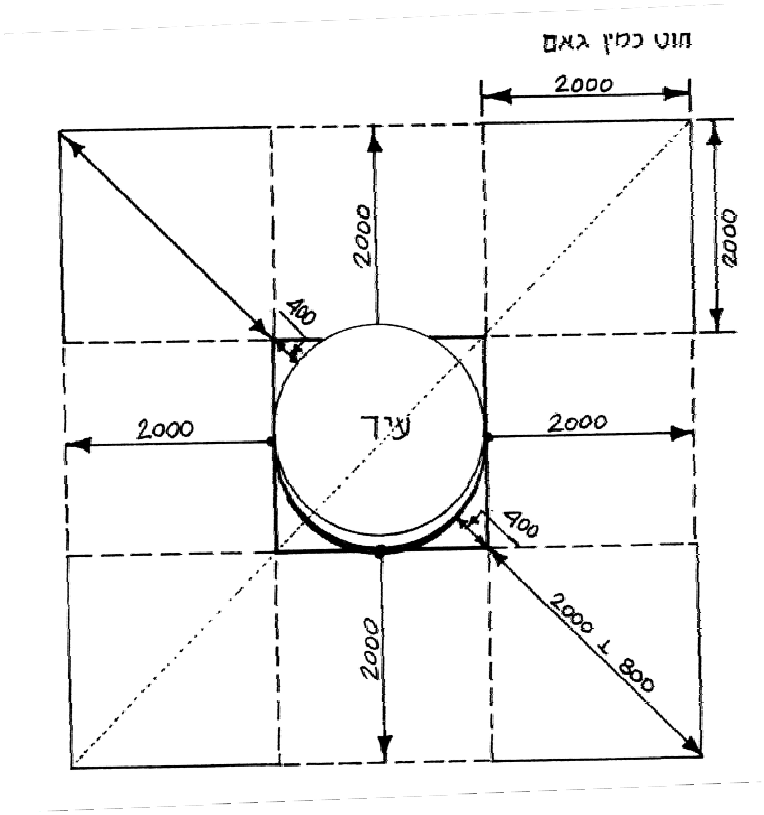
The Baraita now calculates the extent of the Shabbat boundary at the corners of the town.

And therefore **when he measures** the line of two thousand *ammot* from the line of the squared town boundary, **he should not measure** it **from the middle of the corner** from each side. That is, he should not measure **two thousand *ammot*** diagonally from each corner, and connect the four diagonals with a line, thus forming a square. **For** by measuring out a two thousand diagonal at each corner **he will lose out** at each of **the corners.**



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Perek 5 – 56B

Rather, he should bring a hypothetical **square plate** for each of the four corners, **which is two thousand by two thousand *ammot*** in measure. **And** then **he should place it at the corner** of the squared town boundary **at its** the plate's **diagonal.** Meaning: A plate is placed at each corner of the town in a way that its diagonal lines up with the diagonal of the town, to make one straight line. This is the maximum extent of the Shabbat boundary at the town corners.

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The Baraita now calculates the measurements of the Shabbat boundary.

We mentioned above that our Baraita is dealing with a town whose diameter is two thousand *ammot*. Once its boundaries have been squared, each side of the square is equal to the diameter/diagonal of the original round town, i.e. two thousand *ammot*.

There is a principle that the diagonal of a square is 40% longer than one of its sides. Hence, the diagonal of this squared town is eight hundred (two thousand x 40%) *ammot* more than the diameter/diagonal of the original round town boundaries. This totals two thousand eight hundred *ammot*.

In addition, the Baraita required the Shabbat boundary to be measured with four squares of two thousand *ammot*. The diagonal of each square is then situated at each of the corners of the squared town boundary. Each diagonal also measures two thousand eight hundred *ammot*. All four diagonals are then connected with a line to form the square boundary of the Shabbat boundary.

Therefore **it follows** that, by measuring with a diagonal of its squared boundaries, **the town** itself **gains** a total of eight hundred *ammot*: **Four hundred *ammot* here** at one corner**, and four hundred *ammot* there** at the other corner**.**

Perek 5 – 56b

It also **follows** that, by extending a diagonal of the town at one corner with another diagonal, the size of **the** town's **Shabbat boundary gains eight hundred *ammot*** extending from **here** at one corner, **and eight hundred *ammot*** from **there** at the other corner.

In summary **it follows** that **the town and** its **Shabbat boundary gain** a total of **twelve hundred** *ammot* **here and twelve hundred there.**

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Abaye said: And you find that **it,** this calculation of the Baraita, applies **in** the case of **a town that is two thousand by two thousand** *ammot***.** This is a round town with a diameter of two thousand *ammot*, whose boundaries have been squared.

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It was taught in a Baraita: **Rabbi Eliezer the son of Rabbi Yose said: The boundary of the** Scriptural **Levitical towns,** which contained additional land around the actual town limits, **is two thousand *ammot*** from each side.

Part of this extended boundary was given to the Levites to be kept as an open area, unsettled and uncultivated, in order to beautify the town. The rest of the area within the boundary was used for fields and vineyards.

Exclude from them, from the two thousand *ammot*, **one thousand *ammot*** for an **open area.**

Perek 5 – 56b

The Baraita now concludes: **It** therefore **follows** that the **open area is a quarter** of this extended boundary of the Levitical towns (as will be explained), **and the rest** can be used for **fields and vineyards.**

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The Gemara asks: **From where** in Scripture **are these words** derived? From what verse do we learn that the open space is only a quarter of the extended boundary?

Rava said in answer: **For the verse** (*Bamidbar*[4] 35:4) **states** regarding the measurement of this open area: **'From the wall of the town and outwards – a thousand *ammot* around'.**

With this, **the Torah** has **stated** by way of command: **Surround the town with a thousand** *ammot* of open space.

It follows that the **open area is a quarter** of the extended boundary.

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The Gemara is puzzled by this. Does the open area of a thousand represent only **a quarter** of two thousand**?** Surely **it is a half** of two thousand**!**

Rava said in clarification**: Bar Addah, the town boundary measurer, explained it to me: You find** that **it,** this calculation, applies **in** the case of **a** Levitical **town that is two thousand by two thousand** *ammot.*

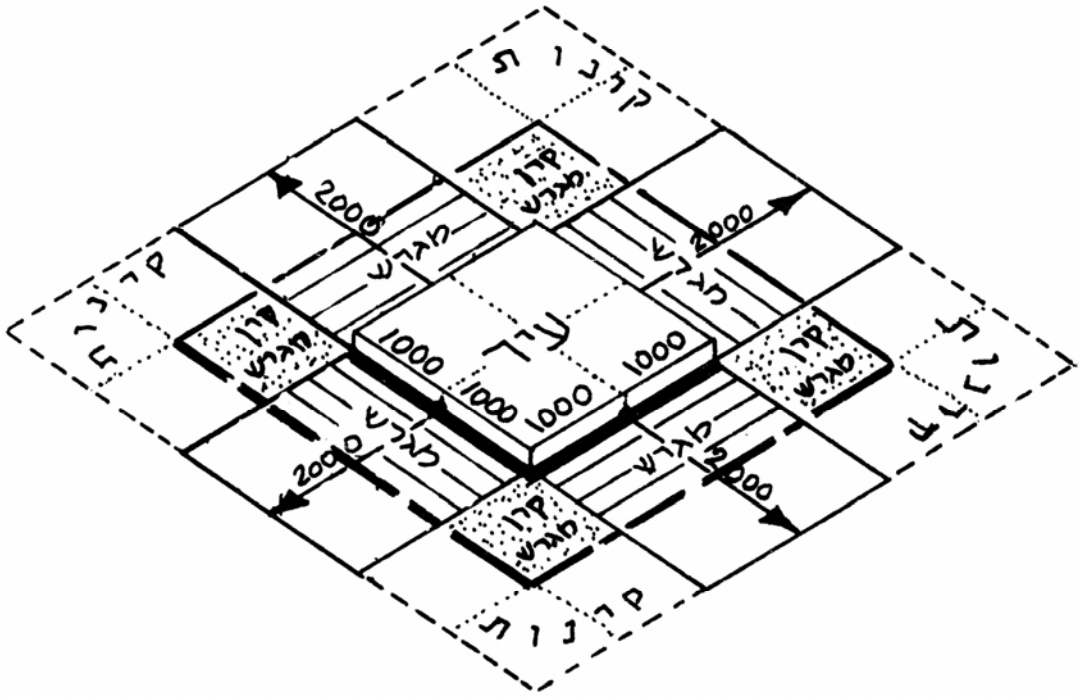
The Gemara now explains: In such a case**, how much is the** extended **boundary of the town? Sixteen** squares, each measuring a thousand by a thousand *ammot.*

[4] Numbers

This is because a square area of two thousand by two thousand *ammot* lies on each of the four sides of the town. This yields four squares of a thousand by a thousand *ammot* for each side of the town. This results in a total of sixteen squares around the town.

However, this does not represent the full measure of the extended boundary of the town. For, as we learnt in the Baraita above, the boundary needs to include an area of two thousand by two thousand *ammot* outside the four corners of the town as well (see illustration[5]). This yields four squares of a thousand by a thousand *ammot* for each corner of the town.

Therefore, **how many** squares measuring a thousand by a thousand **are** contained at all **the corners? Sixteen.**



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Therefore, the total area of the extended boundary is thirty-two squares of a thousand by a thousand *ammot.*

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Rava proceeds to calculate the one thousand *ammot* wide area of the open area of the town.

Subtract eight squares of a thousand by a thousand *ammot* from the total thirty two squares **of the boundary.** The eight is the sum area total of the one thousand *ammot* open area along the two thousand *ammot*-long side of the town, multiplied by four (for the four sides).

And in addition to these eight squares there are **four** more squares **of the corners** that lie between the four strips of open area.

Therefore, **how much is it** the total amount of the open area**? Twelve** squares of one thousand square *ammot.*

Thus, this is the amount of the open area that was referred to by Rava as being a quarter of the total boundary.

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The Gemara is not satisfied with this clarification of Rava's statement.

Is it true that **the open area,** with this measure, really **comes out to be a quarter** of the total area of the boundary?

Perek 5 – 56b

Surely **they**, the twelve squares of a thousand square *ammot*, **are more than a third** of the total of thirty two squares**!**

The Gemara answers: The quarter measure of open area mentioned by Rava was said in reference to an area that also includes the town (i.e. another two thousand by two thousand *ammot*).

Therefore, **bring** the **four** squares **of the town and 'throw' onto them** i.e. add them to the thirty-two squares of the boundary area. This is now a total of thirty six *ammot.*

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The Gemara is puzzled.

Still, the **twelve** squares of open area **is a third** of thirty six, and not a quarter!

The Gemara answers: **Do you** really **think** that **he** Rava **was speaking about a square** town when he was explaining the Baraita?

Really, **he was speaking about a round town.**

Thus the open area around the town is calculated as a circle, not as a square. This yields a smaller area than if the open area were a square. It is this smaller area that is a quarter of the boundary area (which itself is measured as a square).

The Gemara now calculates how much this smaller, circular open area is. It does this by referring to the known square open area.

Perek 5 – 56b

The open area as a square contains the circle within it and the extra area between the circle and the square, which can be called 'the differential'.[6]

If we take our previous calculation of the open area as a square (i.e. twelve squares) and subtract the known differential of the area of a square over its circle, we will arrive at the area of the open area as a circle.[7]

The Gemara now proceeds to state how much this differential is: **How much is** the area of **a square** that surrounds a circle **more than the circle** that is within it**?** I.e. what is the measure of the differential? **A quarter** of the square**.**[8]

In our case, the open area as a square is equal to twelve.[9]

If we now **subtract** this differential, which is **a quarter** of the square **from it,** i.e. from the square of twelve, then **nine are left** as the amount of the circular open area.[10]

And the **nine** squares of a thousand square *ammot*, which make up the open area, **out of** the total of **thirty six** squares**,** which make up the total area of the town and its boundary, **is a quarter.**

Thus we have clarified that when the Baraita above stated that the open area of the Levitical towns was one quarter, it was in respect to the total area of the town and not in respect to the area of the boundary alone, as initially thought.

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[6] Expressed mathematically: If s=square; d=differential and c=circle, then the equation is: s=c+d.
[7] Mathematically: c=s-d.
[8] Mathematically: d=1/4 x s
[9] Mathematically: d=1/4 x 12= 3
[10] Mathematically: c=s-d=12-3=9

Perek 5 – 56B

Abaye said: You find it, the application of the case of the Baraita, **also in a town that is a thousand by a thousand** *ammot*.

For regarding the area of the **boundaries** of the sides of such a town, **how much are they? Eight** i.e. two on each side. For each side extends out a thousand *ammot* over a length of two thousand *ammot*.

Regarding the **corners** that are between the extended boundaries of the sides, **how much are they** together**? Sixteen** squares of a thousand square *ammot*.

Chavruta
Eiruvin – Daf Nun Zayin

Translated by: *Rabbi Avraham Rosenthal*
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We find that the entire area of the town's boundary (not including the town itself), is eight squares, each square being one thousand by one thousand *ammah*[1], plus the additional sixteen squares of the corners, making a total of twenty-four.

In order to calculate the open area, **subtract** from this: the **four** squares of one thousand by one thousand *ammah* **of the boundary** which are set aside for the open area around the town, **and** an additional **four** squares **of** the four **corners** around the town which make up the open area.

How many squares of the open area **are there** all together**? Eight.**

The Gemara asks: If so, eight out of twenty-four **is a third** and not a quarter.

The Gemara answers: **Do you think** that regarding a town shaped **as a square,** Abaye **was speaking?**

This is not true.

Rather, **regarding** a town shaped as **a circle,** Abaye **was speaking.** And as discussed earlier, the boundary of the town is measured in a square, whereas the open area is measured as a circle around the town.

And this is the calculation:

How much is a square larger than a circle? A quarter.

[1] 1 ammah: 18.7 in., 48 cm

Perek 5 – 57a

Subtract a quarter from the eight squares of the open area (because we made the calculations as if the town were square.)

Six squares **are left.**

And six from twenty-four is a quarter.

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The Gemara brings a disagreement between Ravina and Rav Ashi regarding the open area (*migrash*), which, as stated on the previous daf, is a quarter of the total extended boundary of the Levitical towns. Both Ravina and Rav Ashi explain the measurement of a quarter in a case of a town that is two thousand *ammah* in diameter, as on the previous daf. But they calculate the quarter differently than was done on the previous daf:

Perek 5 – 57a

Ravina said: What is a quarter? We will calculate the open area without its corners, and is therefore eight squares, two on each side, which is a **quarter of the** entire **boundary** including the corners (see illustration[2]).

This is as we calculated earlier, that all together there are thirty-two squares (not counting those of the town) and therefore the eight squares of the open area are a quarter of them.

Rav Ashi said: What is a quarter? A quarter of the corners.

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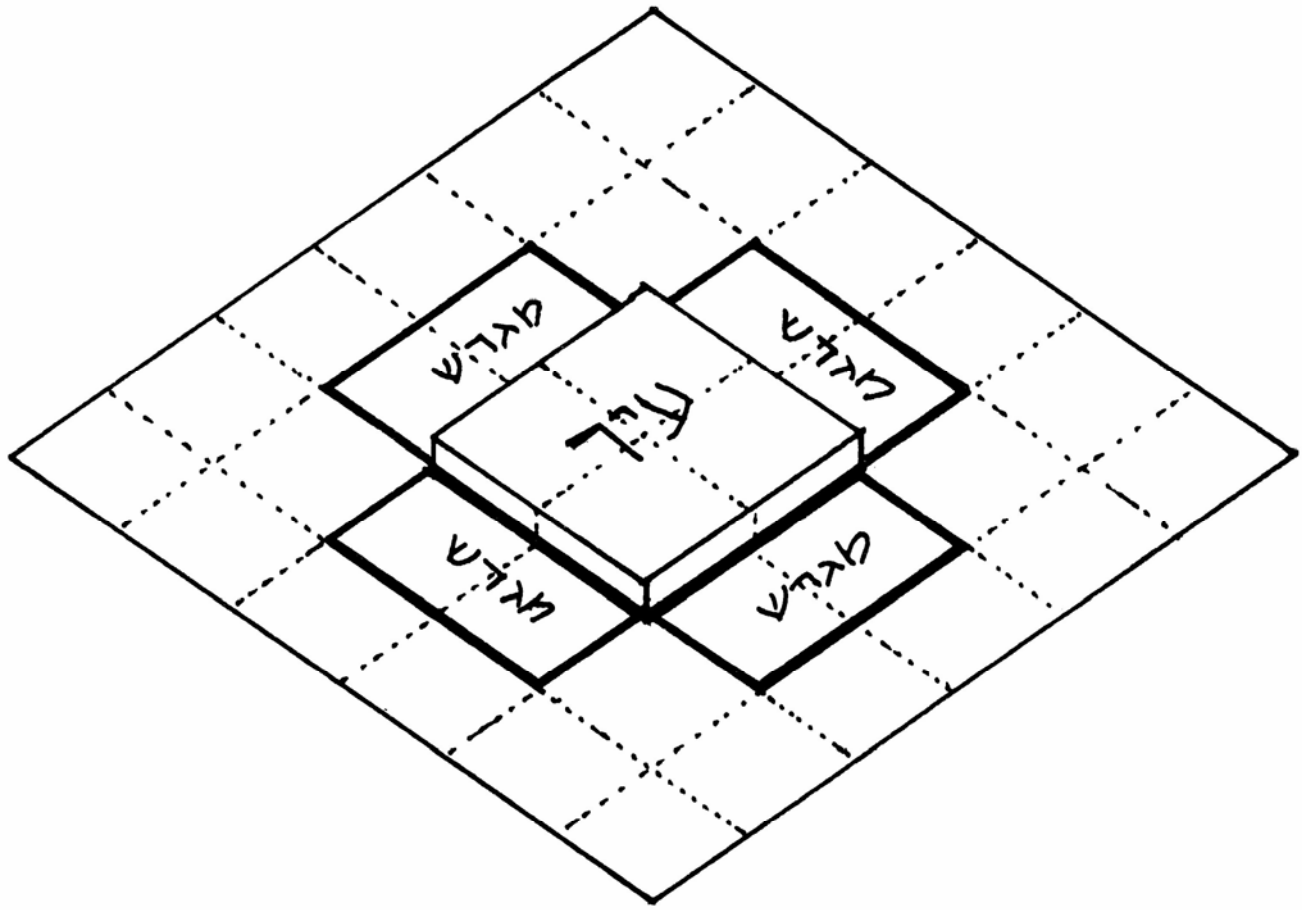

Meaning that the open area in the corners, which was one square of one thousand by one thousand *ammah*, is a quarter of the corner of the total boundary, which is four squares (see illustration[3]).

Said Ravina to Rav Ashi: But note that regarding the open area, the word **"around" is written,** so how do you calculate only the quarter of the corners?

Rav Ashi answers: **What is "around"?** The open area is **around the corners.**

Because if you do not say this, i.e. if you do not agree with me that the corners alone are considered "around," you will have a difficulty:

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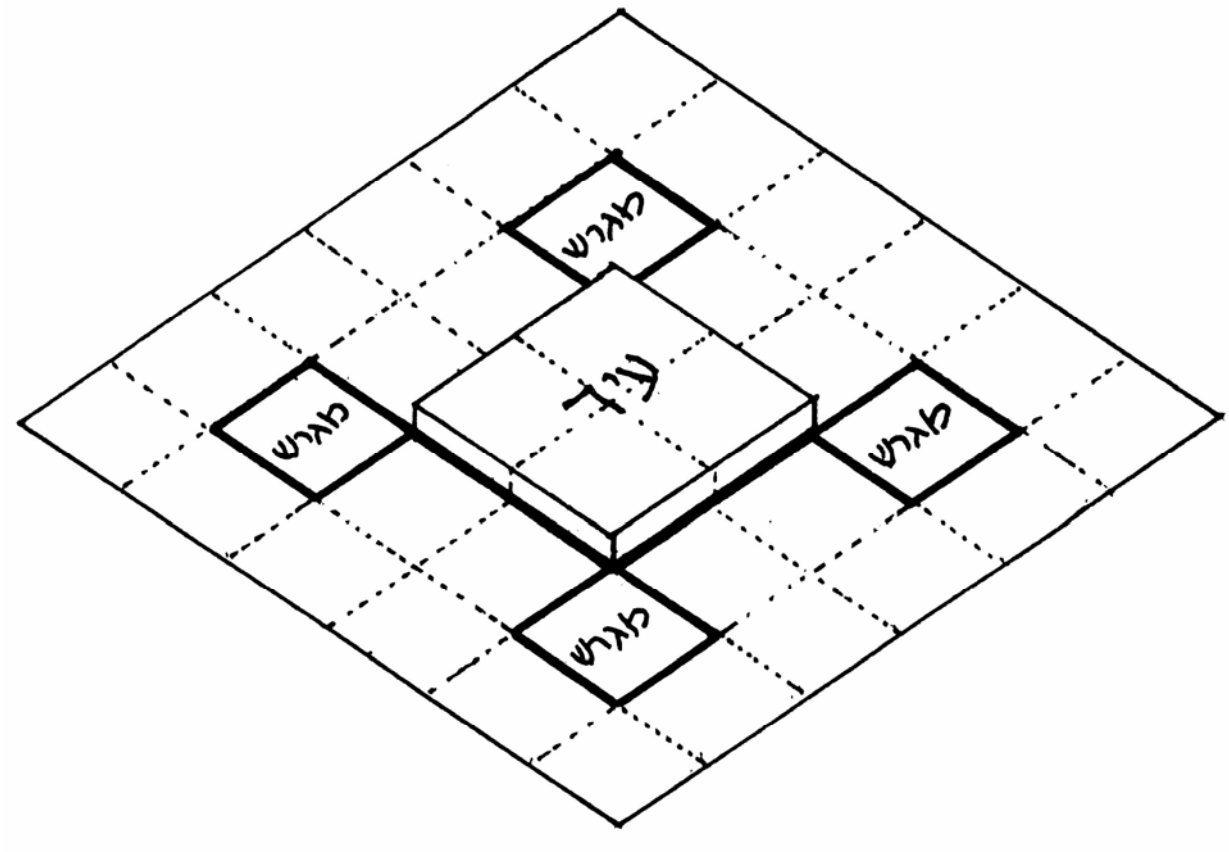

Perek 5 – 57a

Regarding a burnt offering, **that it is written about it** (*Vayikra*[4] 1:5)**, "And they throw the blood around."** Will we say **also here** that he needs to throw the blood **actually around** the entire Altar? We know that the cohen needs only to throw the blood at the corners of the Altar!

Rather, what is the intention of **"around"? Around the corners** of the Altar.

Here also we will say the same: What is the open area that is **"around** the towns?" **Around the corners** of the town.

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Said Rav Chavivi of Mechoza to Rav Ashi: According to what was stated earlier, that the open area is a circle around the town, whereas regarding the boundary, we square the town, the area of the open area is lessened.

Because **note that there are the protusions of the corners.** Meaning, the corner of the town protrudes into and detracts from the circle of the open area around the town.

Rav Ashi said to him: Here we are dealing **with a round town,** which does not have corners.

The Gemara is puzzled: **But note that they squared it,** the town. Thus even if it is round, the corners of the square detract from the round open area around the town.

The Gemara answers: **Where do we say** that **we view** the round town **as if it was squared?** That is only in regards to measuring the Shabbat boundary.

But to **actually square it,** so that the squares will detract from the open area of the Levite towns, **do we square it?**

[4] Leviticus

Perek 5 – 57a

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Said Rav Chanilai of Mechoza to Rav Ashi: The statement that was made earlier— that by squaring the town, the size is increased by eight hundred *ammot*— is incorrect.

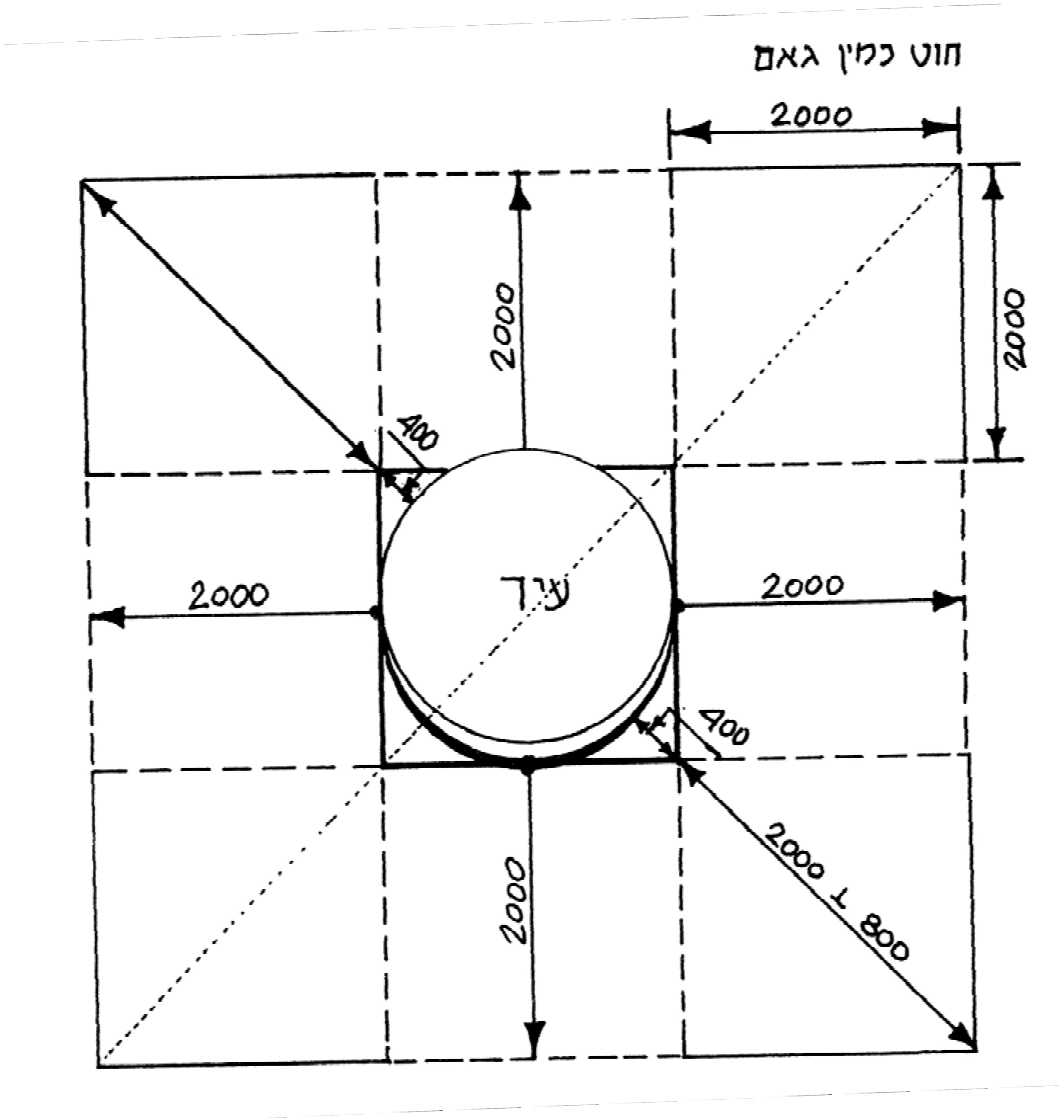
Let us see: How much is a square larger that a circle? A quarter. This quarter is an "outside" quarter. Meaning, that the additional area is 25% of the square attained. I.e. a quarter of the total.

But if this would be made as an "inside" calculation, the part outside the circle is only one third of what is inside the circle.

Therefore, **these eight hundred** *ammot* which are supposedly gained along the length of the diagonal line outside the circle (see illustration[5]), it is not eight hundred *ammot*!

Since the diagonal portion outside the circle is only an inside third of two thousand *ammot*.

This is because the diameter of the circle is two thousand *ammot*. Therefore, the diagonal of the square, which is one third larger, **is** only **six hundred sixty-seven minus a third** *ammah* more.



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Said to him Rav Ashi: This rule that a square is larger than a circle by an "outside" quarter, which is an "inside" third, **these words** are relevant **with** an *area or circumference* of a **circle in a square.**

But with a calculation based on the length of its **diagonal, more is needed.**

For the Master said: Every *ammah* in a square is an ***ammah* and two-fifths in the diagonal** of the square. Thus the diagonal is larger than the side of the two-thousand *ammah* square by forty percent, and is eight hundred *ammah*.

MISHNAH

We place a *karpeif* around **the town,** i.e. before we start counting the 2000 *ammah* of the Shabbat boundary of the town, we first add around the town an area of seventy and two-thirds *ammah*, which serves the town as an open area. (This is not the same *karpeif* spoken of earlier in the tractate, which serves as a storage area.)

And they measure the Shabbat boundary of the town from the end of the *karpeif*. These are the **words of Rabbi Meir.**

And the Sages say: They the earlier Sages who established the Halachot of *eiruvin* **did not say** that they place a ***karpeif*** around the town in order to widen its area, and to measure the boundary from there.

Rather, we only place a *karpeif* **between two towns** in order to make them into one for the purpose of measuring the boundary.

Perek 5 – 57a

For if there are two towns close to each other, **if this one has seventy *ammah* and a fraction** (two-thirds of an *ammah*) around it, **and that one** has **seventy *ammah* and a fraction** around it, the ***karpeif*** around the towns **makes both of them to be one** town.

And similarly, three villages which form a line with three points are judged in this way: **If there is** a distance **between the two outer** villages of **one hundred and forty-one and a third** *ammah*, which is the distance of two *karpeifim*, the **middle** village **makes the three of them to be one.** This will be explained in the Gemara.

GEMARA

It was stated in the Mishnah: We place a *karpeif* around the town… these are the words of Rabbi Meir.

From where do we know **these matters** to be true**?**

Said Rava: That the **verse said** regarding the boundary of the Levite towns (*Bamidbar*[6] 35:4), "And you will measure **from the wall of the town and *outward*** two thousand *ammah*."

Said the Torah: First **place an "outward"** area around the town. Meaning, a *karpeif* which is designated for all the activities done outside the town. **And** only **afterwards measure** from it the two thousand *ammah*.

[6] Numbers

Perek 5 – 57a

It was stated in the Mishnah: **And the Sages say: They** the earlier Sages **did not say** that they place a ***karpeif*** around the town in order to widen its area… **rather,** we only place a *karpeif* **between two towns** in order to make them into one for the purpose of measuring the boundary.

It was said in a statement of Amoraim: **Rav Huna said:** According to the Sages, **they place a *karpeif* for this** one**, and a *karpeif* for that** one.

Chiya bar Rav said: They place **one *karpeif* for both** of them in order to connect them.

The Gemara raises a contradiction to Rav Huna: Note that **it was taught** in our Mishnah: **And the Sages said: They did not say** that they place a ***karpeif*** except **between two towns.**

The expression "*karpeif*", which is singular, indicates that they place only one *karpeif*.

This is a **contradiction to Rav Huna.**

Rav Huna would **say to you: What is** the meaning of **"*karpeif*"? The law of *karpeif*. And in truth,** we place a ***karpeif* for this** one **and a *karpeif* for that** one.

The Gemara proves this: **It also stands to reason** that Rav Huna is right:

From that which was taught in the latter clause: if this one has seventy *ammah* and a fraction, and that one **seventy *ammah* and a fraction,** the ***karpeif* makes both of them to be one**.

Hear from this a proof that they place two *karpeifim* to connect them.

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Perek 5 – 57b

The Gemara suggests: **Let us say** that our proof from the Mishnah **is a contradiction to Chiya bar Rav**.

The Gemara answers: **Chiya bar Rav** would **say to you:**

AMMUD BET

Note that the latter clause of the Mishnah is not a continuation of the words of the Sages, rather, it is an unnamed Mishnaic statement. **And who**se view **is it** expressing**? It is Rabbi Meir—**whereas I, Chiya bar Rav, was explaining the view of the Sages.

The Gemara raises a difficulty: **If** the latter clause **is Rabbi Meir**'s view**,** why was it necessary to state it?

But note that the words of Rabbi Meir **were** already **taught** in **the first clause**: **They place a *karpeif* for the town.** These are the **words of Rabbi Meir.**

The Gemara answers: It is **necessary** to teach the words of Rabbi Meir both in the first clause and in the latter clause.

Because if I would know Rabbi Meir's position only **from that** first clause of the Mishnah, in which he said that they place a *karpeif* around the town, **I would have said** that they place only one *karpeif*, and even between two towns.

And this is how I would understand it: They place **one** *karpeif* **for one** town, **and** also **one** *karpeif* **for two** towns.

Thus the latter clause **informs us that for two** towns, **we give them two** *karpeifim* according to Rabbi Meir.

And if it would teach us in the latter clause that according to Rabbi Meir we give the two towns two *karpeifim*, I would have said that the reason is **because** the area of **their usage is tight.** In other words, since the two towns are so close, they need extra space between them for their activities.

But there in the first clause, which speaks about one town, the entire area around it is available, and the area of **their usage is not tight.** Thus **I** would **say** we do **not** give it a *karpeif* at all. In fact this is the view of the Sages, and I would think that Rabbi Meir concurs with them.

Therefore, it is **necessary** to teach us that according to Rabbi Meir, they give a *karpeif* to even one town.

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The Gemara raises a difficulty to Rav Huna, from the continuation of the Mishnah:

It was taught in the Mishnah: **And similarly, three villages which form a line with three points; if between the two outside** ones **there is one hundred and forty-one and a third *ammah*,** which is the size of two *karpeifim*, the **middle** village **makes the three of them into one.**

The Gemara infers from this: The **reason** is because **there is a middle** village between the two villages, and we give one *karpeif* to connect it to the village on one side, and another *karpeif* in order to connect it to the village on the other side. Thus, there is only one *karpeif* between each village.

For **note that** if there would **not be a middle** village, we would **not** give two *karpeifim* in order to connect them.

This poses a **contradiction to Rav Huna!**

Rav Huna would **say to you: Note that it was said** in a statement of Amoraim **in relation to this: Said Rabbah in the name of Rav Idi in the name of Rabbi Chanina:**

In our Mishnah, it is **not** speaking of a case that the villages were **really forming a** straight **line with three points** in one row, one after the other.

Rather, the middle village is set off to the side from the two outer ones, forming a triangle, and also the two outer villages which stand in one row are not close to each other (see illustration[7]).

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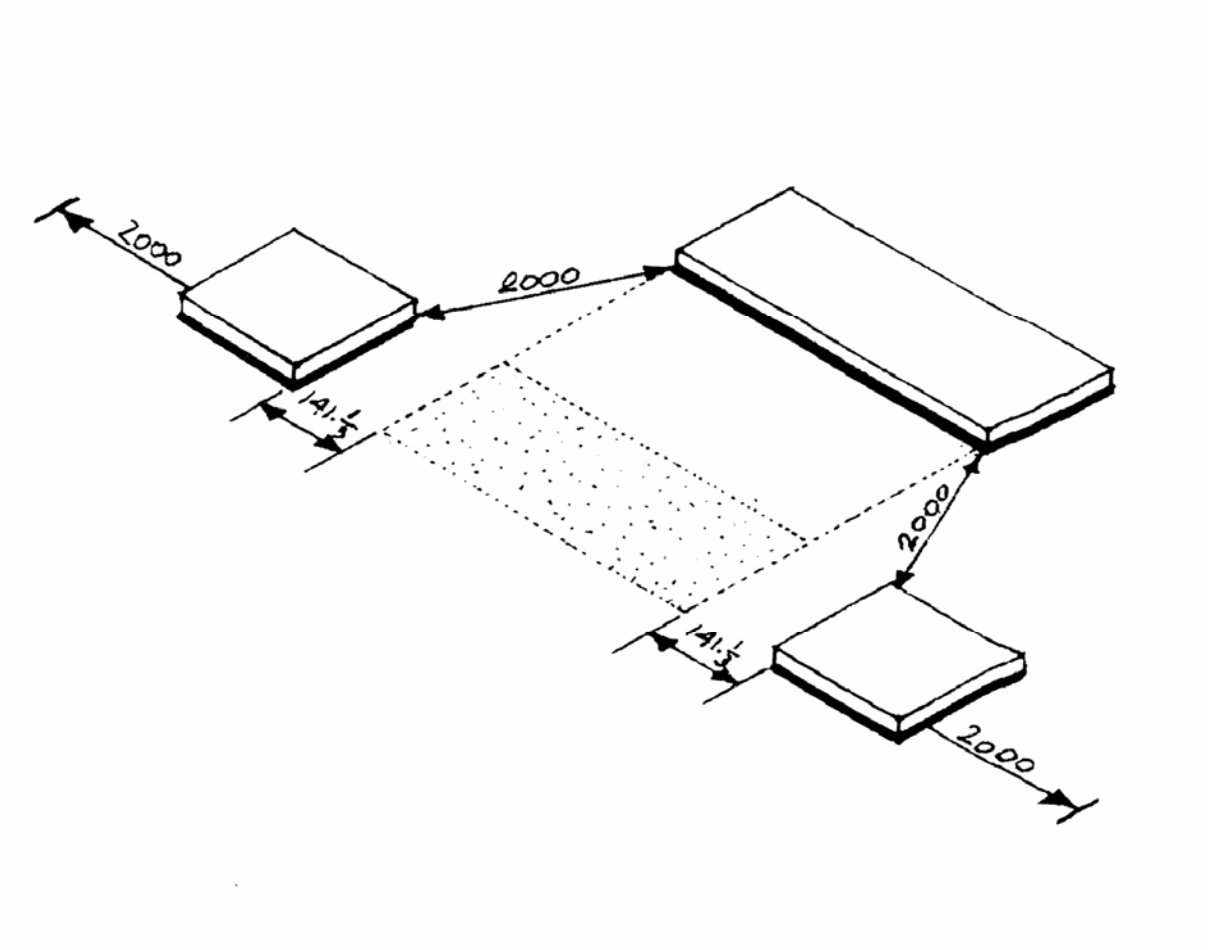

In order to connect them, **"we view" it** as follows: **As long as** I can take the middle village from its place, **and place the middle** village **between them,** the two outer villages. And because of this imagined placement, **they will form a line with three points,** i.e. all three of them will be in one row, close to each other. And the distance **between this** one **and the other** one **is only one hundred forty-one and a third *ammah,*** i.e. this amount is between each village.

In this way, the **middle** village makes the **three of them into one.**

Thus Rav Huna answers that according to the explanation of Rabbi Chanina, two *karpeifim* are indeed placed between each of the villages in order to connect one to the other.

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Said Rava to Abaye: How much is the distance **between** the **outer** village and the actual location of the **middle** village, that we can "view it" as if the middle one stands between the outer ones?

Said to him Abaye: Until **two thousand *ammah***. I.e. the diagonal line drawn from the outer village to the actual location of the middle village is not more than two thousand *ammah*. Since they can travel from one village to another without an *eiruv techumin*,[8] we view the middle village as if it is standing between the two villages.

Said Rava to Abaye: **But note** that **you said** earlier, regarding a town shaped like a bow, that **it stands to reason** that the Halachah **is in accordance with Rava the son of Rabbah bar Rav Huna. That he said:** Even if the imaginary "string" connecting the two ends of the bow is **more than two thousand *ammah*** away from the apex of the bow,

[8] One leaves food outside one's town or residence before Shabbat, within 2000 *ammot*, thus designating the place of the food as one's "Shabbat dwelling". This is done so that on Shabbat, one may walk another 2,000 *ammot* from where one left the food.

the two ends of the bow are still considered one town, and they measure the boundary from the imaginary string.

Abaye dismisses this: **Now**, is this **so?** What is the comparison?

There, regarding the town shaped like a bow, **there are houses** along the entire bow and all the residents can reach the two ends of the bow by way of the town's houses. Therefore the two ends of the bow can be connected even if the imaginary string is more than two thousand *ammah* from the apex of the bow.

But **here,** with the three villages where the middle one is more than two thousand *ammot* out from the outer ones, **there are no houses** by which one can go from village to village.

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And said Rava to Abaye: How much distance **is there between the outer ones?**

Abaye answers: **How much** is the distance, you ask? **What difference is there to you?**

It does not matter, because **as long as** you can **put in the middle** village **between them, and there is only one hundred and forty-one and a third *ammah* between them,** they are one. Everything depends on the width of the middle town.

And Rava asked him: Could the distance between the two outer villages be **even four thousand *ammah*?**

Said to him Abaye: **Yes.** Even if there is a distance of four thousand *ammot* between them, the middle village joins them together as one.

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Perek 5 – 57b

Rava raises a difficulty to Abaye: **But note** that **said Rav Huna: A town that is shaped like a bow; if between its two ends there is less than four thousand *ammah*, they measure from the** imaginary **"string". And if not, they measure from the bow.**

He said to him: There with the town in the shape of a bow, it is different. For we **cannot say: fill** it in. We do not have any way to fill in the area between the ends of the bow.

But **here** with the middle village between the two outer ones, **there is** a way **to say: fill** it in, by using the width of the middle village.

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Said Rav Safra to Rava: Note that the residents of the town **Akistfone, that we measure for them the boundary from this side of** the town **Ardeshir. And the residents of Ardeshir, we measure for them the boundary from this side of Akistfone.** This is because we consider them one town.

How do they do this? **Note** that **there is** the **Diglat** River, **that separates** between them with a space of **more than one hundred and forty-one and a third!**

Rava **went out and showed him** Rav Safra **the sides of the wall** of the town **that spanned** i.e. extended into **the Diglat** River to **within the seventy *ammah* and a fraction** of the extension of the town.

Perek 5 – 57B

MISHNAH

They only measure the Shabbat boundary of the town **with a rope of fifty *ammah*, not less and not more.**

And he the measurer **only measures opposite his heart.** The Sages instituted that the two people measuring the boundary should hold and stretch the rope between them at the level of their hearts, in order to prevent a situation where one holds it opposite his heart and the other opposite his feet, thereby minimizing the boundary.

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If **he was measuring and reached a valley** that is not fifty *ammot* wide; **or to a fence** that fell and is now a pile of rocks that people walk on; there is no need to measure the slope of the valley or pile, rather he **should "span" it.** Meaning, that the measurers should stand on opposite sides of the valley and measure it from above as if it were a plain. With the pile, he should measure from the side of the pile, where the ground is flat. **And** then the measurer **returns to his measuring.**

The Gemara explains "and returns to his measuring" as follows: If the valley is wider than fifty *ammot* and the measurer cannot "span" it by measuring from above, he should move to the side outside the town to a point where the valley's width is less than fifty *ammot*, and there he "spans" it. Afterwards he returns to his measuring opposite the town.

And similarly if **he reaches a hill. He spans it and returns to his measuring.**

Chavruta
Eiruvin – Daf Nun Chet

Translated by: *Rabbi Avraham Rosenthal*
Edited by*: R. Shmuel Globus*

And provided that he does not go out of the boundary in order to span the valley.

Rashi brings two explanations.

The first explanation:

The width of the valley at the point directly opposite the town went beyond the Shabbat boundary. However, its width gradually narrowed until it no longer went beyond the Shabbat boundary, but at a point no longer directly opposite the town (although still within the Shabbat boundary of the town).

The measurer has two options how to measure where the boundary ends in the valley.

a) He can go to the side, to where the valley narrows, and span it there by measuring above it. He then continues measuring out from the far side of the valley until the end of the boundary.

From there he looks to see where the border of the boundary is in the section of the valley opposite the town.

b) He can go to the side beyond the town's boundary to where the valley ends altogether, and measure from there the distance until the edge of the far side of the valley that is opposite the town, in order to know how far that edge of the valley is beyond the boundary. He then goes to the far edge of the valley opposite the town and measures into the valley the difference. He accomplishes this by walking into the valley towards the

town and measures the amount of *ammot*[1] that the far edge of the valley is beyond the boundary. He then marks the boundary in the valley.

The Mishnah says that he should use the first method where he does not need to leave the boundary while measuring, rather than using the second method, which would necessitate leaving the boundary.

Even though the measuring is done during the week and not on Shabbat, the Sages were concerned that perhaps someone will see him measuring there, beyond the boundary, and will think that the place is within the Shabbat boundary.

The second explanation:

We are dealing with a very long valley, whose entire width is within the boundary, but opposite the town it is wider than fifty *ammot*, and it is impossible to span it there. The only way to do it is to go beyond the boundary to where the valley narrows to less than fifty.

The Mishnah teaches us that they should not measure the valley's width there because perhaps people will think that the place is within the Shabbat boundary.

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And if he cannot span it, he should do as follows**:**

With this, as opposed to with other mitzvah-related measurements, such as the *eglah arufah*[2], **said Rabbi Dostai bar Yannai in the name of Rabbi Meir: I heard that they pierce the hills.**

[1] 1 ammah: 18.7 in., 48 cm
[2] If a traveler is found murdered, measurements are taken to determine the city closest to the body. The elders of that city bring a calf and break the back of its neck as atonement. See Deuteronomy 21.

This means that we relate to the measuring as if there is a hole in the hill through which the measuring rope can be placed.

Therefore: they do not measure the incline of the hill as is. Rather they use a rope that is only four *ammot* long, and do as will be explained. The measuring is done by two people.

One stands and holds the rope at heart level, while the other stands four *ammot* away higher up on the slope and holds the rope by his feet. They continue to move forward and measure in this method, horizontally and not vertically.

GEMARA

The Gemara asks, regarding the first clause of the Mishnah: **From where** do we know **these words,** that the measuring has to be done with a rope fifty *ammot* long?

Said Rav Yehudah in the name of Rav: That the verse said (*Shmot*[3] 27:18), **"The length of the Courtyard** [of the *Mishkan*[4]] **is a hundred *ammah*; the width is fifty by fifty."**

Said the Torah: With a rope of fifty *ammah*, you should **measure.** Meaning, since the Torah said "the width is fifty by fifty," we derive that one measures with a fifty-*ammah* rope.

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[3] Exodus
[4] Tabernacle

Perek 5 – 58a

The Gemara raises a difficulty: But note that **this** verse **is needed** to teach us that the size of the vacant area in the *Mishkan* Courtyard is seventy and two-thirds *ammah* square. This is learned from what the Torah said: **to take fifty** *ammah* of the length **and** use it **to surround** the remaining fifty, creating a square of **fifty** by fifty.

The Gemara answers: **If so,** that the verse is only teaching us the size of the vacant area of the *Mishkan* Courtyard, **let the verse say,** "and the width is **fifty fifty."**

What is the expression, **"fifty by fifty?"**

It teaches us both.

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In was stated in the Mishnah: **Not less and not more.**

It was taught in a Baraita:

The measuring rope should be **not less** than fifty *ammah*, **because** a short rope can be pulled taut, and thereby **increases** the measure.

And not more, because the weight of the rope does not allow sufficient tautness, and thereby **decreases** the measure.

*

Said Rabbi Asi: They only measure with a rope of *apaskima*.

The Gemara explains: **What is *apaskima*?**

Said Rabbi Abba: *Nargila*.

Perek 5 – 58a

What is *nargila*?

Said Rabbi Yaakov: A palm that has one vine.

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It was taught in a Baraita: **Said Rabbi Yehoshua ben Chananya: You do not have** anything **that is better for** precise **measuring than chains of iron,** which do not get taut or loose.

But what can we do? I.e. we cannot use iron chains. **For the Torah said** i.e. alluded that we should measure with a rope, as it says (*Zechariah* 2), **"And in his hand a measuring rope."**

The Gemara raises a difficulty: **But note** that **it is written** regarding Yechezkel's[5] prophecy about the *Mishkan* (*Yechezkel* 40), **"And in the hand of the man is a measuring rod."** A rod is not a rope.

The Gemara answers: **That** measuring rod was not for measuring distances, rather **for** measuring **gates,** i.e., the gates of the *Mishkan* in Yechezkel's prophecy.

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Rav Yosef taught a Baraita: **There are three** types **of ropes:**

Of reeds, of peeled willow, and of flax.

The rope **of reeds** was used **for** the red **heifer (*parah adumah*), as was taught** in a Mishnah: **They tied** the red heifer **with a rope of reed,** which is not susceptible to impurity, **and they placed it on top of its pyre.**

[5] Ezekiel

Perek 5 – 58a

The rope **of peeled willow** was used **for a *sotah*,[6] as was taught** in a Mishnah: **And afterwards, he brings an Egyptian rope and ties it above her breasts.**

A rope **of flax** is used **for measuring.**

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It was stated in the Mishnah: **He was measuring and reached** a valley or hill, he spans it, and returns to his measuring.

The Gemara infers: **From that** which **it was taught, "he returns to his measuring," this implies that if he cannot span it** in its place, the measurer **goes to a place that he can span it, and he spans it, and he looks towards** the original place of **his measuring and returns** there and continues his measuring.

Thus it emerges that **it was taught** in the Mishnah, by inference, **that** same thing **which the Rabbis taught** in a Baraita: If **he was measuring and he reached a valley; if he can span it with a rope of fifty *ammah*, he spans it** there.

And if not, he goes to a place where he can span it, and he spans it, and looks and returns to his measuring.

If the valley was curved, i.e., it bends from west to north, and he can only span it on the northern side of the town.

Spanning the valley on the northern side is not considered a valid way of determining the boundary on the west, even though looking and measuring and transferring the spanning from north to west could theoretically provide the needed measurement.

[6] A woman who secluded herself with another man after her husband warned her not to do so. She is brought to the Temple, where, amongst other things, her clothes are torn and then tied with the rope so she is not exposed. Afterwards she drinks the *sotah* water. If she is guilty of sin, she dies. If she is innocent, she will be blessed with children. See Numbers 5:11-31.

Rather, **he pierces and ascends, pierces and descends** into the valley, on the side that he cannot span.

If **he reaches a wall** that is on slightly slanted ground, **we do not say he should** do as if he is **"puncturing" the wall,** i.e. we do not obligate him to stand up poles the height of the wall on both sides and span the wall.

Rather, he estimates the incline without spanning it on the side, **and** continues to **go.**

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The Gemara raises a difficulty: **But note** that **we taught** in the Mishnah: **He spans it and returns to his measuring.** It is thus evident that it is insufficient to merely estimate!

The Gemara answers: **There,** regarding the hill or the valley, where he needs to actually span it and cannot suffice with mere estimation, this is because **its** the hill or valley's **use is convenient** to a certain degree**,** since it is possible to walk there. Therefore he must measure either with spanning or piercing.

But **here,** regarding the wall, **its use is not convenient,** since no one can walk over it, and estimation is sufficient.

Said Rav Yehudah in the name of Shmuel: It was taught that one must measure the valley with piercing **only,** where the incline is convenient to walk on, for example, **where the plumb line does not go straight down.**

Meaning, if its incline is not sharp, where he can lower a plumb line into the valley and it does not go down straight, since the incline prevents it.

(This means that if he lowers the plumb line at a distance of four *ammot* out from the edge of the valley, the plumb line still does not go straight down.)

AMMUD BET

But if **the plumb line goes straight down,** i.e., the incline was very sharp, there is no need to measure the incline by piercing, since this type of incline does not detract from the distance of the Shabbat boundary.

Rather, he does not measure the incline at all. He goes down into the valley, and there **he measures** the valley with **a proper measurement,** like flat land, and goes out of the valley and continues to measure.

How deep is the valley, that it will be permitted to span it with fifty *ammot*?

Said Rav Yosef: Two thousand. But if it is deeper than two thousand, he has to pierce it.

Abaye contradicted him, Rav Yosef, from a Baraita: If the valley was **one hundred deep and fifty wide, he spans it.**

And if not, i.e., it was deeper than one hundred or wider than fifty, **he does not span it.**

How can Rav Yosef say that he spans it even if it is two thousand deep?

The Gemara answers: **He,** Rav Yosef, **said like the "others",** i.e. Rabbi Meir.

Perek 5 – 58b

For it was taught in a Baraita: **Others say: Even** if the valley is **two thousand deep and fifty wide, span it.**

*

There are those that say: Said Rav Yosef: Even if the valley was **more than two thousand,** span it.

The Gemara is puzzled: **In accordance with who**se view did Rav Yosef say this? His words **are not like the first Tanna and not like the "others".**

The Gemara answers: **There,** the disagreement between the first Tanna and the "others" is regarding a place that is fitting to a certain extent for walking, where **the plumb line does not go straight down,** therefore they are stringent and require "piercing" if it is more than two thousand.

But **here,** the words of Rav Yosef are said **regarding** a steep incline where **the plumb line goes straight down,** and therefore it is not counted in the boundary measurement, and he may span it.

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The Gemara asks: **And where the plumb line does not go straight down,** and we say that it is an incline that is fit for walking on and are therefore stringent in measuring it, **how much** does he distance the plumb line from the edge of the valley?

Said Avimi: If at **four** *ammot* out from the edge of the valley, the plumb line still does not go straight down, it is considered an incline that is fit for walking on.

And so taught Rami bar Yechezkel: Four *ammot*.

Perek 5 – 58B

It was stated in the Mishnah: If **he reached a hill, he spans it and returns to his measuring.**

Said Rava: They taught this **only regarding a hill** whose incline is steep, which **rises** to a height of **ten** *tefachim* **within** a distance of **four** *ammot.*

But regarding a hill whose incline is not sharp, and **rises** to a height of **ten** *tefachim* only **within five** *ammot*, **he measures it a proper measure.**

Rav Huna the son of Rav Natan teaches it leniently:

Said Rava: They taught that he needs to span or pierce a hill, **only regarding a hill that gathers ten within five.**

But regarding a steep **hill that gathers ten within four,** there is no need even to span it, rather it is sufficient that **he estimate it, and he continues** on with his measuring**.**

It was stated in the Mishnah: **And provided that he does not go out** and measure and span **outside the boundary.**

What is the reason?

Said Rav Kahana: It is a Rabbinical **decree, perhaps** the people who observe him while he is measuring **will say: The measurement of the Shabbat boundary comes** all the way **to here.**

This was explained at the beginning of the previous *ammud*.

Perek 5 – 58B

It was stated in the Mishnah: **If he cannot span it,** they pierce.

The Rabbis taught in a Baraita: **How do they pierce?**

The **lower** measurer holds the rope **level to his heart,** while the **upper** measurer places it **level to his feet.**

Said Abaye: We have a tradition that **they pierce only with a rope of four *ammot.***

Said Rav Nachman in the name of Rabbah bar Avuhah: (We have a tradition) that **they do not pierce when** measuring the distance for *eglah arufah,* between the murdered corpse found on the road and the closest towns, in order to determine which town will bring the ***eglah arufah*. And** also **not** for measuring the boundary of the **cities of refuge (*arei miklat*). Because they are** measurements **of Torah**-ordained mitzvot, whereas *eiruvin* is Rabbinic in origin**.**

MISHNAH

They only measure with someone who is **an expert** in measurement.

If **he increased** the boundary **for one place and lessened for another place, we listen,** i.e. take into account, **the place that he increased.**

If **one** measurer **increased** the boundary, **and another lessened** the boundary, **we listen to the greater.**

Perek 5 – 58b

And even a male slave, even a female slave, are believed to say: Until here is the **boundary** of **Shabbat.**

Because when the Sages decreed not to go out of the Shabbat boundary, **the Sages did not say this matter to be stringent, rather to be lenient** with boundaries.

Chavruta
Eiruvin – Daf Nun Tet

Translated by: *Rabbi Reuven Bloom*
Edited by*: R. Shmuel Globus*

Gemara

The Gemara raises a difficulty with the way the Mishnah is phrased: Only **to the place that** the Shabbat boundary **is increased – yes**, it is counted as part of the boundary, while **to the place that** the Shabbat boundary **is lessened – no,** it is not counted as part of the boundary?

But the shorter place is surely included in the area of the larger place!

The Gemara answers: Rather, **say** that ***even*** **to the place that** the Shabbat boundary **is increased,** it is counted as part of the boundary.

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We learned in the Mishnah: If **one increased** the boundary, **and one lessened** the boundary, we listen to the greater.

The Gemara raises a difficulty: **Why do I need this again, this is the same as that** which the Mishnah taught right before this?

Because the Mishnah already stated: "If he increased the boundary for one place and lessened for another place, we listen, i.e. take into account, the place that he increased."

The Gemara answers: **This is what it** the Mishnah **is saying:** If **one** person who is measuring the Shabbat boundary **increases** the boundary, **and another** person measuring

the Shabbat boundary **lessens** the boundary – we **listen** to **this** one **who increased** the boundary.

Previously, we were taught only that we follow the greater of two measurements made by one person. Whereas now, we are taught that we follow the greater of two measurements, even when they are made by two different people.

Said Abaye: But provided that he will not increase the boundary **more than the measurement of the town diagonally[1].**

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We learned in the Mishnah: **Because** when the Sages decreed not to go out of the Shabbat boundary, **the Sages did not say this matter to be stringent, rather to be lenient** with boundaries.

The Gemara raises a difficulty: **But it is taught in a Baraita** quite the opposite: **The Sages did not say this matter** that it is forbidden to go outside of the Shabbat boundary **to be lenient, but rather to be strict!**

Ravina said: This is what the Tanna of the Baraita meant:

The Sages established the Halachot of Shabbat boundaries **not to be lenient on what the Torah said**, because the prohibition of transgressing Shabbat boundaries is not from the Torah.

[1] The corner of the Shabbat boundary will be 2800 *ammah* from the town, whereas a straight line drawn out from the town will be 2000 *ammah.* This is because the diagonal of a square is always longer than the sides of a square. If only 2000 *ammah* is measured to the corner, the straight line from the town will be only 1428 *ammah*. The difference between the two measurements is 572 *ammah.* If that is the full extent of the discrepancy between the two measurements made by the two measurers, we rely on the larger measurement, and assume that the other measurer gave the town only 2000 *ammah* from the corner, instead of measuring straight, as he should have. But if the discrepancy is greater than 572 *ammah*, we assume the larger measurement to be in error.

Rather, they decreed them **to be stringent on what the Torah said. And since Shabbat boundaries is** therefore **a Rabbinical decree,** we are lenient in cases involving uncertainty.

Mishnah

When the Sages established *eiruvei chatzerot*[2] and *shitufei mevu'ot*[3] and people became accustomed to carry from their houses to courtyards and from courtyards to alleyways, concern arose that people might forget the Halachot concerning a public domain. So the Sages established that a city of 600,000 people cannot make one *eiruv* for the entire city, rather one neighborhood must be left out of the *eiruv*. This way it would be forbidden to carry from this neighborhood to the rest of the city and people would remember the Halachot of a public domain.

A private city, i.e. it normally did not have 600,000 people entering it, **and** now **it becomes public –** they **may make an *eiruv* for the entire** city, as they did when it was a private city. This is because the entire city is viewed as if it is one courtyard. This is provided there is not a public domain within the city, such as a street that is sixteen *ammah* wide.

And a city that was **public, and becomes private,** because the population decreased, even if it does not have a public domain within it, **an *eiruv* may not be made for the entire** city—**unless there is** a "remnant" **made outside of it,** which has its own *eiruv* separate from the city's *eiruv*.

[2] *Eiruvei chatzerot* – That the co-dwellers of a courtyard make joint ownership in an article of food and thereby symbolically combine (*me'arvim*) their ownership, as if the courtyard belongs to a single person. They do this to permit carrying from their homes into the courtyard on Shabbat.

This "remnant" should be as big **as the town** called **"Chadashah", which is in Yehudah[4], that has in it fifty residents.** These are **the words of Rabbi Yehudah.**

Rabbi Shimon says: It is enough for the "remnant" to be the size of **three courtyards of two houses.**

Gemara

The Gemara asks: **What is an example of a private city and it becomes a public** city**?**

Said Rav Yehudah: For example the private city of the *Reish Galuta*[5].

Rav Nachman said to him, to Rav Yehudah: **What is the reason** you brought an example from the city of the *Reish Galuta*? I.e. what point were you making by citing this unique example?

If we say because it is common for a crowd to be **around the ruler,** i.e. the *Reish Galuta*, so I might think that the Sages were not concerned in such a case that the Halachot of a public domain would be forgotten (i.e. that the only reason they may carry in the city is because of the *eiruv*). Since so many people had gathered around the *Reish Galuta*, **they would remind each other** that a public city cannot make one *eiruv* for the entire city unless previously it had been a private city.

And only in such a case do we apply the leniency of a private city that became a public city.

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[3] *Shitufei mevu'ot* - This is similar to *eiruvei chatzerot* except that it is the co-dwellers using a certain alleyway who make joint ownership in an article of food, to make the alleyway as if it belongs to a single person. This is done also to permit carrying from their courtyards into the alleyway on Shabbat.
[4] Judea.
[5] The leader of the Babylonian Jewish community.

But this cannot be the reason for citing the city of the *Reish Galuta*, for this reason applies to **all** of the cities of **Israel also.** This is because **on Shabbat morning it is common** that everyone **is next to each other** when they come together to hear the Sage deliver the Torah lesson, and then they will remind each other of the Halachot of a public city.

Rather, said Rav Nachman: Every private city that became public can make an *eiruv* for the entire city. **And for example, the private city of Nitzavi** belonging to someone named Nitzavi, and not specifically the city of the *Reish Galuta.*

The Rabbis taught in a Baraita**: A private city that became a public** city, **and a public domain** which is sixteen *ammah* wide **runs through it – how do they make an *eiruv* for it?**

Make a side-post from here on one side of the public domain **and a side post from here** on the other side. **Or a crossbeam from here** on one side of the public domain **and a crossbeam from here** on the other side of the public domain.

And then, one is permitted to **bring out and bring in** objects, even **in the middle** of the public domain, since it is now a private domain.

(However, a city that always was public may not rectify its public streets with a side-post or crossbeam. They need a stronger rectification: a *tzurat hapetach*[6] or a door.)

And they may not make an *eiruv* for it the city **by halves,** making one *eiruv* for some alleyways and another *eiruv* for other alleyways. Rather, only one *eiruv* is made for the entire city.

[6] *Tzurat hapetach* - lit. the form of an entrance.

Since the city began privately, all the alleyways were considered as one alleyway since everyone would pass through all of them.

But after the city expanded and the residents increased, if an *eiruv* was made for some of the alleyways and another *eiruv* was made for the other alleyways, it would look like some of the residents did not participate in making the *eiruv* and they would invalidate the *eiruv* for the others.

Rather, or they should make an *eiruv* for **all** the city, **or** make an *eiruv* **for each alleyway by itself.**

If **it was** from the beginning a **public** city, **and it is now** still **public.**

Ammud Bet

And it only has one entrance, i.e. it is not open at both ends and so does not resemble the public domain of the Israelites in the Wilderness. In this case, one may **make an *eiruv* for all** the city.

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The Gemara asks: **Who is the Tanna** whose view is expressed the first clause of the Baraita, **who makes an *eiruv* for a public domain?**

Said Rav Huna son of Rav Yehoshua: It is Rabbi Yehudah.

Perek 5 – 59B

For it is taught in a Baraita:

More than this said Rabbi Yehudah: Someone who has two houses on two opposite **sides of a public domain,** he may **put a side-post from here** next to the house on one side of the public domain, **and a side-post from here** next to the house on the other side. **Or, a crossbeam from here** on the house on one side of the public domain, **and a crossbeam from here** on the house on the other side. **And** then he is permitted to **bring out and bring in** objects, even **in the middle** of the public domain.

They the Sages **said to him: One does not make an *eiruv* for a public domain this way,** rather, only with two partitions (the two sides of the houses).

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The Master said in the Baraita previously mentioned: **And they may not make an *eiruv* for it** the city **by halves.**

Said Rav Papa: They only said this when the city is divided **lengthwise**. This is because everyone living in the alleyways walks through the public domain, which runs along the length of the city. If the *eiruv* divides the city lengthwise, the people on each side of the public domain, by walking through the other side, will annul the *eiruv* of the other side, and everyone will be forbidden to carry in the public domain.

But if the city is divided **by the width** of the city, the people on each side of the *eiruv* can keep to themselves and go out of the city by a different opening and they won't forbid the use of the *eiruv* for the other side by walking there.

Therefore, two halves of a city divided by its width **make an *eiruv*** each half by itself.

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Perek 5 – 59B

The Gemara asks: **According to who**se view is Rav Papa's statement?

The Gemara answers: It is **not in accordance with Rabbi Akiva.**

For if it is in accordance with Rabbi Akiva, this cannot be. For **note** that **he** Rabbi Akiva **said,** regarding the following case**:** Even **a foot which is permitted in its domain**, i.e. a case where there are two courtyards, one within the other, opening to a public domain. And the residents of the inner courtyard made an *eiruv* for themselves, and they may carry in their courtyard.

Nevertheless, it **forbids** the residents of the outer courtyard from carrying **even** in the outer courtyard, **which is not in their** the inner courtyard's **domain.** In other words, the residents of the inner courtyard—due to their right of passage through the outer courtyard—invalidate the *eiruv* of the outer courtyard. And

The Gemara rejects this assertion: **You may say** Rabbi Papa's statement **is even** according to **Rabbi Akiva.**

Because only **this far does Rabbi Akiva state** his Halachah **there.** It is **only when there are two courtyards one within the other,** where the inner residents have the right to walk through the outer courtyard, **because the inner courtyard does not have another entrance.**

But here, regarding a city divided by the width, the residents of one half can walk around the city without any need to go through the other half's area. Rather, **these** people who are on one side **go out** of the city **in this entrance, and those** people who are on the other side **go out** of the city **in that** different **entrance.**

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Perek 5 – 59B

Some say that **Rav Papa said: Do not say** that the *eiruv* is invalid only when the city is divided **lengthwise, but** if it is divided **by its width, they may make an *eiruv*** for each half by itself. **Rather, even** if the city is divided **by its width, also they may not make an *eiruv.***

The Gemara asks: **In accordance with who**se view?

The Gemara answers: **Rabbi Akiva**'s view**!**

The Gemara rejects this assertion: **You may** even **say** Rabbi Papa's statement is in accordance with **the** view of the **Sages**, who disagree with Rabbi Akiva in the case of the two courtyards**.**

Because only **this far do the Sages state** their Halachah there, in the case of two courtyards, saying that each courtyard may make its own *eiruv*, and the inner courtyard still does not forbid the outer courtyard. This is **only where there are two courtyards, this one within the other.**

Because **the inner courtyard may close the entrance.** I.e. the inner courtyard can be closed off from the outer courtyard and **make use** of the courtyard by themselves without making an *eiruv* with the outer courtyard. Therefore, they can be forced to close themselves off from the outer courtyard, leaving the outer courtyard permitted.

But here, when dividing the city into two parts, **who is able to remove the public domain from here?**

How can the residents of one half of the city be prevented from walking through the other half, without something placed between them showing the division?

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Perek 5 – 59B

The Master said: It was taught in a Baraita: They may not make an *eiruv* for the city in halves, rather, **or** an *eiruv* for **all** the city, **or** an *eiruv* **for each alleyway by itself.**

The Gemara is puzzled by this: **What is the difference that by halves** they may **not** make an *eiruv*? Because **they** the residents of one half **forbid to each other,** the residents of the other half, to carry items in the alleyways.

If so, when **each alleyway** makes an *eiruv* for itself, the same should be true: **they** the residents on one alleyway should also **forbid to each other**, the residents of another alleyway, to carry items in the alleyway.

The Gemara answers: **What are we dealing with here? A case that a small door** at the opening of each alleyway **was made**, showing that the residents of one alleyway had removed themselves from the other alleyway.

And it is **similar to this** statement **that** was **said** by **Rav Idi Bar Avin, said Rav Hisda: One of the residents of the alleyway that made a small door at his entrance – he does not forbid the** other **residents of the alleyway** to carry, if he did not participate with them in making the *eiruv.*

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It was also taught in the Baraita: If **it was** from the beginning a **public** city, **and it is now** still public. And it only has one entrance, i.e. it is not open at both ends and so does not resemble the public domain of the Israelites in the Wilderness. In this case, one may make an *eiruv* for all the city.

Rabbi Zeira made an *eiruv* for the city of the House of Rabbi Chiya, which was a public city from the beginning and is still public. **And he did not leave aside a "remnant",** a neighborhood that is not part of the city's *eiruv.*

Perek 5 – 59B

Abaye said to him to Rabbi Zeira: **What is the reason that the Master did this?**

He Rabbi Zeira **said to him** Abaye: **Its** the city's **elders said to me: Rav Chiya bar Asi made an *eiruv*** for **all** the city without leaving aside a "remnant". **And I said** based on their testimony: **Hear from this** a proof that this city is **a private city that became public,** and does not need a "remnant".

He Abaye **said to him** Rabbi Zeira: **These elders said to me: For** in fact, **this** city was always public. But **it had a garbage dump at one end,** and so the streets were not open on both ends, thus the city did not have a true public domain. That is why one *eiruv* was permissibly made for the entire city.

But now that the garbage dump was removed, the city **has two openings, and it is forbidden** to make an all-encompassing *eiruv* for it**.**

He Rabbi Zeira **said to him** Abaye: **I was not aware** of this.

Rav Ami bar Adda of Rafanah posed an inquiry to Rabbah:

Since a city that has only one opening can have an *eiruv* for the entire city, a question arises as to what constitutes an opening. Thus, what would be the Halachah if there was a **ladder from here**, next to the city wall, at the closed end of a street that cuts through the entire city? For one could use the ladder to leave the city. **And** there is **a** proper **opening from here,** on the other end. **What is** the Halachah in such a case—is the ladder considered like an opening, forbidding one *eiruv* for the entire city?

Perek 5 – 59B

He Rabbah **said to him** Rav Ami bar Adda of Rafanah: **Rav said this: A ladder has the status of an opening,** thus the city in question has openings at both ends, and one *eiruv* may not be made for the entire city.

Rav Nachman said to them: **Do not listen to him,** to Rabbah.

This is what **Rav Adda said,** that **Rav said: A ladder has the status of an opening, and** also **has the status of a partition.**

It is **designated as a partition – like we said.** I.e. in the case in question, the ladder does not constitute an opening through the city wall. Rather, it is judged as a partition blocking off the end of the street.

And it **has the status of an opening – in the case of a ladder that is between two courtyards** separated by a wall**.** They do not have an opening between them except for this ladder.

In this case, the ladder has the status of an opening. Thus, if **they wanted** to transfer objects from one courtyard to the other through the holes in the wall, **one *eiruv* may be made** for both courtyards. Because the ladder is considered an opening between them, they may make one *eiruv* for both of them.

Yet at the same time it has the status of a partition. Thus it does not abolish the separation between the two courtyards. Therefore, if **they want** to be separate, **they may make two *eiruvin,*** each courtyard by itself.

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The Gemara raises a difficulty: **Did Rav Nachman** really **say this,** that a ladder has the status of a partition to allow each courtyard to make its own *eiruv*?

Perek 5 – 59B

Surely Rav Nachman said in the name of **Shmuel:** Concerning **the people of a courtyard and the people of a balcony [who forgot and did not make an *eiruv*** with each other. **If in front of them,** in front of the balcony at the feet of the ladder that leads up to it, **there is a small** *tzurat hapetach*[7] that is **four** *tefachim*[8] high, this is sufficient to separate the residents of the balcony from the courtyard. Therefore, the balcony and courtyard are considered as separate domains and the presence of the balcony **does not forbid** those in the courtyard from carrying there.]

[7] Lit. The form of an entrance
[8] 1 tefach: 3.1 in., 8 cm

Chavruta
Eiruvin – Daf Samech

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[Surely Rav Nachman said in the name of **Shmuel:** Concerning **the people of a courtyard and the people of a balcony] who forgot and did not make an *eiruv*** with each other. **If in front of them,** in front of the balcony at the feet of the ladder that leads up to it, **there is a small** *tzurat hapetach*[1] that is **four** *tefachim*[2] high, this is sufficient to separate the residents of the balcony from the courtyard. Therefore, the balcony and courtyard are considered as separate domains and the presence of the balcony **does not forbid** those in the courtyard from carrying there.

And if not, then the presence of the balcony **forbids** the residents of the courtyard from carrying. Since the residents of the balcony must travel through the courtyard in order to leave their houses, the two are considered as being one domain. And given that the residents forgot to make an *eiruv chatzerot* with each other it is forbidden for them to carry in the courtyard.

Thus, we see that a ladder is considered to have the status of an opening, even if this results in a stringency. The placing of a 'small' *tzurat hapetach* is then required in order to separate between the courtyard and the balcony.

The Gemara replies: **Here, what** case **are we dealing with? Where the balcony is not ten** *tefachim* **higher** than the courtyard, and thus there is no effective partition between the balcony and the courtyard, irrespective of the presence of the ladder.

The Gemara is puzzled by this answer: If this is a case where a balcony opened onto the courtyard without any partition separating them, **and if the balcony was not ten** *tefachim*

[1] Lit. The form of an entrance
[2] 1 tefach: 3.1 in., 8 cm

high - when one made a small *tzurat hapetach* **what** help **would it be?** Surely there is no partition between the balcony and the courtyard!

The Gemara replies: In truth, it is a balcony that was **enclosed** by a partition, ten *tefachim* high, which would normally be effective in separating the balcony from the courtyard. However, here the partition contained a gap that was **up to ten *ammot***[3] wide, giving it the status of an opening.

Thus in this case, **since he made a small** *tzurat hapetach*, **he has surely separated** the residents of the balcony **from here,** the courtyard.

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Rav Yehudah said in the name of **Shmuel:** Concerning **a wall** separating two courtyards, **that was lined with ladders**. **Even if** the ladders were against the wall for a length of **more than ten *ammot* – the status of a partition is** conferred **upon it.**

Rav Barona posed a contradiction to Rav Yehudah, while they were **in the fruit-pressing room of Rav Chanina:**

Did Shmuel truly **say** that **the status of a partition is** conferred **upon** a ladder?

Surely Rav Nachman said in the name of **Shmuel:** Concerning **the residents of a balcony and the residents of a courtyard who forgot and did not make an *eiruv*** together: **if in front of** the balcony **there is a small** *tzurat hapetach*, then the presence of the balcony **does not forbid** the residents of the courtyard from carrying.

And if not, then **it does forbid** them from carrying.

[3] 1 ammah: 18.7 in., 48 cm

Perek 5 – 60a

And this constitutes a clear ruling, according to Shmuel, that a ladder does not have the status of a partition.

The Gemara replies: **Here what** case **are we dealing with? Where the balcony was not ten** *tefachim* **higher** than the courtyard.

The Gemara is again puzzled by this answer: **And if the balcony was not ten** *tefachim* **high - when one made a small** *tzurat hapetach* **what** help **would it be,** given that a small *tzurat hapetach* is not considered a partition?

The Gemara again replies: Here Shmuel refers to a balcony that was **enclosed** by a partition, which contained a gap that was **ten *ammot*** wide. And here, **since he made a small** *tzurat hapetach,* **he surely separated** the residents of the balcony **from here,** the courtyard.

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There were **certain residents of *Kakonai* who came before Rav Yosef.**

They said to him: Give us a person to make an *eiruv* for our town. Theirs was a town of 'many', that had become a town of 'few' (see Mishnah, 59a). Thus they were required to leave an excluded area outside the *eiruv,* as an indicator.

Rav Yosef **said to Abaye: Go and make an *eiruv* for them, and see to it** that you make it properly, in order that the scholars should **not shout about it in the Study Hall** in protest.

Abaye **went** there and **saw some houses that opened onto the river,** but did not have entrances in the direction of the town.

So Abaye **said: These** houses that open onto the river **will be the excluded area for the town,** not included in the *eiruv*.

Abaye then **retracted** this idea, because he **said** to himself: The Mishnah **taught, "One may not make an *eiruv* for it all".** One may **infer from this** that the houses that one excludes from the *eiruv* must suitable, such **that if one wanted to** include **them in an *eiruv*, one was able to** include **them in an *eiruv*.**

However, these houses do not open onto the town. Thus one could not include them in the town's *eiruv* even if one wished to. Thus they are not suitable as the excluded area for this town.

Rather, Abaye said: **I will make windows for them,** the houses facing the river, in the direction of the town. **So that if they want to make an *eiruv* through the windows – they will be able to make an *eiruv*.**

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Abaye again **retracted,** and **said: I do not** even **need** to make windows for the houses.

For surely Rabbah bar Avuha made an *eiruv* for the whole town **of *Mechoza,* neighborhood** by **neighborhood.** And the reason why he did not include all of the areas in one large *eiruv* was **because of** troughs that lay between them, in which people would place **produce for oxen.**

And **because each one** of its neighborhoods was not joined together in a single *eiruv*, every neighborhood **was** considered **an excluded area for its fellow.**

And this was true, **even though had he wished to join them** all **together in an *eiruv*, he would not have been able to join them in an *eiruv*—**due to the troughs that separated between them.

From here we see that an area that is unsuitable for inclusion in an *eiruv* may nonetheless serve as the 'excluded area'.

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Abaye again **retracted,** and **said:** This town **is not similar** to *Mechoza*.

There, if the residents of the different neighborhoods **wanted to make an *eiruv*** together**,** they could do it **through the gardens** of their houses.

However, **these** houses that open onto the river cannot **make an *eiruv*** with the rest of the town at all.

Therefore we will make windows for them, through which they will be able to join the rest of the town in an *eiruv*.

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He again **retracted,** and **said: They do not even need windows.**

Because there was **a certain store house for straw that belonged to Mar bar Popidita from Pumbedita, and he made it the 'excluded area' for** the *eiruv* in **Pumbedita.**

Abaye said: **This is what the Master,** Rav Yosef, meant when he **said to me: See to it** that every aspect of the *eiruv* is according to Halachah, so **that they do not shout about it in the Study Hall.**

Perek 5 – 60a

We learned in the Mishnah: **Only if one made** an 'excluded area' **outside it, similar** in size **to the town of *Chadashah.***

It was taught in a Baraita: **Rabbi Yehudah said: There was a certain town in Judea and *Chadashah* was its name. And there were fifty residents there, men and women and children. And** it was **there** that **the Sages made an exclusion** for the *eiruv*, **and it was** considered **the excluded area.**

They the scholars of the study hall **posed an inquiry**: Granted that ***Chadashah*** served as the excluded area for the rest of the town, however **what is** the Halachah concerning making an individual *eiruv* for *Chadashah* itself?

The Gemara is puzzled: What is the difference between ***Chadashah*** and the rest of the town?

Surely, **just as it was** considered as **an excluded area for the larger** section of the town, by virtue of not being joined with it in an *eiruv*, so **too the larger** section of the town may **be** considered **an excluded area for the smaller** section.

Rather, this is what they meant to ask: If there were a town **similar to *Chadashah,*** in both population and size, **what is** the Halachah concerning making an *eiruv* to encompass the whole town? Did the Sages also decree that one may not make an *eiruv* without leaving an excluded area?

Perek 5 – 60a

The Gemara answers: This matter is a disagreement between **Rav Huna** and **Rav Yehudah**.

One said: One requires an excluded area. And one said: One does not require an excluded area.

We learned in the Mishnah: **Rabbi Shimon says: Three courtyards** are required for an excluded area.

Rav Chama bar Guriah said in the name of **Rav: The Halachah follows** the view of **Rabbi Shimon.**

Rabbi Yitzhak said: Even one house and one courtyard are sufficient.

The Gemara is puzzled: **Would you assume** that **one courtyard** without any houses is sufficient to be considered an excluded area? Surely not! (This question is based on the fact that Rabbi Yitzchak said that a house, and also a courtyard, are needed—implying that the courtyard spoken of has not even one house opening onto it.)

The Gemara replies: **Rather I will say: One house in one courtyard.**

Abaye said to Rav Yosef: That statement **of Rabbi Yitzhak –** is it something that he has **learned** from his masters, **or** did he say it on the basis of **reasoning?**

He said to him: What practical difference **does it** the basis of his statement **make to us?**

He said to him: Is the **study of a learned** tradition **a** mere **song?** The source of a Halachah is important to us, whether this is of any practical consequence or not.

Mishnah

Concerning **someone who was** in the fields **to the east** of town when Shabbat commenced, **and said to his son: Make an *eiruv* for me on the west** side of town.

Or alternatively if he was **to the west** of town **and said to his son: Make an *eiruv* for me in the east.**

If there is a distance **between him and his house** of **two thousand *ammot,* and** from him **to his *eiruv*** on the opposite side of the town there is **more than this,** the *eiruv* is invalid, given that he is unable to reach it on Shabbat.

Therefore, **he is permitted to** travel within the Shabbat boundary of **his house,** as he would have been, had he not made the *eiruv*. **And he is forbidden to** travel relying on the Shabbat boundary of **his** invalid ***eiruv.***

However if the distance from him **to his *eiruv* was two thousand *ammot,* and** the distance **to his house was more than this,** then the *eiruv* is valid.

Thus, in this case **he is forbidden to** travel relying on the Shabbat boundary of **his house, and permitted to** travel within the Shabbat boundary of **his *eiruv.***

Perek 5 – 60b

One who placed his *eiruv* in the midst of the town in which he lives has **not done anything** to change his Shabbat boundary.

If **one placed** his *eiruv* **outside the Shabbat boundary, even** if this were by only **one *ammah***, then he establishes his Shabbat residence there.

Ammud Bet

Thus **whatever he gains** from having his *eiruv* at one side of town, **he loses** on the other side of town. Nonetheless, so long as the whole town comes within two thousand *ammot* of his residence, it will all be viewed as occupying a space of just four *ammot*. Thus on the side of town opposite his *eiruv* he will be able to travel a distance of two thousand *ammot*, minus the distance that he gained by placing his *eiruv* outside the town.

Gemara

You would assume that when the Mishnah taught "Someone who was **to the east**", that it was referring to someone who was standing **to the east of his house.** He would therefore have been instructing his son to make an *eiruv* to the west of his house, meaning that his house lay between himself and his *eiruv*.

Similarly, when the Mishnah taught "If he was **to the west**", one would assume that he was standing **to the west of his house.** Consequently, he would have been instructing his

son to make an *eiruv* to the east of his house, meaning again that his house lay between himself and his *eiruv*.

The Gemara considers this possibility: **It is all right** to explain the Mishnah in this way with regards to the clause that said **"**If the distance **between him and his house** is **two thousand *ammot,* and** from him **to his *eiruv*** there is **more than this."** Because **one finds it** in a case **where he** can **reach his house** in two thousand *ammot*, but **cannot reach his *eiruv*** in two thousand *ammot*, given that it is situated beyond his house.

However, a problem arises concerning the second clause that said "If the distance **between him and his *eiruv* was two thousand *ammot,* and** the distance **to his house was more than this.**" **How does one find it,** such a case**?** According to the way that the Gemara assumed to learn the Mishnah, we were forced to say that his house was closer to him than his *eiruv*!

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Rabbi Yitzchak said: Did you really **think** that when the Mishnah said "If he was standing **to the east**", that he was standing **to the east of his house?** And similarly that when it said "If he was standing to **the west",** that he was standing **to the west of his house?**

This is **not** the case.

Rather, when the Mishnah said **"to the east",** he was standing **to the east of his son. And** when the Mishnah said **"to the west",** he was standing **to the west of his son.**

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Perek 5 – 60b

Rava bar Rav Shilah said: You may **even say,** as the Gemara originally assumed, **that** when the Mishnah said **"to the east",** this meant **"to the east of his home". And** when it said **"to the west",** this meant **"to the west of his home".**

And the second clause may be understood as follows: **Such as** a case **where one's house stood at a diagonal** from his present position, and his *eiruv* stood directly opposite him. In such a case, even though his house was further than his *eiruv* in absolute terms, on the east-west axis it would have been between him and his *eiruv*.

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We learned in the Mishnah: **One who placed his *eiruv* in the midst** of town has not done anything.

And if one placed his *eiruv* outside the Shabbat boundary, whatever he gains from having his *eiruv* at one side of town, he loses on the other side of town.

The Gemara is puzzled: If one placed his *eiruv* **outside the Shabbat boundary,** i.e. at a distance of more than two thousand *ammot*, **can you assume** that the *eiruv* would be valid? Surely, since he is unable to reach the *eiruv* on Shabbat, it must be invalid!

Rather, I will say that the Mishnah meant **outside the midst** of the town.

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We learned in the Mishnah: **Whatever he gains** from having his *eiruv* at one side of town, **he loses** on the other side.

The Gemara is puzzled: Does he only lose **what he gained** on one side of the town, **and no more?**

Perek 5 – 60b

Surely it was taught in a Baraita: **One who placed his *eiruv* in the midst of town has not done anything.**

And if **he placed it outside the midst of town, even** by a distance of just **one *ammah*,** then **he has gained that *ammah* and lost the whole town. Because the breadth of the town is** now **included in the breadth of his Shabbat boundary!**

From here it is clear that his Shabbat boundary loses the entire breadth of the town on the side opposite his *eiruv*. Until now, the town had all been considered as his own four *ammot*. Thus his two thousand *ammot* of Shabbat boundary was measured only from the edge of the town. But now that he has placed his *eiruv* out of town, he measures two thousand *ammot* from his *eiruv*, depriving his Shabbat boundary of the entire breadth of the town.

The Gemara replies: **It is not a difficulty.**

Here, where the Baraita speaks of his Shabbat boundary losing the entire breadth of the town, it refers to a case **where its breadth ended in the middle of the town,** such that when traveling two thousand *ammot* from the *eiruv*, one did not yet reach the opposite side of town.

But **here,** where the Mishnah said that the whole town is viewed as occupying a space of just four *ammot*, it refers to a case **where** the **breadth** of the Shabbat boundary **ended at the** far **end of the town,** i.e. beyond the far limit of the town.

*

And it is according to the view of **Rabbi Idi.**

Perek 5 – 60b

For Rabbi Idi said in the name of **Rabbi Yehoshua ben Levi:** One who established his Shabbat residence outside a town, not realizing that he was actually within its two thousand *ammot* Shabbat boundary, may only travel a distance of two thousand *ammot* from his residence into the town.

If **he measured** two thousand medium sized steps, the normal way that one would measure out one's Shabbat boundary. **And** he thereby **came** within the town, **and his breadth** of two thousand *ammot* **ended in the middle of the town,** then **he only has half of the town,** up until the point where his two thousand *ammot* ended, to travel within.

But if **his breadth** of two thousand *ammot* **ended at the** far **end of the town,** then **the whole town is considered for him as** if it occupies a space of just **four *ammot*. And he completes the remainder** of the two thousand *ammot* on the other side of the town.

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Rabbi Idi himself **said: These are only** to be considered **'words of prophesy'.** Meaning that since this Halachah has no logical explanation, Rabbi Yehoshua ben Levi must have received it from his Rabbis as a tradition.

Because one could logically ask: **What** difference does it make **to me** whether the breadth of his Shabbat boundary **ended in the midst of the town, or** if **it ended at the** far **end of the town?**

Rava said: Both of them, the cases where his Shabbat boundary ended beyond the town and where it ended within the town, **were taught** in a Mishnah:

For we learned in the next Mishnah: **The residents of a large town** may **travel the entire** breadth of **a small town,** and it is considered as occupying just four *ammot*.

Chavruta
Eiruvin – Daf Samech Alef

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

And the residents of a small town may **not travel the entire** breadth of **a large town;** rather its breadth is to be fully accounted for in measuring their Shabbat boundary.

*

What is the reason that the Mishnah distinguishes between the residents of a large and a small town?

Is it **not because** for **these** residents of the small town, **the breadth** of their Shabbat boundary **ends in the midst of the** large **town.** And thus in this case the large city is not considered as occupying just four *ammot*.

And for **those** residents of the large city, **the breadth** of their Shabbat boundary **ends at the** far **end of the** small **town,** and thus it is considered for them as occupying only four *ammot*.

If this is so, the Mishnah is in line with the Halachah that was taught by Rabbi Idi on 60b. Thus the question arises: why did Rabbi Idi refer to Rabbi Yehoshua ben Levi's statement as "words of prophesy", and why Rabbi Yehoshua ben Levi himself state a Halachah that had already been taught in a Mishnah?

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And the Gemara replies: **Rabbi Idi** learned the wording of the Mishnah differently, and according to his text there was no difference between the residents of the large and the small towns.

Rather, the Mishnah taught: The **residents** of a large town may travel throughout the large town.

And the **residents** of a small town may travel throughout the large town.

According to him, that is how the Mishnah **was taught.**

And he sets up the case of the Mishnah as follows: **Someone placed** his *eiruv* in the second town. In this way, one would establish one's residence in the other town, and it would be considered as his own four *ammot*, enabling him to begin measuring the Shabbat boundary outside its limits.

However according to him, the case of someone **measuring** the distance to the town from an *eiruv* that was placed outside the town **was not taught** in the Mishnah. Thus from the Mishnah alone we would not have known that the Halachah differentiates between when his Shabbat boundary ended within the town and when it ended outside the town.

Thus according to the text that Rabbi Idi learned in the Mishnah, Rabbi Yehoshua ben Levi came to teach exactly this case.

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The Gemara is puzzled: **And** was the Halachah of one who measures out his Shabbat boundary **not** mentioned a Mishnah?

Surely it was taught in the Mishnah below: **And for the person who measured** out his Shabbat boundary, about whom the Sages **said** that **we give him** a Shabbat boundary of

two thousand *ammot*. And **even if the** far **end of the breadth of his** Shabbat boundary **ended in a cave,** he still may not travel any further into the cave.

The Gemara replies: It was the Halachah of someone whose Shabbat boundary ended at the far **end of the town** that Rabbi Yehoshua ben Levi **needed** to teach us, because it **was not taught** in the Mishnah.

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Rav Nachman said: Regarding **the one who taught** in his version of the Mishnah that **the residents** of the small town may travel throughout the large town, as Rabbi Idi taught it, the text of the Mishnah **was not corrupted.**

And similarly regarding **the one who taught that the residents** of the small town may *not* travel throughout the large town, as it was presented at the end of 60b, the text of the Mishnah **was not corrupted.**

For **the one who taught** that **the residents** may travel throughout the large town, it **was not corrupted because he sets up** the case as one in which **one placed** an *eiruv* in the second town, establishing his residence there, and enabling him to travel freely there.

And for **the one who taught** that **the residents** may not travel throughout the large town, it also **was not corrupted. Because he sets up** the case as one where **someone measured** the distance from his *eiruv* to the larger town, and his Shabbat boundary ended in the midst of the town.

And according to this version, **a clause had been omitted** from the Mishnah, **and this is what** it meant to **teach:**

Perek 5 – 61a

The residents of a large town may **travel the entire** breadth of **a small town, and the residents of a small town** may **not travel the entire** breadth of **a large town.**

In what circumstances were **these words said? Where one measured** out his Shabbat boundary and it did not reach the far end of the other town.

But whoever was in a large town and placed his *eiruv* in a small town, or was in a small town and placed his *eiruv* in a large town, he may **travel the entire** breadth of the second town **and** measure his Shabbat boundary **outside it** for a distance of **two thousand *ammot.***

ꕥ ꕥ ✺ ꕥ ꕥ

Rav Yosef said in the name of **Rami bar Yosef** who **said** in the name of **Rav Huna:** Concerning **a town that rests on the edge of a** deep **stream,** such that it would be dangerous for one to live there if the stream was not fenced off.

If in front of the stream **there was a small** wall, **four** *ammot* high, then it is considered to be a town, and **one measures** its Shabbat boundary **from the edge of the stream.**

And if not, if there is not such a wall, then the town's residents are not considered as living in a town. Rather, we view them as living in a number of individual dwellings. Thus **we only measure** each individual's Shabbat boundary **from the door of his house.**

Abaye said to Rav Yosef: In this teaching, **you said to us** that one requires **a small** wall **four *ammot*** high.

Perek 5 – 61a

What is the difference between this small [*dakah*] wall, which must be four *ammot*[1] high, **and all other small** partitions, such as those mentioned on 59b and 60a, **which** are effective even if only **four** *tefachim*[2] high?

He said to Abaye in reply**: There it does not need** to serve **a** practical **function.** It is serving a purely Halachic purpose.

However, **here** in the case of the bank of the stream, **it needs** to serve a practical **function.** It is not valid unless it is high enough to keep the people safe from the deep stream, thereby turning the area into a normal residential area.

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Rav Yosef said: From where do I say, i.e. what is my source, that an area in a dangerous circumstance such as this is not considered a town as regards *eiruvin*?

For it was taught in a Baraita: **Rabbi,** i.e. Rabbi Yehudah HaNasi, **permitted the residents *Geder,*** a town that was situated at the top of a hill, **to descend to** the town of ***Chamtan,*** which was situated on the slope of the hill. However he did **not** permit **the residents of *Chamtan* to ascend to *Geder*.**

What was the reason to distinguish between them?

Was it **not because these** residents of *Geder* **made a small** wall to protect them from the danger posed by the steep slope? Thus they were viewed as residing in a town, and their two thousand *ammot* Shabbat boundary was measured from the wall of the town, enabling them to reach *Chamtan*.

[1] 1 ammah: 18.7 in., 48 cm
[2] 1 tefach: 3.1 in., 8 cm

However, **those** residents of *Chamtan* **did not make a small** wall, and given that it is dangerous to live on a slope, they were not viewed as living together in a town. Rather the residents were considered as living in individual dwellings whose Shabbat boundaries are measured from the doors of their houses, and were thus unable to reach *Geder*.

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When Rav Dimi came, he said a different reason for the above ruling: **The residents of *Geder* would harass the residents of *Chamtan*,** when the residents of *Chamtan* came to the town of *Geder*.

And what was the reason for the **permission** that Rabbi gave to the residents of *Geder* to descend to *Chamtan*, without allowing the residents of *Chamtan* to travel to *Geder*? Rabbi **decreed** that the residents of *Chamtan* may not travel to *Geder* in order that the people of *Geder* should not harass them there.

And what is the difference between **Shabbat** and the other days of the week, when they were permitted to travel to *Geder*?

Drunkenness is common on Shabbat, and this led them to harass the residents of *Chamtan*.

The Gemara raises a difficulty: If this is true, **when** the residents of *Geder* **go there, they will also harass them.**

The Gemara answers with a parable: **A dog without a town for seven years does not bark.**

Meaning to say that people are not so mighty when they leave their own environment.

Perek 5 – 61a

The Gemara raises another difficulty: If a person is not so mighty when he leaves his own town, **now too** we should be concerned that **the residents of *Chamtan* will harass the residents of *Geder*** who come to *Chamtan*, in retaliation for the way they were treated.

The Gemara replies: **They will not allow them** to do **all of this.** Even though the residents of *Geder* are outside their own town, they would not be so meek as to permit the people of *Chamtan* to harass them.

*

Rav Safra said a different explanation for treating *Geder* and *Chamtan* differently**:** *Chamtan* **was a town that was shaped like a bow,** and the distance between its two ends was more than two thousand *ammot*. Therefore one measured the Shabbat boundaries of those dwelling on the 'bend of the bow' from their houses themselves.

And the entire town of *Chamtan* was contained within the Shabbat boundary of *Geder* and therefore the residents of *Geder* were able to travel throughout *Chamtan*. However the Shabbat boundary of the residents of *Chamtan*, who lived on the 'bend of the bow', only reached the beginning of *Geder*. Thus they were only permitted to travel to the outskirts of the town but not to its center.

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Rav Dimi bar Chanina said a different explanation for treating *Geder* and *Chamtan* differently**:** The inhabitants of *Geder* are considered **the residents of a large town. And** the inhabitants of *Chamtan* are considered **the residents of a small town.** Given that the whole of *Chamtan* came within the Shabbat boundary of *Geder*, Rabbi said that for the residents of *Geder* it was considered as if it occupied just four *ammot*. However the Shabbat boundary of *Chamtan* ended within the town of *Geder*, thus the residents of *Chamtan* were not permitted to travel any further than this point.

Rav Kahana taught the explanations of Rav Safra and Rav Dimi in **this** way.

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However **Rav Tuvyomi taught** it in **this** way:

Rav Safra and Rav Dimi; One said: The town was shaped like a bow, and one said: They were considered to be **the residents of a small town and the residents of a large town.**

Mishnah

The residents of a large town may **travel the entire** breadth of **a small town,** and view it as occupying just four *ammot,* continuing to measure the remainder of their Shabbat boundary on the other side of the town.

And the residents of a small town may **travel the entire** length of **a large town.**

How is this so?

Whoever was in a large town and placed his *eiruv* in a small town, or was **in a small town and placed his *eiruv* in a large town,** he may **travel the entire** breadth of the other town, **and outside it** for a distance of **two thousand *ammot.***

Perek 5 – 61a

Rabbi Akiva says: He only has two thousand *ammot* to travel within, **from the place of his *eiruv*.**

Rabbi Akiva said to them, the Rabbis whose view he disagreed with: **Do you not concede to me** that if **one placed his *eiruv* in a cave, that he only has** permission to travel **two thousand *ammot* from the place of his *eiruv,*** and may not measure his Shabbat boundary from the edge of the town?

They said to him: When would we agree to your view? **At a time that there were no residents there.**

But if there were residents there, then **he may travel its entire** breadth, as if it occupied just four *ammot*, **and** measure his Shabbat boundary **outside it** for a distance of **two thousand *ammot.***

It emerges that the law concerning a person who places his *eiruv* **inside** a cave which is inhabited **is more lenient,** given that the whole cave is viewed as occupying just four *ammot*. This is more lenient **than** the law concerning someone who placed his *eiruv* **on top of it,** the cave, who may travel only two thousand *ammot* from the place of his *eiruv*.

And the Rabbis concede to Rabbi Akiva's view **concerning someone** who did not place his *eiruv* in a cave or another town, rather, he **measured** the limit of his Shabbat boundary. In this case, the Rabbis **said** that **we give him two thousand *ammot*** from his town, or from the position of his *eiruv*. They agree **that even if the** far **end of the breadth** of his Shabbat boundary **ended in a cave,** and even if this cave were inhabited, he may go no further that the limit of his Shabbat boundary.

Perek 5 – 61B

Ammud Bet

Gemara

Rav Yehudah said in the name of **Shmuel:** If **someone spent Shabbat in a ruined town,** which was surrounded by partitions, but was not inhabited. Then **according to the Rabbis, he may travel its entire** breadth, **and** measure his Shabbat boundary **outside it**s limits for a distance of **two thousand *ammot.***

However if he merely **placed his *eiruv* in a ruined town**, not actually staying there for Shabbat, then the town is not considered as his own four *ammot*. **And he only has** permission to travel **two thousand *ammot* from the place of his *eiruv*.**

Rabbi Eliezer says: According to the Rabbis, whether **one spent Shabbat** in the ruined town or whether **one** merely **placed** his *eiruv* there, **he may travel its entire** breadth, **and** measure his Shabbat boundary **outside it**s limits for a distance of **two thousand *ammot.***

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They contradicted him, Rabbi Eliezer's understanding of the Rabbis' view, from our Mishnah:

Rabbi Akiva said to them, the Rabbis: **Do you not concede to me** that if **one placed his *eiruv* in a cave, that he only has** permission to travel **two thousand *ammot* from the place of his *eiruv*?**

They said to him: When would we agree to your view? **At a time that there were no residents there.**

Perek 5 – 61B

The Gemara brings out the point: **Note that when there are no residents there,** similar to our case of an uninhabited town, the Rabbis **concede to him,** to Rabbi Akiva. In such a case they agree that a cave or town are not considered as one's own four *ammot,* if one merely placed his *eiruv* there.

Thus the Rabbis clearly do not hold the view that Rabbi Eliezer said they did.

The Gemara answers for Rabbi Eliezer: **What** did the Rabbis mean when they said **"there are no residents there"?** They meant that the town **is not suitable for habitation,** because its walls have collapsed. However, if there were walls, it would be considered as one's own four *ammot* even if the town were ruined.

*

Come and **hear** a proof from a Baraita, against Rabbi Eliezer's understanding of the Rabbis' view:

If one **spent Shabbat in a town, even if it was as large as *Antiochia*.**

Or **in a cave, even if it was similar to the cave of Tzidkiyahu[3] King of Yehudah[4],** i.e. very large**.** In these cases **he may travel its entire** breadth **and outside it**s limits for a distance of **two thousand *ammot*.**

The Gemara clarifies: **It** the Baraita **taught** a case of **a town that is similar to** a case of **a cave.** Thus we may draw the following conclusion: **just as** it referred to **a cave that was ruined,** i.e. uninhabited, **so too** it referred to **a town that was ruined.**

[3] Zedekiah
[4] Judea

Perek 5 – 61B

And it is clear that if **one spent Shabbat** there, then **yes,** he may travel throughout town or the cave as if it were his own four *ammot*. **But** if he merely **placed** his *eiruv* there, then **no,** he may not**.**

And whose view does this represent?

If you will say that it is the view of **Rabbi Akiva – Why** did he **refer to a** case of a **ruined** town or uninhabited cave? Surely, **even** if one spent Shabbat in **an inhabited** town or cave, one would **also** be forbidden to travel freely throughout them.

Rather, no – it represents the view of the **Rabbis,** with whom Rabbi Akiva disagreed.

And the reason the Baraita rules that **yes,** one is permitted to travel freely throughout the town or cave, is **that he spent Shabbat** there. **But** if **he** merely **placed** his *eiruv* there, **No!**

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The Gemara rejects this proof: **Do not say** that the Baraita taught a case of **a town** that is **similar to a cave.**

Rather I will say: It taught a case of **a cave similar to a town.**

Just as it referred to **a town that is inhabited, so too** it referred to **a cave that is inhabited.**

And this Baraita **is** according to the view of **Rabbi Akiva, for he said: He** who places his *eiruv* **only has two thousand *ammot*** to travel within **from the place of his *eiruv*,** even if it were placed within an inhabited town.

Perek 5 – 61B

And in a case where **one spent Shabbat** there, **I** Rabbi Akiva **agree** that the whole town is viewed as his own four *ammot*.

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The Gemara challenges this: **Surely** the Baraita **taught "similar to the cave of Tzidkiyahu",** and that cave was uninhabited!

The Gemara replies: The Tanna referred to a town that was *similar* to a cave. It was **similar to the cave of Tzidkiyahu** in some ways, **and not similar to the cave of Tzidkiyahu** in others.

He referred to a town that was **similar to the cave of Tzidkiyahu,** which was exceptionally **large,** and nonetheless it was considered as occupying just four *ammot*.

And not similar to the cave of Tzidkiyahu, because there, the cave was **ruined** (uninhabited), **and here** he was referring to an **inhabited** town.

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Mar Yehudah happened upon the residents of the town of ***Mavrichta,* who were placing their *eiruv* in the synagogue of *Bei Aguvar,*** the adjacent town. This was a large synagogue and they placed the *eiruv* inside, next to the door.

He said to them: Place it **further inside** the synagogue, **so that you will be permitted** to travel a **further** distance tomorrow. He took into account Rabbi Akiva's view, that one who places an *eiruv*, even inside a walled town, may travel only two thousand *ammot* from that *eiruv*.

Rava said to him, to Mar Yehudah: **O argumentative one!** You are the instigator of arguments, because **in *eiruvin* there is no one who is concerned for** the view of **Rabbi Akiva.**

Hadran Alach Keitzad Me'abrin

We Shall Return To You,
Perek Keitzad Me'abrin

Perek HaDar

Mishnah

Shlomo HaMelech[5] decreed that one may not transfer items from one private domain to another, due to a concern that one might come to transfer items from a private to a public domain. Included in this decree was a prohibition against transferring items from one's home to a courtyard that one shares with others, until they made an *eiruv chatzerot* together.

If the residents did not make an *eiruv chatzerot* together, all the residents have the option of verbally relinquishing their rights in the courtyard to one resident. Subsequently this one resident would be permitted to transfer items from his house to the courtyard, given that it was now considered to 'belong' to him alone.

This Halachah was said with respect to Jews who live together. But concerning **one who lives with a gentile in a courtyard, or with someone who does not accept** the institution **of *eiruvin,*** such as a Cuthite[6], the Halachah is different. In this case, **note that he,** the gentile or Cuthite, **forbids him,** the Jew, from transferring items to the courtyard. In other words, their residence invalidates the *eiruv*.

This will be true until the Jew hires their rights to the courtyard; however a simple relinquishing of rights is not sufficient, as the Gemara will explain.

Rabbi Eliezer ben Yaakov says: In truth, the residence of a gentile or Cuthite in a courtyard **does not forbid** a single Jew, or even two Jews who do not need to make an

[5] King Solomon
[6] Member of the displaced people of Cuth, who converted to Judaism after the Assyrian conquest of the Kingdom of Israel. Their practice of Torah Judaism was unsatisfactory, especially as regards Rabbinic decrees.

eiruv chatzerot together, from transferring items to the courtyard. And the prohibition is not effected **until there are two Israelites** (Jews) whose presence would **forbid each other** from transferring items to the courtyard until they made an *eiruv*. It is only in that case, where the Jews have to make an *eiruv chatzerot* with each other, that the residence of the gentile or Cuthite prevents them from doing so, until they hire his rights to the courtyard. The reasoning will be explained in the Gemara.

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The Gemara will explain that a clause has been omitted from the Mishnah, and it should have read at this point:

"The *Tzedukim*, 'Sadducees'[7], note that they are considered as gentiles, and one needs to hire their rights to the courtyard; these are the words of the first Tanna."

Rabban Shimon ben Gamliel said: The Sadducees, even though they do not accept the institution of *eiruvin*, are not considered like the Cuthites in this matter. Rather, they are able to relinquish their rights to a courtyard, enabling one to carry there, without the need to hire it from them.

The reason that a Cuthite is considered like a gentile is because they were insincere converts, choosing to convert to Judaism only due to a fear of the lions that were attacking their settlements in the land of Israel.[8] However the Sadducees, members of the Jewish people who had become heretics by denying the veracity of the Oral Law, are considered as Jews in this matter and thus may relinquish their rights to a courtyard.

And Rabban Shimon ben Gamliel now brings proof that this is in fact the Halachah, **from an incident** that once took place **with a certain Sadducee who dwelled with us in an**

[7] This is another group that did not recognize Rabbinic decrees such as *eiruvin* as binding in Halachah.
[8] See Kings II ch. 17, also Bava Kamma 38b, Rashi and Tosafot there.

alleyway in Jerusalem. He did not wish to make an *eiruv*, but agreed to relinquish his rights to us.

And Father i.e. Rabban Gamliel **said to us: Act quickly and take out** our **utensils to the alleyway,** in order to take possession[9] of the rights of the Sadducee in the alleyway, before he retracts. So too you must act quickly **before** the Sadducee **takes out** his utensils, and reacquires the rights to the alleyway, **and forbids you** from carrying there.

From this incident, we see that a Sadducee may merely relinquish his rights, and one does not have to hire the rights in the courtyard from him. Because were hiring required, and the rental fee had been handed over, there would be no concern lest the Sadducee retract and retake possession of his rights to the alleyway—for he would be unable to unilaterally renege on the contract.

Rabbi Yehudah says: It is impossible to bring a proof from here, because someone who had relinquished his rights to a property may retract even after others have taken possession.

Rather, Rabban Gamliel instructed them **in other terms: Act quickly and make your preparations in the alleyway** while it is still day, because on Shabbat you will not be permitted to transfer things there. And do this **before** the Sadducee **takes out** his utensils, meaning to say *in case* he takes out his utensils. Because were he to do so, he would **forbid you** from carrying, despite his having relinquished his rights to the alleyway, given that he may reclaim possession of the alleyway.

[9] Placing one's utensils would constitute a *chazakah,* an act of taking possession.

Chavruta
Eiruvin – Daf Samech Bet

Translated by: *Rabbi Dov Grant*
Edited by*: R. Shmuel Globus*

Abaye bar Avin was sitting down, and so was **Rav Chinena bar Avin. And Abaye was sitting next to them.**

And it was while **they were sitting** that **they said** the following question.

The first Tanna of our Mishnah, Rabbi Meir, stated that if a gentile or a Cuthite[1] live in the same courtyard as a Jew, then it is forbidden for the Jew to carry into his courtyard on Shabbat. (I.e. the residence of the gentile or Cuthite invalidates the *eiruv*.) And this is true even though he is the only Jew there.

That statement of **Rabbi Meir is all right,** since **he holds** that **the residence of a gentile is called a residence,** i.e. it is Halachically recognized as a residence**.** Therefore, when a Jew carries out an object on Shabbat from his house, to the courtyard that is shared with a gentile, he is effectively carrying from one domain to another.

And therefore **it makes no difference whether one** Jew shares the courtyard with the gentile, **or whether two** Jews share it with him. In either case it is forbidden to carry there, according to Rabbi Meir, until the rights of the gentile are hired from him.

But the statement of **Rabbi Eliezer ben Yaacov** in the Mishnah is problematic. He stated that it is only forbidden to carry out to the courtyard when there are *two* Jews living there. With **what** line of thinking **does he hold of?**

[1] Member of the displaced people of Cuth, who converted to Judaism after the Assyrian conquest of the Kingdom of Israel. Their practice of Torah Judaism was unsatisfactory, especially as regards Rabbinic decrees. Whether their conversion was ever Halachically valid is the subject of a Tannaic dispute.

Perek 6 – 62a

If he holds that **the residence of a gentile is called a residence**, then his statement is perplexing. For it should follow that **even** where **one** Jew shares the courtyard with a gentile, **we should also prohibit** carrying in the courtyard. (Like the view of Rabbi Meir).

And if he holds that **it** the residence of a gentile **is *not* called a residence,** then it should follow that **even** in a case where **two** Jews share the courtyard with a gentile, **we should also *not* prohibit** carrying in the courtyard**!**

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Abaye said to them: And does **Rabbi Meir** himself **hold that the residence of a gentile is called a residence?**

But it was taught in a Baraita**: A courtyard of a gentile is** regarded in Halachah **like an animal's abode.** But if there is one Jew living there, he causes the prohibition of carrying into the courtyard to take effect. These are the words of Rabbi Meir. (The Gemara later clarifies this Baraita).

So why does Rabbi Meir in our Mishnah require the rights of the gentile in the courtyard to be hired out, if here in the Baraita he holds that a gentile's residence has no Halachic status?

Rather, the following issue underlies the disagreement between Rabbi Meir and Rabbi Eliezer ben Yaakov.

That everyone, even Rabbi Meir, **holds that the residence of a gentile is not called a residence.** And in principle, there should be no prohibition to carry into the shared courtyard. This is the position of the Baraita, as explained by the Gemara later.

Perek 6 – 62a

Nevertheless, the Sages enacted a safeguarding decree, giving Halachic status to the residence of a gentile. And they disallowed him from participating in an *eiruv chatzeirot*[2], and they also disallowed him from obviating the need for such an *eiruv* through relinquishing his rights in the courtyard. Rather, he may only hire out his rights to the courtyard. This is the only way the Jews residing there may make a valid *eiruv*.

This decree was made in order to discourage a Jew from living in a shared courtyard with a gentile, lest the Jew will "learn from", i.e. be influenced by, the gentile's evil ways. For many activities of day-to-day living, such as eating, were commonly done in the shared courtyard. As a result of the trouble and cost of having to rent the rights of the gentile in the courtyard before every Shabbat, the Jew will eventually remove his residence from there.

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And here in our Mishnah, Rabbi Meir and Rabbi Eliezer ben Yaacov **are disagreeing regarding** a detail of **the decree** of **'perhaps he will learn from his**, the gentile's, evil **ways'.**

Rabbi Eliezer ben Yaacov said that it is only forbidden to carry into a courtyard if there are *two* Jews sharing with a gentile. He **holds** that **since a gentile is** generally **suspected of** the possibility that he could come to **murder** a lone Jew**,** therefore it is only **two** Jews or more **that are commonly found living** together with a gentile, since together they are not afraid of him. Thus, **they** the Sages **decreed** that the Jews of the courtyard need to rent from him, in order to make it difficult for them to live there, in hopes that they will move out. In this way they would escape his bad influence.

[2] King Solomon made an enactment prohibiting residents from carrying into a jointly shared courtyard, unless they symbolically join their houses together (making an *eiruv chatzeirot)*, by pooling together a certain amount of food before Shabbat.

Whereas regarding **one** Jew who lives with a gentile, a situation **that is not common** to find, **the Sages did not make such a decree,** i.e. they did not apply their decree to such a situation.

For there is a Halachic principle that the Sages generally did not make enactments for cases that are uncommon.

But Rabbi Meir holds that **it sometimes occurs that he** one Jew **lives** together with a gentile in the same courtyard. I.e. it is not extremely uncommon. And this is sufficient to be regarded as a common situation and subject to the decree of the Sages.

And in order to discourage Jews from learning from the evil ways of a gentile, **the Sages** made their decree and **stated** the following:

An *eiruv* is not effective in a place jointly shared with **a gentile,** even though his residence is not Halachically considered a residence.

And relinquishing of the rights by the gentile **is not effective in a place** jointly shared with **a gentile.**

But the *eiruv* is invalid only **until** the gentile **hires out** his rights to the Jew. Then the *eiruv* becomes effective. But the Jew will be discouraged from doing so, due to the effort required to rent the rights before every Shabbat. Thus he will eventually want to move away from the gentile.

The Gemara explains: **And** the fact **that the gentile will not hire out** his rights to the Jew on an ongoing basis **is due to what reason?**

Perek 6 – 62a

If you say it is **because he** the gentile **thinks** i.e. is afraid that **perhaps he** the Jew **will come and establish ownership over his rights** to the courtyard or alleyway, then a difficulty arises.

For **this** concern that the Jew will permanently take over his rights **is fine according to the one who says** that **a strong rental** agreement **is required** from the gentile.

But according to the one who says that only **a weak rental** agreement **is required, what is there to say** in defense of this explanation? Why should the gentile be afraid that the Jew could permanently take over his rights with such a weak agreement?

For it the following **was taught:**

Rav Chisda said: A Jew must hire the rights of the gentile with **a strong rental** agreement**.**

And Rav Sheishet said: It is enough for the Jew to hire the rights of the gentile with **a weak rental** agreement.

*

The Gemara clarifies.

What is the meaning of **"weak" and what is** the meaning of **"strong"?**

The difficulty mentioned above arises **if you say** the following definitions: A **strong** rental agreement **is where a *prutah*[3]** i.e. money is paid for the rental. Thus the rental has been acquired in a Halachically sound manner, with money, which must be at least a

[3] The smallest monetary unit recognized in Halachah.

prutah. And **a weak** agreement **is where less than the amount of a *prutah*** is paid for the rental, which is not effective in actually acquiring a place with the rental.

But these definitions are not plausible:

For **is there anyone who says that** rental **from a gentile for less than the amount of a *prutah*** does **not** effect an acquisition**?**

For surely Rabbi Yitzchak, the son of Rabbi Yaacov bar Giyorei, sent the following Halachic statement **in the name of Rabbi Yochanan: You should know that one may hire** rights **from a gentile** in a jointly owned courtyard, **even regarding** a rental that is **less than the amount of a *prutah*.**

And the legal significance of an amount less than a *prutah* is seen from the following statement. For **Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: A "descendant of Noach"[4] may be killed** i.e. sentenced to death by a court of law **over** theft from a fellow descendant of Noach, even if the item stolen was **worth less than a *prutah*.** For a gentile is particular about any of his possessions being stolen, even if the item is worth less than a *prutah.*

And it the stolen item **cannot be returned** in order to rectify the transgression and avoid the death penalty. For the verse speaking of such a rectification, (*Vayikra* 5:23) "He must return the theft that he has stolen", refers only to a Jew.

Thus, an amount less than a *prutah* is legally significant for a gentile regarding theft. Therefore, it should also be considered significant to validate a rental agreement with a Jew.

[4] Noah. I.e. a non-Jew. All non-Jews must abide by the 'seven mitzvot of the descendants of Noach', one of which is the prohibition on theft. Transgression of any of these mitzvot is punishable by death by court of law.

So it is not plausible that the definition of a strong rental agreement is that a *prutah* is required.

Rather, a **strong** agreement **is** where the gentile stipulates that the Jew can fill up the courtyard **with benches and chairs,** if he so wishes**.**

Whereas a **weak** agreement **is** where there is **no** stipulation regarding **benches and chairs.**

*

The Gemara now returns to the proposition that a gentile will not want to rent out his rights to the courtyard for fear that the Jew will make permanent claim to those rights.

The question on this is reiterated.

This is fine according to the one who says that **a strong rental** agreement **is required.**

But according to the one who says that **a weak rental** agreement **is required, what is there to say** in defense of this explanation**?**

The Gemara answers.

Nevertheless, the gentile is concerned that the intention of the Jew is to rent the area **for** the practice of **sorcery** i.e. to cast spells that will be damaging to the gentile. Since he is unaware or lacks understanding of why the Jew wants to rent the area, therefore **he will not hire out** to him**.**

Perek 6 – 62a

Let us now return to the previously quoted Baraita **itself: The courtyard of a gentile is** regarded in Halachah **like an animal's abode.**

This means that a courtyard shared exclusively by gentiles is not regarded in Halachah as shared property.

Therefore, it is **permitted to bring in and to take out** items **from the courtyard to the houses, and from the houses to the courtyard.** A Jew who removes something from the house of the gentile to the courtyard, has not effected a change of domain.

But if a Jew is there in the courtyard where a gentile resides**,** then it is regarded as belonging solely to the Jew, since the courtyard of a gentile has no Halachic status. Thus **he** the Jew "**forbids"** all other Jews from carrying out of the gentiles' houses to 'his' courtyard. I.e. his residence necessitates an *eiruv,* which cannot be made in such a circumstance. Thus it is considered as if he is transferring from one domain to the other.

Specifically, a Jew prevents transfer from the gentile's house. The Gemara will soon ask why the gentile's presence does not prevent transfer from the Jew's house.

These are **the words of Rabbi Meir.**

Rabbi Eliezer ben Yaacov says: It is **never** the case that **he** one Jew **can "forbid"** others from carrying in the courtyard. Never, that is, **until there are two Jews** in the courtyard, who **"forbid" each other** from carrying there.

The Gemara will later explain the basis of their disagreement.

Perek 6 – 62B

AMMUD BET

The Master, i.e. Rabbi Meir in the previous Baraita, **said: The courtyard of a gentile is** regarded in Halachah **like an animal's abode.** And if a Jew is there, he "forbids" others from carrying out to the courtyard, due to his residence.

This implies that the gentile's presence does not Halachically prevent carrying out from the Jew's house. It is the Jew who "forbids", not the gentile.

But surely we learnt in our Mishnah**:** The following Halachah applies to **one who lives with a gentile in a courtyard: Note that he** the gentile **forbids him** the Jew from transferring objects to the courtyard.

The Gemara answers.

This is not a difficulty.

This which was stated in the Mishnah refers to where **there is** a gentile at home on that Shabbat. Therefore the Jew may not carry out into the courtyard.

Whereas **that** case of the Baraita is where **there is no** gentile at home. Therefore the Jew may carry out into the courtyard.

*

The Gemara explains.

And what view **does he** Rabbi Meir **hold of?**

Perek 6 – 62B

If he holds that **a residence without owners** actually living there at the time **is called** i.e. is regarded Halachically as **a residence,** then a difficulty arises. For **even** the residence of **a gentile** who is absent **should also forbid** the Jew from carrying in the courtyard!

It stands to reason that the Sages made no stipulation that the gentile must be present, when they enacted the decree to regard the house of a gentile as a Halachically valid dwelling.

And if he holds that **a residence without owners** actually living there at the time **is not regarded as a residence,** then this also presents a problem. For then, **even** the residence of **a** currently absent **Jew should not forbid** another Jew from carrying in the courtyard!

And the Baraita implied that the residence even of a currently absent Jew would Halachically prevent a Jew living in the same courtyard from carrying out objects.

The Gemara explains that one can in fact make a distinction between an absent Jew and an absent gentile.

In truth, he Rabbi Meir **holds** that **a residence without owners** living there at the time **is not called a residence.** And the residence of the absent Jew should not Halachically prevent others from carrying into the courtyard.

Nevertheless, the residence of **a Jew** is always restrictive. **For when he** the Jew **is** present, his residence is a true Halachic residence and therefore **he forbids** others from carrying. Therefore, even **when he is not** present, **the Sages made a decree.**

The case of **a gentile** however is different. **For** even when **he is** present, his residence is not a Halachically recognized residence. Rather, the Sages made **a preventative decree** equating his residence with that of a Jew's. For they were concerned that **perhaps** if the Jew lives in the same courtyard, **he will learn from his** the gentile's evil **ways.**

Perek 6 – 62B

Therefore, **when he is** present and is seen as dwelling there in the same way as a Jew, then the Sages equated his residence with the Jew's. Thus, **he** the gentile **forbids** Jews from carrying. This is the case of the Mishnah.

But **when he** the gentile **is not** present and therefore is not dwelling there in the normal sense, they did not extend their preventative decree. Therefore **he does not forbid** Jews from carrying.

*

In contrast, the Baraita stated that it is forbidden to remove items from the house of the gentile to the courtyard, even if the gentile is not present on Shabbat. The reason is as follows.

A house where the owners are absent is not a Halachically recognized dwelling in the respect that it does not prevent other dwellers of the courtyard from carrying out from their houses.

But since it is forbidden, as a basic halachah of *eiruvin*, to carry out from such a house to a shared courtyard, it will not help to say that a residence of absent owners is not called a residence!

Thus it is forbidden to carry out from the house of the gentile, since the Sages equated his dwelling to a real dwelling for the sake of the preventative decree.

*

The Gemara is puzzled by the statement that an absent gentile does not prevent a Jew, sharing with him the courtyard, from carrying out of his own domain.

Perek 6 – 62B

And is it true that **when he** the gentile **is not** present, **he does not forbid** Jews from carrying out**?**

But it was taught otherwise in a Mishnah (86a), concerning the following case: **One who left his house and went to spend Shabbat in a different town**. **Whether he is a gentile or a Jew, he forbids** Jews in his shared courtyard from carrying there.

The Gemara answers.

There in the Mishnah, where he prevents carrying into the courtyard, it is dealing with a case **where** the gentile did not travel far away and **he can come** back to his house **on the day** of Shabbat.

The Sages were concerned that if they would permit carrying in the courtyard before the gentile returns, then people would unwittingly continue to carry even after he returns. Therefore their preventative decree extends to such a circumstance.

But the Baraita is a case where the gentile has gone far away, not being able to return on Shabbat.

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Rav Yehudah said in the name of Shmuel: The Halachah is in accordance with the view of **Rabbi Eliezer ben Yaacov.** Thus a gentile's house is only considered a Halachically significant residence when there are two Jews sharing his courtyard.

This is a halachah that can be taught in public, for it is completely correct.

Perek 6 – 62b

But Rav Huna said: The *custom* is like Rabbi Eliezer ben Yaacov. This halachah may be told only to those who come to request a ruling in the matter, but it may not be taught in public.

And Rabbi Yochanan said: The people are accustomed to conduct themselves **like** the view of **Rabbi Eliezer ben Yaacov.** This halachah is not even told to those who come to request a ruling in the matter. However, we do not protest against anyone who conducts himself according to this view.

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Abaye said i.e. posed **to Rav Yosef** the following inquiry.

We have previously **established** that **the teachings of Rabbi Eliezer ben Yaacov are** like a ***'kav'***[5] i.e. they are few, **and** they are **'clean'** of dross (i.e. the Halachah always follows his rulings).

And regarding our Mishnah, even **Rav Yehudah** expressly **said in the name of Shmuel** that **the Halachah is in accordance with Rabbi Eliezer ben Yaacov.** Thus implying that this is a clear ruling.

This being so, **what is** the Halachah regarding a disciple who is asked to deliver a ruling in this matter? Is he allowed **to rule** that **the halachah** follows Rabbi Eliezer ben Yaacov, even **in the area of his master**'s jurisdiction**?**

In general, it is forbidden and considered insolent for someone to issue Halachic rulings in the area where his master has jurisdiction. But perhaps this case is different because the matter is obvious and clear, and is not depending on reasoning.

[5] A small measure of 2.9 pints or 1.4 liters.

Perek 6 – 62B

He Rav Yosef **said to him** to Abaye in reply:

On the area of one's master, one may not **even** give a ruling in very simple questions such as whether it is permitted to eat **a** complete **egg** that is found inside a chicken, together **with *kutcha*[6].** Although eating eggs with milk is clearly not considered a mixture of milk and meat, and this halachah is known by all, still, one may not issue such a ruling in the area of one's master.

For **I asked Rav Chisda while Rav Huna** (his master) **was alive** if it was permissible to eat them together, in order to see if he would indeed rule on the matter. **And he did not rule the halachah to me** until Rav Huna died.

Therefore, it is certainly forbidden for a disciple, in the area of his master, to rule a halachah in accordance with Rabbi Eliezer ben Yaacov.

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Rabbi Yaacov bar Abba said i.e. posed **to Abaye** the following inquiry, about ruling Halachah in the area of one's master.

What about, **for example,** the halachot that are written in the scroll known as ***Megillat Ta'anit*[7]? Since it is written and laid out** for all to see, **what is** the Halachah regarding a disciple who is asked to issue a ruling over something that is written in this scroll? Is he allowed to **rule the halachah** from *Megillat Ta'anit* even **in the area of his master?** After all, this is not a matter that depends on reasoning.

Abaye said to him in reply:

[6] A dip containing sour milk

Perek 6 – 62B

This is how Rav Yosef stated the halachah: Not **even the** question of **an egg with *kutcha.*** For **I asked Rav Chisda** that question **while Rav Huna was alive and he** Rav Chisda **did not rule the halachah to me.**

So we see from this that a disciple may not even rule in a very simple matter of Halachah, while in the area of his master.

*

Rav Chisda ruled halachot in Babylon, **in** the place known as **Cafri, during the lifetime of** his master **Rav Huna.** For Rav Huna lived in Pumpedita, not in Cafri.

[7] These were the only halachot committed to writing before the redaction of the Mishnah. It contains the dates when it is forbidden to fast, and the dates which were established at various points in history as public fasts.

Chavruta
Eiruvin – Daf Samech Gimel

Translated by: *Chavruta staff of scholars*
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Rav Hamnuna ruled Halachah **in** the town **Charata of Argaz** (the town was built by a magician named Argaz), even **during the years of Rav Chisda** his master. This is because Rav Chisda was in the different town of Mechoza.

*

The Sages decreed that a kosher slaughterer should show his knife to the local rabbi—for him to check whether it is fitting for kosher slaughter—as a sign of respect to the rabbi. Therefore, someone else inspecting the knife can be a sign of disrespect to one's rabbi, just like someone else ruling Halachah is sometimes regarded as disrespectful.

Ravina inspected a knife, even though his master, Rav Ashi, was in Babylon with him.

Rav Ashi said to him: **Why did the "master"** (i.e. you, Ravina) **do this** and accept the honor of the town that is due to your master who is in Babylon with you?

He Ravina **said to him: But Rav Hamnuna ruled** Halachah **in Charta of Argaz in the years of** his master, **Rav Chisda,** because he was in a different town. And you, too, do not live in my town, but in Mata Machsaya!

He Rav Ashi **said to him** Ravina: You heard an incorrect version of the story. **It is stated** not that Rav Hamnuna ruled Halachah, but that **he did *not* rule** Halachah, because his master was with him in Babylon.

He Ravina **said to him** Rav Ashi, in reply: There were actually two reports of what Rav Hamnuna did.

Perek 6 – 63a

In one report **it was stated** that **he ruled** Halachah.

And in another report **it was stated** that **he did not rule.**

And we may resolve the contradiction by saying that the two reports are talking about two different times.

In the years of Rav Huna his master, he did not rule Halachah.

But he did rule Halachah **in the years of Rav Chisda, who was his *talmid chaver*** (disciple/colleague).[1]

And I, Ravina, **too am a *talmid chaver* of** you, **the master** Rav Ashi.

*

Said Rava: A Torah scholar can show the slaughtering knife **to himself** if he slaughters, and does not have to show it to his rabbi, even if he is in the place of his rabbi.

Ravina visited Mechoza, Rava's town. **His host brought a knife and showed it to him** Ravina before slaughtering an animal.

He Ravina **said to him** the host: **Go, take it to Rava.**

He the host **said to him** Ravina: **Does the master not hold of that which Rava said: A Torah scholar may see** the knife **himself?**

[1] Although Rav Hamnuna was Rav Chisda's colleague and equal to him in learning, he was termed his *talmid* because he had learnt at least one thing from him.

Perek 6 – 63a

He Ravina **said to him: I am buying the meat** from you. Therefore when you slaughter, it is considered that you are slaughtering for yourself, and not for me. Thus you must show the knife to your rabbi.

*

Rabbi Elazar from Hagrunia, and Rav Acha bar Tachalifa visited the home of Rav Acha the son of Rav Ika, in the place of Rav Acha bar Yaakov.

Rav Acha the son of Rav Ika wanted to prepare them a third grown calf.[2] He brought a knife and showed it to them his guests.

Rav Acha bar Tachalifa said to him: Are you not concerned about the Elder (Rav Acha bar Yaakov who is the rabbi of the town)? Why don't you show him the knife?

Rabbi Elazar of Hagrunia said to them: Thus said Rava: A Torah scholar may see the knife **himself,** therefore we can examine the knife ourselves, because we are not paying for the meat.

He, Rabbi Elazar of Hagrunia, then **looked** at the knife **himself, and was punished.**

The Gemara inquires: **But Rava** indeed **said: A Torah scholar may look for himself.** So why was he punished?

The Gemara explains: **There it is different, because they began** speaking **about his** the rabbi's **honor.** Once Rav Acha already mentioned the "Elder," it was disdain of his honor not to show him the knife.

[2] This is when the calf is tastiest.

Perek 6 – 63a

And if you wish, I could say another answer: **Rav Acha bar Yaakov is different, because he is exceptional** in age and wisdom.

*

Said Rava: And to separate a person **from** transgressing **a prohibition,** the honor of the rabbi may be waived. **Even** to warn the person **in front of him** (one's rabbi) **is fine.**

Ravina was sitting in front of Rav Ashi his rabbi. **He saw a certain person who was tying his donkey to a palm-tree on Shabbat.**[3]

He Ravina **shouted at him and he paid no attention to him.**

He Ravina **said to him** this person: **This person shall hereby be placed under ban!**

He Ravina **said to him** Rav Ashi: **Is** an action **like this** (that I warned and placed a ban on the person in front of you) **considered brazenness?**

He Rav Ashi **said to him** Ravina: It is stated in Scripture: **"There is no wisdom, and no understanding, and no counsel** [i.e. no matter how wise or understanding one's rabbi is, concern for his honor is waived) **against** [desecration of] **Hashem."**

This teaches that: **Wherever there is desecration of Hashem, we do not attribute honor to the rabbi,** if it stands in the way of stopping the desecration.

*

Said Rava: To rule Halachah **in front of him** (one's rabbi) **is forbidden, and one is liable** to be punished by **death** for doing so**.**

[3] Which is Rabbinically forbidden, because one may not use a tree on Shabbat.

Perek 6 – 63a

To rule Halachah **not in front of him, is forbidden but one is not liable** to be punished by **death.**

The Gemara raises a difficulty: **And** is it true that a case of **not in front him** is more lenient, and **not** liable to be punished by death?

In support of the difficulty, the Gemara now cites a Baraita. The point the Gemara wishes to bring out is from the end of this citation. **But it was taught in a Baraita**:

Rabbi Eliezer ben Yaakov[4] says: The sons of Aharon[5] (Nadav and Avihu) **only died because they ruled Halachah in front of Moshe[6] and Aharon.**

How is this explicated from the verses?

Because it is written: "**And 'the sons of Aharon' the Cohen put fire on the Altar."**

They Nadav and Avihu **said: Even though the fire comes down from Heaven,** it is **a mitzvah to bring** fire **from an ordinary** source. Thus we see that these sons of Aharon ruled Halachah concerning placing ordinary fire on the Altar.

The Baraita continues: **And Rabbi Eliezer had one disciple who ruled Halachah in front of him.**

Rabbi Eliezer said to Ima Shalom, his wife, **I will be surprised if he** the disciple **gets through his** i.e. this **year** without dying.

And he did not get through his year.

[4] The *Bach* adds the words "ben Yaakov."
[5] Aaron
[6] Moses

She Rabbi Eliezer's wife **said to him: Are you a prophet?**

He said to her: I am not a prophet and not the son of a prophet.[7] **But so have I received** as an oral tradition**: Whoever rules Halachah in front of his rabbi is liable for death.**

*

The Gemara now explains why this Baraita contradicts what Rav said earlier: **And said Rabbah bar bar Channah said Rabbi Yochanan: That disciple's name was Yehudah ben Guria, and he was three *parasa'ot*[8] distant** from Rabbi Eliezer.

So we see that the disciple does not have to be in his rabbi's presence to deserve death.

The Gemara answers: **He** the disciple **was in front of him** Rabbi Eliezer when he ruled, and Rabbi Yochanan is merely saying that the disciple *lived* three *parsa'ot* away.

The Gemara raises a difficulty: **But he** Rabbi Yochanan **said** that **he was three *parsa'ot* away from him,** and why should he say that if he merely means to tell us where the disciple lived? What difference does it make?

The Gemara answers: **And according to your approach, why** does Rabbi Yochanan mention **his name** of the disciple **and the name of his father?**

Rather, you must explain that these details were mentioned so **that you should not say it was a parable** and never really happened. Similarly, he mentioned where the disciple lived to stress that the story really happened.

[7] This expression is found in Amos chapter 7. *Rashash*.

Perek 6 – 63a

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Said Rabbi Chiya bar Abba said Rabbi Yochanan: Whoever rules Halachah in front of his rabbi, is fitting that a snake bite him.

Because it says: "And Eliyahu ben Berachel the Buzi answered and said: I am young in days and you are old, **therefore I 'crawl' and am afraid"** to speak in front of you who are older.

And it is written there in another place**: "With the anger of that which 'crawls' in the dust",** i.e. the crawling snake.

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Ze'irei said in the name of **Rabbi Chanina:** Whoever rules Halachah in the presence of his rabbi **is called a sinner.**

Because it says: "I (King David) **keep Your word in my heart** [and do not say it aloud in front of my rabbi] **so that I do not sin to You."**

*****

Rav Hamnuna posed a contradiction:

It is written in Psalms: **"I** [King David] **keep Your word** in my heart."

And it is written: "I publicize Torah [lit. righteousness] **in the great multitude."**

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[8] Singular: *parsah*, i.e. parasang (approx. 2.7 miles or 4.3 kilometers)

He resolved the contradiction: It is **not a difficulty.**

Here, where he kept silent, was **in the time** that his rabbi **Se'ira haYe'ori was alive.**

He was King David's rabbi, as it says: "Se'ira haYe'ori was a rabbi [lit. Cohen] for David."

And **that,** when he spoke up publicly, **was in the time that Se'ira haYe'ori was not alive.**

*

The Gemara now discusses another issue connected with King David and Se'ira haYe'ori.

Said Rabbi Abba bar Zavda: Whoever gives all **his** priestly **gifts to** only **one Cohen, brings hunger to the world.** This refers to the tithes, portions of meat, shearings of wool, etc that one is obligated to give to a Cohen.

Because it says: "Se'ira haYe'ori was a Cohen for David."

Was he only a Cohen for David, and **for the whole world he was not a Cohen?**

Rather, it means **that David used to send him** all **his** priestly **gifts. And it is written after it: "And it happened that there was a famine in the days of David."**

Perek 6 – 63a

Rabbi Eliezer says: Whoever rules Halachah in front of his rabbi, **is taken down from his greatness, because it says:**

"And Elazar the Cohen said to the men of the army who returned from war: 'This is the statute of the Torah that Hashem commanded Moshe.'" And he then instructed them how to render kosher the cooking implements they had taken from Midian.

Even though he told them: My uncle, Moshe, **was commanded** this by Hashem—as he said, "the Torah that Hashem commanded Moshe"— **and I was not commanded** it. I.e. he expressly stated the Halachah in Moshe's name.

Even so, he was punished.

Because it is written concerning Yehoshua[9]: "**And he** [Yehoshua] **shall stand before Elazar the Cohen** and ask him the judgment of the *Tumim*."

Yet we do not find that Yehoshua ever **needed him** (Elazar) to ask him anything with the *Urim and Tumim.* Thus we see that this greatness which was originally promised to Elazar was taken away from him.

Said Rav Levi: Whoever answers one **word in front of his rabbi, will go to the pit** (i.e. die) **without children.**

[9] Joshua

Perek 6 – 63B

Because it says:

"And Yehoshua son of Nun, Moshe's servant, from his young men, answered and said: My master Moshe, Lock them up [referring to Eldad and Meidad who were prophesying that Moshe would die before the Jews entered the land of Israel]**!"**

Ammud Bet

And it says: "Nun was **his** [Elishama's] **son, Yehoshua** was **his** [Nun's] **son,"** but no son of Yehoshua is mentioned.

And it (Rav Levi's statement that Yehoshua was punished for ruling Halachah in front of Moshe) **conflicts with** the statement **of Rabbi Abba bar Papa.**

Because Rabbi Abba bar Papa said: Yehoshua was only punished with childlessness **because he** once **held back Israel from** fulfilling the mitzvah of **to be fruitful and multiply, for one night,** and thus his punishment was measure for measure.

Because it says: "And it happened that when Yehoshua was in [i.e. next to] **Yericho**[10] [i.e. when he was besieging it], **and he lifted his eyes and saw,** and behold, a man was standing opposite him and his sword was drawn in his hand. And Yehoshua went to him and said to him: Are you for us, or for our enemies?

"And he said: No, but I am the chief of Hashem's host; [because of] '**now' I have come."**

[10] Jericho

Perek 6 – 63B

The angel thereby informed Yehoshua that he come down from Heaven with a drawn sword of punishment because of "now". I.e. it was necessary for the angel to clarify to Yehoshua which sin it was that warranted the threatened punishment. This implies there was some sin besides the one referred to as "now". The Gemara discusses what these two sins were.

He the angel **said to him** Yehoshua: **Yesterday,** before dark, **you failed to fulfill the daily offering of the afternoon** (this was because the cohanim were occupied with carrying the holy Ark that went out with the Jews to war – *Ritva*). **And now,** after dark, **you have failed to fulfill** the mitzvah **of learning Torah.**

He, Yehoshua, then **said** to the angel: **For which one** of these sins **did you come?**

He the angel **said to him:** For the sin of **"now,"** that you are not learning Torah now, **I came.**

And proof that the angel rebuked Yehoshua about Torah learning is that **immediately** in Yehoshua's next battle, against the town of Ai, it says: "**And Yehoshua dwelt that night in the midst of the nation," and it is written** afterwards: "And Yehoshua went that night **in the midst of the valley** (***emek***)**."**

And said Rabbi Yochanan: This teaches that he dwelt in the depth (***omkah***) **of** the learning of **Halachah (in the midst of the nation).**[11]

*****

How does this episode show that Yehoshua held back the people one night from the mitzvah of to be fruitful and multiply? Because the reason Yehoshua had stopped the people from learning Torah that night was because he had involved them in the siege of

[11] The *Bach* adds these words to the text.

Yericho. And so long as they were besieging the town, the holy Ark (always carried out with them to war) was not returned to its place.

And we have learnt: All the time the holy **Ark and the Divine Presence do not rest in their place, one is forbidden to have marital relations.** Thus, by involving the people in the night siege, which resulted in the displacement of the holy Ark, Yehoshua prevented the people from the mitzvah of to be fruitful and multiply.

*

Said Rabbi Shmuel bar Unya in the name of Rav: We see that **Torah study is greater than sacrificing the daily offering, because he** the angel **told him** Yehoshua: ***"Now* I have come."** I am threatening you with punishment because the Jews are not learning Torah now, and not because they earlier failed to fulfill the daily offering.

*

Said Rav Bruna said Rav: Whoever sleeps in the room where a man and his wife are staying, concerning him the verse says: "The women of My nation you drive from the room of her enjoyment."

And said Rav Yosef: We need this teaching, to inform us that **even concerning** if **his wife** is not presently fitting for marital relations, due to her being in the impure state of ***nidah*,** it nevertheless is wrong for someone else to sleep in their room**.** (This is because the couple is ashamed to discuss private matters in someone else's presence.[12])

Rava disagreed with Rav Yosef, and **said: If his wife is a *nidah*, may a blessing come to him,** to the person who stays in their room, because he keeps them from sin.

[12] *Rabbeinu Yehonatan*, *Maharsha*, and see *Ritva*.

Perek 6 – 63B

The Gemara rejects Rava's view: **And it is not so! Because until now, who guarded him** the husband? I.e. a married couple has no need for a guard; thus the other person's presence is unjustified.

Jews sharing a courtyard or alleyway cannot make an *eiruv* if there is also a gentile living there, unless they rent a share in his house. What happens if the gentile refuses to hire out a share in his house?

There was a certain alleyway where a gentile named **Lachman**[13] **bar Risak lived** in one of its houses**.**

They the Jews living in the houses of alleyway **said to him: Rent us your property,** so that we may make an *eiruv.*

He would not rent to them.

They the Jews **came and told** what had happened **to Abaye.**

He Abaye **said to them: Go and relinquish your** ownership of your **properties** to one of you. **And he will** thereby **be**come **a single** Jewish **person** living **in the place** (courtyard or alleyway) **of a gentile** (i.e. where a gentile also lives)**.** In other words, then there will be only one Jew owning property in the alleyway and its houses, and in such a case an *eiruv* may be made.

[13] Some texts have "Chaman."

Perek 6 – 63B

And the rule is that if **a single** Jewish **person** is living **in the place of a gentile, he** the gentile **does not forbid** the Jew from carrying into the joint area. I.e. the residence of the gentile does not invalidate the *eiruv*. This follows the view of Rabbi Eliezer ben Yaakov, mentioned at the beginning of the chapter, who says that a gentile forbids people to carry into the courtyard only if there are at least two Jews in the alleyway.

*

They said to Abaye in surprise: **The reason** that the Sages allow one Jew to make an *eiruv* if he shares an alleyway with a gentile is **only because it** such a situation **is not common.** For a single Jew is afraid that living alone with a gentile might provide the gentile with an opportunity to murder him. Therefore the Sages did not make any decree regarding that unusual situation.

But here, they many Jews **are living** with the gentile! Thus the decree should apply.

Abaye said to them in reply: This case is also unusual, because **every** case **of people relinquishing their property to one person, it is an unusual matter.**

And the Rabbis did not decree concerning an unusual matter.

*

Rav Huna the son of Rav Yehoshua went and said the above **Halachah** of Abaye, **in front of Rava.**

Rava said to him:

Chavruta
Eiruvin – Daf Samech Daled

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[Rava said to him:]

If so, you have nullified the law of *eiruv* from that alleyway. People will not know that everyone relinquished their property to one person, and will think that people in that alleyway are carrying without a proper *eiruv*. (*Meiri*)

He (Rav Huna) answered Rava's objection: The case is **that they,** all the Jews of the alleyway, **make an *eiruv*—**even though they don't have to and it is not even Halachically effective—in order that people will not suspect that they are carrying without an *eiruv*.

Rava had yet another objection: **People will say** that **an *eiruv* helps in a place** where there is a **gentile!**

Rav Huna answered the objection: **That we** (the people of the alleyway) **announce** that we are not relying on this *eiruv* which is Halachically invalid, and we are only carrying in the alleyway because it is a private domain, since we have relinquished our property to one Jew.[1]

Rava rejects this answer: Will the **announcement** be effective **for children?** Children who do not pay attention to the announcement will see people carrying and when they grow up, they will think that the presence of a gentile does not prevent Jews from making an *eiruv*.

*

Therefore Rava suggests a different solution to the problem of the uncooperative gentile resident in the courtyard:

Rather, said Rava: One of them the Jews in the alleyway **should go and become friendly with him** the gentile, **and borrow from him a place** in his courtyard, **and put something in it.**

Through this act, **he,** the Jew who is now "residing" in the gentile's courtyard, **will be like his** the gentile's **worker** who is **hired** for the whole year, **or like his harvester** who is hired during the harvest.

And said Rav Yehudah said Shmuel: Even the Jewish **worker hired** by a gentile for the year, **and even a harvester, can give his** portion of the ***eiruv*** with the other Jews in the courtyard or alleyway, **and it is sufficient.** In such a case, no Jew has to hire a place in the gentile's home.

*

Abaye said to, i.e. posed a difficulty to, **Rav Yosef.** This difficulty is based on the following Halachah**:**

If a Jew has hirelings or harvesters staying in private rooms in his house, they do not have to participate in the courtyard's *eiruv* because they are not considered as owning separate dwellings. For the Jew can eject them whenever he wishes. (*Mishnah Berurah* 382:53).

Nevertheless, we just saw that if a hireling or harvester is staying with a gentile, the Sages are lenient to consider it as if the hireling or harvester is a full-fledged resident in the gentile's house, although the gentile could eject them.

[1] The people also point out that because the *eiruv* is useless, they are only carrying to the alleyway from the

Therefore the following difficulty arises: In the case where we rely on hirelings or harvesters in the gentile's home to make an *eiruv*, **if there were five of his** the gentile's **hirelings and five of his harvesters** who were Jewish, **what** is the Halachah? Because they are considered residents, must every one of them now contribute towards the *eiruv* to make it permitted to carry?

He Rav Yosef **said to him** Abaye: **If they** the Sages **said** the rule of **his** a gentile's **hireling or harvester to be lenient,** and allow the Jews of the courtyard to make an *eiruv*, **would they say** the rule **of his hireling or harvester to be stringent,** and require that every one of them must contribute to the *eiruv*?

The Gemara now discusses the halachot of someone who drank wine.

Regarding the above-mentioned statement **itself: Said Rav Yehudah said Shmuel: Even the** Jewish **worker hired** by a gentile for a year **and even a harvester, can give his** portion of the ***eiruv*** with the other Jews in the courtyard or alleyway, **and it is sufficient,** and one does not have to hire a place in the gentile's home.

Concerning this ruling of Shmuel, **Rav Nachman said: How good is this halachah**!

But regarding a different ruling of Shmuel, Rav Nachman expressed himself quite differently.

courtyard of the person to whom they all relinquished their property.

Perek 6– 64a

Rav Yehudah said in the name of Shmuel: Someone who drinks a *revi'it*[2] of wine may not rule Halachah!

Rav Nachman said: This halachah is not good!

Because I, so long as I have not drunk a *revi'it* of wine, my mind is not clear.

Rava said to him: Why did the Master say like this, that one halachah is good and another is not?

But Rabbi Acha bar Chanina said: What is the meaning of **what is written: *"Vero'eh zonot ye'abed hon"*?** (Lit. "He who keeps company with harlots will lose money.")

To teach you that: **Whoever says: This halachah is good** (*zonot = zu na'eh*, "this is proper") and I will toil in it in order to remember it, **and that** halachah **is not good, loses the "money"** (***hon***) **of Torah.**

He Rav Nachman **said to him** Rava: **I have retracted,** and will no longer speak like this.

*

Said Rabbah bar Rav Huna: A person who drank wine (***shatui***) **may not pray, but if he does pray, his prayer is** considered **a prayer** nevertheless**.**

A drunkard may not pray, and if he prays, his prayer is an abomination.

What is the definition of **someone who drank wine, and what is** the definition of **a drunkard?**

[2] revi'it: 86.4 gm or 2.9 fl. oz.

Perek 6– 64a

Like that statement **of Rabbi Abba bar Shumni, and Rav Menashya bar Yirmeyah from Difti. They were parting from each other at the bridge of the Yufti River, and said:**

Each one of us should say a thing that his friend has not heard. Because Mari the grandson of Rav Huna the son of Rabbi Yirmeyah bar Abba said: A person should only depart from his friend in the midst of a word of Halachah, because through this he will remember.

One of them began and said: What is the definition of **a person who has drunk** wine, **and what is** the definition of **a drunkard?**

A person who has drunk wine is considered such **so long as he is** still **capable of speaking before a** human **king.**

A drunkard is **so long as he cannot speak before a king.**

*

The other one began and said: If someone seizes the property of a convert who died without heirs, because this is an unusual, effortless way of getting money, it is susceptible the evil eye.

What should he do to offset the evil eye, **and that they** the properties **should remain in his possession?**

He should buy a Torah scroll with part of **them,** and with this merit he will retain the money.

Said Rav Sheshet: Even…

Perek 6– 64B

Ammud Bet

…a husband who profits **from the possessions of his wife** should use part of them to do a mitzvah, for the same reason.

Rava said: Even if one did a business deal and profited.

Rav Papa said: Even if he found a lost object.

Said Rav Nachman bar Yitzchak: One does not have to go so far as to buy a Torah scroll. **Even if one wrote tefillin with them** (the properties), it is sufficient.

And said Rav Chanin, and some say that **Rav Chanina** said it**: What is the verse** that teaches that doing a mitzvah with one's possessions protects them?

Because it is written: "And Israel vowed to Hashem and said: If You indeed give this nation into my hand, I will consecrate their towns." And through this, they had victory over the nation of Amalek[3].

*

Said Rami bar Abba: Walking on **the road** for **a *mil*[4], and the smallest amount** of **sleep, remove** the effect of **wine.**

Said Rav Nachman, said Rabbah bar Avuha: They only taught that these things remove the effect of wine **when one drank** only **a *revi'it*** of wine. **But** if **one drank**

[3] See Rashi, *Bamidbar* 21:1

more than a *revi'it,* walking on **the road confuses him, and sleep makes him drunk even more.**

*

The Gemara challenges Rami bar Abba's statement: **And does** the walking on **the road for** merely **a *mil* weaken** the effect of **wine?**

The end of the following Baraita seems to contradict Rami bar Abba's statement.

But it was taught in a Baraita: There is **an incident involving Rabban Gamliel, that he was riding on a donkey, and he was going from Acco to Keziv, and Rabbi Ila'i was going after him.**

He Rabban Gamliel **found a pastry on the road.**

He Rabban Gamliel **said to him** Rabbi Ila'i: **Ila'i! Pick up the pastry from the road,** because one is not allowed to pass by food that is lying on the ground.

Afterwards, **he** Rabban Gamliel **found a certain gentile. He said to him: Mavgai** (this was the gentile's name), **take this pastry from Ila'i**.

Rabbi Ila'i drew near to him the gentile. **He** Rabbi Ila'i **said to him** the gentile: **From where are you?**

He said to him: I am from the towns of the huts.

And what is your name?

[4] Aprox. 1 kilometer

Perek 6– 64B

My name is Mavgai!

Rabbi Ila'i then asked him: **Did Rabban Gamliel ever know you?**

He said: No!

At that time we learnt that Rabban Gamliel knew the gentile's name **with *ruach hakodesh*** (holy inspiration).

And we learnt three things at that time:

We learnt that one may not pass by food that one finds in the road, but must pick it up to save it from being degraded and trod upon.

And we learnt that we go after the majority of wayfarers, and therefore Rabban Gamliel assumed that the pastry was made by a gentile and would not allow Rabbi Ila'i to eat it.

And we learnt that the leaven of a gentile after Pesach is permitted to benefit from, because this incident happened just after Pesach, yet Rabbi Ila'i benefited from the pastry by gaining the gentile's gratitude when he gave it to him. This is considered benefit since the gentile will likely "repay" the favor in some way.

When Rabban Gamliel arrived at Keziv, someone came to ask about his vow, i.e. this person wished Rabban Gamliel to annul the vow that the person had taken**.**

He Rabban Gamliel **said to the one who was with him,** i.e. Rabbi Ila'i**: Did we not drink from Italian wine?**

He said to him: Yes!

Perek 6– 64B

Rabban Gamliel said: **If so, let him walk behind us until our wine wears off.**

And he walked after them three *mil* until he Rabban Gamliel **came to the** steep **slope of** the mountain at **Tyre,** where one goes up to the land of Israel. (Rashi *daf* 22)

When they reached the slope of Tyre, Rabban Gamliel got off the donkey, and wrapped himself in his shawl, **and sat, and annulled his vow.**

And we learnt many things at that time:

We learnt that a *revi'it* of Italian wine makes one drunk.

And we learnt that a drunk person may not rule Halachah, because Rabban Gamliel would not annul the vow.

And we learnt that walking on **a road weakens** the effect of **wine.**

And we learnt that one may not nullify vows, not riding and not walking and not standing, but only **sitting.**

*****

The Gemara now brings out the point:

In any case, it is taught that Rabban Gamliel walked **three *mil*** to wear off the effect of the wine, and not only one *mil*, as Rami bar Abba had said is sufficient.

The Gemara answers: **Italian wine is different because it makes one more drunk** than regular wine.

The Gemara is puzzled by this answer: **But Rav Nachman said in the name of Rabbah bar Avuha** (cited earlier): **They only taught** that these things remove the effect of wine **when one drank** only **a *revi'it*** of wine. **But** if **one drank more than a *revi'it,*** walking on **the road confuses him, and sleep makes him drunk even more.**

If so, after drinking a *revi'it* of strong Italian wine, which is like more than a *revi'it* of regular wine, traveling should only make it worse!

The Gemara answers: **Riding is different,** and removes the effects of even a larger amount of wine.

Now that you have come to this conclusion, and said that riding is different, **It is also no** longer **difficult to Rami bar Abba** why Rabban Gamliel had to travel for three *mils* and not only one *mil.*

Because **riding is different** and requires a longer distance to weaken the effect of wine.

*

The Baraita quoted above recounted that Rabban Gamliel had to annul the vow while sitting down.

The Gemara raises a difficulty: **This is not so! But Rav Nachman said: One may nullify vows whether walking, standing or riding.**

The Gemara resolves the difficulty: **It,** the question of whether one has to sit or not, **is** based on another disagreement between **Tannaim.**

Because there is one who says: We annul through regret – To annul the vow, it is sufficient that the vower simply regrets his vow. He does not have to give any reason why he regrets it. According to this view, the sage annulling the vow can be in any position,

because the sage does not need to think deeply and consider whether the person is giving a good reason or not.

And there is one who says that **we do not annul through regret** alone, but also require the person to give a reason for his regret. He must explain that if he had known of factor such and such, at the time of the vow, he would never have vowed in the first place. This view requires the sage annulling the vow to sit down, because he needs to concentrate and determine if the person's explanation is viable or not.

And we indeed see that this is Rabban Gamliel's view. **Because said Rabbah bar bar Channah, said Rabbi Yochanan: What reason did Rabban Gamliel accept for that person?**

Rabban Gamliel said to him: Did you realize, when you made the vow, that the Sages make the following comment on the verse: **"There is someone who speaks and it is like piercings of a sword, but the tongue of the wise heals."**

On this, the Sages commented: **Whoever makes a vow, it is fitting that he be pierced with a sword,** because perhaps he won't fulfill his vow. **But the tongue of the wise heals,** when they nullify his vow.

The master i.e. the Tanna of a previously cited Baraita **said: We do not pass by food.**

Said Rabbi Yochanan in the name of Rabbi Shimon bar Yochai: They only taught this **regarding earlier generations, when the Jewish women were not corrupted with** the practice of **witchcraft.**

Perek 6– 64B

But in the later generations, when the Jewish women are corrupted with witchcraft, we pass by food, because it might have a harmful spell cast on it.

*

It was taught in a Baraita: Whole loaves, **we pass by,** but **pieces** of bread **we do not pass by,** because they do not do witchcraft with the latter.

Rav Asi said to Rav Ashi: And on incomplete loaves **they do not do** witchcraft?

But it is written: "And you, son of man, put your face against the daughters of your people who 'prophesy' from their hearts,[5] and prophesy against them… **And you have profaned Me to My people** [by doing witchcraft on behalf of the false prophets of Baal] **with handfuls of barley and 'pieces of bread.'"** Thus, incomplete loaves are subject to the spells of witchcraft.

The Gemara answers: The verse does not mean that they did witchcraft *with* barley and pieces of bread, but **that they took** these things **as their pay.** And the verse means: "*For* handfuls of barley and pieces of bread."

*****

Rav Sheshet said in the name of Rabbi Elazar ben Azaryah:

[5] Who predict through witchcraft and claim that it is prophesy. *Radak.*

Chavruta
Eiruvin – Daf Samech Heh

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[Rav Sheshet said in the name of Rabbi Elazar ben Azaryah:]

I could exempt the whole world from the future Heavenly **judgment, from the day the Temple was destroyed and until now.**

Because it says: "Arise, rise up Jerusalem who has drunk the cup of My anger from Hashem's hand… **Therefore hear this, poor one who is drunk but not from wine."**

And if Israel is regarded as drunk, they cannot be accused for their sins.

They contradicted him, from a Baraita: **A drunken person, his buying is buying and his selling is selling. If he transgressed a sin that carries** the **death** punishment**, we kill him.** If he transgressed a sin that carries the punishment of **lashes, we lash him.**

The rule of the matter is: **He is** considered **like a rational person in all his matters, except that he is exempt from** the Amidah[1] **prayer** because he cannot concentrate.

Thus we see that a drunken person is punished for his sins!

The Gemara answers: **What also** is the meaning of the words, **"I could exempt" that he** Rav Sheshet **said?** To exempt people **from the judgment** concerning **prayer** that was prayed without thinking what one was saying.

*

[1] *Shemoneh Esrei*

Perek 6 – 65a

Said Rabbi Chanina: We only learn in the above Baraita that we punish a drunk person **if he did not reach the drunkenness of Lot. But if he reached the drunkenness of Lot, he is exempt from anything.** Lot was so inebriated that he was completely unaware of the acts he committed with his daughters.

*

Said Rabbi Chanina: Whoever passes over i.e. skips the Amidah prayer, which starts with the blessing "*Magen **Avraham**",* **when he is drunk** (lit. proud) —

They i.e. Heaven **close and seal troubles from him** so that he is protected from trouble.

Because it says: *"Ga'avah afikei maginin sagur chotam tzar."*[2]

The Gemara reads the verse as follows: "Drunk, he passes over *Magen Avraham*, trouble is closed and sealed from him."

The Gemara inquires: **How do we see that this** word ***afik* is an expression of passing over** i.e. skipping something?

Because it is written: "My brothers betrayed me like a river, like the passing over (*afik*) of a stream that overflows."[3]

*

Rabbi Yochanan disagreed and **said:** I have a different wording of the above statement. **What was said was: Whoever does not "reveal"** the Amidah, which starts with the blessing "*Magen Avraham*", when he is drunk—he merits Divine protection.

[2] The verse is actually describing the *Livyatan* fish and saying: "His scales that he puts out are his pride, shut up together as with a close seal."
[3] The verses afterwards explain that Iyov's brothers are like a river that flows in winter, but dries up in the heat. Similarly, they deserted him in his time of trouble.

Perek 6 – 65a

The Gemara inquires: **How do we see that this** word ***mafik*** that Rabbi Yochanan uses **is an expression of revealing?**

Because it is written concerning the splitting of the Sea of Reeds: "**And they saw the revealing (*afikei*) of the water** underneath, **and** all **the foundations of the world were uncovered."**[4]

*****

The Gemara inquires: **Whether according to the master** who says that one should "pass over" "*Magen Avraham*," **and whether according to the master** who says that one should not "reveal" "*Magen Avraham*," **what is** the difference **between them?**

There is a difference **between them** regarding **that** statement **of Rav Sheshet.**

Because Rav Sheshet gave over his sleep to his servant, when he was drunk, i.e. he ordered the servant to wake him in order to pray.

One **master** (Rabbi Yochanan) **holds like Rav Sheshet, and** the other **master** (Rabbi Chanina) **does not hold like Rav Sheshet.** Rabbi Chanina holds that someone who becomes drunk should deliberately allow the time to pass, and only pray if he wakes up by himself without being woken up by someone else.

*

Said Rav Chiya bar Ashi said Rav: Whoever's mind is not settled should not pray the Amidah**. Because it is said: "In trouble, a person should not pray."**[5]

[4] Rashi in Psalms explains, because all the water in the world split.
[5] Rashi points out that this verse does not exist in the *Tanach*, and says that it is probably from the book of Ben Sira.

Perek 6 – 65a

Rabbi Chanina did not pray the Amidah **on a day that he had become angry. He said: "In trouble, a person should not pray."**

Mar Ukva, on a day of a strong south wind did not go to the Rabbinical **Court** to act as judge, because he did not have a clear mind.

Said Rav Nachman bar Yitzchak: To rule **Halachah requires clarity** of mind **like a day of the** pleasant **north wind** (See *Yevamot* 72a).

Said Abaye: Even **if** my **mother** merely **tells me: Bring the *kutach*,[6] I cannot learn** as well as usual.

Said Rava: If a lice is biting me, I cannot learn as well as usual.

Therefore, **the mother of Mar the son of Ravina made him seven garments for seven days,** so that he should not have lice that disturb him.

*

Said Rav Yehudah: Nights were only created for sleep.

Said Rabbi Shimon ben Lakish: The moon was only created to learn by its light.

People said to Rabbi Zeira: Your teachings are keen.

He said to them: They are of the day, and it is better to learn by the bright light of the sun when a person's mind is settled, than to learn by moonlight. (*Maharsha*)

Rav Chisda's daughter said to him: Do you not want to sleep a little?

[6] A dip made of fermented milk, salt and bread.

Perek 6 – 65a

He said to her: Soon, days of death **are coming that are long** in sleep **and short** in learning, **and** then **we will sleep plenty.**

Said Rav Nachman bar Yitzchak: We are day laborers and should learn mainly by day, and it suffices to learn just a small amount at night, to fulfill the mitzvah of learning day and night. (*Ritva*)

Rav Acha bar Yaakov had a set time that he learnt every day, and if he had difficulty earning his livelihood, **he borrowed** the learning time of the day and used it to attain his livelihood, **and paid back** by learning more that night.

*

Said Rabbi Elazar: Someone who comes from the road i.e. from a journey **should not pray for three days,** because his mind is not settled due to the strains of the journey.

Because it says concerning Ezra when he was leaving Babylon**: "And I gathered them to the river that comes to Ahava, and we encamped there three days, and I examined** [*va'avinah* – looking over something with discernment] **the nation",** to see who was coming with me. (*Metzudot*)

We see that Ezra needed three days of rest before he could examine the people.

When the father of Shmuel came from the road, he did not pray for three days.

***

Shmuel did not pray in a house where there was beer because the smell made him intoxicated.

Rav Papa did not pray in a house where there was *harsena* (a type of fish dish), because of the smell.

Perek 6 – 65a

Said Rabbi Chanina: Whoever is conciliating in his wine, i.e. when he is under the influence of wine he is agreeable and forgiving, he **has** expressed something resembling **of the attitude of his Creator.**

Because it says: "And Hashem smelled the sweet odor" of Noach's[7] offering, and then promised never again to flood the world. And we saw above that smelling an odor can have the same effect as drinking wine. Thus we may view this as follows: the odor of Noach's offering was "intoxicating" on High, and resulted in His granting forgiveness for mankind.

Said Rabbi Chiya: Whoever is settled in his wine, i.e. he does not lose his mental clarity, **has** a quality resembling **the attitude** of the **70 elders** of the Sanhedrin.

Because **wine was given with 70 letters** (the numerical value of wine – *yayin* – is 70). **And** the word **secret** (*sod*) also **was given with 70 letters** (its numerical value is 70)**.** This hints that with an ordinary person, **when wine goes in**to him, **a secret goes out** from him. I.e. when the person gets intoxicated, he loses his mental balance and starts to say things that he would never reveal in a sober state.

But if a person retains his mental clarity under the influence of wine, and refrains from revealing his secrets—for him, the numerical value of wine is hinting that he has a mental attitude resembling that of the 70 sages who constitute the Sanhedrin.

Said Rabbi Chanin: Wine was only created in this world to comfort mourners since it eases their pain, **and to pay reward to wicked people** for their mitzvot in this world through the great pleasure they derive from its consumption.

Because it says: "Give strong wine to the lost one, [i.e. a wicked person,] and wine to the bitter of soul [i.e. a mourner]."

[7] Noah

Perek 6 – 65a

Said Rabbi Chanin bar Papa: Any person that wine is not spilt in his house like water, i.e. that it is abundant as is water, **has not** come to **a state of** complete **blessing,** even if he is wealthy in other ways.

Because it says: "And He will bless your bread and your water."

The Gemara explains that the word "water" actually means wine, because we compare it to the word "bread" in the verse:

Just as bread may be acquired with money of *ma'aser sheni,* the second tithe**, so** too the **water** referred to in the verse is a beverage **that is bought with money of *ma'aser sheni*.**

And Halachah dictates that money of *ma'aser sheni* may be used to purchase any food or beverage other than water and salt.

And therefore, **what is it** that the verse is referring to with the word "water"? Perforce it is **wine!**

And it the verse **calls it water…**

Perek 6 – 65B

Ammud Bet

…to teach you: **If it** wine **is spilt in one's house like water, there is** complete **blessing** found there. **And if not, not.**

*

Said Rabbi Ila'i: With three things a person is recognized if he has good character or not.

With his cup – if he remains settled when drinking wine.

And with his purse – in his financial dealings.

And with his anger – that he does not get angry too much.

And some say: Also with his laughing - that he doesn't laugh like a common person and disgrace himself.

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Introduction[8]*:*

1) In our Mishnah appeared two views concerning a gentile who lives in a courtyard with a Jew, in the following case:

If there is only one Jew sharing the courtyard with the gentile, Rabbi Meir holds that the Jew may not carry from his house into the courtyard. In other words, the residence of the gentile invalidates the *eiruv.*

2) Rabbi Eliezer ben Yaakov says that if there is only one gentile, the Sages made no decree against the Jew carrying into the courtyard, because it is unusual for one Jew to share a courtyard with a gentile. Only if two Jews share a courtyard with a gentile, they may not carry into it (even if they make an *eiruv*).

3) If there is an inner and outer courtyard, and two Jews live in the inner courtyard, and a single Jew lives in the outer courtyard: because the two Jews cannot carry in their inner courtyard without an *eiruv*, they forbid the single Jew from carrying as well, unless he joins in their *eiruv.* For their only exit goes through the outer courtyard. All views concur on this point. This is situation is called: "The foot that is forbidden [to carry] in its place, forbids somewhere that is not its place."

4) If only one Jew is living in the inner courtyard and therefore allowed to carry there, the Tannaim (see Mishnah 75a) disagree whether he forbids a Jew living in the outer courtyard from carrying, in the lack of a joint *eiruv*.[9] The Sages say that the inner Jew does not make it forbidden to carry in the outer courtyard, and Rabbi Akiva says that he does. (This view of Rabbi Akiva is called: "The foot that is permitted [to carry] in its place, forbids somewhere that is not its place").

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Said Rav Yehudah said Rav: If a Jew and a gentile are living **in an inner courtyard, and a Jew in the outer** courtyard, **an incident** like this **came before Rabbi,** i.e. Rabbi Yehudah HaNasi**, and he forbade** carrying into the courtyard until the Jews rented a share in the place of the gentile.

And the incident came **before Rabbi Chiya, and he** also **forbade.**

[8] The following section of Gemara is explained according to the approach of the *Ritva.*
[9] Rules 3 and 4 are discussed more fully in the Mishnah 75a.

Perek 6 – 65B

The Gemara now discusses which courtyard they forbade carrying in: the inner courtyard or the outer courtyard?

Rabbah and Rav Yosef sat after the lecture of Rav Sheshet, and Rav Sheshet sat and said:

In accordance with whose view **did Rav say his** above **ruling?**

In accordance with Rabbi Meir who says that a Jew sharing a courtyard with a gentile may not carry in it. Therefore the inner courtyard here is forbidden, and even more so the outer courtyard, which two Jews and a gentile have access to.

Rabbah nodded his head in agreement.

Rav Yosef, however, **said:** How could **two great men like** you, **our masters** (i.e. Rav Sheshet and Rabbah) **err in this matter?**

If Rav holds **like Rabbi Meir,** that even the Jew in the inner courtyard may not carry, **why do I need** to be told by Rav that there is **a Jew in the outer** courtyard? Rav should merely say that the Jew in the inner courtyard cannot carry, and I would automatically understand that any Jew in the outer courtyard would surely be forbidden to carry, because both Jews are sharing the outer courtyard with the gentile.

And if you would **say,** in explanation, that **the incident that took place, this is how it took place,** i.e. these just happened to be the facts of the situation. Therefore one cannot question why Rav spoke of this particular case—

But we see that all this is not so, and that Rav actually did allow the Jew of the inner courtyard to carry.

Because **they asked Rav: The inner** Jew **in his place** in the inner courtyard, **what is** the Halachah concerning carrying there?

Perek 6 – 65b

And he Rav **said to them:** It is **permitted.**

Thus we see that Rav does not hold like Rabbi Meir who says that even one Jew sharing a courtyard with a gentile may not carry. Rather, Rav only forbids carrying in the outer courtyard, which is shared by two Jews.

*

The Gemara raises a difficulty:

Rather, what do you propose to say in explanation of Rav's ruling? That Rav holds **like Rabbi Eliezer ben Yaakov,** who disagrees with Rabbi Meir and forbids carrying only if two Jews share a courtyard with a gentile?

But that is not plausible. Because **he** Rabbi Eliezer ben Yaakov **said** that a gentile only makes it forbidden to carry **if there are two Jews who forbid each other** to carry.

And in this case, the inner Jew—who is allowed to carry—does not forbid the outer Jew to carry. Because the Sages hold that "the foot that is permitted [to carry] it its place, does not forbid somewhere that is not its place." (See point 4 above).

The Gemara answers: **Rather,** you must say that Rav holds **like Rabbi Akiva, who says** that even "**the foot that is permitted** [to carry] **in its place**, ***does*** **forbid not in its place,** in the outer courtyard." (See point 4 above).

*

The Gemara objects that Rav's statement is still problematic.

Because according to Rabbi Akiva, **why** do **I** need that Rav mention a Jew and **a gentile** in the inner courtyard?

Perek 6 – 65B

Even a Jew by himself in the inner courtyard would make it forbidden to carry in the outer courtyard!

The Gemara answers: **Said Rav Huna the son of Rav Yehoshua:**

In truth, he Rav **holds like Rabbi Eliezer ben Yaakov, and like Rabbi Akiva,** as the Gemara is suggesting.

And why does he mention a gentile as well? Because **here, what are we dealing with? A case that they** the two Jews **made an *eiruv* together.**

And therefore, **the reason** that it is forbidden to carry in the outer courtyard is only **because there is a gentile who makes it forbidden.**

But if there is no gentile, he the Jew in the inner courtyard **does not make it forbidden** to carry in the outer courtyard, because the two Jews made an *eiruv* together.

Rabbi Elazar posed an inquiry to Rav, who ruled before that a gentile in the inner courtyard makes it forbidden for the Jews of the inner and outer courtyard to carry in the outer courtyard.

We see that Rav holds that it is not so uncommon for a single Jew to share an inner courtyard with a gentile, when another Jew is living in the outer courtyard. Therefore the Sages made a decree that the Jews may not carry even with an *eiruv*. If it was rare, it would be a rare occurrence that the Sages do not make decrees for.

Perek 6 – 65b

But what happens if **a Jew and a gentile** are living **in the outer** courtyard, **and a Jew** is living **in the inner courtyard?**

Do we say that **there** in Rav's case**,** where the gentile is in the inner courtyard, **the reason** that the Sages decreed regarding this case is **because it is likely that he,** a Jew, would **live** there, **because the gentile is afraid** to kill the Jew. The gentile is afraid to do so because he thinks to himself: **The** other **Jew** from the outer courtyard might **come now and say to me** the gentile**: Where is the Jew that was with you?** And I cannot say that he left, because the Jew in the outer courtyard would have seen him on his way out.

But here, in the case of Rabbi Elazar's inquiry, where the gentile lives with a Jew in the outer courtyard, the gentile could think to himself: If the Jew of the inner courtyard questions me, **I will say to him** that **he,** the Jew with me in the outer courtyard that I murdered, **went out and walked off.**

Or perhaps here too, he the gentile **is afraid. Because he thinks** to himself**:** Right **now,** as I am killing the Jew with me in the outer courtyard, **the Jew** of the inner courtyard **might come and see me.**

Rav said to him Rabbi Elazar **in reply: "Give to the wise and he will become wiser."** Just as you explained why the gentile in the inner courtyard is afraid to murder the Jew with him, so too, the gentile in the outer courtyard is afraid.

Reish Lakish and the disciples of Rabbi Chanina visited a certain inn that had many rooms open to a courtyard. One of the rooms was rented out to a gentile. **The** gentile **tenant was not there,** and, as we learned before (62b), even though the gentile's

residence makes the *eiruv* ineffective, this is only if the gentile is actually living there on Shabbat.

However, they were concerned that the gentile might return on Shabbat and render their *eiruv* ineffective. **And the landlord was there**.

They said, i.e. the disciples posed an inquiry to Reish Lakish**: Can one** rent a share in the gentile's room **from him,** the landlord?

The Gemara explains the question:

Wherever the landlord cannot eject the tenant until the termination of his lease**, there is no question that we cannot rent** his room **from him** the landlord.

We are posing an inquiry about a case **where he** the landlord **can eject him. What** is the Halachah?

Do we say that **because he can eject him,** it means that the landlord has jurisdiction over the room and **we can rent** a share in that room from the landlord?

Or perhaps we view it as follows: **At the moment, however, he has not ejected him** and thus has no jurisdiction over the room.

Reish Lakish said to them: Because it is an uncertainty involving *eiruvin,* which is a **Rabbinical** law, in which case Halachah dictates that we rule leniently—

Therefore, you may **hire** a share in that room from the landlord, and we will carry in the courtyard even if the gentile arrives on Shabbat. **And when we reach our masters in the south, we will ask them.**

Later, **they came** to the Sages in the south.

Perek 6 – 65b

They asked Rabbi Afas if they had done correctly. **He said to them: You did well, that you rented.**

Rabbi Chanina bar Yosef, and Rabbi Chiya bar Abba, and Rabbi Yosi visited a certain inn where the gentile landlord was away, and they made an *eiruv*.

The gentile who was **the owner of the inn** and lived in a room of the inn **came on Shabbat,** thus nullifying the *eiruv.*

They said: Even though the *eiruv* is nullified, **may one** of us **rent** his room from him, and then the others can relinquish their jurisdiction to him, so that at least the one may carry?

Perhaps we say that he may not rent from the gentile, because **a renter is like someone who makes an *eiruv.***

Just as a person must make an *eiruv* while it is still day and not when it is already Shabbat, **so a renter** must rent **while it is still day.**

Or perhaps, a renter is like someone who relinquishes his jurisdiction to others.

And **just as a person may relinquish his jurisdiction even on Shabbat** (as we learn in the Mishnah 69b according to Beit Hillel), **so one may rent** even on Shabbat.

Rabbi Chanina bar Yosef said: Let us rent even on Shabbat.

Perek 6 – 65b

And Rabbi Asi said: We should not rent.

Rabbi Chiya bar Abba said to them the other two Sages: **Let us rely on the words of the elder** Rabbi Chanina bar Yosef, and rent.

They came and asked Rabbi Yochanan this question. **He said to them:**

Chavruta
Eiruvin – Daf Samech Vav

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[They came and asked Rabbi Yochanan this question. **He said to them:]**

You did well that you rented!

The rabbis of **Nahardea examined it,** Rabbi Yochanan's decision, and asked:

Did Rabbi Yochanan really **say this,** that one can rent from a gentile on Shabbat?

But Rabbi Yochanan said: Renting is like making an *eiruv*.

Did he not mean to say, with that statement, that **just as making an *eiruv*** must be done **while it is still day, so renting** must be done **while it is still day?**

The Gemara answers: **No,** on the contrary, Rabbi Yochanan's intention was to be lenient, and he meant: **Just as making an *eiruv*** is possible **even with less than the worth of a *prutah*** coin, **so renting** from a gentile can be done **with less than the worth of a *prutah*** (as we saw earlier on 62a)**.**

*****

And by comparing renting to making an *eiruv*, Rabbi Yochanan was also teaching the following: **Just as** with **making an *eiruv*, even his** (the gentile's) Jewish **hireling[1] and harvester** who live in the gentile's house make it as if the house's principal resident is a Jew, and the hired Jews can **give their *eiruv*** with the other Jews, and **it is sufficient** for

[1] A hireling stays in the person's house the whole year, and a harvester stays there during the harvest season.

the purposes of *eiruv*, without the other Jews in the courtyard having to rent anything from the gentile—

So with **renting,** one can rent jurisdiction of the gentile's property **even** from **the** gentile **hireling or harvester** of the gentile.

*

And Rabbi Yochanan was also teaching the following: **Just as** with **making an *eiruv*, if five people live in one courtyard** and made an *eiruv* together, and then they want to make an *eiruv* with a neighboring courtyard, **one can make the *eiruv* on behalf of them all,** as their agent—

With **renting too, if five Jews live in one courtyard** with a gentile, **one can rent** from the gentile **on behalf of them all.**

*

The Gemara now returns to the story above, where one Jew rented jurisdiction over the property from the gentile, and the other Jews relinquished their jurisdiction to that one Jew.

Rabbi Eliezer examined it, Rabbi Yochanan's decision that this was permitted, and found it problematic.

Said Rabbi Zeira: What is it that was found by **the examination of Rabbi Elazar** that is problematic?

Said Rav Sheshet: Does a great person like Rabbi Zeira not know the problematic point found by **the examination of Rabbi Elazar?**

It is **that** statement **of Shmuel,** which **is difficult to him.**

Because Shmuel said that for a resident of a courtyard to relinquish his jurisdiction, two conditions must be fulfilled**:**

Condition 1: **Wherever one** would **make** carrying into the courtyard **forbidden,** if one did not participate in the *eiruv*.

Condition 2: **And** one **may make an *eiruv***.

In such a case, **one may relinquish** one's jurisdiction in the shared courtyard**.** (case #1)

In other words, one can only relinquish in a situation where 1) if one does not relinquish, one "makes it forbidden" for other people to carry, and 2) one could have made an *eiruv* before Shabbat came in.

But if one condition is absent, one may not relinquish. Therefore:

If one may make an *eiruv* (condition 2), **but** one **is not forbidding** other people from carrying (condition 1 absent). (case #2).

Or **if one is forbidding** other people from carrying (condition 1) **but one may not make an *eiruv*** before Shabbat (condition 2 absent), **one may not relinquish.** (Case #3)

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The Gemara now explains Shmuel's statement.

Perek 6 – 66a

Case #1**: Wherever one** would **make** carrying into the courtyard **forbidden, and** one **may make an *eiruv*, one may relinquish—**

For example: Two courtyards, one inside the other, and the inner courtyard's only exit goes through the outer courtyard (*derisat regel*). In this case, all views concur that it is forbidden for the people of the outer courtyard to carry into their courtyard unless they make an *eiruv* with the inner courtyard (see 65a). This fulfills condition 1 and 2, because the inner courtyard forbids the outer courtyard to carry, and the two courtyards may make an *eiruv* before Shabbat.

Therefore if the two courtyards did not make an *eiruv* together, the inner courtyard may relinquish its right to pass through the outer courtyard, and the people of the outer courtyard will be allowed to carry into their courtyard.

Case #2: **If one may make an *eiruv*** (condition 2) **but is not forbidding** other people from carrying (condition 1 absent).

For example, two courtyards and they have one shared **opening** between them, and each one has its own opening into an alleyway or the public domain. In such a case, the people are allowed to carry in their respective courtyards even without an *eiruv* between the courtyards, so condition 1 is missing.

Case #3: **If one is forbidding** other people from carrying (condition 1), **but one may not make an *eiruv*** before Shabbat (condition 2 absent). **What** specific case does this **come to include?**

Does it **not come to include** the case of **a gentile,** whose residence forbids the Jews to carry into the courtyard, but one may not make an *eiruv* with him?

Assuming this is the case referred to, we may conclude that Shmuel forbids relinquishing in such a case. So how could Rabbi Yochanan rule otherwise?

And if you would answer that Shmuel is referring to a different case, **that he** the gentile **came yesterday,** before Shabbat, whereas if the gentile arrives on Shabbat, one may relinquish—

That is not plausible. Because if so, it would be a case where one may indeed make an *eiruv*, thus both conditions are present. **Because let them hire** jurisdiction of the gentile's house **from yesterday,** i.e. before Shabbat, and the gentile would assumedly agree.

Ammud Bet

But no, it must be that **Shmuel** is referring to a case **that he** the gentile **came on Shabbat.**

And nevertheless, **it is taught** that Shmuel said: **If one is forbidding** other people from carrying (condition 1) **but one may not make an *eiruv*** before Shabbat (condition 2 absent), **one may not relinquish.**

The Gemara concludes: **Here from this** a conclusive proof that this is indeed what Shmuel means. And this in fact is why Rabbi Elazar was surprised that Rabbi Yochanan allowed the Jews to relinquish after the gentile innkeeper arrived on Shabbat.

Perek 6 – 66b

Said Rav Yosef: I never heard that teaching of Shmuel, that if there are two courtyards one within the other, the inner courtyard may relinquish its right to pass through the outer courtyard, thus allowing the people in the outer courtyard to carry (case #1 above).

Abaye said to him, Rav Yosef, who had forgotten some of his learning due to illness:

You yourself **told** this teaching **to us. And you told it to us concerning this** following statement of Shmuel:

That Shmuel said: There is no relinquishing of jurisdiction from courtyard to courtyard – If two courtyards failed to make an *eiruv* together, they cannot try and rectify this by having the people of one courtyard relinquish their jurisdiction (*derisat regel*) in the other courtyard.

And there is no relinquishing of jurisdiction for a ruined house **–** If there is a shared ruin between two inhabited houses that did not make an *eiruv* together, the people of one house cannot allow the people of the other house to carry in the ruin by relinquishing their jurisdiction over the ruin.

And you, Rav Yosef, **told us concerning this: When Shmuel said that there is no relinquishing of jurisdiction from courtyard, we only say** this when there **are two courtyards and there is one opening between them,** and each courtyard has its own exit to an alleyway or public domain.

Because the people of each courtyard may carry into their respective courtyards even without a mutual *eiruv*. Thus the Sages did not ordain that one courtyard may relinquish its jurisdiction in the other, merely in order to carry from one to the other.

Perek 6 – 66B

But if there are two courtyards, **one within the other, since they forbid each other—**i.e. the right of the people in the inner courtyard to pass through (*derisat haregel*) forbids the people of the outer courtyard from carrying—**they may relinquish** one to the other.

*

He Rav Yosef **said to him** Abaye, in surprise: **Did I** really **say this** above statement **in the name of Shmuel?**

But that is impossible. **Because Shmuel said: We do not have** permitted cases **in *eiruvin* other than** what is **in accordance with the wording of our Mishnah.**

And Shmuel is referring to the Mishnah that says that if **"people of a courtyard"** forgot to make an *eiruv,* they may relinquish their jurisdiction to one person.

And this implies: **But not the people of** two **courtyards.** They may not relinquish their jurisdiction to each other. So how could I have said that Shmuel says otherwise?

He Abaye **said to him** Rav Yosef: **When you said to us** in Shmuel's name that **we do not have** permitted cases **in *eiruvin* other than** what is **in accordance with the wording of our Mishnah—**

You told it to us concerning something else, namely, **this** Mishnah (73b) that says: **Because the alleyway** relative **to courtyards is** judged **like a courtyard** relative **to houses.** In other words, just as one may not carry from houses to a courtyard without an *eiruv*, so one may not carry from a courtyard to an alleyway without an *eiruv.*

And Shmuel infers from the fact that the Mishnah says "courtyards" and "houses", in the plural, that an alleyway is only considered as such if it has two courtyards with two

houses opening to each courtyard. Only then will it have the status of an alleyway to allow one to close up its open side with a *korah* (side-post) or *lechi* (crossbeam).

Otherwise, the open side of the alleyway needs to closed with *pasin* (boards on each side)[2], like a courtyard does.

Regarding the above-mentioned statement **itself: Said Shmuel: There is no relinquishing of jurisdiction from courtyard to courtyard, and there is no relinquishing of jurisdiction in a ruin**ed house**.**

And Rabbi Yochanan said: There is indeed **relinquishing of jurisdiction from courtyard to courtyard, and there is** indeed **relinquishing of jurisdiction in a ruin**ed house**.**

And you need both cases to be mentioned specifically, even though Shmuel's rationale for forbidding both cases is the same.

Because if we were told only that one may not relinquish **from courtyard to courtyard, I would say that in this** case alone, **Shmuel said** one may not relinquish. **Because this one's** i.e. this courtyard's **usage** of its courtyard **is separate, and that one's** i.e. that courtyard's **usage** of its courtyard **is separate**. Neither courtyard really suffers by not having a mutual *eiruv*. Therefore the Sages did not ordain that one courtyard may relinquish to the other in such a case.

[2] Either a board 4 *tefachim* wide, or a *tzurat hapetach* – see *Shulchan Aruch Orach Chaim* 363:26.

Perek 6 – 66B

But a ruined house, **where there, its use is one for both of them,** both of the houses, and without an *eiruv* they cannot use it at all, **I would say** that **he** Shmuel **agrees to Rabbi Yochanan,** that one house may relinquish to the other.

And if it, the disagreement between Shmuel and Rabbi Yochanan, **was said only in this** case of the ruin, I could say just the opposite:

In this case of the ruin, **Rabbi Yochanan says** that one may relinquish, because otherwise neither of them may carry there. **But in that** case of two courtyards, one within the other, **I would say that he agrees to Shmuel.**

Therefore **we need** both cases.

Until now, the Gemara understood that according to Shmuel, when there is one courtyard within another courtyard, the people of the inner courtyard may relinquish their rights of *derisat regel* to the outer courtyard. The Gemara now brings a disagreement as to whether this is truly what Shmuel meant.

Abaye said that the view of Shmuel is as understood until now**: That which Shmuel says, that there is no relinquishing of jurisdiction from courtyard to courtyard, we only say it concerning two courtyards that there is one opening between them** and both have their own exits, because neither forbids the other from carrying even if there is no *eiruv.*

But in a case of **two courtyards, one within the other, since they forbid each other** from carrying, **one may relinquish** (as Rav Yosef said earlier).

Rava, however, disagrees.

Rava said: Even two courtyards, one within the other—sometimes they may relinquish, and **sometimes they may not relinquish.**

Rava generally holds that one courtyard may never relinquish to another courtyard, even in the case where one courtyard is within another courtyard. But there is an exception, which will be explained later.

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Introduction:

Point 1) We discussed on the previous *daf* (65a) that if two Jews are living in an inner courtyard and did not make an *eiruv*, both the Sages and Rabbi Akiva (of the Mishnah on *daf* 75a) agree that the two inner Jews forbid the Jew living in the outer courtyard from carrying in his courtyard. This is because the Jews in the inner courtyard have the right (*derisat haregel*) to pass through the outer courtyard to reach the street. This is called: The foot that is forbidden (to carry) in its place (the inner courtyard), forbids somewhere that is not its place (forbids people from carrying in the outer courtyard).

Point 2) The above scenario would normally not work the other way round. That is, two people in an outer courtyard who made no *eiruv* will not forbid a person in an inner courtyard from carrying. This is because they have no *derisat heregel* in the inner courtyard. However, if the two courtyards made an *eiruv* together, the *eiruv* unites the two courtyards and gives the people of the outer courtyard *derisat regel* in the inner courtyard. In such a case, the above scenario can work the other way round as well.

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Perek 6 – 66B

In what way does Rava explain the cases? Rava gives four cases involving a courtyard within another courtyard. Relinquishing doesn't work in the first three, and only works in the fourth. The four cases are:

If they the people of the inner courtyard **put their *eiruv* in the outer** courtyard, **and one** person, **whether from the inner** courtyard (case 1a) **or the outer** courtyard (case 1b) **forgot and did not make an *eiruv*, both** courtyards **are forbidden** to carry.

(Case 2a) **If they** the people of the outer courtyard **put their *eiruv* in the inner** courtyard, **and one** person **from the inner** courtyard **forgot and did not make and *eiruv*, both** courtyards **are forbidden** to carry.

(Case 2b) If in the above case, **one of the** people in the **outer** courtyard **forgot to make an *eiruv*, the inner** courtyard **is permitted** to carry if the outer courtyard relinquishes its jurisdiction, **and the outer** courtyard **is forbidden** in any case**.**

*

Rava now explains the cases:

(Case 1a and 1b) **If they** the people of the inner courtyard **put their *eiruv*** (see footnote)[3] **in the outer** courtyard, **and one** person, **whether from the inner or outer, forgot and did not make an *eiruv*, both** courtyards **are forbidden** to carry.

The reason for forbidding is as follows: **This person of the inner** courtyard who forgot (case 1a), **to whom may he relinquish** his jurisdiction?

Should he relinquish his jurisdiction **to the people of the inner** courtyard?

He cannot do so, because **their *eiruv* is not with them,** since they have made an *eiruv* with the outer courtyard as well, uniting both courtyards into one. Therefore the person would have to relinquish his jurisdiction to the people of the outer courtyard as well.

And if you say: **Let him relinquish to the people in the outer** courtyard as well—

He may not, because Shmuel (according to Rava) holds that **there is no relinquishing from courtyard to courtyard.**

And in the case where **this person in the outer** courtyard (case 1b) forgot to make an *eiruv*, he too may not relinquish. Because **to whom should he relinquish?**

If you say: **Let him relinquish to the people in the outer** courtyard—

There is the inner courtyard that forbids them from carrying, because everyone agrees that: The foot that is forbidden (to carry) in its place (the inner courtyard), forbids somewhere that is not its place (forbids people from carrying in the outer courtyard).

If you say: **Let him relinquish to the people of the inner** courtyard as well—

He may not, because Rava holds that **there is no relinquishing from courtyard to courtyard.**

*****

Rava now explains why relinquishing doesn't work in case 2a:

[3] After making their *eiruv*, the people of the inner courtyard took that *eiruv* and put in the outer courtyard in order to have an *eiruv* with the outer courtyard.

Perek 6 – 66B

If they the people of the outer courtyard **put their *eiruv* in the inner** courtyard, **and one** person **from the inner** courtyard **forgot and did not make an *eiruv*, both** courtyards **are forbidden** to carry.

The reason for forbidding is as follows: **This person of the inner courtyard, to whom should he relinquish?**

If you say: **Let him relinquish to the people of the inner** courtyard, **there is the outer** courtyard **that forbids them** from carrying. (See introduction, point 2, where it is explained that this is because of the *eiruv* between the two courtyards).

If you say: **Let him relinquish to the people of the outer** courtyard as well, **there is no relinquishing from courtyard to courtyard.**

Chavruta
Eiruvin – Daf Samech Zayin

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[If you say: **Let him relinquish to the people of the outer** courtyard as well, **there is no relinquishing from courtyard to courtyard.]**

The Gemara now discusses Rava's fourth case, the only one in which, according to Rava's understanding, Shmuel holds that carrying into the courtyard is permitted due to relinquishing: The two courtyards made a mutual *eiruv,* and one of the people in the outer courtyard forgot to participate in the *eiruv*. The residents of the inner courtyard are permitted to carry in their courtyard, if the outer courtyard's residents relinquish their jurisdiction in the inner courtyard. The outer courtyard is forbidden in any case:

If **one of the** residents of the **outer** courtyard **forgot and did not** contribute to the ***eiruv***—

Certainly the residents of the **inner** courtyard are **permitted** to carry into their courtyard, after the residents of the outer courtyard relinquish their rights. **For** they could simply **bolt** the **door and use** their courtyard alone. I.e. if the residents of the inner courtyard would simply withdraw from their partnership with the residents of the outer courtyard and "close the door" to their courtyard in the face of the residents of the outer courtyard, they would be able to carry within their courtyard. Therefore, they may also do so when the residents of the outer courtyard withdraw from the partnership by relinquishing their rights.

Normally, the residents of one courtyard cannot relinquish their rights for the benefit of the residents of the other courtyard. But in this case, even according to Rava's understanding, Shmuel agrees that that the residents of the outer courtyard can do so. The reason for this: the residents of the inner courtyard have a valid claim that they only entered the partnership in order to benefit, by gaining the right to carry even into the outer

courtyard, not in order to be disturbed by losing the right to carry even into the inner courtyard. Since the resident of the outer courtyard who forgot to contribute to the *eiruv* has no right to disturb the residents of the inner courtyard in this way, he, along with his fellows, may withdraw from the partnership, for the benefit of the residents of the inner courtyard.

And the residents of the **outer** courtyard are **forbidden** to carry, since the man who forgot to contribute to the *eiruv* is unable to relinquish his rights to the residents of the inner courtyard. For the residents of one courtyard may not relinquish their rights to the residents of another courtyard, as explained on the previous *daf*. (The residents of the inner courtyard may carry only due to the special reason of "closing the door", as explained in the previous paragraph.) Neither may they simply withdraw, as a group, from their partnership with the residents of the inner courtyard, and carry within their own courtyard, since the *eiruv* is physically located in the inner courtyard.

*

Said Rav Huna the son of Rav Yehoshua to Rava: And if one of the residents **of the inner** courtyard **forgot and did not** contribute to the ***eiruv*, why should both** the courtyards be **forbidden** even after he relinquishes his rights?

Let the resident of the inner courtyard **relinquish** his rights **to the** other **residents of the inner** courtyard alone, and not relinquish his rights to each of the residents of the outer courtyard. **And** then **let** the residents of the **outer** courtyard **come and be permitted** to carry **together with them** i.e. with the residents of the inner courtyard who did contribute to the *eiruv*.

Rava answered him: **In accordance with who**se view are you posing your difficulty? **In accordance with Rabbi Eliezer, who said: "**He **does not need to relinquish** his r**ights to each and every one."** But **when I spoke** my statement, it was based on the view of

the **Rabbis, who** disagreed and **said: "**He **does** indeed **need to relinquish** his **rights to each and every one."**

Whenever Rav Chisda and Rav Sheshet met each other, Rav Chisda's lips would tremble from fear of **Rav Sheshet's** quoting of **Mishnayot.** Rav Chisda feared that Rav Sheshet, who possessed encyclopedic knowledge of Mishnayot, might pose a contradiction between two Mishnayot and call upon him, Rav Chisda, to resolve it.

And on the other hand, **Rav Sheshet's whole body trembled from** fear of **Rav Chisda's *pilpul*,** his brilliant comparative analysis.

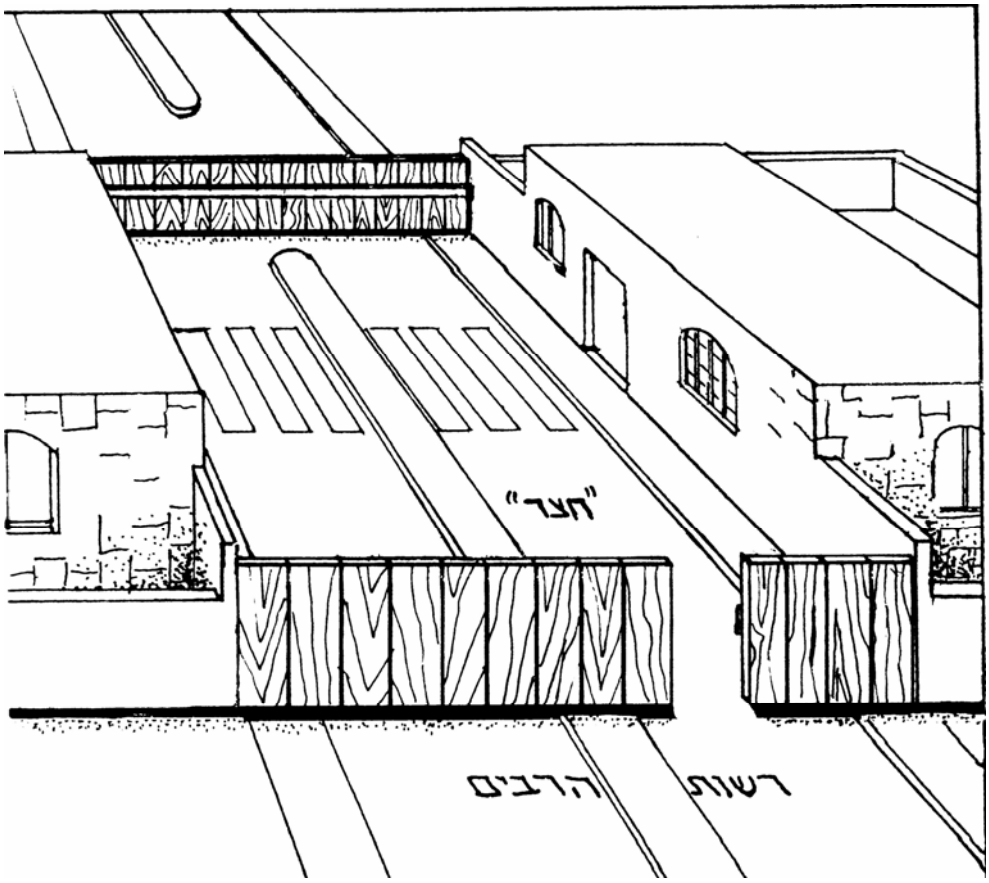
*

Rav Chisda posed an inquiry to Rav Sheshet: Let us discuss a case where there are **two houses on two sides of a public domain,** each one opposite the other, **and gentiles came and surrounded them** with a **wall on Shabbat** (and we rule that even a wall built on Shabbat does have the full Halachic status of a wall). It now develops that the roadway between the two houses has been turned into a makeshift joint courtyard, insofar as it is surrounded by the same wall as surrounds the two houses, and the residents of the

two houses, respectively, prevent each other from being permitted to carry into the "courtyard," since they did not make an *eiruv* before Shabbat. (see illustration[1])

What is the Halachah in such a case? May the residents of House A relinquish their rights for the benefit of the residents of House B, to enable the residents of House B to carry to and from the "courtyard?"

This inquiry does not arise **according to the one** (Shmuel, as explained on the previous *daf*) **that says: There is no relinquishing of rights from** one **courtyard to** another **courtyard**, when they do not forbid each other to carry to and from their respective courtyards. According to this view, **you should not inquire.** It is obvious that the residents of House A may not relinquish their rights for the benefit of the residents of House B:



1

Perek 6 – 67a

Now, in the ordinary case of the residents of two adjacent courtyards, **had they wished to make an *eiruv* yesterday** i.e. before the onset of Shabbat **they could have made an *eiruv*.** Nevertheless, **you said** that **there is no relinquishing of rights from** one **courtyard to** another **courtyard. Now,** in Rav Chisda's case, where even **if they had wanted to make an *eiruv* yesterday they could not have made an *eiruv*,** since the wall that connects them was then not yet built, **how much more so** is it true that the residents of one may not relinquish their rights for the benefit of the other.

*

When do you pose this inquiry? Only **according to the one** (Rabbi Yochanan, see previous *daf*) **that says: There is** indeed **relinquishing** of rights **from** one **courtyard** to another **courtyard,** when the courtyards open into each other, even though they do not forbid each other to carry to and from their respective courtyards. According to that view, the inquiry about the wall built on Shabbat arises.

The following is the argument for saying that they may not relinquish rights:

There, in the ordinary case of the two adjacent courtyards, it is possible for the residents of one to relinquish their rights for the benefit of the residents of the other. Although they do not forbid each other to use their respective courtyards, they do have the advantage **that if they wished to make an *eiruv* yesterday, they could have made an *eiruv*.** Therefore, **they are also able to relinquish** their rights.

But **here,** in the case of Rav Chisda, where the case is such **that they could not make an *eiruv* yesterday, they are also unable to relinquish** their rights.

Or perhaps it makes **no difference.** I.e. the lack of ability to relinquish rights before Shabbat is not problematic.

*

Rav Sheshet **said to him:** They **may not relinquish** their rights. The reason: all views agree that in order for the residents of one house or courtyard to be able to relinquish their rights, the residents of the two locations must fulfill one of the two following conditions: either they forbid each other to take things into and out of the courtyard from the onset of Shabbat, or else they must be able to create a joint *eiruv*. In this case, neither condition is fulfilled.

*

Rav Chisda poses another inquiry to Rav Sheshet: If there were two Jews living in houses belonging to the same courtyard, and they also had a gentile neighbor, and they had not rented his rights from him before Shabbat, and the **gentile died on Shabbat, what** is the Halachah? May one of the Jews relinquish his rights in the courtyard for the benefit of the other?

According to the following **view,** the inquiry does not arise. The case under discussion is where a gentile innkeeper returned to his inn during Shabbat, thereby forbidding the Jewish guests from carrying to and from their rooms. This view holds that the Jewish guests may **rent** his rights from him, and then they may all relinquish their own rights to one of the Jewish guests. According to this view, **there is no question** regarding Rav Chisda's inquiry**.**

For **here,** in the case of the innkeeper who returned, **we may even perform two** Halachic procedures—renting from the gentile, and relinquishing the rights of all the Jewish guests to only one of them. Therefore, in our case, where the gentile died and there is no need to rent from him, the fact that they may perform **one** Halachic procedure does not **need** to be mentioned, for it is obviously permitted.

Rather, the question arises only **according to the view** that holds that in the case of the returning innkeeper, the Jewish guests **may not rent** his rights from him.

Does this view hold **that we may not perform two** Halachic procedures, **but we may perform** just **one? Or perhaps it makes no difference**—just as two procedures are forbidden, so too is one. Thus, in the case of the gentile courtyard-neighbor who died on Shabbat, one Jew may not relinquish his rights to another.

*

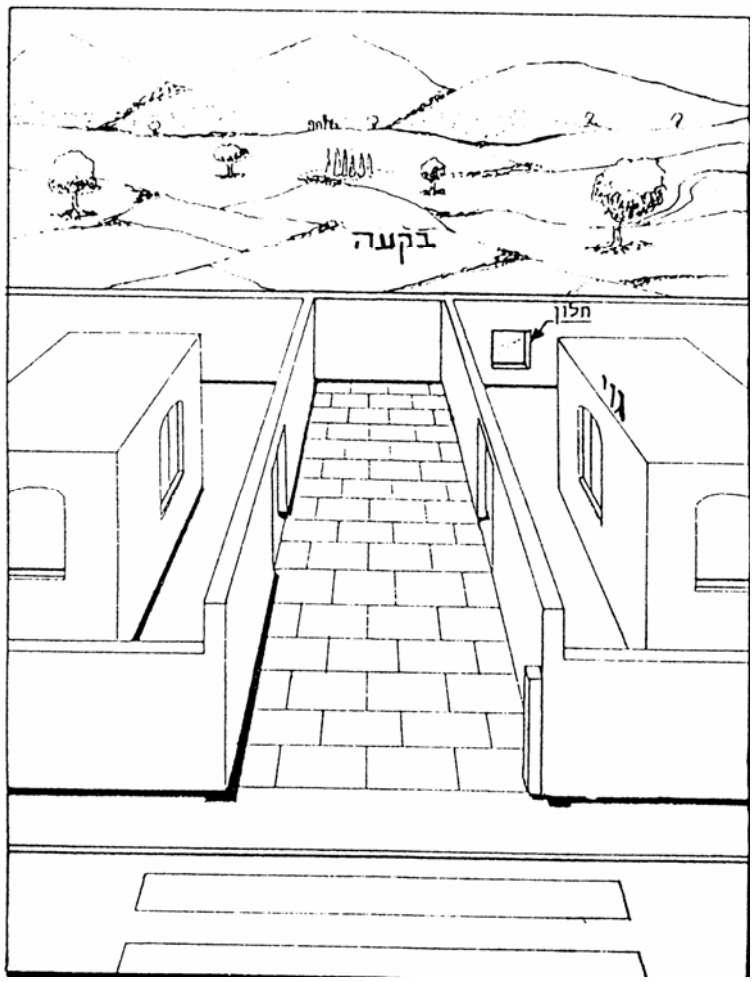
Rav Sheshet **said to him: I say** that **they may relinquish** their rights. The case of the gentile neighbor who died is not comparable at all to the case of the returning innkeeper. With the returning innkeeper, they could not rent his rights from him before Shabbat, because he was out of town. But in the case at hand, they could have rented the gentile neighbor's rights from him and made an *eiruv* before Shabbat. Therefore, when he dies during Shabbat, one of them may relinquish his rights to the other.

But Rav **Hamnuna says: They may not relinquish** their rights. Since the Jewish residents could not have made an *eiruv* before Shabbat without renting the gentile's rights to the courtyard, they also may not relinquish their rights now to one another unless it is permissible to rent his rights to the courtyard. Since (even if he were still alive) that would not be permitted, for it would involve two Halachic procedures, they may not relinquish their rights on one another's behalf.

Perek 6 – 67a

Said Rav Yehudah in the name of Shmuel: A gentile that has an entranceway from his courtyard into an alleyway that is used by Jewish courtyards. And the gentile has another **opening,** i.e. a window of at least **four by four** *tefachim*[2], that is **open towards a valley** of agricultural fields, which is considered a *carmelit*[3]. Even if he **brings camels and wagons in and out all day long through** the **alleyway,** he **does not forbid the** Jewish **residents of the alleyway** from carrying in and out of their houses, as long as they have made proper *eiruvei chatzeirot* and *shitufei mavu'ot.* (see illustration[4])

[2] 1 tefach: 3.1 in., 8 cm
[3] Rabbinically, it is treated as a public domain.



[4]

House on right belongs to the gentile.
There is a window leading into the valley with fields

Why is this? Because **he prefers the opening that is specifically his** i.e. the window. Since the valley is roomier than the alleyway, and since a window so large can be used as an entrance, we assume he prefers to enter and exit his courtyard through it. Therefore, he is not considered to be a resident of the alleyway together with the Jews, and does not forbid them to carry objects to and from the alleyway on Shabbat.

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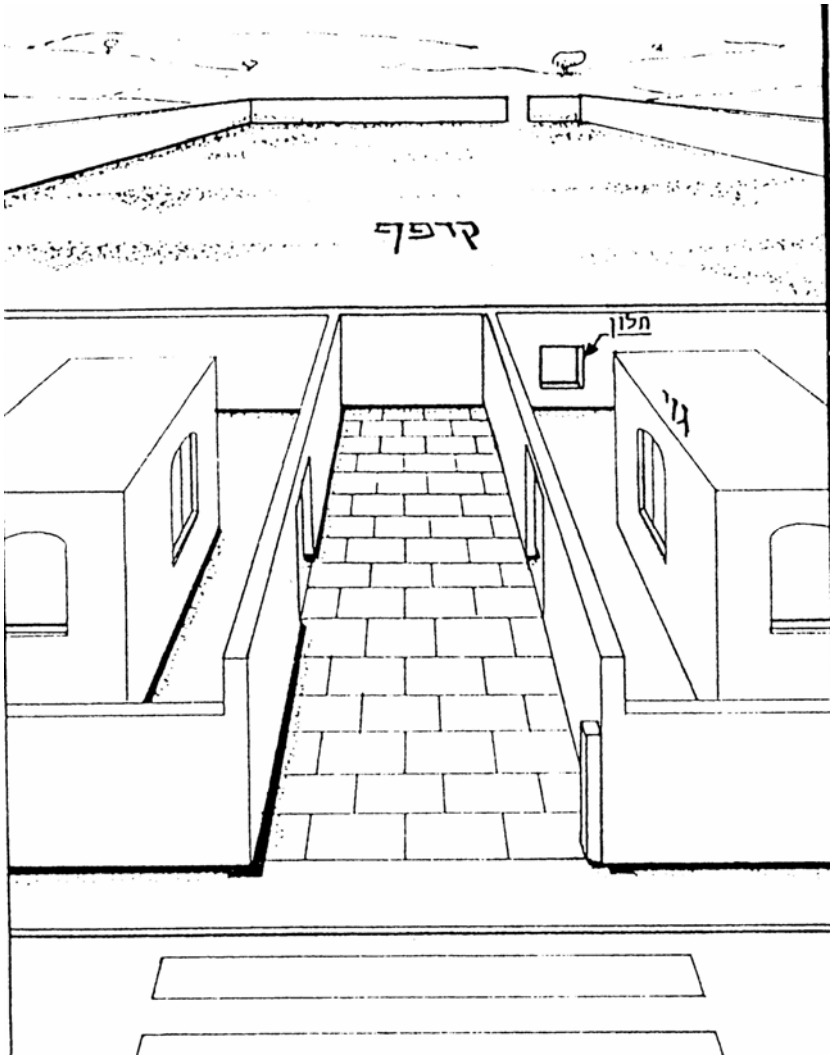
They the scholars of the study hall **posed an inquiry:** If the window we just discussed

was **open towards a *karpeif*,** a fenced-in enclosure**,** which is not as open as is a valley, **what** is the Halachah? (see illustration[5])

Said Rav Nachman the son of Ami, in the name of handed-down tradition:

Ammud Bet

The same Halachah applies **even** if the window is **open towards a *karpeif*.**



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Perek 6 – 67B

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Rabbah and Rav Yosef both say: If the **gentile** has a window facing a *karpeif* that is no larger than a ***beit sa'atayim***[6]**,** he **forbids** the Jewish residents to carry in and out of the alleyway. Since the fenced-in enclosure is not particularly large, he prefers to enter and exit through the alleyway. But if the enclosure is **larger than a *beit sa'atayim*, he does not forbid** them to carry in and out. Once the enclosure is this large, he prefers to enter and exit through it, rather than the alleyway.

And if it was a **Jew** that had both an entrance to the alleyway and a window to a *karpeif*, and he had not joined in the *eiruv* with his alleyway neighbors, the Halachah is as follows. If the enclosure was no larger than a ***beit sa'atayim*, he does not forbid** the others to carry in and out of the alleyway. The Halachah is different than the case of the gentile because the Jew will not be carrying very large articles with him into and out of his house. Therefore, he would prefer to enter and exit through the *karpeif*, even though it is rather small.

But if the *karpeif* is **larger than a *beit sa'atayim*,** in which case it is considered to be a *carmelit*, into which he may not even carry small articles, **he forbids** his neighbors from carrying to and from the alleyway. Since he cannot even carry small articles to and from the enclosure, he prefers to come and go through the alleyway.

*

Rabbah the son of Chaklai posed an inquiry to Rav Huna: If the gentile had a proper doorway that **opens to the *karpeif*,** in addition to his entrance to the alleyway, **what** is the Halachah?

[6] This is an area of five thousand square *ammah*. An *ammah* is 18.7 in., 48 cm.

He Rav Huna **said to him: They** already **said** that if the *karpeif* is no larger than a ***beit sa'atayim,* he forbids** the Jewish neighbors from carrying to and from the alleyway, but if the *karpeif* is **larger than a *beit sa'atayim,* he does not forbid** them to carry. In other words, Rav Huna answered that the existence of a proper doorway makes no difference.

*

Said Ula in the name of Rabbi Yochanan: A *karpeif* that is **larger than a *beit sa'atayim,* which was not enclosed for residential purposes[7], even if it is** a *beit* ***kur*[8] or even** a *beit* ***kurayim*[9]—one who throws into it** from a public domain is **liable[10]** for transgressing the Torah prohibition of transferring an object from the public to the private domain.

Why? Because **it is** surrounded by a **wall,** and is therefore a private domain by Torah law. **Only it is lacking inhabitants.** Since by Torah law it is a private domain, transferring between it and a public domain is a violation of Torah law and makes one liable. This is true even though by Rabbinic law it is regarded as a *carmelit*, which is forbidden to carry within as if it was a public domain.

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Rav Huna the son of Chinena contradicted him, from a Baraita: If there is a **rock that is in the sea** i.e. projecting above the surface of the sea, and the projecting part is **ten** *tefachim* **tall and four** *tefachim* **wide,** we **may not carry to it—neither from it to the sea**, for that would be transferring from a private domain to a *carmelit*. For the sea is considered a *carmelit.* **Nor from the sea** to it, for that would be transferring from a *carmelit* to a private domain.

[7] It is forbidden by Rabbinic decree to carry within such an enclosure. See Mishnah, *daf* 23b.
[8] 1 *beit kur* = 15 *beit sa'atayim.*
[9] Twice the size of a *beit kur*.

If the height of the rock was **less than this,** in which case it is not a separate private domain, but part of the *carmelit* surrounding it, we **may carry** between it and the sea. **Up to how** large may the area of the rock be? **Up to a *beit sa'atayim*.**

The Gemara asks: **To which** case is the Baraita referring, with the phrase of "Up to a *beit sa'atayim*"?

If you say that it refers to the **latter clause,** and it means that we may carry from a low rock to the sea if it has an area of a ***beit sa'atayim,*** but **not more,** that cannot be. For he is merely **carrying from** one part of the ***carmelit* to another** part of the ***carmelit***, no matter how great the area of the rock.

Rather, is it **not** referring to the **first clause? And this is what it was saying:** If there is a **rock that is in the sea** i.e. projecting above the surface of the sea, and the projecting part is **ten** *tefachim* **tall and four** *tefachim* **wide,** we **may not carry to it—neither from it to the sea**, for that would be transferring from a private domain to a *carmelit*. **Nor from the sea** to it, for that would be transferring from a *carmelit* to a private domain. **Up to how** large may the area of the rock be? **Up to a *beit sa'atayim*. That** implies that if the rock is **larger than a *beit sa'atayim*, we may carry** between it and the sea, for once it is so large, it is simply regarded as part of the *carmelit*.

Therefore, from this Baraita we see that an area which has partitions[11], and which is not designated for residential purposes, and which is larger than a *beit sa'atayim*, **is a** full-fledged ***carmelit.*** And even by Torah law it is not regarded as a private domain, since if it were, it would be forbidden to carry between it and the sea surrounding it.

This is a refutation of Rabbi Yochanan's ruling regarding a *karpeif*.

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[10] I.e. obligated to bring a sin-offering.
[11] An area projecting ten *tefachim* above its surroundings, or ten *tefachim* below its surroundings, is considered to have partitions.

Perek 6 – 67B

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Said Rava: Only **someone that does not know** how to **explain Baraitot would present this as a refutation of** the ruling of **Rabbi Yochanan.**

In truth, this phrase of the Baraita, "Up to a *beit sa'atayim*", is referring to the **first clause,** as we said**.** But it is defining the case that the Baraita implies, rather than the case that it discusses expressly. **And this is what it was saying: This** implies that **upon it,** the rock, **we may carry. Up to how** large may the rock be, without forbidding us to carry upon it? **Up to a *beit sa'atayim*.** This, in turn, implies that if the rock is larger than a *beit sa'atayim,* we may not carry upon it, for it is regarded as a *carmelit* by Rabbinic decree—just as Ula said in the name of Rabbi Yochanan.

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Rav Ashi said a different answer**: In truth,** this phrase of the Baraita is referring to the **first clause,** as we said, but it is referring to the case that the Baraita mentioned expressly. It implies that if the rock is larger than a *beit sa'atayim*, one may carry between it and the sea, because if it is so big, the rock is a *carmelit*. Nevertheless, it does not contradict Rabbi Yochanan's ruling about the *karpeif*. For Rabbi Yochanan is referring to a case where someone is transferring an object from a public domain to an area that is, under Torah law, a private domain. That is forbidden by Torah law, and he is liable.

However, the Baraita is referring to transferring from an area that is a private domain by Torah law, i.e. the big rock, to one that is a full-fledged *carmelit*, i.e. the sea. That is only forbidden by Rabbinic decree. **They**, the Sages who enacted the laws of *eiruvin*, **said**

that it is generally forbidden to carry from a private domain to a *carmelit*. But **they said** that in this case it is permitted.

*

They said that in reference to **a *karpeif* larger than a *beit sa'atayim* which was not enclosed for residential purposes—we may only carry** up to a distance of **four *ammot* within it. And they said** that **we may not carry from a private domain to a *carmelit,*** lest people err and think that they may carry from a private domain to a public domain. However, they saw that here these two decrees interfere with each other, as will be explained, and therefore nullified one while maintaining the other.

In reference to a rock no more than a ***beit sa'atayim*** in area, **concerning which it is permitted to carry throughout all of it** even by Rabbinic law, **the Rabbis forbade carrying from the sea to it or from it to the sea. Why?** Because **it** is a **complete private domain.** Since the rock has Halachically valid "partitions," owing to its height above the sea, and since it does not exceed the maximum size for a non-residential private domain, it is not a *carmelit*. Rather it is judged as a private domain, and we may not transfer objects between it and the sea.

But if the rock is **larger than a *beit sa'atayim,* in which case it is forbidden to carry throughout all of it** by Rabbinic decree, **the Rabbis permitted carrying from it to the sea and from the sea to it. Why?** Because they were concerned that if they would forbid people to carry from it to the sea, **perhaps** people would **say** that **it** is a **complete private domain,** and come to carry throughout the entire rock. Therefore, they nullified their decree forbidding us to carry from a private domain to a full-fledged *carmelit*, in order that the decree forbidding carrying objects within a *carmelit* be maintained.

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Perek 6 – 67B

The Gemara is puzzled: **What is the difference** between the two decrees**?** Why did they choose to protect the decree against carrying on the area of the rock, at the expense of the decree against carrying between the rock and the surrounding sea?

The Gemara answers: Carrying **within** the area of the rock is **common,** and it looks like a public domain. If the Rabbis would permit people to carry there, they might become confused and come to carry in public places. However, carrying **from the rock to the sea and from the sea to the rock is not common,** since it involves a potentially dangerous procedure. Since it is not common for people to do this, the Rabbis were less concerned about potential confusion, and relaxed their decree in this case.

There was a certain eight-day old **child whose warm water got spilled.** I.e. his parents had prepared warm water for him before Shabbat, to wash him with before his circumcision, but it spilled out.

Rabbah, who lived in the same courtyard, **said to them: We shall bring him warm water from within my house.**

Abaye said to him: But we have not made an *eiruv*. Why is it permitted to carry warm water to their house?

Rabbah **said to him: We shall rely on the *shituf mavu'ot*[12].**

Abaye **said to him: But we did not make a *shituf*** *mavu'ot.*

Said Rabbah: **We shall tell a gentile to bring it.**

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Said Abaye: I wanted to contradict the Master i.e. Rabbah, from a Baraita. **But Rav Yosef did not permit me.**

For Rav Yosef said in the name of Rav Cahana: When we were studying in the **House of** Study of **Rav Yehudah, he used to say to us: With a Torah** law, if the master is ruling leniently, and his disciples can refute his words, **we must** first **pose the contradiction. And then,** if the master successfully resolves the contradiction, we may **perform an act** following the leniency**.** I.e. we must ensure that the master is not mistaken before relying on his lenient ruling, by presenting any authoritative sources that seem to contradict his ruling. But when dealing with a **Rabbinic** law, such as the law requiring an *eiruv* in order to carry within a courtyard, we first **do an act** i.e. rely on his lenient ruling, and only then **pose the contradiction,** to discover whether he ruled correctly or not.

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The Gemara returns to the incident of the child to be circumcised: **Afterwards,** Rav Yosef **said to him,** to Abaye: **what contradiction did you want to pose to the Master?**

Abaye **said: Sprinkling** water containing ashes of the red heifer upon someone, in order to purify him, is forbidden on Shabbat. However, this prohibition is merely a **Rabbinic decree. And telling a gentile** on Shabbat to do something that is forbidden for a Jew to do is also forbidden by **Rabbinic decree.**

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[12] See the Mishnah on page 73a, which states that a *shituf mavu'ot*, a type of *eiruv* that includes several courtyards along an alleyway, permits carrying within the individual courtyards as well as between the courtyards and the alleyway.

Chavruta
Eiruvin – Daf Samech Chet

Translated by: *Rabbi Avraham Rosenthal*
Edited by*: R. Shmuel Globus*

[Abaye **said: Sprinkling** water containing ashes of the red heifer upon someone, in order to purify him, is forbidden on Shabbat. However, this prohibition is merely a **Rabbinic decree. And telling a gentile** on Shabbat to do something that is forbidden for a Jew to do is also forbidden by **Rabbinic decree.]**

Therefore, **just like sprinkling** water containing ashes of the red heifer upon someone, in order to purify him, is forbidden on Shabbat due to a **Rabbinical ordinance** (*shevut*), **and** nevertheless **it does not supercede Shabbat** even for a mitzvah. I.e. a person who is impure because of contact with a corpse, and his seventh day (when he could potentially become purified) occurs on Erev Pesach that falls on Shabbat, and if he is purified that Shabbat, he will still be able to bring the Pesach offering. Nevertheless, it is forbidden to sprinkle the water on him—

Therefore, **even telling a gentile** on Shabbat to do something that is forbidden for a Jew to do, which is forbidden due to **Rabbinical ordinance** (*shevut*), **does not supercede** Shabbat, even for a mitzvah. Therefore, how can we permit telling a gentile to bring hot water for washing the baby, through a *chatzer* without an *eiruv*, in order to facilitate the mitzvah of circumcision?

Said to him Rav Yosef: **And do you not make a distinction between a Rabbinical ordinance** (*shevut*) **that has an action,** i.e. sprinkling water containing ashes of the red heifer, and between **a Rabbinical ordinance** (*shevut*) **that does not have an action,** i.e. telling a gentile to do work for a Jew?

There is certainly a difference, and telling a gentile, which is not an action but merely speech, supercedes Shabbat for the sake of a mitzvah.

Perek 6 – 68a

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Said Rabbah bar Rav Chanan to Abaye: How is it possible that **an alleyway that has in it two great people like the Rabbis,** i.e. you and Rabbah, who live there, **should have neither an *eiruv*[1] nor a *shituf*,[2]** as was said earlier, that they did not make an *eiruv* or *shituf*?

Abaye **said to him,** to Rabbah bar Rav Chanan: **What should we do?**

The Master, Rabbah, **it is not his way** to compromise his honor by going around door to door to collect the food for the *shituf* of the alleyway residents.

And **I am busy with my learning.**

And **they,** the other residents, **do not care.**

And even though there is the option of transferring ownership of a portion of my bread to them, this will not be effective. For **if I transfer to them ownership of the bread in my basket,** the following problem will arise—

Since if they request it the bread **from me,** in order to eat it, **and this is not possible** for me, to give up my food every Shabbat, **to give it to them.** Therefore **the *shituf* is nullified,** since I have no true intention to give them a portion.

As it was taught in a Baraita: **One of the residents of the alleyway who requested wine or oil** from the *shituf*, **and they did not give it to him, the *shituf* is nullified.**

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[1] *Eiruvei chatzeirot* - that the co-dwellers of a courtyard make joint ownership in an article of food and thereby symbolically combine (*me'arvim*) their ownership, as if the courtyard belongs to a single person. They do this to permit carrying from their homes into the courtyard on Shabbat.
[2] A *shituf* in an alleyway is the same as an *eiruv chatzeirot* in a courtyard.

Perek 6 – 68a

Said Rabbah bar Rav Chanan to Abaye: You, **Master,** should **transfer to them ownership of a *revi'it*[3] of vinegar in a barrel,** which is something that people are unconcerned about. Place the barrel in the courtyard and rely on the *revi'it* of vinegar for the entire year.

He said to him: **It was taught** in a Baraita: **They may not join in** the *shituf* **with something stored.** This is because the specific *revi'it* that belonged to the *shituf* cannot be designated retroactively, and therefore if someone takes vinegar from the barrel, he might have taken the *revi'it* of the *shituf*.

The Gemara is puzzled: **And note that it was taught** in the Baraita: **They may join** with something stored.

Said Rav Oshia: This is **not difficult.**

This which was taught in a Baraita that they may not join using something stored, is the view of **Beit Shammai** who hold that there is no principle of retroactive designation, as the Gemara proceeds to explain.

And that which was taught in the Baraita that they may join using something stored is the view of **Beit Hillel** who hold that there is indeed a principle of retroactive designation.

*

For it was taught in a Mishnah, illustrating the above-mentioned disagreement between Beit Shammai and Beit Hillel:

[3] *revi'it*: 86.4 gm or 2.9 fl. oz.

Perek 6 – 68a

If there was a corpse in a house, and there were utensils in the entranceway, directly under the lintel, the utensils are rendered impure since they are in the *ohel*[4] over a corpse. This is true even if the door is closed and intervenes between the corpse and the utensils, since the utensils are in a place where "the impurity will eventually come out" through the entranceway.

There is no reason for this law rendering the utensils impure even though the door is closed; it is a *Halachah leMoshe miSinai*.[5]

If the **corpse** was **in the house, and it,** the house, had **many entrances,** and they are all sealed, all the utensils in **all** of the entranceways and windows that are at least one *tefach*[6] square **are impure.**

This is because we do not know through which entranceway he will take out the corpse, and all of them are considered the place that "the impurity will eventually come out" through. Thus all of the utensils are certainly impure.

If **one of them,** the doors, **was open,** and the opening was at least four *tefachim* square, **that** entranceway **is impure,** and all the utensils in that entranceway are impure. **And all of them,** the utensils in the other entranceways, **are pure**.

This is because it is considered certain that they will take the corpse out through the open door.

And similarly, if **he thought to take it out through** a specific **one of them,** through one of the entranceways.

[4] Lit. "a tent", i.e. something positioned horizontally over a source of impurity, which causes the spread of impurity to whatever else is under the *ohel.*

[5] Halachot taught to Moshe that are not derived from the Written Torah even through allusion or Talmudic explication, but are rather taught as an oral tradition dating back to Sinai.

[6] 1 *tefach*: 3.1 in., 8 cm

Or he thought to take it out **through a window, which is four** *tefachim* **by four** *tefachim*.

This entrance which he had in mind **saves all the other entranceways.**

*

Beit Shammai and Beit Hillel differ over this matter.

Beit Shammai say: And that is true **when he thought** about it, or the door was open, **before the person died.** Then the other entrances do not impart impurity.

But if it was after the person died, there is a distinction between thought and actually opening the door.

When the door was not opened, rather he only thought about bringing the corpse out of that door, the impurity descends on all the entrances when the person dies, and the impurity does not go away when he thinks about a specific entrance.

Even if they bring new utensils to those entrances, after he thought about a particular entrance, they are rendered impure.

But if a door was actually opened, the impurity leaves the other entrances when he does an action of opening.

And only the utensils that were there before the door was opened are impure.

And Beit Hillel say: Even if he thought about it, or the door opened, **after the person died,** we apply the principle of retroactive designation. I.e. it became retroactively clarified that at the time of death, his intention was to take the corpse out through that particular entrance.

Thus, impurity never descended upon the other entrances.

Therefore, only that entrance is impure, and the rest are completely pure.

We thus see that Beit Shammai and Beit Hillel differ over the principle of retroactive designation.

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There was another incident involving **a certain baby whose hot water** for washing before the circumcision **got spilled.** They therefore prepared hot water in order to wash the baby before the circumcision.

Said to them Rava: We will ask his mother if she **needs** us to heat water for her to drink. The Halachah is that a woman over seven days from childbirth is considered ill, but not gravely so. Even though at this stage, one may not directly desecrate the Shabbat for her needs, nevertheless one may desecrate it though telling a gentile to perform the needed work.

Thus, argued Rava, **we will heat** water for the baby—who is considered gravely ill, due to the danger involved with circumcision—by means of the **gentile.** And together with this, we will heat the water for **his mother,** assuming that she says she needs it**.** I.e. the gentile will heat water for the baby by adding more water to the pot than the mother needs, thus obviating the need for a Jew to directly desecrate Shabbat for the sake of the baby.

Said Rav Mesharshia to Rava: But note that we saw **his mother** that **she ate dates!** Therefore she surely does not need hot water at all, since we see that she is well enough to eat cold food.

So, how can we tell the gentile to heat water for her when we know she does not need it?

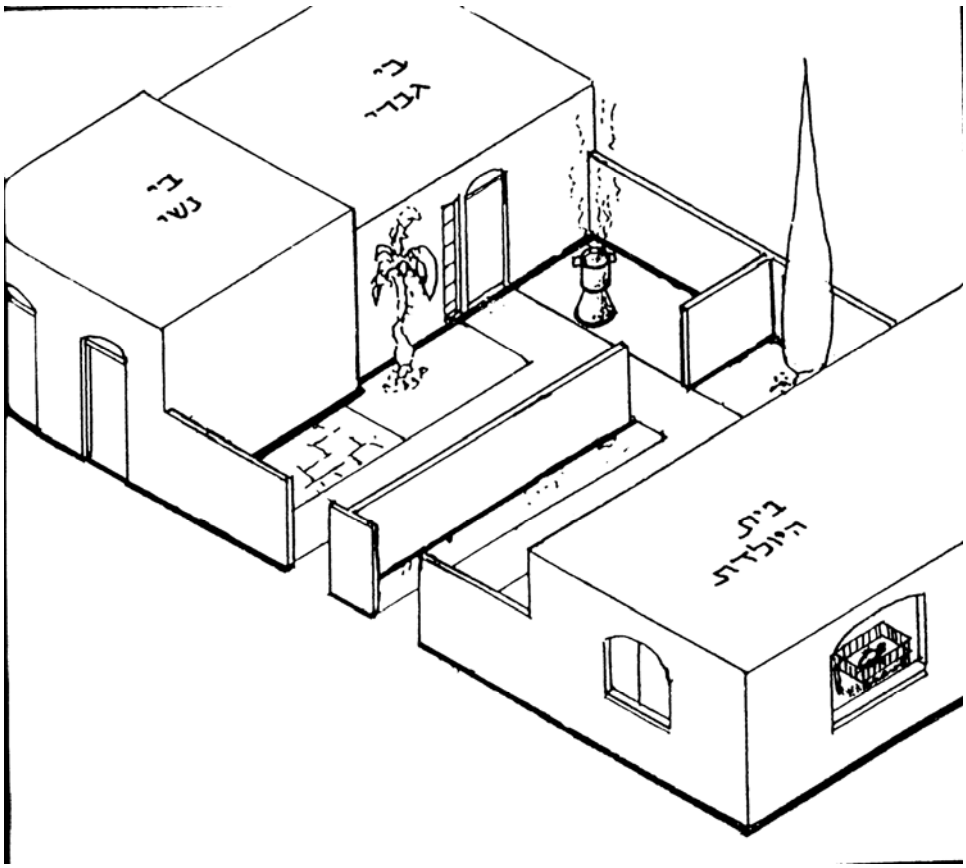
Rava **said to him,** to Rav Mesharshia: In truth, the woman after childbirth needs to drink hot water. Although we see that she eats cold foods, **we say that a confusion has affected her** because of the illness, and she does not realize what she is eating.

There was **a certain baby** to be circumcised **whose hot water spilled,** and there was hot water in Rava's house, which was in a different courtyard. There was an entranceway between the two courtyards, but they had not made an *eiruv* together.

Said to them Rava: Remove my utensils from the men's house to the women's house. The two houses were attached and there was an entrance into the courtyard only from the men's house (see illustration[7]).

And I will go and sit there, in the women's house, which is the inner room. **And I will relinquish to them,** the residents of the other courtyard, the rights that I have in **this,** my **courtyard.** Then they will be able to carry the hot water from my courtyard to theirs.

Rava needed to transfer his utensils, i.e. those articles he intended on using during the course of Shabbat, to the inner room which had no entrance to the courtyard. This was because he relinquished his rights to the residents of the other courtyard, thus it was forbidden for him to transfer from his house to the courtyard, as it now was in the



7 At lower right, house of the baby to be circumcised.
At upper center, the men's house. Adjacent to it, the women's house.

jurisdiction of the others. And as a decree, lest he forget and bring things out into what used to be his courtyard, he requested that his utensils be removed from the room which opened to the courtyard.

Said Ravina to Rava: But note that **said Shmuel: There is no relinquishing of rights from courtyard to courtyard.**

He Rava **said to him: I hold like Rabbi Yochanan, who said** (on 66B): **There is** indeed **relinquishing** of rights even **from courtyard to courtyard,** and even if they do not 'forbid' each other to carry (see 66B), as is the case here.

Ravina said to Rava: **And if** you, **Master, do not hold like Shmuel…**

AMMUD BET

…let the **Master sit in his place.** Meaning, why did you transfer your utensils to the women's house? Leave the utensils where they are, **and relinquish to them,** the residents of the other courtyard, until they transfer the hot water to their courtyard. **And** after they transfer the hot water, **they will go back and relinquish to you** your rights that you had in the courtyard, and you may once again transfer from your house to the courtyard.

For note that Rav, who also differs with Shmuel, **said: They may relinquish** to this one, **and they may go back and relinquish** to that one.

Perek 6 – 68B

Said Rava to Ravina: **I, in this** matter, **hold like Shmuel, who said: They may not relinquish and go back and relinquish,** even in the same courtyard. Because according to Shmuel, with a different courtyard they may not relinquish at all.

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Ravina was puzzled: **And is it not the same reasoning?**

What is the reason that **they may not relinquish and go back and relinquish? Is it not because once** he relinquishes his rights in the courtyard to the other residents, the relinquisher **is removed from here completely?**

And he is now **like a resident of another courtyard.** Therefore they can no longer relinquish to him again, as **there is no relinquishing from courtyard to courtyard.**

Therefore, if you hold that there is no relinquishing of rights from courtyard to courtyard, **Master also should not** relinquish from courtyard to courtyard.

Said to him Rava: The reason why they may not relinquish and go back and relinquish is not because of the reason you cited.

Rather, **there the reason is** as follows**: so that the words of the Rabbis not be** subject to **laughter and jest,** when the intricacies of Halachah produce a situation that seemingly allows people to do as they please, switching back and forth at whim**.**

Perek 6 – 68B

Regarding the above-mentioned statement **itself: Rav said: They may relinquish, and go back and relinquish.**

And Shmuel said: They may not relinquish, and go back and relinquish.

The Gemara suggests: **Let us say** that **Rav and Shmuel disagree in the** same **disagreement that the Rabbis and Rabbi Eliezer** differed in**.**

Regarding someone who relinquished the rights to his courtyard, the Rabbis and Rabbi Eliezer differ over whether it is permissible to transfer from his house to the courtyard. The Rabbis hold that he is not allowed to transfer from his house, since he only relinquished the rights to his courtyard, but he did not relinquish the rights to his house. Therefore, he may not transfer from his house to the courtyard.

Rabbi Eliezer holds that he also relinquished rights to his house, and thus he is permitted to transfer from his house to the courtyard.

At this point the Gemara assumes that the reason why Shmuel said that they may not relinquish, go back and relinquish is because the relinquisher is totally removed from this courtyard, and there is no relinquishing from courtyard to courtyard.

This would seem to accord with Rabbi Eliezer. I.e. the relinquisher is totally removed, *even from his house*, and he is a resident of another courtyard.

But according to the Rabbis, who hold that he did not relinquish the rights to his house, he has not been totally removed from here, and he is not like the resident of a different courtyard. This would seem to accord with the Rabbis' view.

Therefore, let us say: **That Rav who said** that they may relinquish, go back and relinquish, holds **like the Rabbis,** that he is not totally removed from this courtyard.

Perek 6 – 68B

And Shmuel who said: They may not relinquish, go back and relinquish, holds **like Rabbi Eliezer,** that he is indeed totally removed from this courtyard.

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The Gemara rejects this approach: **Rav** would **say to you: I say** my view **even** according **to Rabbi Eliezer.**

Because **Rabbi Eliezer only said** over **there,** that **one who relinquishes the rights to his courtyard,** thereby **relinquished** also **the rights to his house, because people will not** normally **live in a house without a courtyard.** Thus, a dwelling like this does not forbid the other residents of the courtyard from carrying into the courtyard.

But regarding his total **removal** from being a resident of this courtyard, to the point that he will not be able to go back and receive his rights, **who said** that Rabbi Eliezer holds such an extreme position**?**

And Shmuel would **say** to you: **I say** my view **even like the Rabbis,** i.e. my view fits with theirs**.**

Because **the Rabbis only said** over **there,** that **what he relinquishes,** i.e. the rights to his courtyard, **he relinquishes.** And what **he does not relinquish,** i.e. the rights to his house, **he did not relinquish.**

But that which he did relinquish, i.e. his courtyard, **he is completely removed from** it. And since he is removed from it, he is like a resident of another courtyard.

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Said Rav Sheishet: The disagreement of Rav and Shmuel whether they may relinquish, go back and relinquish is the **same** as a disagreement between the following **Tannaim**.

Perek 6 – 68B

As it was taught in a Mishnah: **One who gave his rights** that he had in his courtyard or alleyway, **and he took out** from his house to the area that he relinquished: **whether unintentionally,** or **whether intentionally,** he thereby goes back **and forbids** the other residents from carrying. This is provided that the other residents of the alleyway did not yet take possession of the area that he relinquished, before he went back and reclaimed his domain. These are the **words of Rabbi Meir.**

Rabbi Yehudah says: If it was **intentional, he forbids** them from carrying, and if it was **unintentional, he does not forbid** them from carrying.

Is it not that **over this** same point, **they are differing? —**

That one **master,** Rabbi Meir, **holds** the view**:** One who relinquishes his rights is not considered to be totally removed from his domain to the extent that we would call him the resident of another courtyard. Therefore, **they may relinquish, go back and relinquish,** and it is not called relinquishing from courtyard to courtyard. And for this very reason, when he takes objects out of his house into the courtyard and starts using his domain, even unintentionally, his domain returns to him.

And the other **master,** Rabbi Yehudah, **holds** the view**:** One that relinquishes his rights is totally removed from his domain, to the extent that he is like the resident of another courtyard. Therefore, **they may not relinquish, go back and relinquish.** For this is like relinquishing from courtyard to courtyard. Thus Rabbi Yehudah holds that if he forgot that he relinquished his rights and subsequently used the area, his domain does not return to him.

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The Gemara rejects this approach: **Said Rav Acha bar Tachlifa in the name of Rava:** They, Rabbi Meir and Rabbi Yehudah, are **not** differing over this point.

Perek 6 – 68b

Rather, **everyone** concurs that **they may not relinquish and go back and relinquish,** since he is totally removed. And in principle, the relinquisher should not forbid the other residents from carrying, if he carried unintentionally.

And here, they are differing over whether the Sages **penalized** an **unintentional** act **because of** an **intentional** one**.**

One **master holds** the view**: They penalized** an **unintentional** act **because of** an **intentional** one.

And the other **master holds** the view**: They did not penalize** an **unintentional** act **because of** an **intentional** one.

Rav Ashi said: Rav and Shmuel are disagreeing over the same point as **the disagreement of Rabbi Eliezer and the Rabbis,** as the Gemara suggested earlier.

It was stated in the Mishnah: **Said Rabban** Shimon ben **Gamliel:** There was **an incident** that once took place **with a certain Sadducee[8] who dwelled with us** in an alleyway in Jerusalem. And Father, i.e. Rabban Gamliel, said to us: Act quickly and take out our utensils to the alleyway, in order to take possession before the Sadducee takes out his utensils, and forbids you from carrying there.

The Gemara is puzzled: **A Sadducee? Who mentioned him?** I.e. it is out of place for Rabban Shimon ben Gamliel to state his view regarding a Sadducee, if such was not the

[8] *Tzeduki.* A member of a certain heretical sect that did not recognize Rabbinic decrees such as *eiruvin* as binding in Halachah.

subject of the Mishnah. For the first Tanna did not state that one needs to rent from a Sadducee his rights to a jointly owned domain. If he had stated such a halachah, Rabban Shimon ben Gamliel would then be in place to differ, and to cite proof from an incident showing that a Sadducee may merely relinquish his rights, without need for the Jewish residents using the alleyway to actually rent his rights from him.

The Gemara answers: **A clause has been omitted** in the Mishnah, **and this is how it was taught:**

A Sadducee is like a gentile, and he cannot relinquish his rights, rather, the Jewish residents must rent his rights from him.

And Rabban Shimon ben **Gamliel says: A Sadducee is not like a gentile,** and he can relinquish his rights.

And said Rabban Shimon ben **Gamliel** as proof:

There was **an incident** that once took place **with a certain Sadducee who dwelled with us in an alleyway in Jerusalem. And Father,** i.e. Rabban Gamliel, **said to us: Act quickly and take out** our **utensils to the alleyway,** in order to take possession after Shabbat begins, **before** the Sadducee **takes out** his utensils, **and forbids you** from carrying there.

Consequently, we see that the relinquishing of a Sadducee is sufficient. For if it were not, and he had actually rented out his rights to the Jews, he would not have been able to renege merely by taking his utensils into the alleyway.

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And note that **it was** also **taught** similarly in a Baraita, that the Rabbis differ with Rabban Shimon ben Gamliel, and hold that a Sadducee must rent out his rights.

Perek 6 – 68B

As it was taught it a Baraita: **One who dwells with a gentile, a Sadducee or a Baitusee[9], they forbid him** from taking out objects into the jointly owned domain, until he rents their rights from them. These are the words of the Sages.

A clause has been omitted from the Baraita: Rabban Shimon ben Gamliel says: A Sadducee and Baitusee do not forbid the Jew from taking out items.

And there was **an incident** that once took place **with a certain Sadducee who dwelled with Rabban Gamliel in an alleyway in Jerusalem.**

And Rabban Gamliel said to his sons: My sons, act quickly and take out what you wish to **take out** and thus take possession of the alleyway, or **bring in what you** wish to **bring in** and thus take possession of the alleyway, **before this abominable one takes out** his utensils, and reclaims his relinquished share in the common domain, **and** thereby **forbids you** from carrying into there.

This is **since he** only **relinquished his rights to you,** and did not actually rent them to you. These are the **words of Rabbi Meir.**

Rabbi Yehudah says: Even Rabban Gamliel agrees that a Sadducee has to rent out his rights.

And Rabban Gamliel said to them **a different version:**

Act quickly and do your needs in the alleyway, *before it gets dark* and he will forbid you from taking out items to there. Since he did not rent us his rights, we will not be able to do our needs in the alleyway on Shabbat.

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[9] Similar to a Sadducee

Perek 6 – 68b

Said the master i.e. Rabban Gamliel**: Take out what you** wish to **take out** and thus take possession of the alleyway, or **bring in what you** wish to **bring in** and thus take possession of the alleyway, **before this abominable one takes out** his utensils, and reclaims his relinquished share in the common domain, **and** thereby **forbids you** from carrying into there. These are the **words of Rabbi Meir.**

The Gemara is puzzled: Does that mean **to say that when they take out** first, **and** only **afterwards, he** the Sadducee (or a gentile) **takes out, he does not forbid** them from carrying?

Chavruta
Eiruvin – Daf Samech Tet

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

Surely it was taught in a Mishnah: Concerning **someone who gave** over **his rights** in a courtyard or alleyway, **and** later **transferred** items to that area. **Whether** he transferred them **unintentionally,** or **whether** he transferred them **intentionally.** In either case, **it is forbidden;** these are **the words of Rabbi Meir.**

Thus we see that if a person relinquishes his rights in a courtyard, and subsequently transfers items there, this forbids his neighbors from transferring items to that courtyard.

Rav Yosef said: I will say that the Mishnah should have said: In either case **it is *not* forbidden,** according to the view of Rabbi Meir.

*

Abaye said, retaining the original version of the Mishnah:

It is not a difficulty.

Here, in the Baraita quoted at the bottom of 68b and the Mishnah from the beginning of the *perek*, they refer to a case **that the residents of the alleyway** had already **taken possession**[1] **of the alleyway,** as was mentioned explicitly in both instances. Then, the presence of the original 'owner' would not forbid the other residents from carrying in the courtyard, even if he were to retake possession later on.

[1] By performing a specific *chazakah* - an act of possession.

Perek 6 – 69a

And **here,** the Mishnah just quoted, refers to a case **that the residents of the courtyard** did not yet **take possession of the courtyard.** Thus the original 'owner' is still in a position to retake possession of his rights in the courtyard.

And note that it was taught expressly in a Baraita, in accordance with the explanation of Abaye:

1. Concerning a Jew who forgot to make an *eiruv*, and **before he gave** up **his rights** in the courtyard, he transgressed the Halachah and **transferred** items there. **Whether** he did this **unintentionally, or whether** he did it **intentionally** and in public[2], giving him the status of an apostate, **he may** still **relinquish** his rights in the courtyard; these are **the words of Rabbi Meir** who holds that an apostate may relinquish his rights to a shared domain.

Rabbi Yehudah says: Only if he transferred **unintentionally, may he** still **relinquish** his rights in the courtyard. But if he did so **intentionally** and in public, then he receives the status of an apostate and **may not relinquish** his rights. (In such a case, the other Jews would have to actually rent from him his rights to the shared domain.)

2. Concerning **someone who gave** up **his rights** in an area **and** subsequently **transferred** articles there from his house. **Whether** he did this **unintentionally or whether** he did it **intentionally, he forbids** his neighbors from carrying there; these are **the words of Rabbi Meir.** He holds that the Rabbis forbade them from carrying in the unintentional case, lest they come to do so even when the owner intentionally retook possession.

Rabbi Yehudah says: If he transferred **intentionally he forbids** his neighbors from carrying. But if he merely transferred **unintentionally,** in which case he did not intend to retake possession of the area, **he does not forbid** them.

[2] According to *Tosafot*

Perek 6 – 69a

3. Rabbi Meir said: **In what** circumstances **are these words said,** that the relinquisher is able to retake possession of his rights? **When the residents of the alleyway have not** yet **taken possession of the alleyway.**

However, if **the residents of the alleyway** had already **taken possession of the alleyway, whether** this was **unintentionally or whether** it was **intentionally, he does not forbid** his neighbors from carrying there.

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The master, i.e. the Tanna of the Baraita cited on 68b, **said: Rabbi Yehudah says:** Even Rabban Gamliel agrees that a Sadducee[3] has to rent out his rights.

And Rabban Gamliel said to them **a different version:**

Act quickly and do your needs in the alleyway, before it gets dark and he will forbid you from taking out items to there. Since he did not rent us his rights, we will not be able to do our needs in the alleyway on Shabbat. Because the relinquishing of rights made by a Sadducee or any other apostate is not effective.

The Gemara is puzzled: Does this **therefore** mean that according to Rabbi Yehudah, a Sadducee **is** regarded as **a gentile,** who is unable to relinquish his rights?

Surely, in the Mishnah at the beginning of the *perek* **we learned** that they should act quickly and make their preparations **"before he** the Sadducee **takes out** his utensils", and not "before it gets dark" as was taught here.

[3] *Tzeduki.* A member of a certain heretical sect that did not recognize Rabbinic decrees such as *eiruvin* as binding in Halachah.

The Mishnah implies that the relinquishing of a Sadducee is sufficient. For if the Sadducee had actually rented out his rights, he would not be able to retract simply by taking out his utensils.

The Gemara replies: **I will say** that the Mishnah actually taught "Act quickly and make your preparations in the alleyway ***before the day goes out*****",** and the wording of the Mishnah was not presented accurately before. Thus there would be no contradiction to the Baraita, which said "before it gets dark". And in both cases Rabbi Yehudah would hold that a Sadducee is viewed as a gentile.

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And if you wish, I could say an alternative answer**:** It is **not a difficulty—**

Here in the Mishnah where it taught that a Sadducee is not regarded as a gentile, it refers to a Sadducee who is **an apostate who profanes Shabbat in private.**

But **here** in the Baraita where a Sadducee was regarded as a gentile, it refers to a Sadducee who is **an apostate who profanes Shabbat in public.**

And Rabbi Yehudah holds that one who profanes Shabbat in pubic may not relinquish his rights in an area; rather he needs to actually rent out his rights.

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The Gemara considers this: **According to who**se view **does this** statement **that was taught** in the following Baraita **go?** The Baraita states**: An apostate and 'someone who shows his face' – note that they may not relinquish** their **rights in** a shared domain.

Perek 6 – 69a

Initially, the Gemara understands that ‘someone who shows his face’ refers to a person who acts brazenly, thus the Gemara is puzzled: **Is ‘someone who shows his face’** automatically considered **an apostate?**

The Gemara explains the words of the Baraita: **Rather,** this is what the Baraita meant to say: **An apostate** who profanes Shabbat **by showing his face,** i.e. in public, **may not relinquish** his **rights** in a shared domain.

And according to whose view does this Baraita go?

According to the view of **Rabbi Yehudah** who said that one who profanes Shabbat in public is considered like a gentile and may not relinquish his rights.

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There was **a certain person who** would regularly **go out** to the public domain on Shabbat, **with a charm** containing **perfume** tied around his neck**.** This is not considered an ornament for a man, and thus he was liable for transferring it to the public domain.

When this person **was seen by Rabbi Yehudah HaNasi, he** the person **covered it,** the charm, with his hand**.**

Rabbi Yehudah **said:** Given that he covered the charm when he saw me, he is not considered an apostate who transgresses Shabbat in public. And anyone who acts **like this may relinquish** his **rights according to** the view of **Rabbi Yehudah.**

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Perek 6 – 69a

Rav Huna said: Who is considered **an apostate Jew? One who profanes Shabbat in public.** And once he does so he is considered an absolute apostate, in every area of the Torah.

Rav Nachman said to him: Whichever way we look at it, this is problematic: **in accordance with who**se view does your statement go?

If it is according to the view of **Rabbi Meir, who said** that **one who is 'known'** to transgress **one** Torah **matter is suspected** to transgress **the entire Torah—**

Even with one of all the other **prohibitions that are** mentioned **in the Torah,** if he transgressed any one of them, he would **also** be considered an apostate.

And **if it is according to** the view of **the Rabbis, surely they said** that **one who is 'known'** to transgress **one** Torah **matter is not** considered **'known'** to transgress **the entire Torah…**

Ammud Bet

…until he is an apostate regarding the prohibition of **idol worship.** Because one who worships idols is considered as if he transgresses the whole Torah, as the Sages state: Idol worship is stricter than other prohibitions because someone who performs idolatry denies the entire Torah. As the verse states in reference to idolatry: "If you will stray and not do *all of these mitzvot"*, equating idolatry to all of the other prohibitions in the Torah.

However, if one were to profane Shabbat in public this would not be of similar status to idolatry.

Perek 6 – 69B

Rav Nachman bar Yitzchak said in reply: When Rav Huna said that a public Shabbat desecrator is considered an apostate, it was not for the entire Torah. Rather he only said this regarding **giving** over **rights** for the purpose of *eiruvin***,** in a circumstance where the desecrator says: "My rights are to be acquired by you", **and** regarding **relinquishing rights,** where he says: "My rights are relinquished to you".

If he profanes Shabbat in public, he cannot give over his rights or relinquish his rights. He can only rent out his right.

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And Rav Huna's statement is **in accordance with** a Halachah **that was taught** in a Baraita:

A Jew who is an **apostate** for the entire Torah[4], but who **observes Shabbat in the marketplace,** i.e. in public, and only profanes it in private, may **relinquish** his **rights in** a shared domain.

One **who does not observe Shabbat,** even in public, may **not relinquish** his **rights.**

Because the Rabbis **said:** Only **a Jew** may **take rights,** i.e. it is possible to give over or relinquish rights to him. **And** as **for a gentile,** his rights are not transferred **until he rents** them to a Jew.

And a Jew who profanes Shabbat is regarded as a gentile.

In what way does a Jew relinquish his rights to another?

[4] *Gaon Yaakov*

Perek 6 – 69B

He says to him: My rights in the property **are "to be acquired by you",** or **my rights are "relinquished to you". And** the person receiving the rights **does not have to make an** act of **acquisition**[5]**,** since the other party is merely relinquishing his rights in order not to interfere with his neighbor's ability to make an *eiruv*[6].

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Rav Ashi offered a different answer to the difficulty posed to Rav Huna, and **said:** In truth, Rav Huna considers one who profanes Shabbat in public to be an apostate with regard to the entire Torah, and not just for the matter of relinquishing his rights as regards *eiruvin*.

And Rav Huna would agree with the Rabbis mentioned before, who hold that someone who transgresses one prohibition is not considered to transgress the entire Torah. However Shabbat is different, because Rav Huna holds **like this Tanna** who will be cited shortly, **for whom Shabbat is as severe as idol worship.** And just as one who worships idols is considered an apostate with regard to the entire Torah, the same will apply for Shabbat.

Like it was taught in a Baraita:

The Torah writes: Speak to the Children of Israel and say to them, "A man of yourselves who will offer a sacrifice to Hashem from the animals, from the cattle and from the flock he shall offer his sacrifice".

And from here it is explicated: Some **of yourselves** may offer sacrifices, **and not all of yourselves.** I.e. not all types of Jews may bring a sacrifice. This is **to exclude an apostate.**

[5] Such as a symbolic act of acquisition made by raising a handkerchief or such, referred to as *Kinyan Sudar*.

Perek 6 – 69B

And because the Torah wrote: Speak to the Children of Israel, subsequently saying **"of yourselves",** it is implied that **in yourselves I made a difference** between apostates and non-apostates. **But not in the** other **nations.** This teaches that voluntary sacrifices are to be accepted from all gentiles, even from apostates.

"From the animals" comes **to include** wicked **people who are similar to animals.** I.e. wicked Jews may bring sacrifices.

From here the Sages **said: One may accept** voluntary **sacrifices from sinful Jews, in order that they** might **return** to the Torah **in repentance.** Because if they were pushed away, they would never return to the Torah. This is true for all Jews **except for an apostate, and** for **one who offers wine libations** to idols **and one who profanes Shabbat in public.**

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The Gemara will first explain the Baraita, and then bring out the point that offers support for Rav Huna's view:

This Baraita **itself** poses a **difficulty.**

You said: When the Torah said "**of yourselves" and not "all of yourselves",** it meant to **exclude an apostate.**

And the Baraita **continued and taught: One may accept sacrifices from sinful Jews.** Surely this refers to apostates!

The Gemara replies: **This is not a difficulty.**

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[6] *Mishnah Berurah*

The first clause, which excluded an apostate from offering sacrifices, referred **to an apostate for the entire Torah.**

However **the middle clause,** which said that one may accept sacrifices from sinful Jews, referred **to an apostate for one matter.**

The Gemara now brings out the support for Rav Huna's view that one who is an apostate for Shabbat has the same status as an apostate for idolatry:

One may still pose a difficulty on the Baraita because **I will say the end clause,** which stated:

Except for an apostate and one who offers wine libations to idols.

This apostate who was mentioned in the end clause of the Baraita – **what type** of case does it refer to?

If it refers to **an apostate for the entire Torah, this is** the same case that was mentioned in **the first clause** of the Baraita. There it said that one does not accept a sacrifice from an apostate, so we have no need to be taught this point again.

And **if** the end clause of the Baraita refers to an apostate **for one matter,** there is **a difficulty** from the **middle clause.** There it was taught that one may indeed accept sacrifices from sinful Jews.

Rather no, this is what the Baraita **was saying: Except for an apostate who offers libations** of wine to an idol, i.e. he performs idolatry, **and** an apostate **who profanes Shabbat in public.**

Therefore we see that the Tanna of the Baraita holds that **idol worship and Shabbat are both similar** to each other, and an apostate for either one of them is considered as an apostate for the entire Torah.

The Gemara concludes: **Hear from this** a conclusive proof for Rav Huna's view.

Mishnah

1. Concerning **the residents of a courtyard, where one of them forgot, and did not make an *eiruv*** with his neighbors, and subsequently relinquished his rights in the courtyard to them. It is **forbidden for him, and for them, to bring** articles **in or to take** them **out of his house.**

Even though the other residents of the courtyard have received his rights in it, they did not receive the rights in his house. Therefore everyone is prohibited from transferring articles from his house to the courtyard. For his house is a domain that did not participate in the *eiruv*.

And **their** houses are **permitted to him and to them.** Given that the other residents made an *eiruv*, their houses and the courtyard are considered as one domain, and one may transfer items freely between them.

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Now the Mishnah discusses a different case: the other residents of the courtyard **gave him,** the one who forgot to participate in the *eiruv,* **their rights** in the courtyard. In this case, **he is permitted** to transfer items to the courtyard from his house. Because his house and the courtyard are then considered as one domain, over which he has control.

Perek 6 – 69B

And they are forbidden to transfer items, both between their own houses and the courtyard, and between the courtyard and the house of the one who forgot to participate in the *eiruv*. The Gemara will explain why this last case is forbidden, even though his house and the courtyard are considered as one domain.

*

If **there were two** people who forgot to make an *eiruv* with their neighbors, and the other residents of the courtyard relinquished their rights to them. Nonetheless, **they forbid each other** from transferring articles to the courtyard.

Although they share the rights that they have received in the courtyard, their houses are owned by each one individually. Thus they are still forbidden from transferring articles from a privately owned domain to a shared one.

The Mishnah restates: **Because one** person may **give** his **rights** over to the other residents of the courtyard, permitting them to transfer items there. **And** if they want to give them to him, **he** may **take** their rights and permit himself to transfer items to the courtyard.

However, **two** people may only **give** their **rights** to the other residents, **and they** may **not take rights**. Meaning to say that even if they were to receive the rights in the courtyard from their neighbors, it would not be effective in permitting them to transfer items there. The Gemara will explain what the Mishnah meant to teach by making this repetition.

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2. **When** may the residents of the courtyard **give** over their **rights?**

Beit Shammai say: While it **is still day,** prior to Shabbat.

And Beit Hillel say: Even[7] **once it is dark,** and Shabbat has already started.

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3. **One who gave** over **his rights** in a courtyard **and** subsequently **transferred** items there: **Whether** he transferred **unintentionally or whether intentionally, note that this forbids** the other residents of the courtyard from transferring items there. Because he thereby reclaimed his rights in the courtyard[8]; these are **the words of Rabbi Meir.**

Rabbi Yehudah says: If he transferred items there **intentionally, he would forbid** the other residents, for he thereby reclaimed his rights. But if he only transferred **unintentionally, he would not forbid** them from transferring items into the courtyard.

Gemara

We learned in the Mishnah: Concerning the residents of a courtyard, where one of them forgot and did not participate in the *eiruv* with his neighbors. And he subsequently relinquished his rights in the courtyard to them. It is forbidden for him, and for them, to bring articles in or to take them out of his house. And their houses are permitted to him and to them.

The Gemara infers: **It is his house that** one is **forbidden** to transfer articles to and from; however, **surely** we may infer that **his courtyard is permitted.**

[7] *Bartenura*
[8] See Gemara 68b, where the Amoraim disagree as to whether this reason also applies in the unintentional case, or whether there the prohibition is due to a Rabbinic decree.

Meaning to say that one would be permitted to transfer articles from the houses of the other residents to the courtyard itself. As was indeed taught in the Mishnah, "their houses are permitted to him and to them".

What case is this **similar** to?

If it refers to a case **where he relinquished** all of his rights in the area, surely he would have also relinquished his rights in his house. If this were so, **why** would it be **forbidden** for them to transfer items between **his house** and the courtyard?

And **if he had not relinquished** his rights at all, **why** would it be **permitted** to transfer items to **his courtyard?** Given that he still retained the rights in it, one would be transferring items from the domain of one person to the domain of another without an *eiruv*.

The Gemara explains: **Here, with what** case **are we dealing? For example where he relinquished** his rights, but only mentioning **the rights in his courtyard. And he did not** expressly **relinquish the rights in his house.**

And the Rabbis of the Mishnah **hold** the view**:** If **one relinquishes the rights to his courtyard, the rights to his house are not** automatically **relinquished.**[9]

The reason being that **people** would normally **live in a house** even if it had **no courtyard.** Thus a house without a courtyard is also considered a distinct dwelling and one would be prohibited from transferring items to and from it.

The Rabbis of this Mishnah will therefore disagree with Rabbi Eliezer, who on daf 36b stated that one who relinquishes his rights to a courtyard automatically relinquishes his rights to his house.

[9] See Ritva 36b.

Perek 6 – 69b

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We learned in the Mishnah: **And their** houses **are permitted to him and to them.**

The Gemara considers: **What is the reason** that he is permitted to transfer articles from their houses to the courtyard? We could view this as an act of reclaiming the rights that he had relinquished, similar to the case in the Mishnah where he reclaimed his rights by transferring items to the courtyard from his own house.

The Gemara replies: Because **he is** considered **a guest, with respect to them.**

Given that he is transferring articles from their houses and not his own, he is regarded like any of their other guests, whose transferring of items to the courtyard would not be an act of acquisition.

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We learned in the Mishnah: If **they gave him their rights, he is permitted** to transfer items to the courtyard from his house**. And they are forbidden** to transfer items, both between their own houses and the courtyard, and between the courtyard and the house of the one who forgot to participate in the *eiruv***.**

The Gemara is puzzled over the fact that they are forbidden to transfer articles from his house to the courtyard. For surely it is all now considered one domain!

Perek 6 – 69B

If their transferring of items to the courtyard would constitute an act of reclaiming their rights in the courtyard, let us say as we did before: **Let them be** considered as **guests, with respect to him.** In the same way that he was permitted to transfer items from their houses to the courtyard without reclaiming his rights there, because he was viewed as one of their guests.

The Gemara replies: There is a difference between a case in which one person relinquishes his rights to a group, and where a group relinquishes their rights to an individual.

Because **one** person **is** considered **a guest with respect to five** hosts, but **five** people **are not** considered **guests with respect to one** host. I.e. the five do not lose their significance with respect to the one.

Therefore, even if they were only to transfer items between his house and the courtyard, this would nonetheless constitute an act of reclaiming their rights.

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The Gemara assumes that when the Mishnah stated "they gave him their rights", this was a continuation of the first clause of the Mishnah. Thus it would refer to a case in which he first relinquished his rights to them, and they subsequently relinquished their rights to him.

The Gemara therefore states: **Hear from this** a proof that one may **relinquish** one's rights to one party, and then they may **return and relinquish** their rights back to him.

And if this were so, it would pose a difficulty to the view of Shmuel, on daf 68, who said that one may not do so[10].

[10] *Ritva*

The Gemara rejects the proof: One can not infer this from the Mishnah.

Rather, **this is what** the Mishnah **was saying:** If **they gave him their rights from the outset—**without him having previously relinquished his rights to them—**he is permitted and they are forbidden.**

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We learned in the Mishnah: If **there were two** people who forgot to make an *eiruv*, and the other residents relinquished their rights to them, **they forbid each other.**

The Gemara is puzzled: This is **obvious!** What is the difference between this case, and where there were originally only two people who forgot to make an *eiruv* with each other? In that case also, they would forbid each other to transfer items to and from the courtyard.

The Gemara replies: **No, it is needed** for the case in which **one of them** (the two people who forgot to make the *eiruv*) **went back,** after the other residents had relinquished their rights to them, **and he** also **relinquished** both his own rights and his share of the other residents' rights **to his friend.**

What would you have said? That now it should **be permitted** for his friend to transfer articles from his house to the courtyard, given that he now has sole rights in the courtyard.

Thus the Mishnah **informs us** that it is still forbidden for his to do so.

Perek 6 – 69B

The reason: one may relinquish one's rights only to an area that one originally owned. Thus, in this case he would not be able to relinquish the rights that he had received from the other residents.

And this is **because** in the beginning, **at the time when** the other residents of the courtyard **relinquished** their rights to him, **he did not** yet **have permission** to carry **in that courtyard.** Because at that time, the presence of the second person who had forgotten to make an *eiruv* prevented both of them from being able to transfer items there. Thus it emerges that the relinquishing of rights made by the other residents was not effective in enabling either of them to carry.

Therefore: Either one of them may **not**[11] subsequently relinquish his rights to the other, given that initially they did not effectively acquire the rights from the other residents of the courtyard.

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We learned in the Mishnah: **Because one** person can **give** over **rights** and take rights.

The Gemara is puzzled: **Why do I** need the Mishnah to state any **more** than it has already stated?

If it is to tell us that one person may **give** over his rights, surely **we have** already **learned** this in the first clause of the Mishnah where it said: "and their houses are permitted to him and to them".

[11] *Rashash*

Perek 6 – 69b

And there, the reason why they are permitted is because he has given over his rights to them.

And **if** it is to tell us that one person may **take** the rights to an area, **we have** also **learned** this in the Mishnah, when it stated: “they give him their rights”.

The Gemara replies: **It is needed for the latter clause: Two** people may **give** over their **rights.** This was not taught at the beginning of the Mishnah.

The Gemara is puzzled: **Surely that is also obvious!**

The Gemara replies: It is not obvious, because **what would you have said?** That just as one person may not relinquish his rights to two people who did not make an *eiruv*, so also, two people may not relinquish their rights to an individual.

Chavruta
Eiruvin – Daf Ayin

Translated by: *Rabbi Dov Grant*
Edited by*: R. Shmuel Globus*

[The Gemara replies: It is not obvious, because **what would you have said?** That just as one person may not relinquish his rights to two people who did not make an *eiruv*, so also, two people may not relinquish their rights to an individual.]

I.e. you might have said that **we should make a preventative measure** in this situation. For **perhaps he** an individual **will come to relinquish his rights to them.** And this will not achieve anything, since two Jews in a courtyard Halachically prevent each other from carrying there.

Therefore, **it** the Mishnah **comes to inform us** that the Sages did not make such an enactment, and two may relinquish their rights to one.

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It was taught in the Mishnah: Two people may only give their rights to the other residents, **and they** may **not take rights**. Meaning to say that even if they were to receive the rights in the courtyard from their neighbors, it would not be effective in permitting them to transfer items there.

The Gemara is puzzled: **Why do I need** the Mishnah to teach that two "may not take rights"**?**

Surely the Mishnah already taught that if there were two, they prevent each other from carrying in the courtyard!

Perek 6 – 70a

The Gemara answers: **No,** it is not superfluous. It is **needed** to teach a new halachah: that **even though they** the other residents of the courtyard **say to him,** at the time that they relinquish their rights to him: **Acquire** our rights, **on condition** that you will **cause** your fellow **to acquire** afterwards. Nevertheless, it will not achieve anything if he then tries to relinquish his rights to his fellow.

For we do not view this situation as one in which they appointed him as their agent to cause the other man to acquire their rights. Rather, they told him to acquire for himself, and only then to pass the rights over to his fellow. But he himself did not effectively acquire the rights that they gave over to him, to permit him to carry in the courtyard. For the presence of the other man prevents him from carrying into the courtyard. Therefore, he has no power to pass over these rights to his fellow.

Abaye posed an inquiry to Rabbah: What is the Halachah when **five** people are **living** together **in one courtyard, but one of them forgot and did not make an *eiruv,*** i.e. he failed to join in the *eiruv* they made**?**

Do we say that it is sufficient for him to relinquish his rights in the courtyard to one of the four? Perhaps this would be effective, because each one of them is combined with the other three by way of the *eiruv* that was made before Shabbat.

Or do we say that he has to relinquish his rights to all of them? If only one resident receives the rights, perhaps it is not sufficient, because this resident did not have these rights in mind when he joined in the *eiruv* before Shabbat.

Perek 6 – 70a

Thus Abaye is asking Rabbah: **When he** the one who forgot to join in the *eiruv* **relinquishes his rights** to the courtyard, does **he need to relinquish** his rights **to each one** of the residents**?**

Or perhaps **no,** he does not need to relinquish his rights to everyone, since every person is a representative of the group**?**

He Rabbah **said to him** in reply: **He needs to relinquish** his rights **to each one** of the residents.

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He Abaye **contradicted him,** from the following Baraita:

One of the residents of a courtyard **who** forgot and **did not make an *eiruv* may give** over **his rights to one** of the other residents **who had made an *eiruv*.**

And **two who made an *eiruv* may give** over **their rights to one who did not make an *eiruv*** with them. They are still prohibited from carrying in the courtyard, but it permits him.

And two who had not made an *eiruv* may give over **their rights** either **to two who did make an *eiruv,* or to one who did *not* make an *eiruv*.**

But it is **not** the case that **one who made an *eiruv*** with a single neighbor ('neighbor two') **may give** over **his rights to one** other neighbor ('neighbor three') **who had not made an *eiruv*.** This is not effective since 'neighbor two' did not relinquish *his* rights. Thus 'neighbor two' Halachically prevents "neighbor three' from carrying.

Perek 6 – 70a

And neither can **two who made an *eiruv* give** over **their rights to two** neighbors **who had not made an *eiruv*.** For the second pair, not having made an *eiruv,* Halachically prevent each other from carrying in the courtyard.

And neither can **two who had not made an *eiruv* give** over **their rights to two who had not made an *eiruv*.** For the same reason as before.

The Gemara will later discuss the need for all the parts of this Baraita.

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The Gemara brings out the point: **In any event, it was taught** in the **first clause** of the Baraita: **One who did not make an *eiruv* may give over his rights to one who made an *eiruv*.**

And **what is the case** that the Baraita is dealing with**?**

If it is dealing with **where there is no other** person **with him** in the courtyard at all, then **with whom did he make an *eiruv*?**

Rather, it is obvious that there is another person **together with him.** Thus, there are three in the courtyard: Two who made an *eiruv* and one who did not.

And it the Baraita **is teaching** about it, that the one who forgot to join in the *eiruv* and now wants to give over his rights, need do so **to** only ***one*** of the residents **who had made an *eiruv*.**

This directly contradicts Rabbah's assertion that the one must relinquish his rights to *both* of the other residents.

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The Gemara answers: **And Rabbah** would say: **With what are we dealing with here** in the Baraita**?** It is a case **where** at the onset of Shabbat, **he—**one of the two who had made an *eiruv*—**was** alive. **But he** subsequently **died.**

Thus the Baraita means that the one who did not make an *eiruv* gives over his rights to the "one" left alive "who had made an *eiruv*".

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The Gemara is puzzled by this.

If we say that the case is of **one** who **was** alive before Shabbat, **and** then **died** after making the *eiruv*, this is problematic.

For I will **say the latter clause** of the Baraita: **But** it is **not** the case that **one who made an *eiruv*** with a single neighbor **may give** over **his rights to one** other neighbor **who had not made an *eiruv.***

And if you say "one who made an *eiruv*" means that the first resident had made an *eiruv* with a second resident, and **he** the second resident **was** alive before Shabbat **and** then **died** afterwards, then **why** is it **not** sufficient for the first resident to relinquish his rights to the third resident, now that there is no one else left alive in the courtyard?

Rather, it is obvious that the **latter clause** of the Baraita **is** a case **where he** the second resident **is** still alive.

And since the latter clause is where **he is** alive, it follows that **the first part also** is dealing with where **he is** alive**!**

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The Gemara answers: **Is that so?** Must it be understood in this way?

We could interpret the Baraita as follows: **This** latter clause **is as it is,** meaning it is a case on its own, in which the other neighbor is still alive. **And that** first clause **is as it is,** meaning it is a case where he died.

You may know from the following that indeed it is true that he has to give over his rights to every single resident of the courtyard, as Rabbah said. And the first clause of the Baraita is a case where one of the two residents who made the *eiruv* died.

For it was taught in the **end of the first clause** of the Baraita**: And two who did not make an *eiruv* may give** over **their rights to two that had made an *eiruv,*** or to one that had *not* made an *eiruv*.

The Gemara infers from this: Relinquishing one's rights **"to two"** who made an *eiruv* – **yes,** it is effective. But relinquishing one's rights **to** only **one** of those who had made an *eiruv* – **no**, it is insufficient.

Therefore the end of the first clause of the Baraita must be dealing with where the resident had died. Otherwise, it would be saying the same as the beginning of the first clause: "One of the residents of a courtyard who forgot and did not make an *eiruv* may give over his rights to one of the other residents who had made an *eiruv*."

This answers the Gemara's objection to Rabbah.

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Perek 6 – 70a

And Abaye, who holds that there is no need to relinquish the rights to every resident of the courtyard, **said** the following about the "you may know" proof, presented above:

What is the meaning of "they may give over their rights **to two** that had made an *eiruv***?**

It means: **To *one* of the two** that had made an *eiruv*.

The Gemara raises a difficulty with this.

If so, let it teach, like it did in the beginning, "**to *one* who had made an *eiruv*".** Then it will be self understood: since an *eiruv* requires at least two residents, obviously there were two others involved. Then the Baraita could continue: **Or to one who did not make an *eiruv*.**

The Gemara concludes: **It is** indeed **a**n unresolved **difficulty!**

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The Gemara now explains each part of the Baraita.

"One who did not make an *eiruv* with other residents of his shared courtyard **may give over his rights** in the courtyard **to one who had made an *eiruv*** there**".**

According to Abaye, who holds that one does not have to give over his rights to everyone, **there is** a third party in the courtyard. **And it** (this part of the Baraita) **informs us that there is no need to give over rights to everyone.** Rather, relinquishing rights to "*one* who had made an *eiruv*" is sufficient.

Perek 6 – 70a

According to Rabbah, who holds that one *does* have to give over his rights to everyone, **there was** a third party in the courtyard, **but he** subsequently **died.**

And this part of the Baraita comes to teach us the following: **It was not decreed** that relinquishing one's rights is ineffective, when one of those participating in the *eiruv* dies.

We might have thought that a preventative measure should be enacted for the **times that he** the third party **is** alive. For in such a case one might mistakenly relinquish one's rights to only one of the residents who had made an *eiruv.*

*

The Gemara continues to explain the Baraita.

"And two who had made an *eiruv* may give over their rights to one who had not made an *eiruv*".

The Gemara asks: Surely **this is obvious!**

The Gemara explains: **What might you have said? Since he had not made an *eiruv*, we should penalize him,** such that rights may not be given over to him, to permit him to carry into the courtyard.

Therefore, **it** the Baraita **informs us** that the Sages did not penalize him.

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The explanation of the Baraita continues.

Perek 6 – 70a

"And two who had *not* made an *eiruv* may give over their rights to two who *had* made an *eiruv*".

According to Rabbah, the Baraita **taught** this **end** of the first clause of the Baraita **in order to reveal** what case was under discussion in **the first** part of the clause. In the first part it was stated that one needs to give over rights only to *one* who had made an *eiruv.* Rabbah explains that since the end part teaches that rights must be given over to *all* residents, therefore the first part must have been dealing with a resident that had died after he made an *eiruv.*

According to Abaye, who explained that "to two who had made an *eiruv*" means "to one of the two", surely this was already taught in the first part. There it says expressly that rights were given over to only one. So why is there a need for this part of the Baraita?

The answer: **For** the case of **"two who had not made an *eiruv*", it was needed.** Regarding those *giving up their rights*, the Baraita is telling us that even *two* who had not made an *eiruv* may relinquish their rights.

For **you might have thought** that we should **make a decree** regarding two who had not made an *eiruv*, that they may not relinquish their rights, lest it lead to the following situation: **perhaps they** the residents who made the *eiruv* **will come** instead **and relinquish** their rights to the two who had *not* made an *eiruv*. And this would not be acceptable, since the Mishnah had stated that two who had not made an *eiruv* may not effectively receive rights.

Therefore, **it** the Baraita **informs us** that the Sages did not make such a decree.

*

The Gemara explains the Baraita further.

Perek 6 – 70a

Regarding that which the Baraita states: **"**Two who did not make an *eiruv* may give their rights to two who had made an *eiruv,* **or to one who had not made an *eiruv*". Why do I need it,** this last phrase**?**

It comes to teach us the following: **What might you have thought?** You might have thought that **these words,** i.e. the halachot expressed in the Baraita until now, are limited in their application. That is, the relinquishing of rights in a shared courtyard is effective only **where some of those** residents **had made an *eiruv,* and some of them had not made an *eiruv.***

But where *no one* made an *eiruv,* you might have said that **we should penalize them** and prevent them from relinquishing their rights. A penalty like this should be made **in order that the** Rabbinic **laws of *eiruv* should not be forgotten** by the Jewish people.

Therefore **it informs you** that the Sages made no such penalty.

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The explanation of the Baraita continues.

"But one who had made an *eiruv* may not give over his rights to one who had not made an *eiruv*".

According to Abaye, this **latter clause** of the **Baraita** was **taught to reveal** that **the first clause,** "and he may give over his rights to one who had made an *eiruv*", is speaking where there is a third party in the courtyard who had made an *eiruv*. And, as we had said then, it is sufficient if he gives over his rights to only one of them.

Perek 6 – 70a

According to Rabbah, one cannot say that the latter clause of the Baraita is explaining the first clause. For Rabbah holds that "this (last clause) is as it is", i.e. it is a separate case, in which the third party who had made an *eiruv* is still alive, and "this (first clause) is as it is" i.e. it is a case where the third party is no longer alive. Since the cases are different, one cannot shed light on the other.

Rather, Rabbah explains it as follows: **Since it taught the first clause, it taught the latter clause.** The first clause teaches that one who had *not* made an *eiruv* may give over his rights to one who *had* made an *eiruv*. Therefore, the latter clause teaches the opposite, that one who *had* made an *eiruv* may *not* give over his rights to one who had *not* made an *eiruv*. But in fact, this part of the Baraita teaches us nothing new. It is included merely to maintain the symmetrical balance of the cases in the Baraita, thus making it easier for the disciples to accurately commit the Baraita to memory.

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The Gemara explains the next part of the Baraita.

"And two who had made an *eiruv* cannot give over their rights to two who had not made an *eiruv*".

Why do I need this part of the Baraita **too?** Is it not obvious that those who had not made an *eiruv*, Halachically prevent each other from carrying?

No, this part of the Baraita is not superfluous. **It is needed** to teach us the Halachah in a case **where one of the** second set of **two**, who received the rights of the first set of two, subsequently went and **gave over** his rights[1] **to his fellow,** the other of the second set of two.

[1] His own rights in the courtyard, as well as his half share in the rights that he received.

What might you have said is the Halachah in such a case**? Let us permit him,** the fourth resident, to carry in the courtyard**!** Therefore, **it** the Baraita **informs us** that he is not allowed to. **For at the time that it,** the rights of the first set of two, **was given over** to the third resident, **he** the third resident **did not have permission** to carry **in that courtyard.** For the fourth resident also simultaneously received the rights of the first set of two. Therefore, we say: **No,** the third resident is not able to effectively relinquish his rights to the fourth resident. For he cannot give over permission that he never had.

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The Gemara now concludes its explanation of the Baraita.

"And two who had not made an *eiruv* may not give over their rights to two who had not made an *eiruv*".

Why do I need this part of the Baraita **too?** Surely, in such a case it makes no difference whether those giving over their rights had made an *eiruv* or not! For we already explained that two who did not make an *eiruv* cannot effectively receive rights.

No, this part of the Baraita is not superfluous. **It is needed** to teach us that one of the two who had received the rights, may not subsequently relinquish his rights to his fellow—and that this holds true even a case **where they** the first two **say: Acquire** these rights **on condition** that you will **cause** your fellow **to acquire** afterwards. (This case was referred to in the Mishnah, according to the Gemara's explanation at the start of this *daf*. See our explanation there).

Perek 6 – 70a

Rava posed an inquiry to Rav Nachman: What is the Halachah when one of the residents forgot to participate in the *eiruv*, also did not relinquish his rights, and died on Shabbat? Regarding his **inheritor,** what is the outcome **if he relinquishes** the **rights** that his deceased father had in the courtyard?

Ammud Bet

Perhaps we view the situation as follows: The typical case is **where** the relinquisher, **if he wanted to make an *eiruv* from the day before** Shabbat, **was able to make an *eiruv.*** When it comes to **the relinquishing of rights** now **as well,** he **is** consequently **able to relinquish.**

Whereas in **this** special case of an inheritor, his relinquishing is ineffective. **For if he had wanted to make an *eiruv* from the day before** Shabbat, **he would not have been able to make an *eiruv***, since the property was not his at that time. Therefore, **he is not able to** effectively **relinquish** rights**.**

Or perhaps we should view it differently: **An inheritor is** regarded as **"the leg** i.e. the virtual extension **of his father".** Due to the fact that he stands in his father's place, he is considered as if he was able to make an *eiruv* before Shabbat**.** Thus he is indeed able to relinquish now.

He Rav Nachman **said** in reply **to him** Rava: **I say** that **he** an inheritor may effectively **relinquish** rights. **But those disciples of Shmuel's study hall taught** that **he** an inheritor **cannot** effectively **relinquish.**

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He Rava **contradicted him,** Rav Nachman, from the following Baraita.

Perek 6 – 70a

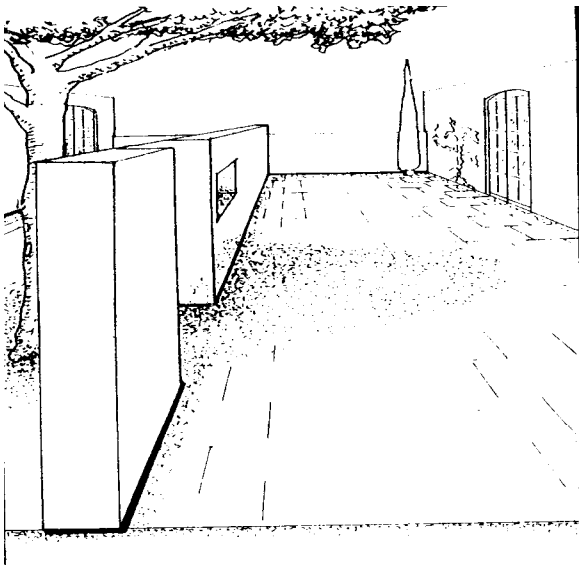
This is the general rule: Everything that is permitted for part of Shabbat stays **permitted for all of Shabbat.**

And everything that is forbidden for part of Shabbat stays **forbidden for all of Shabbat.** Everything, that is, **except for a "relinquisher of rights".**

The contradiction will soon be brought out. First the Baraita will be explained.

"Everything that is permitted for part of Shabbat stays **permitted for all of Shabbat"**

For example, a case where there was an opening between two courtyards, and **one made an *eiruv*** to enable both sets of residents to carry to each other's courtyards, **on the basis of the opening** between them (see illustration[2]).



2

And subsequently **the opening became closed** on Shabbat (see illustration[3]). But it was still physically possible to transfer objects between courtyards, either by throwing from one courtyard to the other, or by way of holes smaller than four by four *tefachim*[4].

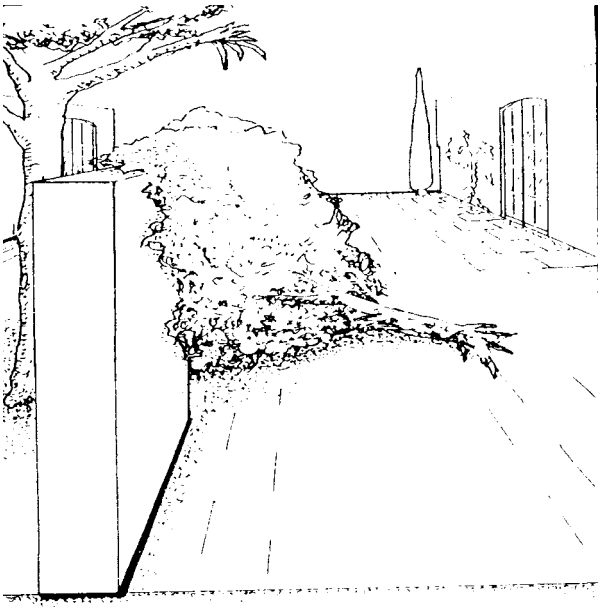
Or, similarly, **one made an *eiruv* on the basis of a window, and** this **window became closed** on Shabbat.

In these cases, the residents may transfer from one courtyard to the other, since it was permissible to do so for the first part of Shabbat (before the closure occurred).

*

The Baraita had said that **"this is the general rule".** What does this come to tell us about the first part of the Baraita?

3



[4] A hole less than four by four *tefachim* is not a halachic opening.

It comes **to include an alleyway where** its open side had been Halachically adjusted with a side-post or crossbeam before the onset of Shabbat, thereby permitting the carrying of objects in the alleyway. And on Shabbat, **its crossbeams or side-posts became removed**, thus nullifying the Halachic adjustment of the open side. Despite this change, we say that the alleyway remains permitted for the rest of Shabbat, since it was permitted for part of Shabbat.

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The Gemara explains the next part of the Baraita.

"Everything that is forbidden for part of Shabbat stays **forbidden for all of Shabbat".**

For example, a case **where there were two houses** situated **on two sides of a public domain, and gentiles surrounded them with a partition on Shabbat.** Thus the public domain between the houses is turned into a "courtyard". Nevertheless, each resident Halachically prevents the other from carrying into the courtyard on Shabbat, even if the one relinquishes his rights to the other. The reason: if he had wanted to make an *eiruv* at the proper time, i.e. before Shabbat, he would not have been able to. Therefore, if he wants to relinquish his rights now, he cannot.

On the other hand, there is no public domain here, since a partition made on Shabbat is still considered a partition, as regards the Torah prohibition of transferring objects from the private to the public domain and vice versa. Thus, if there had been only one house within the partition, it would have been permissible for its resident to carry from his house to the area previously occupied by the public domain. For when there is only one house opening on the courtyard, there is no need for an *eiruv*.

Perek 6 – 70a

The Baraita had said that **"this is the general rule". What does this come to include?** Meaning, what does it tell us about the latter clause of the Baraita?

It comes to include a courtyard shared by a gentile and two Jews. Here, the Jews are unable to make an *eiruv* before Shabbat, unless they rent the gentile's rights in the courtyard. And even if **the gentile died on Shabbat,** they still Halachically prevent each other from carrying in the courtyard. For no resident can effectively relinquish his rights to the other, since they were able to make an *eiruv* before Shabbat.

This case represents a more far-reaching application of the rule than does the previous case of the partition erected by gentiles on Shabbat. For here, they could have made an *eiruv* before Shabbat, had they rented rights from the gentile. (Whereas it was impossible for them to make an *eiruv* in the previous case, since there was a public domain running between their properties before Shabbat).

Yet, we still say that one Jew may not relinquish his rights to the other Jew, even after the death of the gentile. For their inability to make an *eiruv* without renting the rights from the gentile prevented effective relinquishing at the start of Shabbat, thus forbidding carrying. And something forbidden for part of Shabbat stays forbidden for all of Shabbat.

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The contradiction to Rav Nachman, presented by this Baraita, is now brought out.

The end of the Baraita states: "Except for a relinquisher of rights". Meaning, someone who forgot to make an *eiruv* before Shabbat may relinquish his rights on Shabbat. This permits others to carry there, even though for the first part of the Shabbat is was forbidden for them to carry there.

Perek 6 – 70a

The Gemara points out: **And it was taught** in the Baraita**, "**everything that is forbidden for part of Shabbat stays forbidden for all of Shabbat, **apart from the relinquisher of rights[5]".** And it does *not* teach: "apart from the relinquisher of rights and an inheritor".

From this we infer that an inheritor cannot relinquish rights, thus contradicting the statement of Rav Nachman made earlier.

The Gemara answers: **Say: "Apart from the general law of relinquishing rights".** This includes the inheritor, by virtue of his being considered like the "leg of the father", granting him ability to relinquish rights.

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He Rava again **contradicted him,** Rav Nachman, from the following Baraita.

This is the halachah of relinquishing rights regarding **one of the members of a courtyard who** made an *eiruv,* then **died, and left his rights to someone from the public at large.** If he died **before Shabbat,** then his *eiruv* did not take effect and **he** the inheritor **'forbids'** others from carrying in the courtyard, i.e. he Halachically prevents them from carrying.

Even though the inheritor is not living there, this case is comparable to someone who has a stable in the courtyard, who also 'forbids' the residents there from carrying. (According to the Sages in the Baraita on *daf* 72b).

If, however, he died **after it became dark** on Shabbat night**,** which is after the *eiruv* took effect, then **he does not 'forbid'** others from carrying in the courtyard. Since they were permitted to carry for the first part of Shabbat, they are permitted to carry there for the rest of Shabbat.

[5] The *Bach* deletes the words **"he can, an inheritor cannot"**

But the following is the Halachah regarding **someone from the market** i.e. who does not actually live in the courtyard but is an absentee owner of a house there, and does not customarily make an *eiruv* with the other residents of this courtyard. If it occurs **that he died and left his rights to one of the members of the courtyard** who had made an *eiruv* together with the others, then the Halachah is as follows.

If he died **before Shabbat,** then **he** the inheritor **does not 'forbid'** others from carrying there.

But if he died **after the time it became dark,** since he had not made an *eiruv,* **he 'forbids'** others from carrying there. And this is the Halachah even if the inheritor, as a member of the courtyard, had made an *eiruv*. For he did not make the *eiruv* with the property-to-be inherited in mind.

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And this is the contradiction to the statement of Rav Nachman that emerges from the Baraita:

Why does it teach in the latter clause of the Baraita that **he** the inheritor **'forbids'** others if the absentee owner died after the time that it became dark**? Let him** the inheritor **relinquish** now, on Shabbat, that which he inherited**!**

The Gemara answers: **What is the** meaning of **"he forbids", that was taught here?** It means that he forbids others, **until** the time that **he relinquishes** his rights.

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Perek 6 – 70a

Come and hear another contradiction to Rav Nachman, from a Baraita: This is the halachah of **a Jew and a convert who live in a granary** that is divided into rooms, and that opens into a courtyard. **And** if **the convert dies before Shabbat…**

CHAVRUTA
EIRUVIN – DAF AYIN ALEF

Translated by: *Rabbi Reuven Bloom*
Edited by*: R. Shmuel Globus*

[**Come and hear** another contradiction to Rav Nachman, from a Baraita: This is the halachah of **a Jew and a convert who live in a granary** that is divided into rooms, and that opens into a courtyard.

And if **the convert dies before Shabbat], even though a different Jew took possession of his** the convert's **property, he forbids** the first Jew from taking out an object to the courtyard.

(This case could only exist with a convert, who died without fathering children who inherit him, because a born Jew will always have some Jewish relative who inherits his property—thus eliminating the possibility of a different Jew coming to take possession of his property after his demise.)

If the convert dies **after** the **nightfall** of Shabbat**, even though another Jew does not take possession** of the convert's property, **it is not forbidden** for the first Jew to take out an object into the courtyard.

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Before bringing out the contradiction to Rav Nachman, who holds that an inheritor may relinquish rights in a jointly owned domain, the Gemara first discusses the meaning of the Baraita.

The Gemara raises a difficulty: **This** Baraita **itself is difficult: you said** that when the convert dies **while it is still day**, ***even though*** a Jew **took possession,** it is forbidden to take out an object into the courtyard.

Perek 6 – 71a

The Baraita is phrased in a way that implies the following: **And it is not necessary to state that when** a Jew **does *not* take possession,** that it is forbidden to take out an object into the courtyard, for that would be an obvious point.

Now the Gemara states the difficulty: **On the contrary, when** a Jew **does *not* take possession** of the convert's property, **it is *not* forbidden** for the first Jew to take out an object. For there is no other owner with whom an *eiruv* must be made.

Said Rav Papa to resolve the difficulty**:** Rather we should **say,** i.e. understand the Baraita, as follows: **even though** the Jew **did *not* take possession** until nightfall, it is still forbidden to take out an object into the courtyard, and we do not apply the principle that what was permitted during part of Shabbat it is permitted for the entire Shabbat.

The Gemara challenges this: **But note that "even though he took possession" is** what is **taught** in the Baraita. And this is diametrically opposite to Rav Papa's suggestion.

The Gemara answers by interpreting the Baraita as if it had been stated in abbreviated form: **This is what the Baraita is saying:** If the convert dies during the day, then the following is true: **even though** a Jew **did not take possession** of the convert's property **during the day, but rather after nightfall,** and the first Jew was permitted to take out an object when Shabbat commenced, once the other Jew takes possession of the convert's property it becomes forbidden.

Since he the other Jew **should have taken possession** of the convert's property **while it was still daytime,** before Shabbat commenced**, it is** therefore **forbidden** to take out an object to the courtyard.

The reason for this is because the domain was "waiting" to see if the other Jew would take possession, therefore it was not considered fully permitted for part of Shabbat, such that it would be permitted for the entire Shabbat.

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The Gemara is also puzzled by the second part of the Baraita: If the convert dies **after nightfall, even though another Jew did not take possession** of the convert's property, **it is not forbidden** to take out an object to the courtyard.

From the fact that the Baraita teaches ***even though*** **the other Jew did not take possession,** the following is implied: **it is not necessary to state** that **if he takes possession,** it is not forbidden. For this would be an obvious point.

Now the Gemara states the difficulty: **On the contrary, when he** the other Jew **takes possession** of the convert's property, **it is** now **forbidden** to take an object out to the courtyard!

Said Rav Papa to resolve the difficulty**:** Rather we should **say,** i.e. understand the Baraita, as follows: **even though he** the other Jew **took possession,** it is not forbidden to take an object out to the courtyard. Since the convert died after nightfall, for part of Shabbat it was permitted to take out an object to the courtyard. Thus it remains permitted for the entire Shabbat.

The Gemara challenges this: **But note** that **even though he did *not* take possession** is what **the Baraita teaches.** And this is diametrically opposite to Rav Papa's suggestion.

The Gemara answers by interpreting the Baraita as if it had been stated in abbreviated form: **This is what the Baraita is saying:**

If the convert dies after nightfall of Shabbat, **even though** a Jew **took possession after nightfall,** it is not forbidden to take out an object to the courtyard. The reason: **since he**

could not have taken possession of the convert's property **during the day** on the eve of Shabbat, for the convert was still alive. Therefore **it is not forbidden.**

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Now the Gemara brings out the contradiction to Rav Nachman, which emerges from the first clause of the Baraita: **In any case, the first clause** of the Baraita **teaches:** If the convert dies during the day and the other Jew takes possession of the convert's property after nightfall, **he forbids** the other residents to take out an object to the courtyard.

Why does the one who took possession of the convert's property **forbid** the others?

Rav Nachman holds that an inheritor may relinquish rights in a jointly owned domain, since he is viewed as an extension of the deceased, as explained on *daf* 70. This applies as well to one who took possession of the deceased's property, as in the case of the Baraita.

Thus, in our case, **he** the one who took possession **may relinquish his rights. Let him relinquish his rights,** and thereby allow the other residents to use the courtyard as they wish**!**

The Gemara answers: This indeed is what is being said. **What** does the Baraita mean **when it teaches** that the one who took possession **"forbids"** the others from carrying into the courtyard? It means that he **forbids** them **until he relinquishes** his domain.

Rabbi Yochanan now gives a different answer to the contradictions that Rava posed to Rav Nachman from the two previous Baraitot (the first of which appeared on 70b). Both of these Baraitot are problematic because they state that someone taking the place of a

deceased resident of a courtyard "forbids" the other residents from carrying into the courtyard. Whereas according to Rav Nachman—who holds that an inheritor may relinquish his rights to the others—these Baraitot should have stated that he "relinquishes", rather than stating that he "forbids".

Rabbi Yochanan said: Whose view **is** expressed in these two **Baraitot? It is Beit Shammai; for they said there is no relinquishing of rights on Shabbat.**

For this **was taught in a Mishnah** (69B): **When** may the residents of the courtyard **give** over their **rights? Beit Shammai say:** While it **is still day,** prior to Shabbat. **And Beit Hillel say:** Even **once it is dark,** and Shabbat has already commenced.

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Said Ula: What is the reason of Beit Hillel, who permit relinquishing of rights although it resembles doing business on Shabbat?

Ula explains: When he relinquishes now, he shows that he really wanted to make the *eiruv* with the other residents of the courtyard, but he forgot to. Thus they made the *eiruv* as his representative, and his domain was not actually acquired on Shabbat.

This "**becomes like",** i.e. may be compared to, a case of someone who separated tithes from produce without the knowledge of the produce's owner. (The right and obligation to separate tithes belongs to the owner.) The owner, upon discovering what was done, responded and **said**: "**Go to the nicer ones",** i.e. you should have used the better stock as tithes.

If indeed better stock exists, thus the owner was not just making a sarcastic remark, the separation of tithes that was made is judged as valid. This is because the owner showed that he was satisfied with the fact that tithes were separated—we see he would even have

agreed to giving better stock! Thus it is considered, from the outset, as if the owner had appointed a representative for the tithing of his produce.

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Said Abaye, raising a difficulty to Ula's reasoning:

There is a case of **a gentile** that lived in a courtyard with two Jews, and the gentile **died on Shabbat.** The Jews did not rent rights from the gentile before Shabbat, thus there was no *eiruv* made. One Jew may relinquish his rights in the courtyard to the other Jew, thus permitting the other Jew to carry from his house into the courtyard.

This poses a problem for Ula, because: **What "go to the nicer ones" is there** here**?** I.e. the reasoning put forward by Ula is not applicable in this case, because they did not make an *eiruv* before Shabbat. Thus we cannot say that the Jew who relinquished his rights is thereby demonstrating that he is pleased with the *eiruv* that was made, and it is considered as if they made it as his representative—for there was no *eiruv* at all!

Rather, said Abaye, **here** in the Mishnah of Beit Shammai and Beit Hillel, **this is what they are differing over:**

That Beit Shammai holds the view**: Relinquishing of rights is** judged as causing **the acquisition of rights** by the recipient party**.** I.e. it regarded as a financial transaction.

And acquisition of rights on Shabbat is forbidden, because it resembles doing business.

And Beit Hillel holds the view**:** Relinquishing of rights **is** merely **removing oneself from** one's **rights.**

And removing oneself from one's **rights on Shabbat is permitted.**

Mishnah

A house owner, one of the alleyway's residents, **that was a partner with a neighbor,** owning together food or drink, without intending to make a *shitufei mevu'ot*[1] with the food or drink. And he had separate partnerships with all the neighbors in the same food or drink. I.e. he was a partner **to this,** to one of the neighbors in the alleyway, **in wine**, and also a partner **to that** neighbor **in wine. They do not need to make an *eiruv,*** i.e. a *shituf mevu'ot* (which is also called an *eiruv*).

Because his separate partnerships with his two neighbors are considered like all three are in one partnership.

However, if he has partnerships with his neighbors in different articles of food or drink (without intending to make a *shituf*), the Halachah is different. I.e. he has **with this** neighbor **in wine and with that** neighbor **in oil.** Even though an *eiruv* can be made with a combination of different edible liquids, here, since they did not intend to make an *eiruv* through the partnerships, **they need to make an *eiruv*** i.e. a *shituf mevu'ot.*

Rabbi Shimon says: Both this case of having partnerships in one type of edible liquid **and that** case of having partnerships in different types of edible liquid – **they do not have to make an *eiruv*** i.e. a *shituf mevu'ot.* The Gemara will explain Rabbi Shimon's view.

Perek 6 – 71a

Gemara

Said Rav: When the Mishnah said that one who has partnerships with his neighbors in wine does not need to make a *shituf mevu'ot*, this is when all the wine is **in one vessel.**

Even though, according to Beit Hillel, the food of an *eiruv* can be put in two vessels, here, all the wine must be in one vessel to be considered an *eiruv*. This is because they did not originally intend to make an *eiruv*.

Said Rava: The phrasing of the Mishnah itself **also implies** that it must be in one vessel. **For it** the latter clause of the Mishnah was **taught** thusly**:**

With this neighbor **in wine and with that** neighbor **in oil – they need to make an *eiruv*.**

It is all right if you say that in **the first clause of the Mishnah,** the wine is **in one vessel,** since there is only one type of liquid. **And** in **the latter clause of the Mishnah,** since there are two types of liquid, they are **in two vessels – it is fine.** I.e. the true difference between the two clauses is the making of a *shituf* with one vessel or with two vessels.

But if you say that in **the first clause of the Mishnah,** which deals with one type of liquid, the *shituf* could be made even when the wine is **in two vessels, and the latter clause of the Mishnah** also deals with the *shituf* placed **in two vessels,** then the fact that the *shituf* is invalid only in the latter clause is problematic. For **what is the difference whether it is wine and wine, or wine and oil?**

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[1] *Shitufei mevu'ot* – This is similar to *eiruvei chatzerot* except that it is the residents using a certain alleyway who make joint ownership in an article of food, to make the alleyway as if it belongs to a single person. This is done to permit carrying from their courtyards into the alleyway on Shabbat.

Thus we are forced to the conclusion that one who has partnerships with his neighbors in wine, and does not need to make an additional *shituf mevu'ot*, this is provided that all the wine is in one vessel—as Rav said.

*

Abaye said to him, to Rava: You cannot infer this from the Mishnah, because in the first clause, the wine indeed could be in two vessels. **Wine and wine is suitable to mix** together, and even without mixing them, they could constitute a valid *shituf.*

But **wine and oil are not suitable to mix** together. Therefore, a partnership in them cannot constitute a valid *shituf.*[2]

The Mishnah taught: **Rabbi Shimon says: Both this** case of having partnerships in one type of edible liquid **and that** case of having partnerships in different types of edible liquid – **they do not have to make an *eiruv*** i.e. a *shituf mevu'ot.*
The Gemara is puzzled by Rabbi Shimon's view: Does Rabbi Shimon really hold that **even** when he has a partnership **with this** neighbor **in wine, and with that** neighbor **in oil**, when the liquids are in two vessels and not suitable for mixing, that this constitutes a valid *shituf*? This would seem to be overly lenient.

Said Rabbah a different explanation of the entire Mishnah:

[2] This is according to the general principle: Whatever is suitable to mix, a lack of mixing does not invalidate it. But whatever is unsuitable to mix, a lack of mixing invalidates it (*Menachot* 18B).

The Mishnah is not discussing a resident of an alleyway in partnership with a neighbor in the same alleyway.

Rather, **what are we dealing with here? With a courtyard which is between two alleyways.** And the Mishnah discusses whether one can carry from the courtyard to both alleyways, and from the alleyways to the courtyard. (see illustration[3])

And this is the explanation of the Mishnah:

According to the first Tanna, not only does the resident of the courtyard need to make an *eiruv* with the residents of each alleyway separately to permit carrying to and from the alleyways, but the alleyways, too, must make an *eiruv* with each other. This is because

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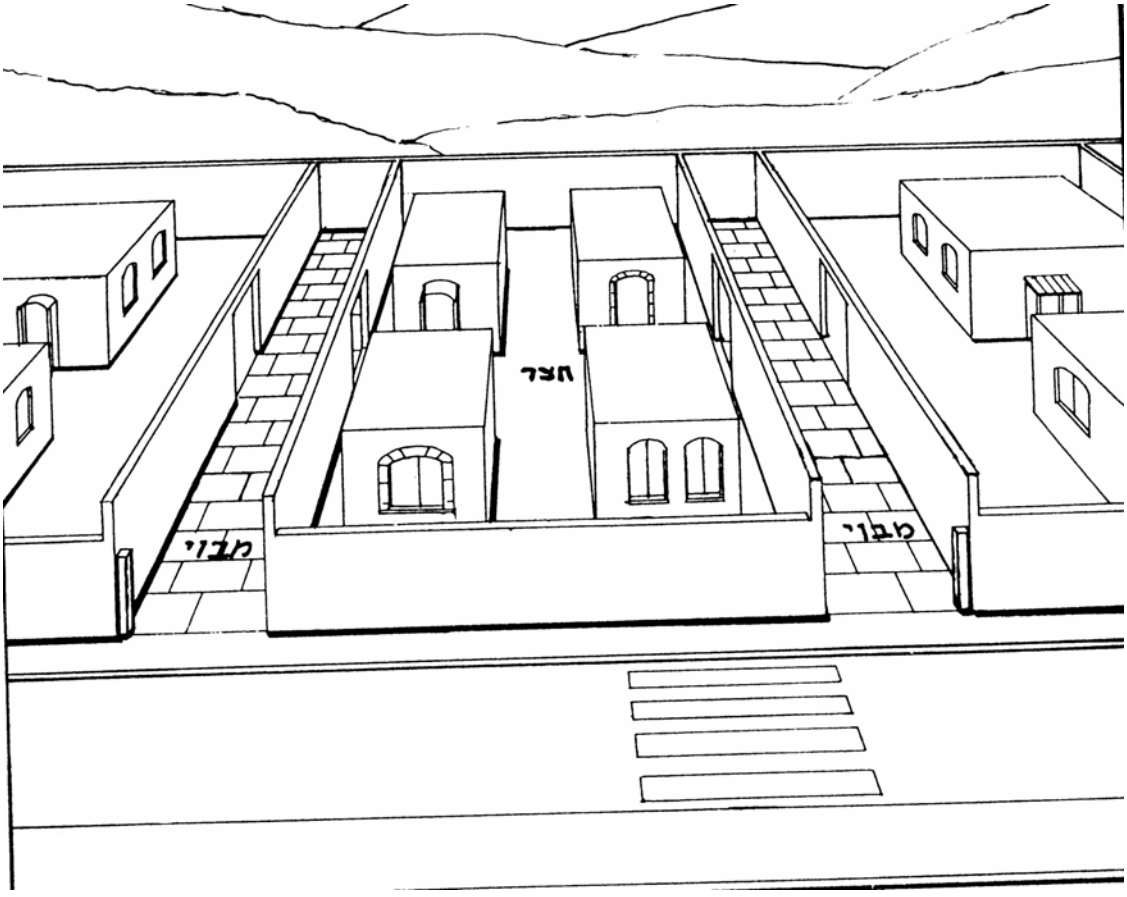

we are concerned lest someone carry from one alleyway through the courtyard to the other alleyway, which is forbidden without an *eiruv*.

The first Tanna holds that if the resident of the courtyard was a partner with each alleyway separately in the same type of food or drink, the partnerships combine the two alleyways as if they made an *eiruv* with each other, and carrying is permitted to every place.

However, if the resident of the courtyard made a partnership with each alleyway in a different type of food or drink, the alleyways are not combined together. And they are forbidden to carry from one alleyway to the other. Due to this, even carrying from the courtyard to either alleyway is forbidden.

Whereas **Rabbi Shimon is going according to his own reasoning.** He holds that the resident of the courtyard can be a partner with each alleyway separately, to allow him to carry from the courtyard to the alleyway, even if the two alleyways remain forbidden to each other. **For he does not decree** that the resident of the courtyard is forbidden to carry to an alleyway, out of concern lest someone carry from one alleyway through the courtyard to the other alleyway. Therefore, it makes no difference to Rabbi Shimon if the resident of the courtyard makes a separate partnership with each alleyway in different types of food or drink.

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For it is taught in a Mishnah on 45b that Rabbi Shimon holds such a view**:**

Said Rabbi Shimon: This law that "he is permitted with them, and they are permitted with him," even though the outer ones are forbidden with each other, **to what is this similar?**

To three courtyards that are open to each other, and each one is also **open to the**

public domain. In this situation it is forbidden to transfer utensils from a house in one courtyard to a house in another courtyard, unless an *eiruv chatzeirot*[4] is made. If the *eiruv* is not made between the three, each one may carry in his own courtyard.

The Mishnah explains:

If the **two** outer ones **made an *eiruv* with the middle** one, but the two outer ones did not make an *eiruv* with each other—

It, the middle one, **is permitted with them,** i.e., to transfer objects to them.

And they, the outer ones, **are permitted with it,** i.e. to transfer to it.

But the two outer ones **are forbidden with each other.** Meaning, even though the two outer ones cannot transfer one to the other, we do not make a decree on the middle one on the account of the outer ones.

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Said Abaye to him to Rabbah: **Is it,** the case in the Mishnah that you just cited, **similar** to the case presently under discussion**?**

There, in the Mishnah on 45b, **it teaches** expressly: **the two outer** courtyards **are forbidden with each other.**

But **here,** our Mishnah **teaches** that Rabbi Shimon says: Both this case of having partnerships in one type of edible liquid and that case of having partnerships in different types of edible liquid – **they do not have to make an *eiruv*** i.e. a *shituf* **at all!** Since the

[4] That the co-dwellers of a courtyard or several courtyards make joint ownership in an article of food and thereby symbolically combine (*me'arvim*) their ownership, as if the courtyard(s) belongs to a single person. They do this to permit carrying from their homes into the courtyard(s) on Shabbat.

neighbors have separate partnerships, it is considered as if they have a partnership with each other.

And this is only possible with the residents of the same courtyard or alleyway.

But it could not apply to two separate alleyways, that they should be considered joined together because each one separately made a partnership with the courtyard in the middle, each one with a different type of food or drink, in two different vessels!

If the Mishnah was according to Rabbah's explanation, the two alleyways would have to make an *eiruv* together to permit carrying from one to the other.

The Gemara answers for Rabbah: **What** does it mean, **"they do not have to make an *eiruv*",** that the Mishnah teaches? It means that the **neighbors** of the house owner, who live in the two alleyways next to him, do not have to make an *eiruv* **with the house owner,** to permit carrying to and from his courtyard. For they are already partners with him, one in wine and one in oil.

But the **neighbors, with each other, need to make an *eiruv*—**if they want to carry from one alleyway to the other. This is required because they became partners with the house owner in two types of food or drink, in two different vessels.

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Perek 6 – 71B

Ammud Bet

And Rav Yosef said a different explanation of Rabbi Shimon's view:

The Mishnah is speaking of one alleyway. And according to all views, the wine and oil must be placed in one vessel. However, even though they are placed in one vessel, the first Tanna—now to be called "the Sages"—does not consider the wine and oil to be joined together.

And thus it emerges that **Rabbi Shimon and the Sages are disagreeing over** the same point as **the disagreement between Rabbi Yochanan ben Nuri and the Sages,** as appears in a different Mishnah**:**

For it is taught in a Mishnah: Oil of trumah **that is floating on top of wine** of trumah, and **a *tevul yom,*** a person with a level of impurity capable of affecting trumah, **touches the oil.** The Halachah is that **he invalidates only the oil.** This is because the wine is judged as being separate from the oil. Since the *tevul yom* has a level of impurity barely able to affect the trumah oil, the impurity imparted to the oil is not strong enough to transfer to the wine, through its mere contact with the oil**.**

And Rabbi Yochanan Ben Nuri says: The wine and oil **are mixed together** and both become invalid, since they are judged as one unit.

Says Rav Yosef: **The Sages** of our Mishnah **are like the Sages** of the Mishnah of the *tevul yom,* and hold that wine and oil do not mix. Thus, even if they are together in one vessel, they do not constitute an *eiruv.*

And Rabbi Shimon of our Mishnah **is like Rabbi Yochanan Ben Nuri,** and holds that wine and oil do mix. Thus, **they** constitute an *eiruv.*

Perek 6 – 71B

It is taught in a Baraita: Rabbi Elazar ben Tedai says, concerning our Mishnah which speaks of someone in a partnership with his neighbors**: Both this** case of a partnership with both neighbors in wine, **and that** case of a partnership with one in wine and with the other in oil, **need to make an *eiruv*** i.e. a *shituf.* And they cannot rely on their partnerships for the *shituf*.

The Gemara is puzzled by this: Did Rabbi Elazar ben Tedai really mean to say that **even** if he was a partner **with this** neighbor **in wine and with that** neighbor **in wine,** that they still need to make a *shituf*?

Said Rabbah: When **this** neighbor c**omes with his pitcher** and pours his wine into the barrel, **and that** neighbor **comes with his pitcher and pours** his wine into the same barrel, even without intending to make a *shituf mevu'ot*, **everyone concurs that there is an *eiruv*** i.e. a *shituf.*

In this circumstance they are differing: in a case where they all the residents of the courtyard together **bought a barrel of wine in partnership.**

An *eiruv* or *shituf* can only be made by each resident giving his own food or drink. It is then set aside with the food or drink of the other residents, and put in one place. Therefore, *shituf mevu'ot* cannot be made with money, or by buying food with money that the residents are sharing. For it is impossible to determine which portion of the food was given by each resident.

Perek 6 – 71B

And the following is the point they are differing over: **Rabbi Elazar ben Tedai holds that "there is no retroactive selection" (*breirah*).** Since it is impossible to determine who owns which portion in the wine they jointly bought, it turns out that no one gave his own specific portion in the partnership, thus it is invalid.

And the Sages hold that "there is retroactive selection".

And it is considered as if each one gave his own specific portion in the wine, since each one's portion is considered selected and specific.

*

Rav Yosef said a different explanation of Elazar ben Tedai's view**.** When Elazar ben Tedai said, "they need to make an *eiruv"*, he meant: even though the partnership in the wine functions as a *shituf mevu'ot* and allows them to carry from their courtyards to the alleyway, it does not function as an *eiruv chatzeirot* to allow them to carry from one courtyard to another, through an opening connecting the two courtyards. This would require a separate *eiruv.*

And Rabbi Elazar ben Tedai and the **Sages are disagreeing over a case of relying on a *shituf* in place of an *eiruv.***

That one **master** (ben Tedai) **holds** the view**: There is no relying** on the *shituf,* and they need to make an *eiruv chatzeirot.*

And the other **master** (the Sages) **hold** the view**: They may rely** on the *shituf,* and there is no need to make an *eiruv chatzeirot.*

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Perek 6 – 71B

Said Rav Yosef: From where do I say it, i.e. how do I know, that they differ over this point?

Because Rav said two halachot:

1. **That said Rav Yehudah, said Rav: Halachah is in accordance with Rabbi Meir,** who holds that one may not rely on the *shituf* in place of an *eiruv*, as the Gemara will explain.

2. **And said Rav Bruna said Rav: Halachah is in accordance with Rabbi Elazar ben Tedai!**

And what is the reason Rav agrees with both of them?

Is it not because both halachot **are for the same reason?** I.e. that a *shituf* may not be relied upon in place of an *eiruv chatzeirot.*

Abaye said to him, to Rav Yosef: **And if there is one reason** for both halachot, then the **two halachot** that Rav stated – **why do I need** both of them?

It is enough to say the Halachah is like Rabbi Meir, and automatically we will know that the Halachah is like Elazar ben Tedai!

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The Gemara answers: Rav **is informing us,** by not merely saying that Halachah is like Rabbi Meir, **that we do not act according to two stringencies in** the subject of ***eiruvin,*** when they are stated by one Tanna**.** I.e. if a certain Tanna is stringent on two different points in the laws of *eiruvin,* we do not follow both his stringencies. Only when one of his stringencies is stated also by another Tanna, then we may follow both stringencies.

Perek 6 – 71B

And Rabbi Meir is indeed stringent on two points:

1. A *shituf* made with wine cannot be relied upon in place of an *eiruv chatzeirot.* This opposes the view of the Sages of our Mishnah.

2. Even a *shituf* made with bread cannot be relied upon in place of an *eiruv chatzeirot.* This opposes the Sages of a Mishnah taught later on.

Therefore, Rav first says that the Halachah is according to Rabbi Elazar ben Tedai, in that a *shituf* made with wine cannot be relied upon in place of an *eiruv chatzeirot*. Then he says that the Halachah is according to Rabbi Meir, in that even a *shituf* made with bread cannot be relied upon in place of an *eiruv*. Although Rabbi Meir holds of both stringencies, Rav refrained from simply saying that the Halachah is according to Rabbi Meir—for that would give the erroneous impression that we would follow both of his stringencies even without another Tanna who states the second stringency.

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The Gemara asks: **What is** the statement of **Rabbi Meir and what is** the statement of **the Sages,** from which we see that they disagree whether a *shituf* made with bread may be relied on in place of an *eiruv*?

That it is taught in a Baraita: An *eiruv* should be made in the courtyards with bread, and not with wine. For the purpose of *eiruv chatzeirot* is that when all the residents in the courtyard donate bread to the *eiruv*, to be put in one place, it makes it as if all the residents live in one house, where they put the bread.

Therefore, because a person's dwelling is defined by bread and not by wine, bread must be used for the *eiruv*.

Perek 6 – 71B

And if they want to make an *eiruv* with wine – they cannot make such **an *eiruv.***

But a *shituf mevu'ot* is made to combine all the *courtyards* into one domain, and a courtyard does not have the same type of dwelling functions that a house does.

Therefore, **a *shituf* may be made in the alleyway,** even **with wine.**

And if they want to make a *shituf* with bread, they certainly **may make a *shituf*** with it, because bread is better than wine.

They make an *eiruv* in the courtyards, and they make a *shituf* in the alleyway.

This clause of the Baraita means that even if all the houses in the courtyard made an *eiruv* to permit carrying from the houses to the courtyard, and all the courtyards made an *eiruv* together to permit carrying from one courtyard to another through the openings that connect them, still they may not rely on the *eiruv* in place of a *shituf.* They must make a *shituf mevu'ot* if they wish to carry from the courtyard to the alleyway.

Thus an *eiruv* does not take the place of a *shituf.* And similarly, a *shituf* does not take the place of an *eiruv.*

The reason for this: So **that the laws of an *eiruv* will not be forgotten from the children, lest they will say,** not knowing that the *shituf* in their alleyway took the place of an *eiruv***: "Our fathers did not make an *eiruv,*** and neither will we**."** These are **the words of Rabbi Meir.**

Thus we see that Rabbi Meir holds that even a *shituf* made with bread does not take the place of an *eiruv.*

Perek 6 – 71B

The Baraita continues: **And the Sages say: Either they make an *eiruv,* or they make a *shituf*.** I.e. they may rely on an *eiruv* in place of a *shituf,* and on a *shituf* in place of an *eiruv.*

Thus we see that the Sages hold that a *shituf* made with bread takes the place of an *eiruv.*

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Rav Rachumi and Rabbah bar Yosef differed over it, over the explanation of the above disagreement between Rabbi Meir and the Sages**.**

One of them **said:** Where they made an *eiruv* or a *shituf* **with bread, all concur that one is enough.** It is sufficient to place one loaf of bread, since bread works for making an *eiruv* or *shituf.*

In these circumstances they disagree: where they made a *shituf* for the alleyway **with wine,** which is effective for making a *shituf* but not for making an *eiruv.*

And they differ over this question: Since we may rely on a *shituf* in place of an *eiruv,* and a *shituf* may be made with wine, will it consequently be effective also as an *eiruv*?

Or perhaps we may not rely on such a *shituf* to function also as an *eiruv*.

Chavruta
Eiruvin – Daf Ayin Bet

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

And the other **one says:** If they made a *shituf* in the alleyway **with wine, everyone concurs that one needs both** a *shituf* and an *eiruv***,** because wine is not effective for an *eiruv.* And we do not consider it effective since (*migo*) it was effective for the *shituf,* and a *shituf* generally may take the place of an *eiruv,* as explained on the previous *daf.*

And **they,** Rabbi Meir and the Sages, **disagree** when the *shituf* or *eiruv* was made **with bread,** which is undisputedly effective for making either a *shituf* alone or an *eiruv* alone.

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The Gemara objects to this approach:

They contradicted this, from our Baraita which says, **And the Sages say: Either they make an *eiruv,* or they make a *shituf*.** And do not have to do both.

Does it not mean that **they can either make an *eiruv* in the courtyard with bread, or make a *shituf* in the alleyway with wine?** Thus we see that the Sages disagree even when wine was used to make the *shituf,* and they hold that such a *shituf* takes the place of an *eiruv.*

The Gemara answers that the Baraita does not mean this.

Said Rav Gidel said Rav: The Baraita can be understood differently:

And **this is what it is saying: They either make an *eiruv* in the courtyard with bread and are permitted** to carry **here** in the courtyard **and here** in the alleyway, **or they make a *shituf* in the alleyway with *bread* and are permitted** to carry **here and here**.

But everyone agrees that a *shituf* made with wine would be ineffective for a courtyard.

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Said Rav Yehudah said Rav: Halachah is in accordance with Rabbi Meir, and we teach so in public.

And Rav Huna said: The custom is like Rabbi Meir but we only rule this privately, to someone who asks us.

And Rabbi Yochanan said: The people have the custom of doing like Rabbi Meir. We do not rule that Halachah is like him, but if someone conducts himself in accordance with his view, we do not protest. (*Tosafot* explain that acting according to Rabbi Meir's view entails reciting an additional blessing. For in addition to the blessing over the *shituf,* there is another blessing over the *eiruv* which is required by Rabbi Meir. If someone recites the second blessing, Rabbi Yochanan rules that we do not protest his practice.)

Mishnah

Perek 6 – 72a

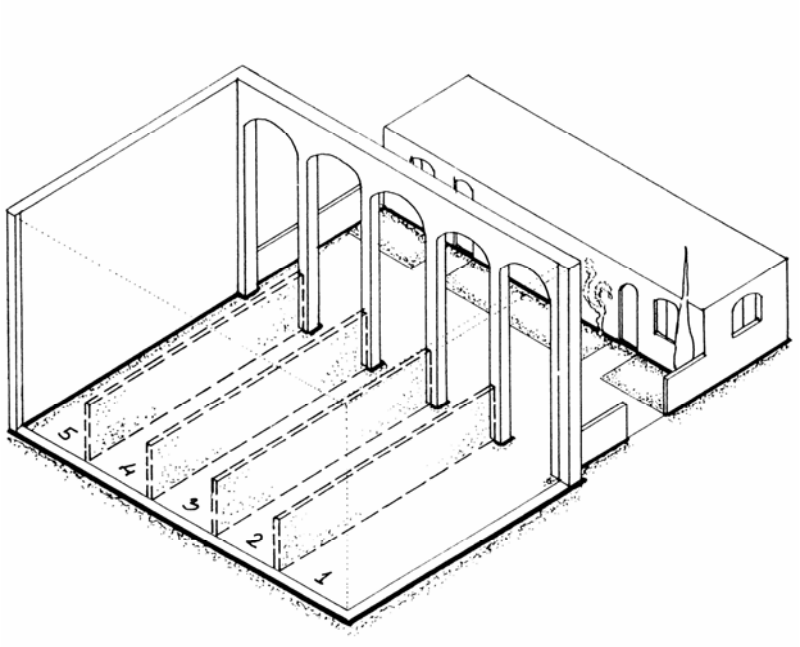
If five groups of people live **in one mansion,** and each group is divided from the other by partitions and has its own exit to the courtyard, and the courtyard also has smaller houses with other residents (see illustration[1]).

Beit Shammai say: We require **an *eiruv* for each group** in the mansion**.** Each group is considered as residing separately and must contribute to the *eiruv*.

And Beit Hillel say: They are considered like one group **and one *eiruv*** is sufficient **for them all.**

The Gemara will explain this disagreement in two different ways.

And Beit Hillel agree that when some of them (the people in the mansion) **are residing in** separate **rooms, or in attics, that they need an *eiruv* for each group.**



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Perek 6 – 72a

Gemara

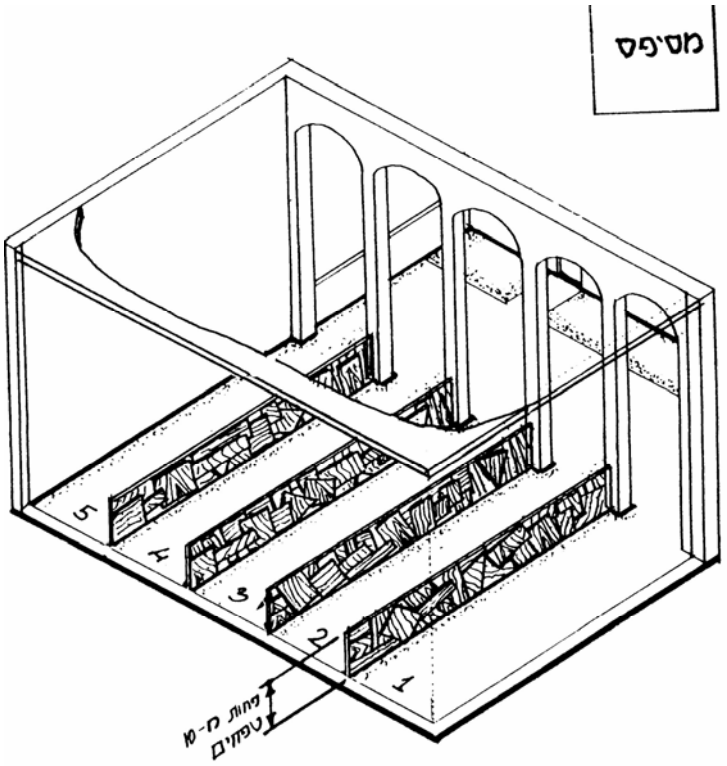
The Gemara brings four views concerning what kind of partitions are separating the groups from each other:

Said Rav Nachman: The disagreement in the Mishnah is **when** the partition is ***mesifas*** **–** a partition made of pieces of wood, that is less than ten *tefachim*[2] high (see illustration[3]).

But when a partition is ten *tefachim* high, **everyone agrees that every group needs a** separate ***eiruv.*** (View 1)

[2] 1 tefach: 3.1 in., 8 cm

[3]



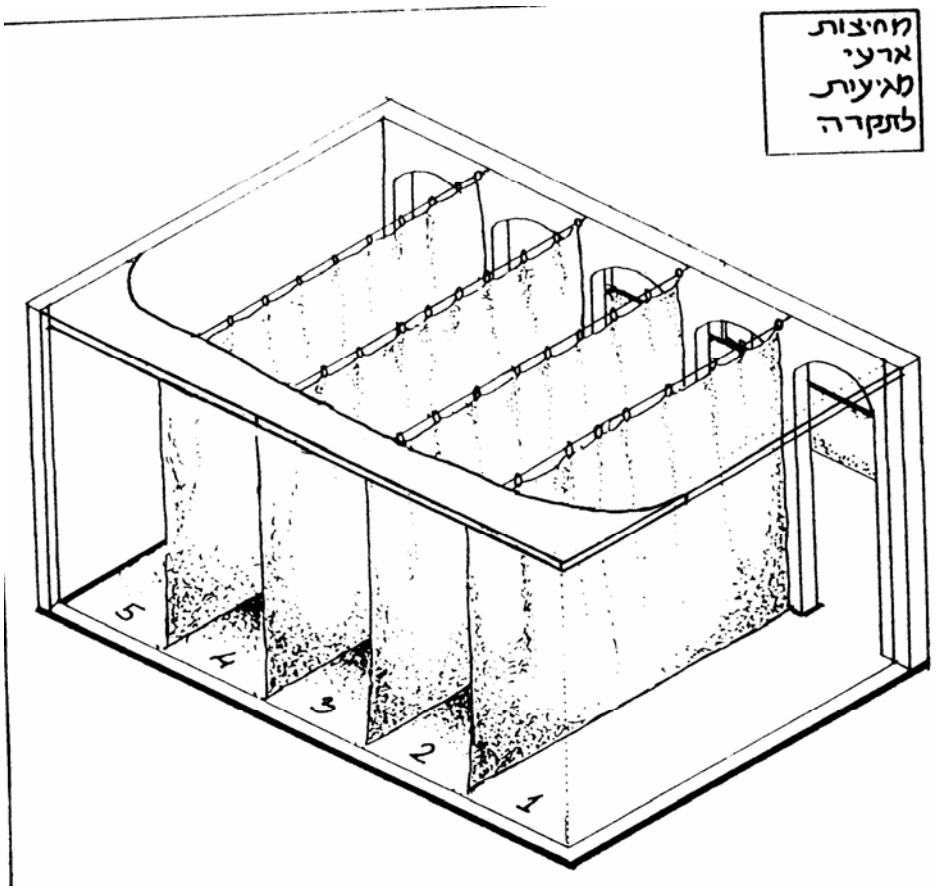
Perek 6 – 72a

And some say that Rav Nachman said: There **is *even* a disagreement in** a case where the partitions are ***mesifas,*** and Beit Hillel and Beit Shammai disagree both when the partition is *mesifas,* and also when it is 10 *tefachim* high. (View 2)

Views 3 and 4:

Rabbi Chiya and Rabbi Shimon son of Rabbi (i.e. son of Rabbi Yehudah HaNasi) **differ over it:**

One says: The disagreement in the Mishnah **is when** temporary **partitions reach the ceiling** (see illustration[4]**. But if** the **partitions do not reach the ceiling, everyone agrees** that **one *eiruv* for them all** is sufficient. (View 3)



4

And one says: The disagreement is in a case where **the partitions do not reach the ceiling.**

But in a case where **the partitions,** even temporary ones, **reach the ceiling, everyone agrees** that **one needs an *eiruv* for each group.** (View 4)

Ammud Bet

They contradicted this view (the Gemara will discuss which view), from a Baraita:

Said Rabbi Yehudah the Sabar (the "Reasoner"): **Beit Hillel and Beit Shammai do not disagree about partitions that reach the ceiling.** They agree **that** in such a case **we need an *eiruv* for every group.**

About what do they disagree? About partitions that do not reach the ceiling.

That Beit Shammai say: One needs **an *eiruv* for each group.**

And Beit Hillel says: One *eiruv* for them all is enough.

The Gemara now explains which views this Baraita disproves:

For the one who says that **the disagreement is when partitions reach to the ceiling** (view 3)**,** this Baraita is **a contradiction.**

Perek 6 – 72b

And for the one who says that **the disagreement is in** a case where **partitions do not reach the ceiling** (view 4), this Baraita **is a support.**

For that version that holds that **Rav Nachman said** that **the disagreement is** *only* **when** the partitions are ***mesifas*** (view 1)**,** the Baraita is **a contradiction,** because it says that the disagreement is even about any partitions that do not reach the ceiling.

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Concerning view 2, the Gemara is uncertain:

And for that version that holds that **Rav Nachman said: "There is *even* a disagreement in** a case where the partitions are ***mesifas,* can we say that there is a contradiction** from the Baraita?

Because the Baraita says that Beit Shammai disagree concerning partitions that do not reach the ceiling, implying that with lowly partitions of *mesifas* he would agree that they do not divide the groups.

Rav Nachman would say to you: In the Baraita, **they disagree about** a high **partition, and also about *mesifas.***

And that which they disagree about a high **partition** and do not mention *mesifas*, **is to inform you** of **the** Halachic **strength of Beit Hillel,** i.e. the extent of their view: that they regard the people like one group even when there are high partitions.

The Gemara raises a difficulty: **And let them disagree about *mesifas* and** thereby **inform you** of **the** Halachic **strength of Beit Shammai,** i.e. the extent of their view: that even a *mesifas* partition divides the groups.

The Gemara answers: It is **better** to teach something that demonstrates **the strength of leniency!** Thus teaching the extent of Beit Hillel's view is preferable, that even with a high partition, we may be lenient and regard them all as one group.

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Said Rav Nachman said Rav: Halachah is in accordance with the Baraita **of Rabbi Yehudah the Sabar,** which says that even according to Beit Hillel, temporary partitions that reach the ceiling separate the groups in the mansion. Thus each group needs to participate separately in the *eiruv.*

Said Rav Nachman bar Yitzchak: The wording of the **Mishnah too implies** that Beit Hillel agrees in such a case.

Because it is taught in the Mishnah: And Beit Hillel agree that when some of them (the group) **are living in** separate **rooms, or in attics, they need an *eiruv* for each group.**

What are rooms and what are attics?

If you say that **rooms** means **actual rooms, and attics** means **actual attics,** all of which were built as separate units from the start—

It is **obvious** that they would divide the groups. So why does the Mishnah need to tell us this?

But no, the Mishnah must mean places **like rooms and like attics.**

Perek 6 – 72B

And what are those? Places subdivided by **partitions** that were put up afterwards, **which reach the ceiling.**

The Gemara concludes: Indeed, **hear from this** a proof that Beit Hillel holds as you said.

Until now the Gemara understood that Beit Hillel and Beit Shammai are disagreeing whether the five groups in the mansion are considered as one group or not.

Now the Gemara quotes a Baraita that explains the disagreement totally differently: Both Beit Shammai and Beit Hillel agree that the mansion is like one area and unites the five groups, giving them the status of people sharing a "courtyard" who made an *eiruv* together. The disagreement is what happens if these five groups want to make an *eiruv* with the other residents of the actual courtyard that the mansion opens onto.

It was taught in a Baraita: When do we say that Beit Shammai hold that every group in the mansion has to contribute to the *eiruv* that is made with the residents outside the mansion? **When they take their *eiruv* to another place** in the courtyard, outside the mansion. For Beit Shammai holds that when five people made an *eiruv* together, each must contribute towards the *eiruv* made with an outsider. In this case, they hold the same: the five groups in the mansion must each contribute to the *eiruv*.

Perek 6 – 72B

Whereas Beit Hillel holds that when five people make an *eiruv* together, it is enough for one of them to make an *eiruv* with the outsiders, on everyone's behalf. And here, they will hold the same.

But if the *eiruv* of the outsider **came to them** in the mansion, then **everyone,** including Beit Shammai, **agree that one *eiruv*** is sufficient **for them all**.

This is because of a rule stating that the people in the house where the *eiruv* is placed do not have to contribute anything towards the *eiruv* at all (see *Ritva*).

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The Gemara inquires: **Like who**se view **goes this** following Baraita?

That it is taught: Five people **who collected their *eiruv,* when they take their *eiruv* to another place,** i.e. when they want to make an *eiruv* with outsiders, **one *eiruv*** is enough **for them all. Who is it like?**

Like Beit Hillel, as we said.

And some say a different version of the above Baraita: **When do we say** that Beit Hillel hold that one *eiruv* is enough for them all?

If the *eiruv* of the outsider **came to them** in the mansion, because we say that the people in the house where the *eiruv* is placed do not have to contribute anything towards the *eiruv* at all. And Beit Shammai disagrees.

But if they took their *eiruv* to another place, even Beit Hillel agrees that **each one has to have his own *eiruv*.**

And according to this second version of the Baraita, we ask as before:

Like whose view **goes this** following Baraita?

That it is taught: Five people **who collected their *eiruv*, when they take their *eiruv* to another place,** i.e. when they want to make an *eiruv* with outsiders, **one *eiruv*** is enough **for them all. Who is it like?**

Like no one! I.e. like neither of the two views previously discussed.

Because even Beit Hillel agrees that in this case, each person has to give his own food or drink towards the common *eiruv.*

Mishnah

If a father and his sons were living in separate houses in a courtyard that has other residents as well, and **the brothers** i.e. his sons **were eating at their father's table and sleeping in their** own **houses, they need a** separate contribution to the ***eiruv*** **for each one of the brothers.**

Therefore, if one of them forgot and did not make an *eiruv*, the others are forbidden to carry in the courtyard. And to permit them to carry **he must relinquish his jurisdiction** in the courtyard.

When do we say this? **When they take their *eiruv* to another place.** (The Gemara will discuss whether this other place is in their own courtyard or in another courtyard).

But if it the *eiruv* **came to them, or if there are no** other **residents with them** in the courtyard, **they do not have to make an *eiruv*** together**.**

Gemara

There is a disagreement later, at the end of this *daf*, whether a person's dwelling place is determined by where he eats or where he sleeps. Therefore the Gemara says here:

Hear from this, from our Mishnah which says that the brothers sleeping in different houses are regarded as separate residents, **that the place where one sleeps causes** the place to be regarded as one's home.

The Gemara rejects the proof: **It** our Mishnah **taught** a case different from what was assumed until how. The case is **that they** the brothers **are receiving food expenses** from their father, to buy food and eat in their own homes.

Perek 6 – 72B

The Gemara now discusses what sort of habitations have to participate in making an *eiruv*.

The Rabbis taught: If someone has a gate-house[5] or a passageway or a portico[6] (these are places that everyone passes through to get somewhere else) **in his fellow's courtyard, this does not forbid him** the fellow from carrying from his house to the courtyard.

But if one has **a house for** storing **straw, a house for cattle, a house for wood, a house for storages, this forbids him** the fellow from carrying into the courtyard.

Rabbi Yehudah says: Only a human **dwelling place forbids** one's fellow from carrying into the courtyard.

Said Rabbi Yehudah: There was **an incident involving ben Nafcha, that he had five** houses in five **courtyards in Usha,** which he used for straw and wood.

And the incident came before the Sages and they said: Only a human **dwelling house forbids.**

The Gemara raises a difficulty: **Do you think that** any human **dwelling house** forbids? But we see in the beginning of the Baraita that a gatehouse does not forbid, and sometimes a person lives there.

The Gemara answers: **Rather, say** that the Baraita means **a place of dwelling,** i.e. a place that is *fit* for human dwelling**,** and it is actually dwelled in, which excludes a gatehouse.

[5] People use it as a short cut.
[6] People reach the second story through this area.

Perek 6 – 72b

The Gemara inquires: **What** is considered a **place of dwelling?**

Chavruta
Eiruvin – Daf Ayin Gimel

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[The Gemara inquires: **What** is considered a **place of dwelling?**]

Rav says: A place where one eats **bread**.

And Shmuel says: A place where one **sleeps.**

We contradict Rav, **from a Baraita**:

Shepherds who guard sheep outside town, **and guards of figs** that are spread out to dry outside town, **and town guards, and guards of fruit** that is outside town, **when** it is **their custom to sleep in town, they are like the people of the town** regarding the Shabbat boundary.[1]

But **when it is their custom to sleep in the field, they have 2000** *ammot* **in every direction** from where they sleep in the field.

We see that what counts is where they sleep, and it makes no difference if they eat in town.

The Gemara answers: **There, we can testify** i.e. we can safely assume **that if people brought bread to them there** in the field, **they would prefer it more.** Thus their true place of eating is in the field, although for lack of food there, they are compelled to enter the town.

[1] They can go anywhere in town and 2,000 *amot* outside the town.

Perek 6 – 73a

Said Rav Yosef after he forgot his learning due to illness: **I never heard that teaching** of Rav that the main factor is where one eats.

Abaye said to him: You told it to us yourself, **and you told it to us** in connection **with this** statement of our Mishnah:

The brothers who were eating at their father's table and sleeping in their houses need a separate ***eiruv*** **for each one of the brothers.**

And we said to you, as the Gemara said earlier**: Hear from this** a proof **that the place where one sleeps causes** the place to be considered a dwelling.

And you said to us concerning it: Said Rav Yehudah said Rav: They (the Mishnah) **are teaching** a case where **they** the brothers **receive food money** from their father, but eat the food in their own home.

The Rabbis taught: If someone has five wives, each with her own house in the courtyard, **who receive a portion** of food to eat in their house **from their husband. Or,** someone has **five slaves** in their own houses in the courtyard, **who receive a portion** of food **from their master.**

Rabbi Yehudah ben Beteira allows carrying in the courtyard **in the case of the wives,** even without making an *eiruv,* because they are regarded in Halachah as the husband's own self (*ishto kegufo*). The husband, being one person, "combines" the wives and makes

them all as one. **But** Rabbi Yehudah ben Beteira **forbids** carrying in the courtyard **in the case of slaves.**

And Rabbi Yehudah ben Bava allows carrying **in the case of slaves** because they are regarded as part of the master's house. **And** he **forbids** carrying **in the case of wives.**

Said Rav: What is the reason of Rabbi Yehudah ben Bava?

Because it is written: "And Daniel was in the king's gate."

Daniel, who was the king's servant, was not always in the king's gate. Nevertheless, because he was a servant, it is considered as if he was always there.

The Gemara states: It is **obvious to us** that the halachah of **a son with his father** in a courtyard is **as we said** in the Mishnah.

And **a wife with her husband and a slave with his master** depends on **the** above **disagreement between Rabbi Yehudah ben Beteira and Rabbi Yehudah ben Bava**.

But the Gemara inquires: **A disciple** who lives in his own house, and who is in the same courtyard **with his master**, **what** is the halachah?

The Gemara answers: **Come and hear** a proof that an *eiruv* is not needed**:**

For Rav, when he was a disciple **in the house of Rabbi Chiya** his uncle, and lived in his own house in the courtyard, **said: We do not have to make an *eiruv,* because we are supported at the table of Rabbi Chiya.**

Perek 6 – 73a

And Rabbi Chiya, when he was a disciple in **the house of Rabbi** i.e. Rabbi Yehudah HaNasi, **said: We do not need to make an *eiruv,* because we are supported at the table of Rabbi.**

Abaye posed an inquiry to Rabbah:

Five people living in one courtyard, **who collected** the food for **their *eiruv*** from among themselves, and made an *eiruv*—**when they take their *eiruv* to another place,** i.e. when they want to make an *eiruv* with another courtyard, **is one** of them contributing food to the new ***eiruv*** sufficient to establish the *eiruv* **for them all?**

Or do they need a separate contribution of food to the new ***eiruv* for each one** of them?

He Rabbah **said to him** Abaye: **One *eiruv*** is enough **for them all.**

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The Gemara contradicts this, from our Mishnah: **But** we see the opposite from the case of **brothers** in our Mishnah, **which is like five** people **who collected** their *eiruv.* We see that if no one is sharing the courtyard with them, they are allowed to carry in the courtyard. **And** yet, **it is taught in the Mishnah** that **they need a** contribution to the ***eiruv* from each one** of them, to make an *eiruv* with another courtyard!

The Gemara answers: **Here,** in our Mishnah, **with what are we dealing? With a case that there are other residents with them** in the courtyard.[2]

Therefore the case of the Mishnah is different, **because** it is viewed as follows: **Since** (***migo***) **these** other **people would forbid** carrying in this courtyard, if there was no *eiruv*, and therefore they each have to contribute towards an *eiruv* with another courtyard—therefore we consider it as if **these** brothers **also would forbid** carrying in this courtyard, if there was no *eiruv*. Therefore, they each have to each contribute towards an *eiruv* with another courtyard.

But if there are no other residents in the courtyard, one brother may make an *eiruv* with another courtyard on behalf of them all.

This too stands to reason, that the reason of the Mishnah's law is because of *migo,* as explained.

Because it is taught in the end of **the Mishnah: When** must each brother give an *eiruv* to permit carrying in the courtyard? **When they take their *eiruv* to another place** in the courtyard.

But if their *eiruv* came to them i.e. was put in the father's house,[3] **or if there are no** other **residents with them in the courtyard, they do not need to make an *eiruv*** with each other at all, to permit carrying in the courtyard.

So we see that the presence of other residents makes a difference.

[2] And they want to make an *eiruv* with another courtyard, or with a member of the courtyard who is so far not included in the *eiruv.*

[3] Rashi explains that if the *eiruv* is put in the father's house, the brothers are not required to give an *eiruv* at all, because they are connected to their father's house. And the Gemara (49a) says that the house where one puts the bread of the *eiruv* does not have to contribute bread to the *eiruv.*

Perek 6 – 73a

The Gemara concludes: **Hear from it** a conclusive proof that the case of the Mishnah is different, and does not contradict the ruling of Rabbah.

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Rav Chiya bar Avin posed an inquiry to Rav Sheshet, regarding the following case**: The people learning at a yeshivah who eat bread in** the homes of their hosts in **a valley, and come and sleep in the yeshivah.**

When we measure their Shabbat boundary, do we measure it from the yeshivah where they sleep**, or do we measure from the valley** where they eat?

He Rav Sheshet **said to him: We measure from the yeshivah** where they sleep.

Rav Chiya challenges this answer: **But** when a person makes an *eiruv techumin*, **he puts** the food of **his *eiruv* within 2000 *ammah*, and comes and sleeps in his house.** Yet we see **that we measure his Shabbat boundary from** the food of **his *eiruv*** i.e. where he eats, and not from where he sleeps!

He Rav Sheshet **said to him** in reply: **In that case** of making an *eiruv techumin*, **we testify,** i.e. we may safely assume, what it is that the person really wants**. And in this case** of the yeshivah, too, **we testify** i.e. we may safely assume what it is that they really want.

In that case of making an *eiruv*, **we testify that if he could live** i.e. sleep **there,** where his *eiruv* is, **it would be good for him,** because he wants to travel from there tomorrow. Thus his true place of residence is where the food of his *eiruv* is.

Perek 6 – 73a

And in this case of the yeshivah, **we testify that if they** the disciple's hosts **brought their bread to the yeshivah, it would be preferable for them.** Thus their true place of residence is where they sleep, in the yeshivah.

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Introduction:

The next section of Gemara discusses a situation where there is an inner and an outer courtyard. The inner courtyard's only route of exit is through the outer courtyard. If the inner courtyard has only one resident, he does not forbid the people of the outer courtyard from carrying in their courtyard.[4] But if there are many people in the inner courtyard and they did not make an *eiruv*, they forbid the people of the outer courtyard from carrying. (See Mishnah 71a, Gemara 66b).

Rami bar Chama posed an inquiry to Rav Chisda: A father and his son who live in an inner courtyard and eat in separate houses, but the son receives money for food from his father.

Or a master and his disciple. Are they like many people in an inner courtyard, who make it forbidden for people in the outer courtyard to carry?

Or are they like a single person in an inner courtyard, who does not make it forbidden for people in the outer courtyard to carry?

Do they (the father and son, or master and disciple) **need** to make **an *eiruv,*** which would show that they are like many people?

Or do they not need to make **an *eiruv,*** which would show that they are like a single person?

Furthermore, an alleyway that opens to the public domain is Halachically adjusted for the purposes of carrying in it by the placing of a side-post or crossbeam at its entrance. And this adjustment is only valid if the alleyway has two courtyards, of two different people, that open onto it.

This gives rise to the following inquiry: If the father and son live in two courtyards, **is their alleyway permitted with a side-post or crossbeam,** i.e. is it considered two courtyards?

Or is their alleyway not permitted with a side-post or crossbeam, because the courtyards are considered as one? In which case, they would have to put a board four *tefachim* wide at the entrance of the alleyway.

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Rav Chisda said to him: The answers to **these** two questions **are taught in a Baraita** that says:

A father and his son, a master and his disciple, when there are no other **residents with them, they are like a single person. And they do not need to make an *eiruv*** with each other.[5]

Therefore, as regards the first inquiry, they also do not forbid people in the outer courtyard from carrying.

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[4] The Halachah does not follow Rabbi Akiva, who rules that the single resident does forbid the people in the outer courtyard from carrying.

And nevertheless, **their alleyway is permitted with a side-post or crossbeam,** because concerning this, we are lenient and consider their courtyards as two.

Mishnah

(The sections of the Mishnah are labeled "1. Beginning of Mishnah," "2. Middle of Mishnah," etc., to facilitate understanding of the Gemara later)

Five courtyards that open to each other, and also open to an alleyway.

[5] As we learnt earlier, if there are other residents, because (*migo*) they have to make an *eiruv* with the other residents, they also have to make an *eiruv* with each other.

Perek 6 – 73B

If they made an *eiruv* for the courtyards[6] but did not make a *shituf* for carrying in **the alleyway, they are permitted** to carry **in the courtyards, and forbidden** to carry **in the alleyway.** (1. Beginning of Mishnah)

Ammud Bet

And if they made a *shituf* in the alleyway, they are permitted to carry **here and here,** in both the courtyards and alleyway. (2. Middle of Mishnah)

If they made an *eiruv* for the courtyards and a *shituf* for the alleyway, and one of the people of a courtyard forgot and did not make an *eiruv,* i.e. he did not participate in the *eiruv* that was made, **they are permitted** to carry **here and here,** in both the courtyards and alleyway. (3. Beginning of end of Mishnah)

If one of the people of the alleyway forgot and **did not join in the *shituf,*** and only participated in the *eiruv*, **they are permitted** to carry **in the courtyards, and forbidden** to carry **in the alleyway.** (4. End of end of Mishnah)

Because an alleyway in relation **to courtyards, is like a courtyard** in relation **to houses.**

This last sentence is explaining why a *shituf mevu'ot* is necessary. We might have thought that only an *eiruv chatzeirot* is necessary, because a courtyard is a relatively public place, yet people carry into it from their houses. If the Sages did not require an *eiruv*, people might think that it is permitted to carry from a house even into a public domain.

[6] Either an *eiruv* for each courtyard, or an *eiruv* uniting all the courtyards.

But when it comes to carrying from a courtyard to an alleyway, both of which are relatively public places, we might have thought that such a decree is unnecessary.

Therefore the Mishnah explains that it is nevertheless forbidden to carry into an alleyway without a *shituf*.

Gemara

Introduction:

On *daf* 71b, Rabbi Meir states that when there are both courtyards and an alleyway, the residents must make an *eiruv* (uniting the houses) and a *shituf* (uniting the courtyards). If they make only a *shituf,* it does not take the place of an *eiruv*, and they are forbidden to carry from their houses into the courtyards. But the Sages disagree, and state that a *shituf* indeed takes the place of an *eiruv.*

The Gemara inquires: Like **who**se view goes the beginning of our Mishnah (case 1), which says that both an *eiruv* and *shituf* are necessary to carry in the alleyway?

Is it like **Rabbi Meir who said: One needs an *eiruv* and one needs a *shituf*?**

If so, **look in the middle clause** (case 2) of the Mishnah which says:

And if they made a *shituf* in the alleyway, they are permitted to carry **here and here,** in both the courtyards and alleyway.

This **goes according to the Sages who say: With one** is sufficient, since a *shituf* takes the place of an *eiruv*.

The Gemara answers: **This** apparent contradiction between the two clauses **is not difficult** to resolve**.**

It the middle clause of the Mishnah (case 2) means to **say: And if they "also" made a *shituf* in the alleyway,** they may carry here and there.

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The Gemara raises a further difficulty: But **look at the** beginning of **the latter clause** (case 3) of the Mishnah:

If they made an *eiruv* for the courtyards and a *shituf* for the alleyway, and one of the people of a courtyard forgot and did not make an *eiruv,* i.e. he did not participate in the *eiruv* that was made, **they are permitted** to carry **here and here,** in both the courtyards and alleyway.

What is it, this case?

If he the person who forgot to participate in the *eiruv* **did not relinquish** his jurisdiction, **why are they permitted** to carry in the courtyard, if the Mishnah follows Rabbi Meir as explained?

But obviously, you must say that **he relinquished** his jurisdiction.

But if so, **look at** the end of **the latter clause** (case 4) of the Mishnah, which says:

If one of the people of the alleyway forgot and **did not join in the *shituf,*** and only participated in the *eiruv,* **they are permitted** to carry **in the courtyards, and forbidden** to carry **in the alleyway.**

Perek 6 – 73b

And if you say **that** in the beginning of the latter clause (case 3), **he** the person that forgot **relinquished** his jurisdiction, then here too (case 4) you should say the same: the person who forgot to join in the *shituf* relinquished his jurisdiction. **And** if so, **why are they forbidden** to carry **in the alleyway?**

And if you say that relinquishing does not work in case 4, because **Rabbi Meir holds that there is no relinquishing of jurisdiction in an alleyway—**

But that is not so. Because **it was taught in a Baraita** (68b): There was once a Sadducee who lived with Rabban Gamliel in an alleyway in Jerusalem, and Rabban Gamliel allowed carrying there, **because he** (the Sadducee) **relinquished his jurisdiction** there, **according to Rabbi Meir**'s understanding of the incident**.**

Thus we see that relinquishing is effective even in an alleyway, according to Rabbi Meir.

But obviously, we must say that in case 4, the people may not carry in the alleyway because **he** the person who forgot **did *not* relinquish** his jurisdiction.

And because the end of **the latter clause** (case 4) is a case where the person did not relinquish, we are forced to say that **the beginning** of the latter clause (case 3), where the person forgot to participate in the *eiruv,* **is also** a case **where he did not relinquish.**

Yet, the Mishnah says that it is permitted to carry in the courtyards and alleyway. Therefore, that part of the Mishnah must be like the Sages, and not like Rabbi Meir.

And that is problematic: could the **first clause** (case 1) **and** the end of **the latter clause** (case 4) of the Mishnah be like **Rabbi Meir, whereas the middle clause** i.e. the beginning of the latter clause (case 3) be like **the Sages?**

Perek 6 – 73b

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The Gemara answers: **The whole** Mishnah **is Rabbi Meir.**

If so, what about case 3 where it says: "If they made an *eiruv* for the courtyards and a *shituf* for the alleyway, and one of the people of a courtyard forgot and did not participate in the *eiruv*, they are permitted here and here," in both the courtyards and alleyway?

That is not difficult. Because **why does Rabbi Meir say that we need an *eiruv* and we** also **need a *shituf*?** So that **the law of *eiruv* should not be forgotten from the children,** as we said on *daf* 71b.

But here in case 3, **because most of** the people in **the courtyard made an *eiruv*** and only one person forgot, **it** the law of *eiruv* **will not be forgotten.**

The Gemara now raises a point made by Rav, concerning the Mishnah:

Said Rav Yehudah: Rav did not teach the Mishnah as saying that five courtyards were "**open to one another"** and open to the alleyway. Rather, he taught it as saying that there was no opening between the courtyards.

And when the Mishnah says that "they made an *eiruv* in the courtyards," it does not mean—as we learnt until now—that the courtyards have the option of uniting through a mutual *eiruv*. Rather, it means that the houses of each courtyard made a local *eiruv*, to permit carrying in each individual courtyard.

And so said Rav Kahana: Rav did not teach "**open to one another."**

Perek 6 – 73B

Some people say: Rav Kahana himself did not teach "open to one another."

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Said Abaye to Rav Yosef: Why did he Rav **not teach "open to one another?"**

It is because **every *shituf* that** answers to the following description is invalid: **one does not take out** the food collected from each courtyard as its contribution to the *shituf*, **and bring it via the entrances** that connect the courtyards directly to **the alleyway,** and from the alleyway into the courtyard where the food will be placed. Instead, the food of the *shituf* is transferred via the internal entrances between the courtyards, without need for entering the alleyway at all. Such a situation **is not called a *shituf*** for the alleyway!

Thus, if there were entrances between all the courtyards in the Mishnah, we would suspect that the food of the *shituf* might be transported to the destination courtyard via these entrances, and not via the alleyway—and the *shituf* of our Mishnah would be invalid.

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They contradicted it, Abaye's explanation of Rav, from the Mishnah of *daf* 71a:

A house owner, one of the alleyway's residents, **that was a partner with a neighbor** in the alleyway**,** owning together food or drink, without intending to make a *shitufei mevu'ot* with the food or drink. And he had separate partnerships with all the neighbors in the same food or drink. I.e. he was a partner **to this,** to one of the neighbors in the alleyway, **in wine**, and also a partner **to that** neighbor **in wine. They do not need to make an *eiruv,*** i.e. a *shituf mevu'ot* (which is also called an *eiruv*).

This poses a difficulty to Rav, because according to him, the partnerships should be ineffective: the wine was not necessarily brought to the householder's home from other courtyards via the alleyway.

The Gemara answers: **There,** the case is **that he took** the barrel of wine from his house, **and brought it** in and out all the courtyards via the alleyway. Thus it satisfied the requirement that the food or drink collected from each courtyard as its contribution to the *shituf* be brought via the entrances that connect the courtyards directly to the alleyway. Finally, the barrel was placed in one courtyard. (This is a forced answer, and in the end, the Gemara will reject Abaye's explanation of Rav).

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The Gemara raises another difficulty to Abaye's explanation of Rav, from a Mishnah later that says: **How does one make a *shituf* in an alleyway?** He puts down his barrel and says: Behold, this is for all the people of the alleyway.

But the Mishnah does not say that he has to bring the barrel into his courtyard via all the other courtyards via the alleyway.

The Gemara answers: **There too, that he took** the barrel of wine **and brought it** in and out all the courtyards via the alleyway, and finally put it in his courtyard.

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Rabbah bar Rav Chanan challenged this explanation of Abaye: **But now,** if one has to pass the food through all the courtyards etc., the following may be said: **If he** (a resident of the alleyway) **gave ownership of the bread in his basket** to other members of the alleyway, **here too would it not be a *shituf,*** because it did not physically pass through everyone's courtyard via the alleyway?

Perek 6 – 73B

And it you say it is so, and such a case is indeed invalid—

But said Rav Yehudah said Rav: The members of a group who were invited to eat at someone's house on Friday afternoon, and were **reclining** at his table, **and the day** '**sanctified on them'** (Shabbat commenced), **we rely on the bread** that is there **on the table,** to serve for them all **as an *eiruv*.**

And some say it: As a *shituf* for an alleyway.

And Rabbah said: They these two versions **are not differing** with each other**.**

Here, when we say it is an *eiruv*, **it is when they are reclining in a house,** because the *eiruv* is kept in a house.

Here, when we say it is a *shituf*, **is when they are reclining in a courtyard,** because one is allowed to keep the food of the *shituf* outside in a courtyard.

And the Mishnah implies that Shabbat came swiftly upon them (the day 'sanctified on them'), and there was no time to pass the bread through all the courtyards etc.[7]

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Rabbah bar Rav Chanan's proof that the food does not have to pass through each courtyard via the alleyway is accepted. Therefore the Gemara has to give another reason why Rav said that the courtyards of the Mishnah do not have openings between them.

[7] Tosafot add that one cannot say that they passed the bread through the courtyards before starting the meal, because at that stage there was no partnership in the bread and it would not be effective.

Rather, the reason of Rav is different. It is **that Rav holds** the view**: An alleyway is only permitted with a side-post or a crossbeam** if **there are** two **houses (and** two **courtyards) that open onto it.**

And the original Baraita was assumedly discussing a typical alleyway, one that has a side-post or a crossbeam. Therefore it cannot be dealing with courtyards that are joined together with openings between them, because then they would all be considered as one courtyard, and the alleyway would not be permitted with a side-post or crossbeam.

Chavruta
Eiruvin – Daf Ayin Daled

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[The Gemara gives another reason why Rav said that the courtyards mentioned in the Mishnah do not have openings between them:]

Rather, the reason of Rav is different. It is **that Rav holds** the view**: An alleyway is only permitted with a side-post or a crossbeam** if **there are** two **houses (and** two **courtyards) that open onto it.**

And the original Baraita was assumedly discussing a typical alleyway, one that has a side-post or a crossbeam. Therefore it cannot be dealing with courtyards that are joined together with openings between them, because then they would all be considered as one courtyard, and the alleyway would not be permitted with a side-post or crossbeam.

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The Gemara now brings views that disagree with Rav, and hold that an alleyway does not have to have two courtyards, each one with two houses, to allow the use of a side-post or crossbeam.

And Shmuel said: Even if there is **one house** without a courtyard and one **courtyard** with one house open to the alleyway, it is enough.

And Rabbi Yochanan said: Even if there is **a ruin** open to the alleyway and a courtyard with one house open to the alleyway, it is enough.

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Perek 6 – 74a

Said Abaye to Rav Yosef: Did Rabbi Yochanan say that even a path of a vineyard open to an alleyway, together with a courtyard with one house open to the alleyway, is enough?

He Rav Yosef **said to him: Rav Yochanan only said** his view **concerning a ruin that is fit to live in.**

But not a path of a vineyard, which is unfit to live in.

*****

Rabbi Yochanan, who allows carrying in an alleyway that has a ruin open into it, is not concerned that someone may mistakenly carry from the alleyway into the ruin (see footnote)[1]. Therefore, **said Rav Huna Chinena** about this**: And Rabbi Yochanan goes according to his rationale** as expressed elsewhere.

Because it was taught in a Mishnah: Rabbi Shimon says: Roofs and *karpeifot*[2] and courtyards are all considered **one jurisdiction as regards utensils that were resting in them** when Shabbat began. Thus, one may carry the utensils between all these places, without an *eiruv*, because they are not dwellings.

But they are **not** considered one jurisdiction **for utensils that were resting inside the house** when Shabbat commenced. Such utensils may not be transferred between these places. Thus the purpose of making an *eiruv* between these places would be to permit moving these house-based utensils from roof to courtyard etc.

[1] It is forbidden to carry from the alleyway to the ruin because on the one hand the ruin is privately owned, while on the other hand, the owner cannot participate in the partnership of the alleyway because we learnt on *daf* 73 that only places that are lived in can participate. However, it is permitted to carry from the ruin to the alleyway because all unlived places are regarded as one jurisdiction.
[2] Large, enclosed areas designated for other than residential purposes.

Perek 6 – 74a

And said Rav: Halachah is in accordance with Rabbi Shimon. **But that is** only **if they** (the residents of the courtyards) **did not make an *eiruv*** among themselves, to carry into their joint courtyards.

But if they did make an *eiruv* among themselves, thus permitting them to bring house-based utensils into the courtyard on Shabbat, **we decree** that one may not carry even courtyard-based utensils from courtyard to courtyard etc. For **perhaps they will come to take out utensils of houses,** i.e. that were inside the houses when Shabbat commenced, and were taken out only on Shabbat, **from courtyard to courtyard.** And this is forbidden, since they did not make an *eiruv* that combines all the courtyards etc.

And Shmuel said: Halachah is like Rabbi Shimon **whether they** (the people of the courtyard) **made an *eiruv*** among themselves in their courtyard **or did not make** such **an *eiruv.***

And so said Rabbi Yochanan: Halachah is like Rabbi Shimon whether they (the people of the courtyard) **made** such **an *eiruv* or did not make** such **an *eiruv.***

We see that Rabbi Yochanan holds that **we do not decree** against carrying courtyard-based utensils between the courtyards, **lest one come to take utensils of houses to** another **courtyard.** For this would be a decree on a decree. (*Mishnah Berurah*)

Therefore, **here too** in the case of a ruin, **we not decree lest he come to take utensils to the ruin** that had no partnership with the alleyway (see footnote 1).

*

Rav Bruna sat and said that teaching of Shmuel that one can close off an alleyway with a side-post or crossbeam even if there is only one house without a courtyard open to the alleyway, and one courtyard with one house open to the alleyway.

Rabbi Elazar the son of Bei Rav said to him: Did Shmuel say really **this?**

He said to him: Yes!

He Rabbi Elazar **said to him: Show me** Shmuel's **residence** and I will ask him if he said it.

He Rav Bruna **went and showed him** Rabbi Elazar, **before Shmuel.**

He Rabbi Elazar **said to him** Shmuel: **Did** you **the Master say this?**

He said to him: Yes!

Rabbi Elazar then asked Shmuel: **But it is** you **the Master who said: We only** rule Halachah **in** matters of *eiruvin* **according to the wording of our Mishnah.**

And our Mishnah says: **Because alleyways as regards courtyards, are like courtyards as regards houses.**

And the plural expressions of the Mishnah imply that a side-post and crossbeam are effective only for an alleyway that has at least two courtyards and at least two houses. Otherwise the alleyway needs *pasin* – boards four *tefachim* wide.

He Shmuel **kept silent.**

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The Gemara inquires: Does this silence mean that **he** Shmuel **accepted it** the argument **from him** Rabbi Elazar, and thus retracted?

Or did he not accept it from him, and continued to hold as he did**?**

Come and hear a proof that Shmuel did not accept the argument**: That there was a certain alleyway where Eivut bar Ihi lived in** one courtyard with another person. And there was another courtyard with only one resident that opened into the alleyway as well.

And **he** Eivut **made a side-post** for the alleyway, **and Shmuel permitted him** to carry in the alleyway.

Ammud Bet

After Shmuel's demise, **Rav Anan** the son of Rav **came and threw down** the side-post of the above alleyway, because it did not have enough houses.

He (Eivut, who lived in the alleyway) protested and **said: The alleyway that I lived in, and** we **came in the name of Shmuel** to put up a side-post, **can Rav Anan bar Rav come and throw it down from us?**

The Gemara concludes: **Hear** a proof **from this** incident, in which Shmuel allowed a side-post in this alleyway, **that he did not accept** Rabbi Elazar's proof **from him,** and did not retract.

The Gemara rejects this proof: **In truth,** we can **say that he did accept** the proof **from him.**

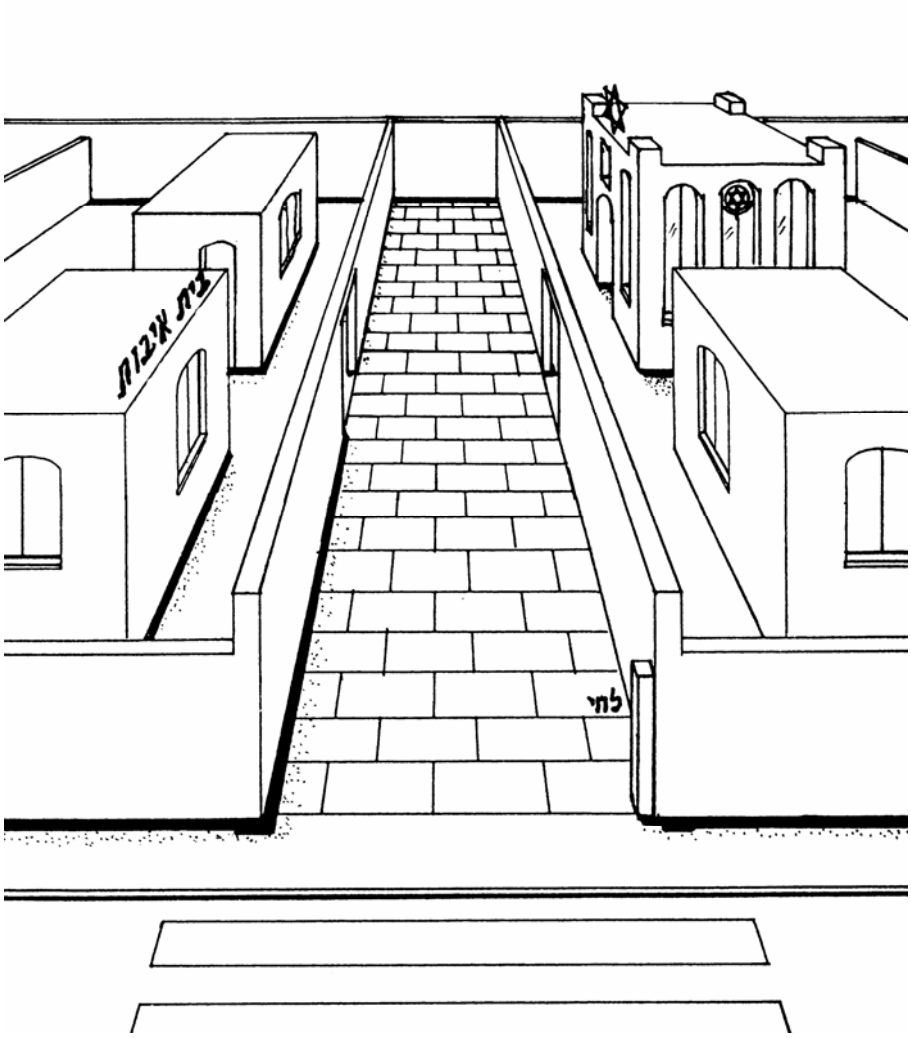
And here, there was a synagogue in the courtyard that had only one house, and **the shammash**[3] of the synagogue **used to eat bread in his house and come and sleep in the**

[3] beadle

synagogue. Thus it was considered as if there were two houses in that courtyard. (see illustration[4])

And Rav Anan only threw down the side-post after the shammash stopped sleeping in the synagogue.

And Eivut bar Ihi, who thought the presence of the shammash did not make the synagogue considered like a dwelling, **held that** it is eating **bread** in a place, not sleeping there, that **causes** it to have the status of a dwelling.



[4] Building on lower left: Eivut's house. Building on upper right: synagogue.

Perek 6 – 74b

But in truth, **Shmuel** was going **according to his rationale** on *daf* 73a **that the place where one sleeps causes** it to be considered a dwelling.

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The next section of Gemara sugya is explained according to the approach of the Ritva, which itself is based on Rashi:

Said Rav Yehudah said Rav: An alleyway that on **its one side is** open to a courtyard of **a gentile, and** on **its one side** are the courtyards of two **Jews,** but only one of these Jewish courtyards is open to the alleyway, and the second courtyard is connected to the

first by a "window", i.e. an opening in the wall large enough to go through. (see illustration[5])

We do not make an *eiruv* for it the alleyway **to permit it,** i.e. to permit carrying in the alleyway **via the openings** of the one Jewish house to the other Jewish house, and from there to the courtyard and from there to the alleyway.

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Said, i.e. asked, **Abaye to Rav Yosef:** Did **Rav say** this **even concerning a courtyard?** In other words, if a gentile's house is open to one side of a courtyard, and a Jew's house

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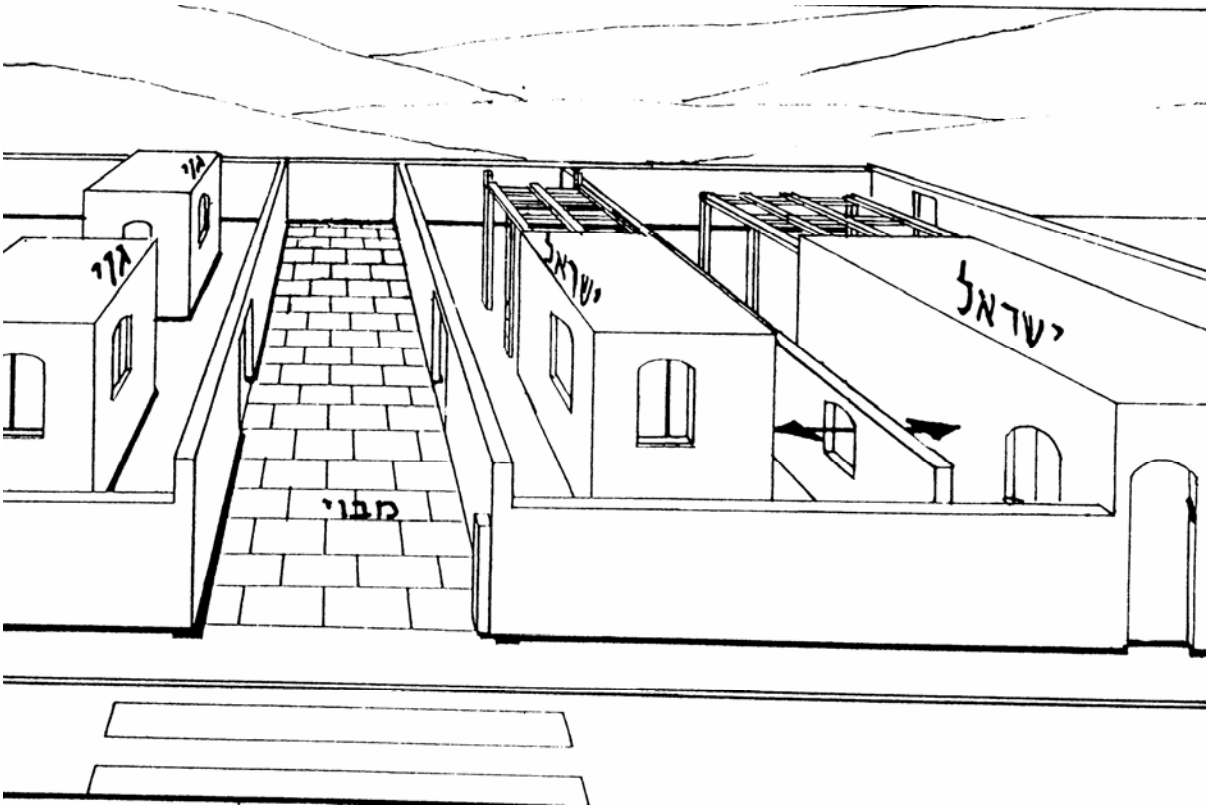


Left of alleyway: courtyard of gentiles. Right of alleyway: courtyard of Jews.

is open to the other side of the courtyard, and another Jew's house is connected to the first Jew's house via a "window",[6] will Rav say that in this case too, the two Jews cannot make an *eiruv* together in order to carry things into the courtyard via the house open to the courtyard? (see illustration[7])

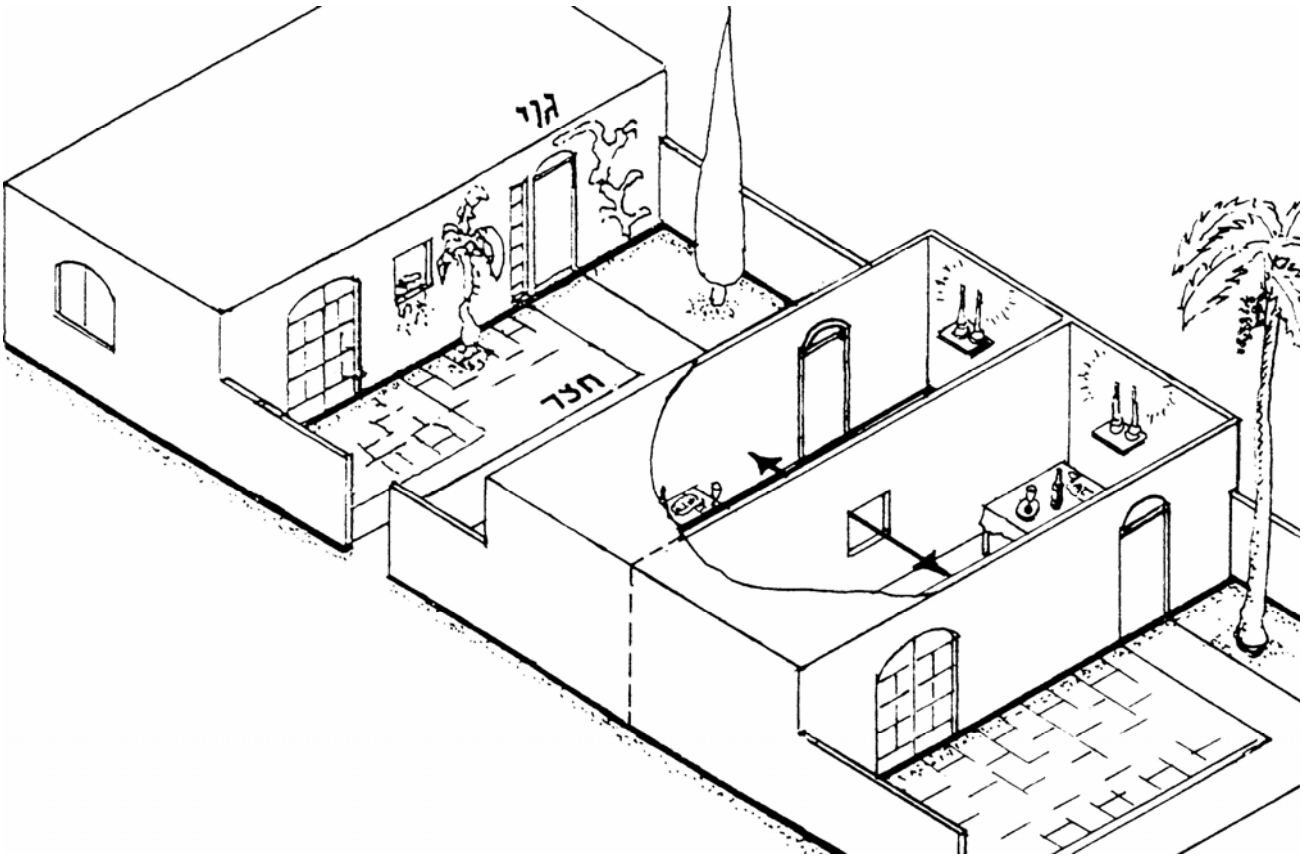
He Rav Yosef **said to him: Yes!** Rav forbids it even in a courtyard.

*

The Gemara now explains Abaye's question, i.e. why it was reasonable to think that Rav was only speaking about an alleyway

[6] Rav speaks about houses connected with a window, because it is unusual for different people's houses to be connected with an actual door. Thus Rav described the more usual case.

[7]



Perek 6 – 74b

Because if he did not say his case concerning a courtyard, but only an alleyway, **how** would we explain the reason why the Jews cannot make a partnership in the alleyway?

I would have said that **the reason of Rav is because he holds that an alleyway is not permitted with a side-post or crossbeam until two houses and two courtyards are open to the alleyway.** But here, the gentile's courtyard doesn't count, so it is considered as if only one courtyard is open to the alleyway.

The Gemara raises a difficulty: **And why do I need** to be told this halachah **twice**, that a gentile's courtyard doesn't count**?** Rav already said it on *daf* 74a.

Chavruta
Eiruvin – Daf Ayin Heh

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[The Gemara raises a difficulty: **And why do I need** to be told this halachah **twice**, that a gentile's courtyard doesn't count**?** Rav already said it on *daf* 74a.]

The Gemara answers: **I might have said t**hat **the dwelling of a gentile is also called a dwelling,** and is included among required amount of houses and courtyards opening onto the alleyway.[1]

Therefore, **he** Rav **tells us** here **that the dwelling of a gentile is not called a dwelling** concerning this.

And if we did not know that an alleyway needs houses and courtyards open into it except **from** this statement of Rav **here, I would say: I do not know how many houses** are required.

Therefore **he informs us** elsewhere that one needs **houses**, in the plural**,** which infers that there must be at least **two** houses in each courtyard.

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On 74b, Rav stated: "An alleyway that on its one side is open to a courtyard of a gentile, and on its one side are the courtyards of two Jews, but only one of these Jewish courtyards is open to the alleyway, and the second courtyard is connected to the first by a 'window', i.e. an opening in the wall large enough to go through."

Perek 6 – 75a

The above discussion of the Gemara was based on the premise that Rav's statement on 74b could possibly have applied to an alleyway only, and not to a case of a gentile and Jews who are living on opposite sides of a courtyard (see footnote)[2]. Thus the Gemara elaborated why these two cases could be treated differently.

But **now** that Rav Yosef stated (74b) **that Rav says** this law **even** concerning **a courtyard,** and not only concerning an alleyway**,** we must say that **the reason of Rav** that one cannot carry into the courtyard or alleyway is different than previously explained:

Thus the Gemara now explains **that Rav holds** the view**:**

It is forbidden for a single Jew **to make** his home **in the place of a gentile,** sharing either a courtyard or an alleyway with him, because he might come to be influenced by the gentile's evil ways. Therefore the Sages decreed that in the case described by Rav, Jew #2 who is connected by a window to Jew #1 may not make an *eiruv/shituf* with Jew #1 in order to carry his utensils into the courtyard/alleyway. This will isolate Jew #1, make him afraid that the gentile might kill him, and he will be encouraged to move.

Said Rav Yosef: If so, that Rav indeed applies this rule both in an alleyway and a courtyard, **this is why we heard** the following statement from **Rabbi Tivla. For he said,** when quoting the halachah of Rav, "**gentile, gentile", twice. And we did not know what he was saying.**

But now we know that he said gentile once to hint to the case of a courtyard, and again to hint to the case of an alleyway.[3]

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[1] This is in spite of the fact that we rule at the beginning of the chapter, *daf* 62a, that a single gentile's dwelling in a courtyard does *not* forbid a Jew from carrying in the courtyard, implying that the gentile's dwelling does not count as such.
[2] The *Ritva* says that the whole above explanation is now rejected and in fact a gentile's home *does* count towards the required number of houses in a courtyard.
[3] Rashi adds another explanation as well.

Perek 6 – 75a

Mishnah

Introduction:

1) The case under discussion is that of an inner and outer courtyard. The only exit from the inner courtyard passes through the outer courtyard. Two Jews live in the inner courtyard. According to all views, the Jews of the inner courtyard forbid even a single Jew living in the outer courtyard from carrying, unless they made a mutual *eiruv.* This is because the inner Jews may not carry in their own courtyard without an *eiruv.* (This situation is called: "The foot that is forbidden [to carry] in its place, forbids somewhere that is not its place – *Regel ha'asurah bimkomah, oseret shelo bimkomah*).

2) If only one Jew is living in the inner courtyard, and therefore allowed to carry there without need for an *eiruv,* the Tannaim of the Mishnah disagree whether he forbids a Jew living in the outer courtyard from carrying, in the absence of a mutual *eiruv*. The first Tanna (whom the Gemara will refer to as "the Sages") says that the inner Jew does not forbid carrying in the outer courtyard. Rabbi Akiva says that he does forbid carrying. (This view of Rabbi Akiva is called: The foot that is permitted [to carry] in its place, forbids somewhere that is not its place- *Regel hamuteret bimkomah, oseret shelo bimkomah*).

3) There is a third view, of the "latter Sages": that an inner courtyard (even if it has many Jews who did not make an *eiruv*) never forbids the people of an outer courtyard from carrying.

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Perek 6 – 75a

Two courtyards, one within the other, and the people in the inner courtyard reach the public domain only by passing through the outer courtyard.

The first Tanna holds the view:

1) **If the inner** courtyard **made an *eiruv*** for itself, becoming "*regel hamuteret bimkomah*," **and the outer** courtyard **did not make an *eiruv*, the** people of the **inner** courtyard **are permitted** to carry in their courtyard, **and the** people of the **outer** courtyard **are forbidden** to carry in their courtyard.

2) If the **outer** courtyard made an *eiruv* and **not the inner** courtyard, the inner courtyard becomes "*regel ha'asurah bimkomah*", and **they are both** (both courtyards) **forbidden** to carry, even in their own courtyards.

3) **If this** outside courtyard **made an *eiruv* for itself, and that** inner courtyard **made an *eiruv* for itself, this one is permitted** to carry **in itself, and that one is permitted** to carry **in itself**. Because after making an *eiruv,* the inner courtyard is "*regel hamuteret bimkomah.*" However, because there is no *eiruv* between them, the two courtyards may not carry between each other.

3b) **Rabbi Akiva forbids the outer** courtyard from carrying even in the last case, unless the two courtyards make a mutual *eiruv.* This is because he holds **that the footsteps** of the inner courtyard **forbid** the people of the outer courtyard from carrying, even though it is permitted for them to carry in their own place, the inner courtyard. (See point 2 of introduction).

4) **If** both courtyards made *eiruvin* for themselves, and **one of the** people in **the outer** courtyard **forgot and did not make an *eiruv*** with the people of his courtyard**—the inner**

courtyard **is permitted, and the outer** courtyard **is forbidden,** because of the person who forgot.

4b) **And the** latter **Sages**[4] **say: Footsteps do not forbid.** They do not agree to the principle on which all the previous views are based: that the people of an inner courtyard forbid an outer courtyard to carry (see point 3 of introduction).

5) **If** both courtyards made *eiruvin* for themselves, and **one of the** people in **the inner** courtyard **forgot and did not make an *eiruv*** with the people of his courtyard**,** then **both of them,** both courtyards, **are forbidden—**even according to the first Tanna. This is because the people of the inner courtyard are forbidden to carry.

6) **If** the two courtyards made a mutual *eiruv*, and **they put their *eiruv* in one place** (the outer courtyard). **And one of them, whether from the inner or outer** courtyard, **forgot and did not participate in the *eiruv.*** The Halachah is: **They** the people of both courtyards **are forbidden** to carry, according to all views.

Because if the person who forgot was in the inner courtyard, the people of the inner courtyard are forbidden to carry. And that forbids the people of the outer courtyard from carrying.

And if someone in the outer courtyard forgot, the people in the inner courtyard can carry in their own courtyard only by "disassociating" themselves from the *eiruv* with the outer courtyard. This is called "shutting the door" that connects the two courtyards. But in this case they cannot disassociate themselves, because the *eiruv* is sitting in the outer courtyard. And an *eiruv* has to be in a house of someone who is a partner to the *eiruv.*

7) **And if the courtyards were of single people,** i.e. only one person was dwelling in each courtyard, **they do not have to make an *eiruv* with each other** to permit the person

[4] The Gemara also refers to the first Tanna as "the Sages."

of the outer courtyard to carry in his courtyard. This is because the individual in the inner courtyard is allowed to carry in his courtyard.

This is the view of the first Tanna. Whereas Rabbi Akiva holds that even in such a case the people of the outer courtyard are forbidden to carry, unless the courtyards make a mutual *eiruv.*

(The entire above explanation of the Mishnah is according to the Gemara's final understanding of the Mishnah.)

Gemara

The Gemara initially understands the Mishnah differently than how it was explained above. It understands that there are only two views in the Mishnah:

1) Rabbi Akiva, who holds that an inner courtyard always forbids an outer courtyard from carrying (unless they make a mutual *eiruv*).

2) The Sages, who hold that an inner courtyard *never* forbids the people in the outer courtyard from carrying.

When Rav Dimi came, he said in the name of **Rabbi Yannai: This** (the whole Mishnah except for case 4b) **is the words of Rabbi Akiva, who said: Even a foot that is permitted** to carry **in its place** i.e. in the inner courtyard, **forbids** the people **not its place** i.e. in the outer courtyard.

But the Sages (case 4b of the Mishnah) **say: Just as the foot that it is permitted** to carry in its place, in the inner courtyard, **does not forbid** the people of the outer

courtyard from carrying, **so** too, **the foot that is forbidden** from carrying in its place **does not forbid** outside of its place.

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The Gemara now proceeds to prove that this way of understanding the Mishnah is unfeasible.

It is taught in the Mishnah: If the **outer** courtyard made an *eiruv,* and **not the inner** courtyard, the inner courtyard becomes "*regel ha'asurah bimkomah*", and **they are both** (both courtyards) **forbidden** to carry. (case 2)

This implies that if the inner courtyard *did* make an *eiruv* for itself, they would both be permitted.

Thus the Gemara asks: **who is it,** that is saying this clause?

If you say it is **Rabbi Akiva** who forbids even *derisat regel muteret*—

Why is it that the Mishnah talks about a case where the inner courtyard is *regel ha'asurah*?

Even if the inner courtyard was *regel hamuteret* **also,** it would forbid the outer courtyard from carrying, according to Rabbi Akiva.

But no, this clause must be **the Sages.** And yet we see that they hold that *derisat haregel ha'asurah* forbids the outer courtyard from carrying, unlike Rabbi Yannai's explanation.

The Gemara answers: **In truth,** it is **Rabbi Akiva.**

Perek 6 – 75a

And the Mishnah is teaching the cases in the following format**:** The outer courtyard is forbidden **not only** in **this** case of *regel ha'oseret* (case 2) **but** even in **that** case of *regel hamuteret* (case 4b)**."** (See footnote)[5]

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The Gemara presents another challenge to Rabbi Yannai:

It is taught in the Mishnah:

If this outside courtyard **made an *eiruv* for itself, and that** inner courtyard **made an *eiruv* for itself, this one is permitted** to carry **in itself, and that one is permitted** to carry **in itself**. This is because after making an *eiruv*, the inner courtyard is "*regel hamuteret bimkomah.*" (case 3)

From this we can infer: **The reason** that both courtyards can carry is **that they** both **made an *eiruv*. But if it** the inner courtyard did not make an *eiruv*, **both of them would be forbidden.**

But this Tanna who said here that **a permitted foot** (*regel hamuteret*) of the inner courtyard **does not forbid** the outer courtyard**,** while **a forbidden foot** (*regel ha'asurah*) **forbids** the outer courtyard—**who is it?**

If you say it is Rabbi Akiva—

That cannot be, because he holds that **even a permitted foot too** forbids the outer courtyard.

[5] This is known as *lo zu af zu* – not only this, but even that.

Perek 6 – 75a

But no, it is the Sages. Thus we see that they hold that a "forbidden foot" forbids the outer courtyard, unlike Rabbi Yannai's explanation.

And also:

Because the latter clause of the Mishnah (case 3b) **is Rabbi Akiva, the first clause** (case 3), which Rabbi Akiva is differing with, **is** perforce **not Rabbi Akiva.**

The Gemara answers: **The whole of it** (case 3 and case 3b) **is Rabbi Akiva.**

And it is lacking words, **and this is how it** means to **teach:**

If this outside courtyard **made an *eiruv* for itself, and this** inner courtyard **made an *eiruv* for itself, this one is permitted** to carry **in itself, and this one is permitted** to carry **in itself.** (case 3)

And the missing words of Mishnah are as follows: **When do we say this,** that the outer courtyard can carry? **When it** (the inner courtyard) **made a small door** to serve as a partition, in the entrance between the two courtyards. This removed its *derisat haregel* from the outer courtyard. **But if it did not make a small door, the outer** courtyard **is forbidden** from carrying, **according to Rabbi Akiva. Because:**

Rabbi Akiva forbids the outer courtyard from carrying unless the two courtyards make a mutual *eiruv*. This is because he holds **that the footsteps** of the inner courtyard forbid the people of the outer courtyard from carrying, even when it is permitted to carry in the inner courtyard. (case 3b)

And concerning that, **the Sages say: Footsteps do not forbid** (case 4b)**.** They do not agree to the principle that the people of an inner courtyard forbid an outer courtyard to carry.

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The Gemara now challenges Rabbi Yannai from later in the Mishnah.

Rav Bivi bar Abaye contradicted him, from the Mishnah**:**

And if the courtyards were of single people, that only one person was dwelling in each courtyard, **they do not have to make an *eiruv* with each other** to permit the person of the outer courtyard to carry in his courtyard, because the individual in the inner courtyard is in any case allowed to carry in his courtyard. (Case 7)

But we can infer from this, that if the courtyards were **of many** people, **they** (the two courtyards) **have to make a** mutual ***eiruv***.

Thus **we see** that the Tanna who stated case 7 holds that **a foot** of a single person, **which is permitted** to carry **in its place. does not forbid** the outer courtyard. But **a foot that is forbidden** to carry in its place **forbids** the people of the outer courtyard.

And Ravina also **contradicted him,** from our Mishnah. Note that the Gemara quotes cases 4 and 5, but the disproof is from case 5:

If both courtyards made *eiruvin* for themselves, and **one of the** people in **the outer** courtyard **forgot and did not make an *eiruv*** with the people of his courtyard**, the inner** courtyard **is permitted, and the outer** courtyard **is forbidden.** This is because of the person who forgot. (Case 4)

If both courtyards made *eiruvin* for themselves, and **one of the** people in **the inner** courtyard **forgot and did not make an *eiruv*** with the people of his courtyard**,** both

courtyards **are forbidden.** This is because the people of the inner courtyard are forbidden to carry. (Case 5)

From case 5 we can infer: **The reason** that the outer courtyard is forbidden is **because he** (someone in the inner courtyard) **forgot,** and the inner courtyard became a *regel ha'asurah*.

But if he did not forget, and the inner courtyard is *regel hamuteret*, **they** the courtyards **are both permitted.**

And this cannot be like Rabbi Akiva, who forbids even such a case.

Therefore, **we see that** according to the Sages, **a permitted foot does not forbid,** but **a forbidden foot forbids.** And this contradicts Rabbi Yannai, who holds that according to the Sages even a forbidden foot does not forbid.

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The Gemara accepts the last two disproofs, and brings a different version of what Rabbi Yannai said:

Rather, when Ravin came he said a different version in the name of **Rabbi Yannai,** which accords with how we explained the Mishnah originally:

There are **three** sides in the **disagreement over this matter:**

The first Tanna holds the view**: A foot that is permitted** in its place **does not forbid; a foot that is forbidden forbids.**

Rabbi Akiva holds the view**: Even a permitted foot forbids.**

Perek 6 – 75a

And the latter Sages (case 4b) **hold** the view**: Just as a permitted foot does not forbid, so a forbidden foot does not forbid.**

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The Gemara continues explaining the Mishnah:

If the two courtyards made a mutual *eiruv*, and **they put their *eiruv* in one place** (the outer courtyard). **And one of them, whether from the inner or outer** courtyard, **forgot and did not participate in the *eiruv*. They** (the people of both courtyards) **are forbidden** to carry, according to all view. (Case 6, see explanation in Mishnah)

The Gemara inquires: **What is "one place?"**

Said Rav Yehudah said Rav: The **outer** courtyard.

And why do they call it "one place (*echad*)**?"**

Because it is **a place** that is **common** (*meyuchad*) **to both of them,** because the people of the inner courtyard pass through there as well.

But if the *eiruv* is in the inner courtyard, and someone in the outer courtyard forgot to share in the *eiruv*, the inner *eiruv* can disassociate itself ("shut the door") from the outer courtyard, and be permitted to carry.

Perek 6 – 75B

Ammud Bet

It was also taught in a Baraita as follows, showing that "one place" means the outer courtyard. The proof is from case 1:

1) **If they put their *eiruv* in the outer** courtyard, **and one of them, whether of the inner** courtyard **or outer** courtyard, **forgot and did not make an *eiruv*. They** (both courtyards) **are forbidden,** similar to what our Mishnah says.

2) But **if they put their *eiruv* in the inner** courtyard, **and one of the inner** people **forgot and did not make an *eiruv*, they are both forbidden.** The outer courtyard is also forbidden. This is because of the *derisat haregel* of the inner courtyard, and because it cannot disassociate itself from the inner courtyard.

3a) If a person **from the outer** courtyard **forgot and did not make an *eiruv*, they** (both courtyards) **are both forbidden, according to Rabbi Akiva.** The Gemara will explain his view.

3b) **And the Sages say: In this** case, **the inner** courtyard **is permitted.** This is because it can disassociate from the outer courtyard. **And outer** courtyard **is forbidden.**

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The Gemara now explains Rabbi Akiva:

Said Rabbah bar Chanan to Abaye: Why is it (the Halachah regarding the inner courtyard of case 3b) **different according to the Sages, who say: "The inner court is permitted"?**

Perek 6 – 75B

Because it the inner courtyard **shuts its door,** i.e. disassociates itself from the mutual *eiruv* with from the outer courtyard. **And** it **uses** its courtyard by itself.

Rabbah bar Chanan raises a difficulty: If so, **according to Rabbi Akiva** (case 3a) **also, let it** the inner courtyard **shut its door and use** the courtyard by itself?

He Abaye **said to him** Rabbah bar Chanan: The ***eiruv*** between the two courtyards **brings its** the outer courtyard's **feet** into the inner courtyard. For the food constituting the *eiruv* is located in the inner courtyard. This is like *derisat regel* of the outer courtyard in the inner courtyard, and forbids the inner courtyard from carrying.

The Gemara raises a difficulty: If so, **according to the Sages too,** we should say that **the *eiruv* brings its** the outer courtyard's **feet** into the inner courtyard!

The Gemara answers: **Because it** the inner courtyard **says** to the outer courtyard: **I made a partnership** (*eiruv*) **with you** only **in order to rectify,** so that we could carry between the courtyards. **And** I did **not** make it **to cause damage** and forbid me to carry, because of your *derisat haregel* when one of you forgot to share in the *eiruv*. (I.e. the residents of the inner courtyard had an unspoken stipulation to their participation in the mutual *eiruv*: that it would not worsen their situation. Since this stipulation was not fulfilled, their participation in the mutual *eiruv* is null and void, and they return to their own *eiruv*, covering only the inner courtyard.)

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The Gemara raises a difficulty: If so, **according to Rabbi Akiva also, let it** the inner courtyard **say to the outer** courtyard: **I made a partnership** (*eiruv*) **with you to rectify,** so that we could carry between the courtyards, **and not to damage.**

Perek 6 – 75B

The Gemara answers: **Because it** the outer courtyard **says to it** the inner courtyard: I can retain the *eiruv* with you without causing you any damage, because I can relinquish any jurisdiction our mutual *eiruv* gave me in your courtyard (*bitul reshut*). And then you can carry.

Thus, even Rabbi Akiva agrees that the people in the inner courtyard may carry once the outer courtyard relinquishes their jurisdiction in the inner courtyard. The true point of difference between Rabbi Akiva and the Sages is whether one needs this relinquishing or not.

And the Sages hold the view: **There is no relinquishing of jurisdiction from courtyard to courtyard.** This procedure is valid only between people in the same courtyard. Therefore the Sages hold that the inner courtyard must judged as non-participants in the mutual *eiruv*, in order to permit carrying in the inner courtyard.

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The Gemara raises a difficulty: Earlier, on *daf* 66b, Shmuel said that there is no relinquishing of jurisdiction from courtyard to courtyard. And Rabbi Yochanan said that there is indeed relinquishing of jurisdiction from courtyard to courtyard.

Based on this, **should one** now **say** that **Shmuel and Rabbi Yochanan disagree in the** same **disagreement that the Sages and Rabbi Akiva do?**

That Shmuel is saying like the Sages, and Rabbi Yochanan is saying like Rabbi Akiva?

*****

The Gemara resolves the difficulty: **Shmuel** will **tell you: I say even like Rabbi Akiva.**

Rabbi Akiva only says here to this extent, to allow relinquishing of jurisdiction**,** because it is a case **concerning two courtyards one inside the other.** Rabbi Akiva would also say it regarding two regularly connected courtyards that made a mutual *eiruv.* This is **because they forbid each other from carrying.** Therefore one of them can make relinquishing of jurisdiction, to allow the other to carry.

But there, in the case of Shmuel, we are talking about two regularly connected courtyards that did *not* make a mutual *eiruv,* and courtyard 1 one wants to relinquish its jurisdiction to courtyard 2, so that it will be permitted to carry between the courtyards.

And in such a case, Shmuel objects and says: **Are they forbidding each other** from carrying in their own courtyards, so that the Sages should institute that they may perform a relinquishing of jurisdiction?

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And Rabbi Yochanan will **say:**

I say even like the Sages. Normally, they hold that there is relinquishing of jurisdiction from courtyard to courtyard.

And nevertheless, in the case **here,** the inner courtyard can argue to the outer courtyard: I made a partnership (*eiruv*) with you to rectify, so that we could carry between the courtyards, and not to damage. This creates a situation in which the outer courtyard cannot make relinquishing of jurisdiction, according to the Sages, as will be explained:

But because the inner court argues: **Until you** get around to **relinquishing** your jurisdiction **to me, you are forbidding me** to carry.

Perek 6 – 75b

Therefore I prefer to disassociate myself from you, and eliminate my need for your relinquishing.

But there, in a case of two regularly joined courtyards**,** even the Sages would say that there is indeed relinquishing of jurisdiction—because there, **who is forbidding it?** I.e. who stops the other courtyard from carrying in its own courtyard until the relinquishing takes place? In that case, performing a relinquishment of jurisdiction causes no harm to the other courtyard.

The Mishnah says: **And if the courtyards were of single people,** that only one person was dwelling in each courtyard, "**they do not have to make an *eiruv*"** to permit the person of the outer courtyard to carry in his courtyard, because the individual in the inner courtyard is allowed to carry in his courtyard. (Case 7)

Said Rav Yosef: Rabbi i.e. Rabbi Yehudah HaNasi **taught** in a Baraita: If there are **three** people, the inner courtyard **forbids** the outer courtyard from carrying, even if there were two people in the outer courtyard and only one person in the inner courtyard.

Rav Bivi said to them the people in the study hall: **Do not listen to him,** to Rav Yosef. That statement is not from Rabbi.

Because I was the one who **said it to him,** to Rav Yosef, before he fell ill and forgot his learning. **And I said it to him in the name of Rav Ada bar Ahavah,** not in the name of Rabbi**.**

And I said the reason of this law was: **Because I call the people in the outer** courtyard **"many".** The Sages were concerned that people might confuse this case with the case of

"many" residents in the inner courtyard, who indeed forbid the outer courtyard from carrying. Therefore the Sages forbade the former case as well.

And Rav Yosef, who now recollected what had happened, **said**: **Master of Avraham! I confused the word "many"** (*rabim*) **with "Rabbi",** and that is why I said the statement in the name of Rabbi.

And Shmuel disagreed with Rav Yosef's statement altogether, and **said: It** the outer courtyard **is always permitted** to carry, **until there are two** people **in the inner** courtyard who did not make an *eiruv* together, **and** at least **one** person **in the outer** courtyard. And the Sages were not concerned that people will confuse the two cases.

Said Rabbi Elazar:

One **gentile** living in an inner courtyard **is like many** Jews who did not make an *eiruv,* and the gentile forbids the Jew or Jews in the outer courtyard from carrying (see footnote).[6]

The Gemara raises a difficulty: **Why** is this case forbidden?

Why is it **different** from **a** single **Jew** in an inner courtyard, **who does not forbid** the outer courtyard from carrying—and we do not decree, lest people suspect the outer courtyard of carrying improperly?

[6] And this is more severe than having a gentile in the same courtyard, where we rule like Rabbi Eliezer ben Yaakov, that he only forbids two Jews from carrying, but one Jew can carry.

Perek 6 – 75b

The Gemara answers: **Because a person who knows** that there is only one Jew in the inner courtyard, **knows** the truth about the situation. Thus he will not suspect the Jews of the outer courtyard of misconduct**. And someone who does not know** that there is only one Jew, and thinks that there might be many Jews in the inner courtyard—

He **thinks** that if there are indeed many Jews in the inner courtyard, **they certainly made an *eiruv*** together, and are *regel hamuteret* in the outer courtyard.[7]

If so, concerning **a gentile too, let us say** that **he who knows** that there is only one gentile, **knows** the truth about the situation. Thus he will not suspect the Jews of the outer courtyard of misconduct**.** And **he who does not know,** and thinks that there are many gentiles, will **think: They** the residents of outer courtyard **certainly rented** the jurisdiction of the inner courtyard from the gentiles. So why are the residents of the outer courtyard forbidden to carry?

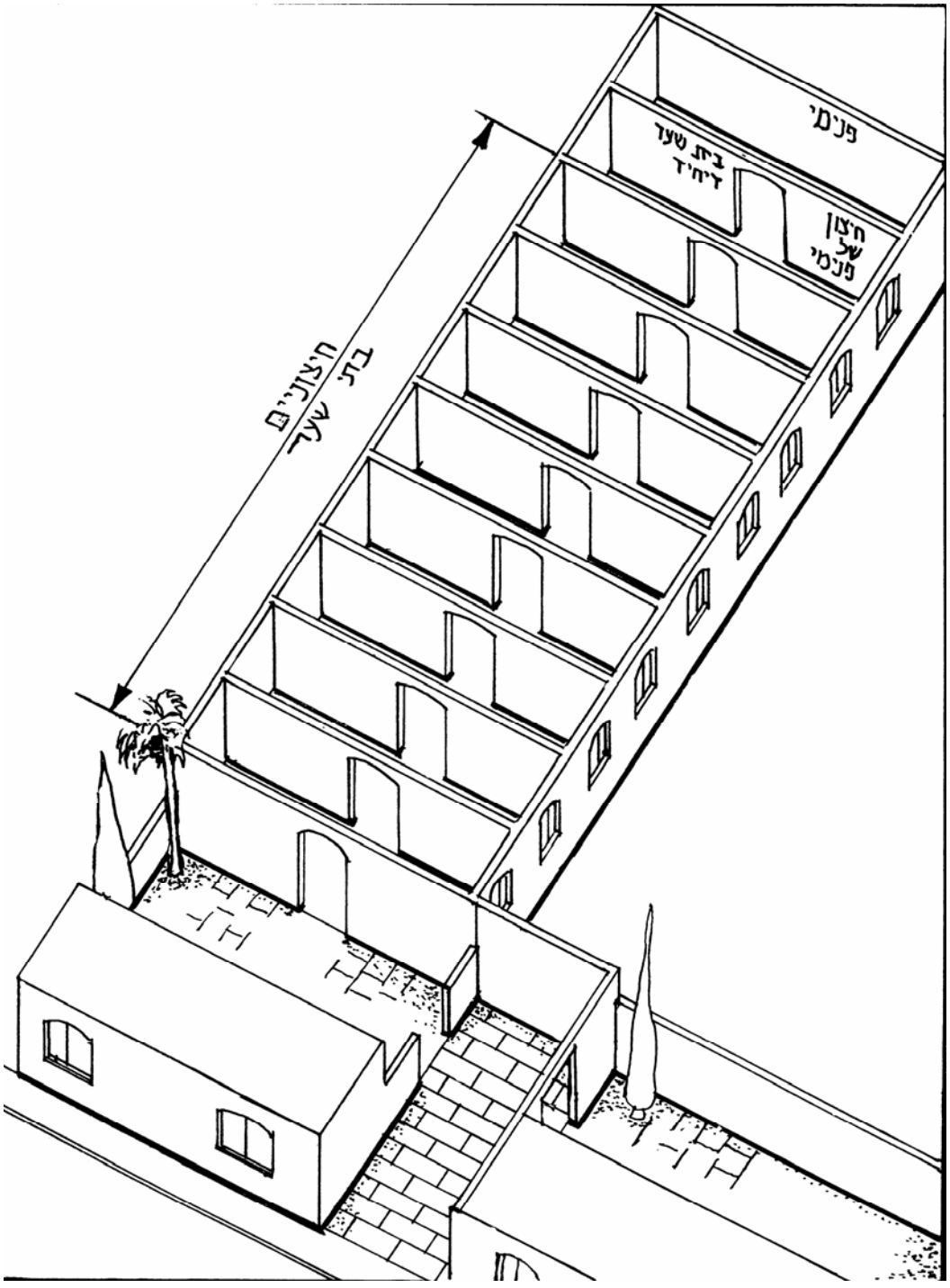
The Gemara answers: People will not assume that they rented jurisdiction from the gentile. Because **if it happened that they rented, he** the gentile **would announce it.**

Therefore, people who do not know the truth about the situation will think that there are many gentiles there, and mistakenly infer that even *derisat regel ha'asurah* does not forbid an outer courtyard from carrying.

[7] This is explained according to the *Meiri*. But see *Gaon Yaakov*.

Perek 6 – 75B

Said Rabbi Yehudah said Shmuel: If there are ten houses, one within the other (see illustration[8])**, the inner** i.e. furthermost house **gives its** food for the ***eiruv,*** to join with the separate-standing houses of the courtyard. (I.e. the houses other than these ten connected



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ones.) But the nine other houses that are connected need not contribute to the *eiruv*, because they have the status of a gate-house (which is an area used as an access route). And the Mishnah later (and the Gemara 72a above) says that a gate-house does not forbid other houses in the courtyard from carrying, and does not have to participate in the *eiruv.*

And Rabbi Yochanan said: Even the outside houses, i.e. the other nine, have to give towards the *eiruv.*

The Gemara asks in surprise: **The outside** houses **are a gate-house,** and should not have to participate!

The Gemara explains: Rabbi Yochanan was referring to **the outside of the inner**most house. In other words, the house next to the furthermost house.

One **master,** Shmuel, who obligates only the innermost house to participate, **holds** that **the gate-house of a single** person **is called a gate-house.** Therefore all nine outside houses are gate-houses.

And the other **master,** Rabbi Yochanan, **holds** that the gate-house of a single person **is not called a gate-house.** Therefore the ninth house, which is serving as a gate-house only to the tenth house, is considered a regular house and not a gate-house. Thus it must contribute toward the *eiruv.*

Said Rav Nachman said Rabbah bar Avuha said Rav, regarding the following case**: Two courtyards and there are three houses between them,** one open to one courtyard,

the second to the other courtyard, and the middle house open to both these houses.[9] (see illustration[10])

All three houses can be exempted from giving to the *eiruvin* of their respective courtyards. How?

Because **this one,** i.e. this person, **comes** from courtyard 1 **via this** house 1, and thereby enters the house in the middle. **And** he **puts his *eiruv* in this** middle house.

[9] However, the middle house also has another entrance to a public domain. Otherwise it would be regarded as a gate-house of the other two, and not require an *eiruv* at all. *Ran*.

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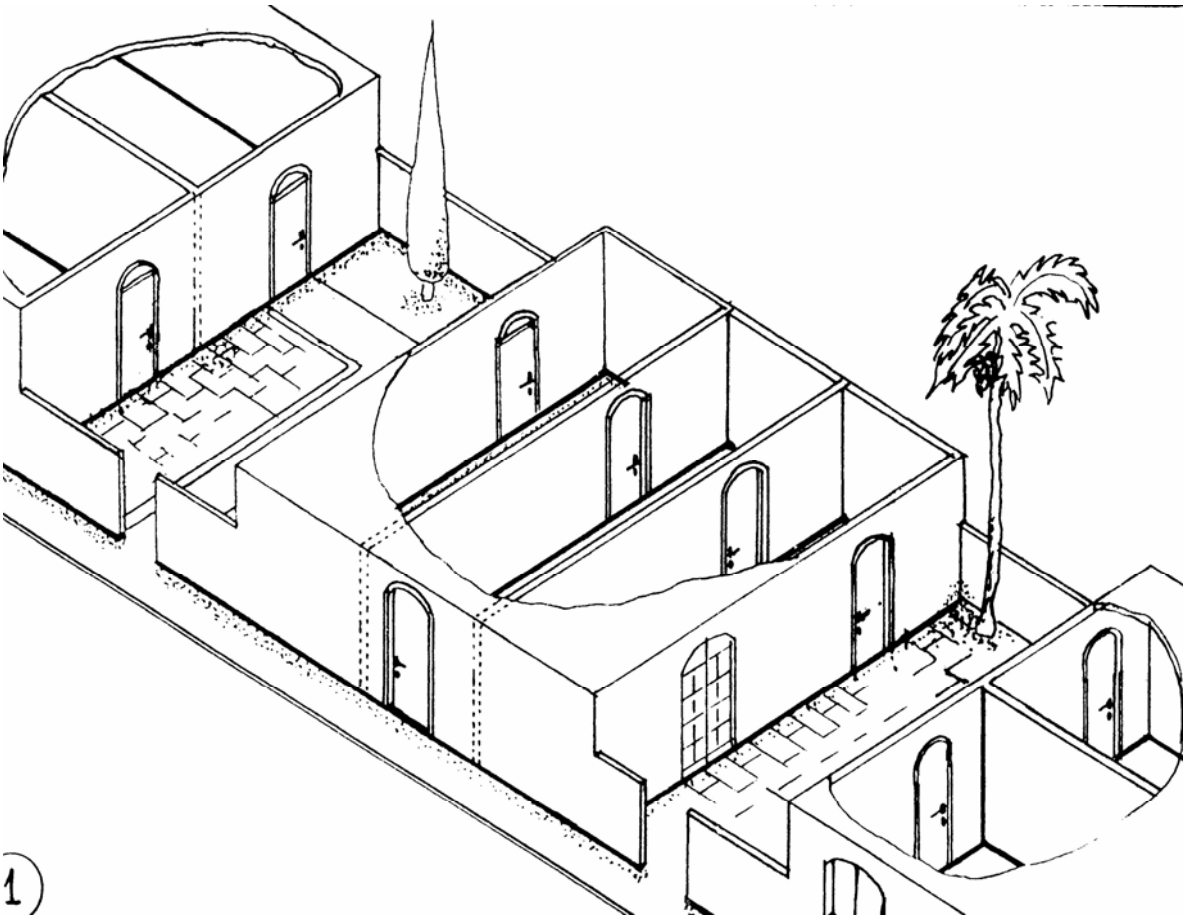

Perek 6 – 75B

And **that one,** i.e. another person, **comes** from courtyard 2 **via that** house 2, and thereby enters the house in the middle. **And** he **puts his *eiruv* in this** middle house.

Perek 6 – 76A

Daf Ayin Vav

The reason that none of the houses needs to participate in the *eiruv* is that **this** house next to this courtyard **becomes a gate-house** for this courtyard, to access the middle house.

And that house next to the other courtyard **becomes a gate-house** for that courtyard, to access the middle house. And gate-houses do not have to participate in an *eiruv*.

And the **middle** house is exempt from sharing in the *eiruv* because **it becomes a house that they put the *eiruv* in. And** the rule is that **it** (the house where the food of the *eiruv* is placed) **does not have to give** towards **the bread** i.e. the food of the *eiruv*. For the mere fact that the *eiruv* is in it makes it a partner in the *eiruv*.

Rechava tested the scholars by asking them the following question:

Perek 6 – 76A

If there are **two courtyards** (1 and 2) **and two houses** (1 and 2) **between** them (the two courtyards), in the following order: Courtyard 1 opens to house 1, house 1 opens to house 2, house 2 opens to courtyard 2. (see illustration[11])

And each courtyard wants to make an *eiruv* for itself, as follows:

This person of courtyard 1 **comes via this** (house 1,) **and puts his *eiruv* in this** (house 2).

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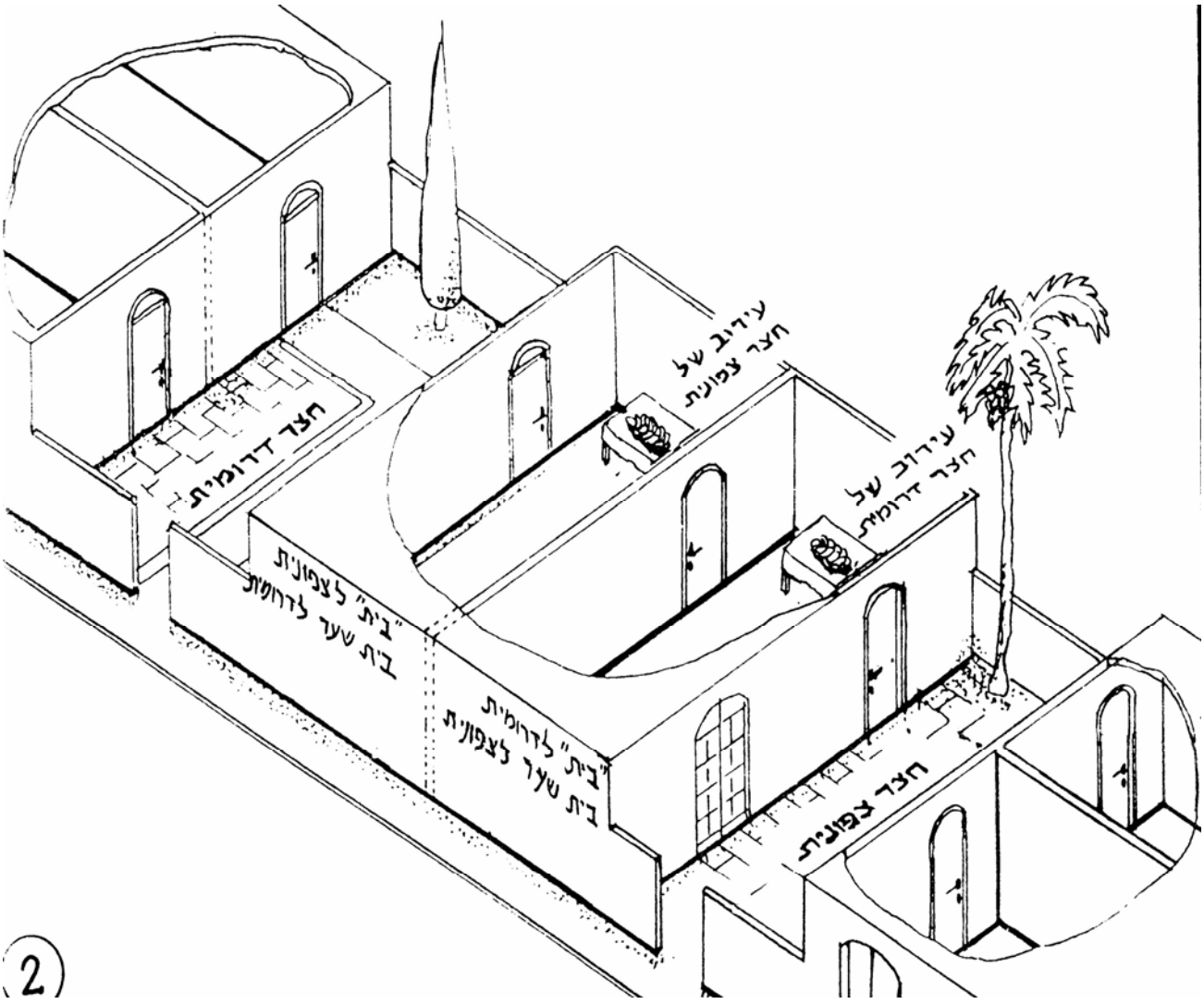


Perek 6 – 76A

And that person of courtyard 2 **comes via that** (house 2), **and puts his *eiruv* in that** (house 1).

Thus we have the peculiar situation that courtyard 1 wants to include house 2 in its *eiruv*, but not house 1. And vice versa for courtyard 2.

*

Introduction:

If both houses are regarded as proper houses, both of the *eiruvin* will be invalid. This is because the houses next to each courtyard are not part of the *eiruv.* Thus the people of each courtyard have no way of carrying from their courtyard to and from the house holding their *eiruv.*

Whereas if we regard both houses as gate-houses, because one house is leading to another, the rule is as follows: a gate-house does not have to share in an *eiruv,* and the people in the courtyards would thus have access to these houses. But then there would be another problem: an *eiruv* placed in a gate-house is invalid (Mishnah later 85b).

The only solution would be to say that for courtyard 1, house 1 is a considered a gate-house, whereas house 2 is considered a house. And for courtyard 2, we will say the reverse: house 2 is considered a gate-house, whereas house 1 is considered a house.

*

Thus the Gemara inquires: **Do we make them** (the houses) **for this one** (i.e. courtyard 1) **a house, and for that one** (i.e. courtyard 2) **a gate-house?**

Perek 6 – 76A

And for that one (courtyard 2) we will say the opposite, and consider it **a gate-house, and for this one** (courtyard 1) a house?

They the scholars **said to him** Rechava: **Both of them,** the courtyards, **do not acquire a** valid ***eiruv.***

Because whatever way **you want** to look at it, there is a problem**: If you make it** (a house) **a gate-house,** the rule is that **someone who puts his *eiruv* in a gate-house, passage or portico, it is not an *eiruv.***

And if you make it a house: One has to carry to the house where the *eiruv* is via a house **that one did not include in the *eiruv.***

And we cannot grant a house two self-exclusive statuses simultaneously.

*

The Gemara raises a difficulty:

And how is this different that the case of **Rava?**

That Rava said: If two people told someone: Go and make an *eiruv techumin* for us.

And for one he made the *eiruv* for him while it was still day. **And for** the other **one he made the *eiruv* for him at twilight.**

And **this person who he made the *eiruv* for him while it was still day, his *eiruv* was eaten at twilight.**

Perek 6 – 76A

And that person who he made the *eiruv* for at twilight, his *eiruv* was eaten after dark.

The Halachah is that **both acquired their *eiruv.*** I.e. each one has a valid *eiruv techumin,* upon which he may rely to extend his Shabbat boundary in that direction.

How can this be? The rule is that the *eiruv* must be in its intended place at the time when Shabbat commences. And twilight is a time when we do not know whether it is day or night, so we do not know if Shabbat has commenced yet.

Therefore we are not sure whether the first person's *eiruv* was still existing when Shabbat commenced. And we are not sure whether the second person's *eiruv* was yet in place when Shabbat commenced.

Furthermore, if twilight is considered day, the first person's *eiruv* is invalid. And if twilight is considered night, the second person's *eiruv* is invalid. So how can both *eiruvin* possibly be valid?

The Gemara, Shabbat 34b, explains that it because the institution of *eiruv techumin* is Rabbinical, i.e. it is not a Torah law. Thus, even though each *eiruv* is subject to an uncertainty, we are lenient to say that they both are valid.

Furthermore, the leniency applies in spite of the contradiction involved, in which we are granting twilight two self-exclusive statuses simultaneously.

But this raises a difficulty to the answer of the scholars in the above case. For they ruled that the *eiruv* is invalid because a house cannot simultaneously be a proper house for one courtyard and a gate-house for the other.

*

The Gemara answers: Now is it really **that way,** as you have described it**?** Surely the cases are different!

There, in the case of *eiruv techumin,* **an uncertainty of day** and **an uncertainty of night is not recognizable** to people's eyes. Thus the contradiction is not readily perceived.

But here, if for this courtyard it is a **house, for that** courtyard **it** must also be **a house. And if for this** courtyard **it is a gate-house, for that** courtyard **too** it must be **a gate-house.** For it is not just a matter of name alone; the fact that we are treating the place simultaneously as a house and a gate-house is something that can be visibly observed.

Hadran Alach Hadar

We Will Return to You, Perek Hadar

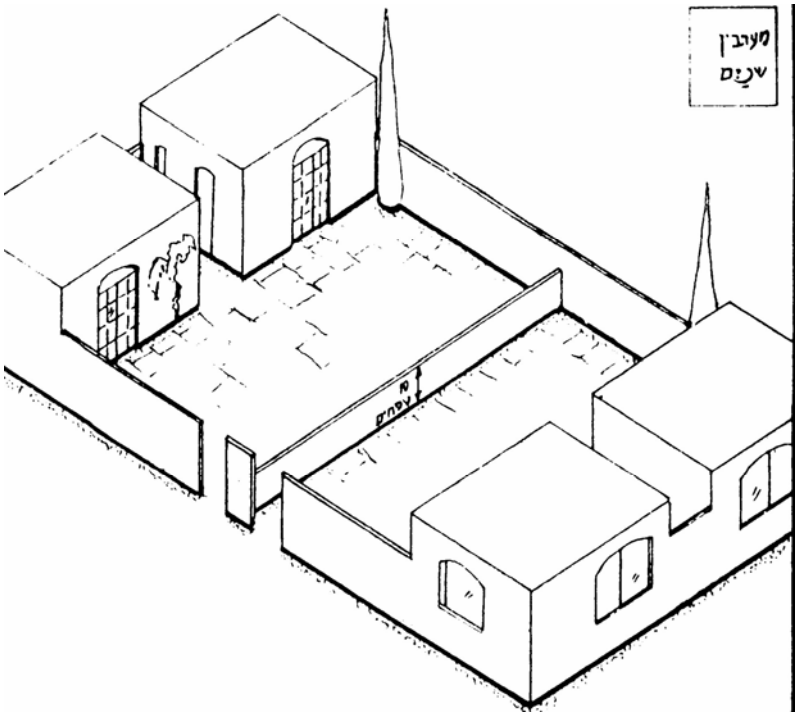
Chavruta
Eiruvin – Daf Ayin Vav

Translated by: *Rabbi Reuven Subar*
Edited by*: R. Shmuel Globus*

Perek Chalon

Mishnah

A) If two adjacent courtyards are separated by a partition with no opening between them, the people of each courtyard may make their own separate *eiruv*; this permits them to carry from their houses to the joint courtyard on that side of the partition. They may not, however, carry from a house in one courtyard to the other courtyard via any holes between the two courtyards, nor over the partitioning wall. (see illustration[1])



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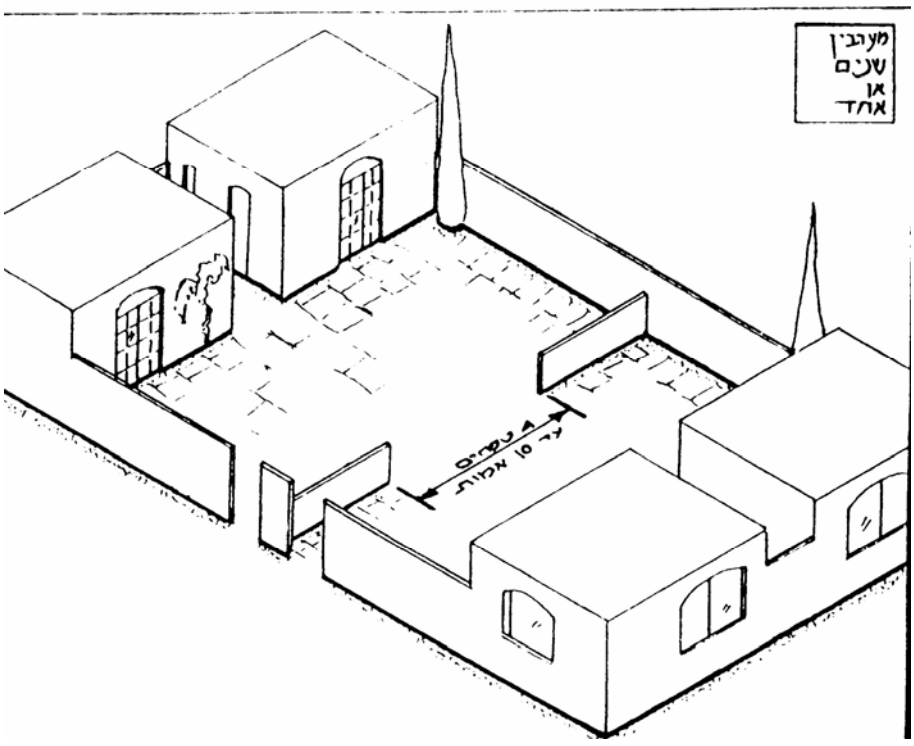
Perek 7– 76a

Even should they desire to join all the houses and courtyards together via an *eiruv*, they may not do so, because they are separated from one another by a complete wall that has no opening.

B) All this is true only if there is no opening (with a width of four *tefachim*[2] to ten *ammot*[3] wide). But if there is an opening between them, then they have a choice: They can either make two separate *eiruvin*, in which case they are forbidden to carry into each other's courtyard; or they can make one joint *eiruv*, in which case they are permitted to carry into each other's courtyard. (see illustration[4])

And similarly, if there were no wall between them, but there was **a window between two courtyards,** whose width was **four** *tefachim* **by four** *tefachim* or more, and part of the

[2] 1 tefach: 3.1 in., 8 cm
[3] 1 ammah: 18.7 in., 48 cm



[4]

window is located **within ten** *tefachim* above the courtyard floor – this window has the halachic status of an opening. (see illustration[5])

And therefore, if they want, **they may make two** separate ***eiruvin*, and if they want they may make one** joint ***eiruv***.

But if the dimensions of the window were less than **four** *tefachim* **by four** *tefachim*,

or if the entire window was situated **above ten** *tefachim* from the ground, then **they may make two *eiruvin***, a separate one for each courtyard, **but they may not make one *eiruv*** jointly.

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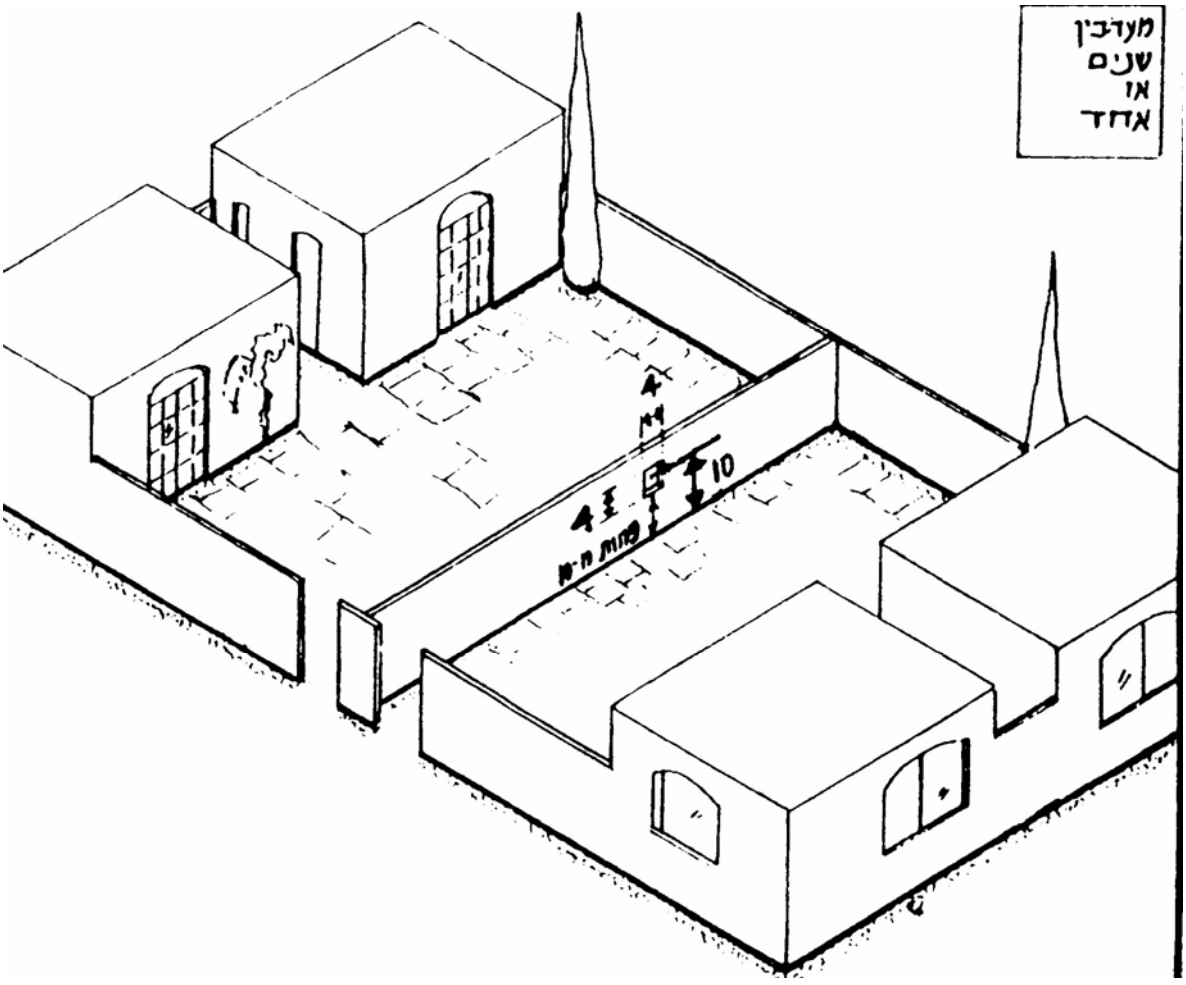

The reason for this is as follows: A window whose dimensions are less than four *tefachim* isn't considered an opening, because it is not fitting to bring things in and out via it, since it is too narrow. And (in the words of the *Mishnah Berurah*) "it is as though it didn't exist". Consequently, the wall divides the two courtyards and they can not make an *eiruv* together.

And so, too, if the entire window is more than ten *tefachim* from the ground — ten being the minimal height of a partition — the window is not effective in joining the courtyards, since underneath it there is a complete partition dividing the courtyards, making it impossible to make one *eiruv* (*Mishnah Berurah*; see *Rabbeinu Yehonatan*).

Gemara

Rabban Shimon ben Gamliel and the Sages differ regarding the Halachah of "*lavud*" (meaning that we ignore gaps in a partition), as follows:

Rabban Shimon ben Gamliel holds that even for a gap of more than three *tefachim* (up until slightly less than four *tefachim*) we apply the principle of "*lavud*".

The Sages, on the other hand, hold that we apply the principle of "*lavud*" only for a gap that is less than three *tefachim*.

Now, our Mishnah stated that a window less than four by four is not considered an opening.

The Gemara therefore asks: Is this **to say that we have learned** here in this **unnamed** statement of our Mishnah **in accordance with** the view of **Rabban Shimon ben**

Gamliel, who said: "Anything less than four *tefachim* **is considered "*lavud*"**, i.e., joined, and its gap is ignored?"

For the Sages assumedly would consider a window of three *tefachim* to be an opening.

The Gemara rejects this approach: **You may even say** that our Mishnah is in line with the view of **the Sages,** even though they hold that three *tefachim* is enough to preclude "*lavud*":

The Sages only differ with Rabban Shimon ben Gamliel in regard to the size up to which we say **"*lavud*". But in regard to t**he size of **an opening, even the Sages agree that if there is** a window with dimensions of **four by four,** only then is it **considered** an opening, **But if not,** then **it is not considered** an opening.

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We learned further in the Mishnah: A window that is **less than four** by four, or that is above ten, they may make two *eiruvin* but they may not make one *eiruv*.

The Gemara raises a difficulty: Why do I need to be taught this? It is **obvious**, since it is implied by a prior clause of the Mishnah, as follows:

Being **that it said** in a prior clause of the Mishnah: "A window between two courtyards that has dimensions of **four by four within ten,** if they want they may make two *eiruvin*, and if they want they may make one joint *eiruv*," **automatically I know that less than four,** or **above ten—no,** they may not make a joint *eiruv*. If so, why does the Mishnah need to tell me this ruling?

The Gemara answers: **This is what it teaches us** by saying that if the window is above ten that they can not make a joint *eiruv*: that **the reason is that** the window **is entirely**

above ten, and for that reason it is not effective in joining the two courtyards. **But** a window which is **partially within ten**, if they want, **they may make two *eiruvin*, or if they want, they may make one *eiruv*** jointly.

But from the Mishnah's first ruling we do not know this. For the Mishnah's first ruling — "within ten" they may make one joint *eiruv* — could be understood as meaning that the entire window is within ten.

*

The Gemara now explains that this ruling of the Mishnah, that a window partly within ten suffices for a joint *eiruv*, was taught in a Baraita as well:

We learned in a Baraita **that** ruling which was taught in the Mishnah. **For the Sages taught** in a Baraita:

A) If a window is **entirely** (meaning mostly) **above ten** *tefachim*, **but part of it is within ten—**

B) Similarly, if **it is entirely** (meaning mostly) **within ten, but part of it is above ten—**

They may make two separate ***eiruvin*. And if they want, they may make one** joint ***eiruv***, even though the entire window is not within ten *tefachim*.

The Gemara raises a difficulty: **Now** that we have learned in the Baraita's first case that even if the window was **entirely** (i.e. mostly) **above ten and** only **part of it was below ten,** nevertheless **they may make two *eiruvin*, and if they want, they may make one *eiruv*** jointly—

If so, what new teaching do we learn from the Baraita's second case? If **it is entirely** (i.e. mostly) **within ten and part of it is above ten, is it necessary** to say that they may make one joint *eiruv*? Surely they may!

The Gemara answers: This is a normal format for a Tanna to state his teachings, although the second case teaches nothing that we would not have derived from the first case. This format is meant to be understood as follows: **"This** is so (that a minimal part of the window within ten suffices for one joint *eiruv*), **and there is no need to say this** other case**"** (that when the majority of the window is within ten, they may make one joint *eiruv*). This is the format in which **it was taught.**

Said Rabbi Yochanan: The window by means of which the Sages allowed making one joint *eiruv* must have the dimensions of a square of four by four. That is, each side of the window must be least four *tefachim* long.

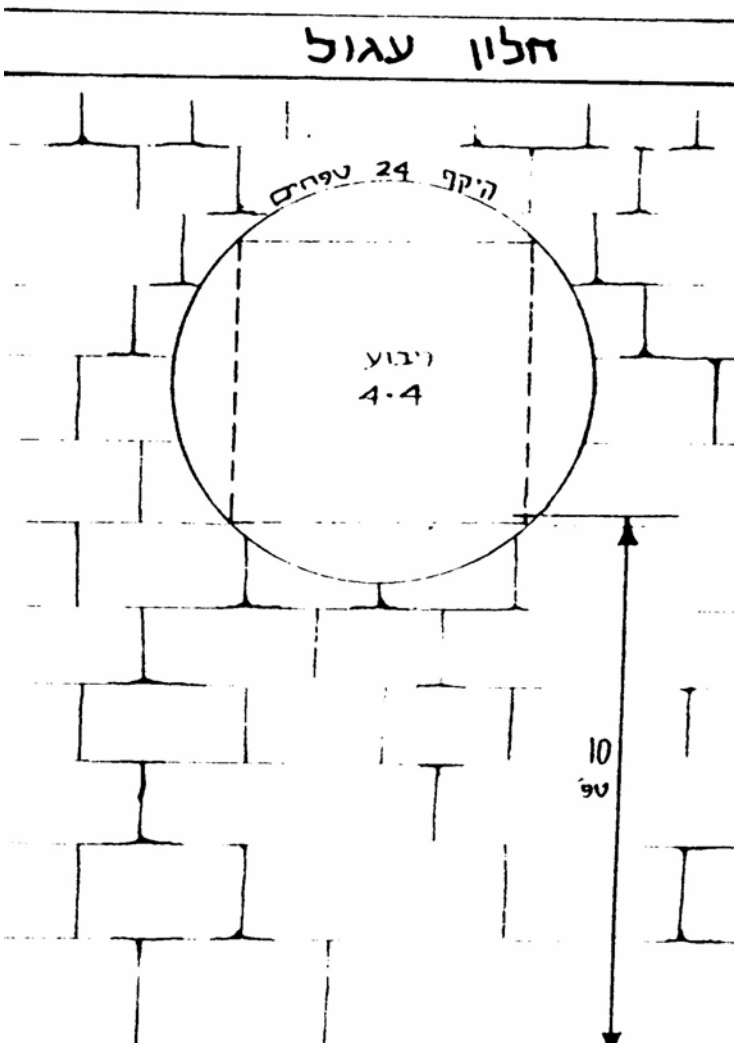
Perek 7– 76a

And being that every circle defines an inscribed square (i.e. inside any circle you can draw a square whose four corners touch the perimeter of the circle), and the diagonal of this square is the diameter of the circle (see illustration[6]), therefore:

A round window in a wall that divides two courtyards—

a) **needs to have a circumference of 24 *tefachim***

for only with such a circumference will the length of each side of the window, i.e. the inscribed square, be four *tefachim*.



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Perek 7– 76a

b) The inscribed square must also be partly within ten *tefachim* from the courtyard floor.

And therefore, **two** *tefachim* **and a little bit of them**, out of those 24 *tefachim* of the circle's perimeter, must be **within ten** *tefachim* from the ground (see illustration[7]).

This is so **that if one will square it** off, reducing the round window to a square, **there will** still **be a little bit** of the square window **within ten** from the ground (see above illustration).

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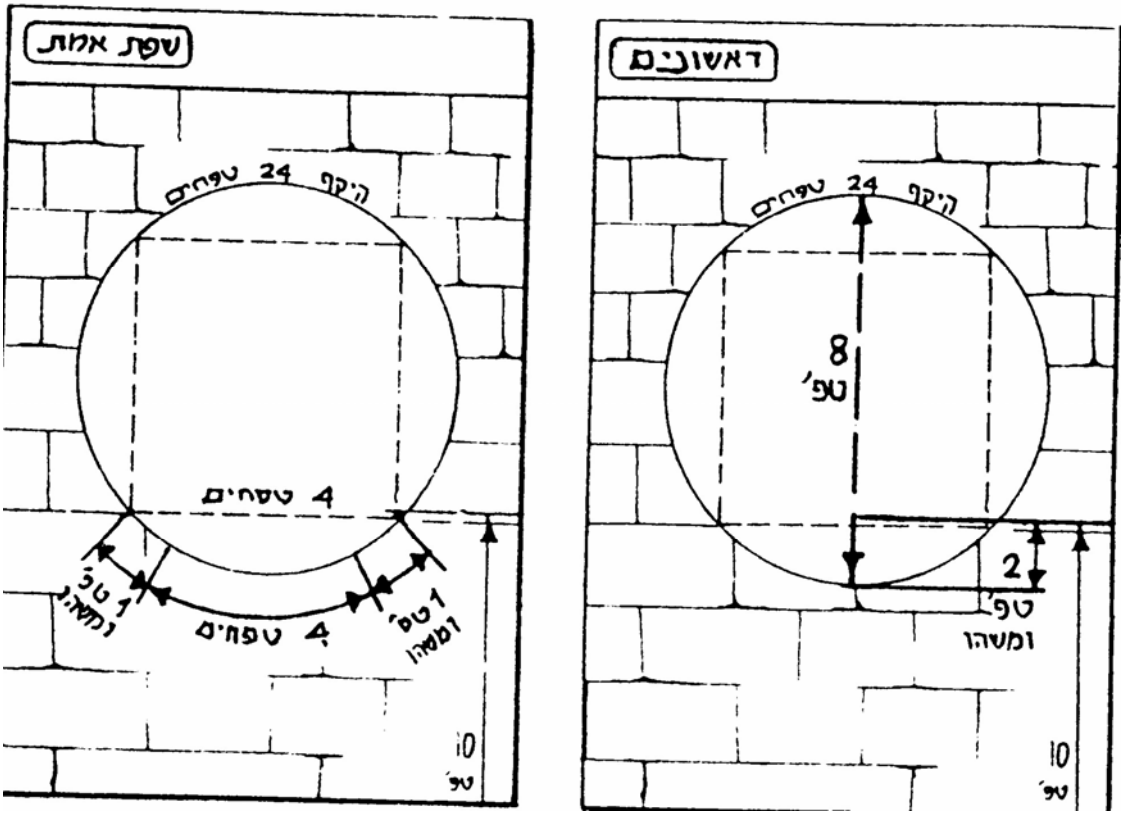
[7]



two explanations

The Gemara assumes at this point that it is enough for the length and width of the window to be four *tefachim* at its middle; it doesn't matter that the window is round and gets smaller on the sides, even though there it will be smaller than four *tefachim*.

And, according to this, it is enough that the diameter of the window be four *tefachim*, since such a window has a length and width of four *tefachim* – at its middle.

And therefore, the Gemara asks: Why do we need a perimeter as large as 24 *tefachim*?

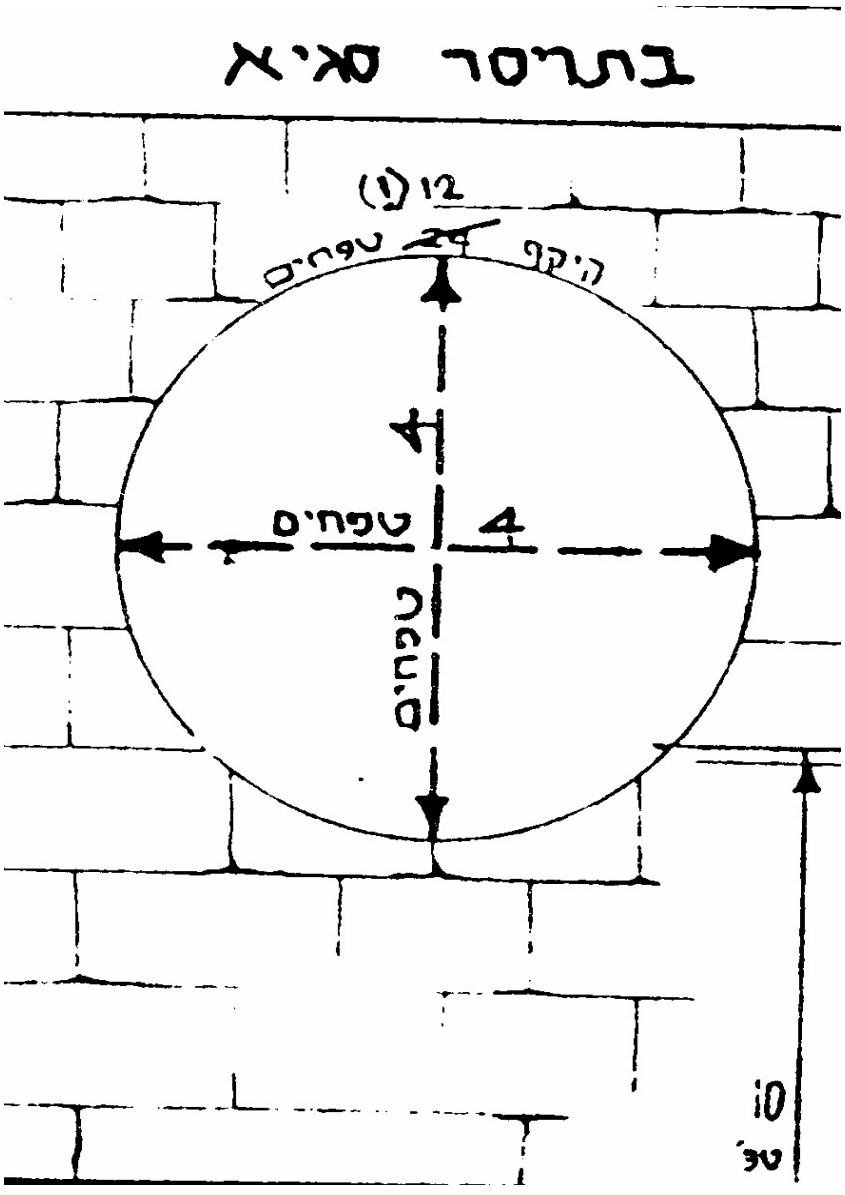
Let us see: every circle **that has a circumference of three *tefachim* has a width** (diameter) **of a *tefach*.**

If so, according to this ratio, a round window **with** a diameter of **12** *tefachim* **is enough**,

for its diameter is four *tefachim*! (see illustration[8])

Ammud Bet

The Gemara answers: A round window with four at its diameter does not suffice. Rather, we need a square window whose dimensions are four by four.



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Therefore, the principle of "every circle whose circumference is three has a diameter of one" is not pertinent here. Because **these words** apply **in** regard to **a circle**,

But in regard to **a square**, if we want to inscribe a square inside a circle such that the square has dimensions of four by four, **we need** a perimeter that is **more** than 12 *tefachim*.

*

And still, the Gemara assumes at this point that it is enough that the circumference of the round window be the same as the perimeter of a four-by-four window (i.e. 16 *tefachim*, not 24 as earlier stated.) The Gemara now proceeds to derive this figure through reasoning.

The Gemara raises a difficulty: But a square window of four by four has an inscribed circle whose diameter is four *tefachim*, like the width of the square.

And in order to draw such a circle, one must multiply its diameter by three (in accordance with the principle that every circle whose circumference is three has a diameter of one).

Let us see: How much is the perimeter of the outside **square greater than the** circumference of the inscribed **circle? A quarter** of the total (meaning a third more than the circumference of the circle).

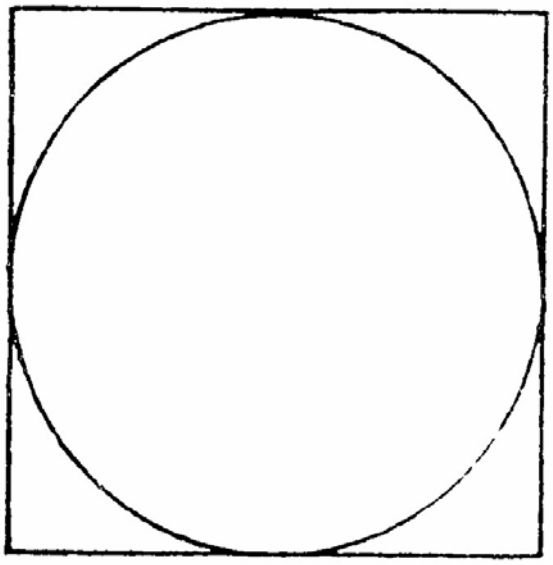
And a circumference of 12 *tefachim* pertains to a circle whose diameter is four *tefachim*, as stated. Therefore, if we need to encircle the outer square, which is four by four, we need to add a third to twelve. Thus **16** *tefachim* **is enough** for the circumference of the round window, since such a circumference is enough for the perimeter of a square window of four by four!

*

The Gemara answers: **These words**, that it is enough to add a "quarter from the total" (i.e. a third), were said in regard to **a circle that emerges from within a square**, i.e. an inscribed circle (see illustration[9]).

Meaning: If we come to figure out the perimeter of the outer square, how much it is greater than the inner circle, and we know the circumference of the inner circle, we need to add a quarter of the total, and then we will know the perimeter of the outer square.

But here this is not enough. Rather, we need the round widow cavity to have dimensions that allow for a complete square of four by four to exist within it, and not as we had thought until now.



9

That is, **a square which emerges from within a circle**. And if we come to figure out the circumference of the outer circle, based on the perimeter of the inner square (which in our case is 16 *tefachim*), **we need** to add **more** than a quarter.

What is the reason? Because of the corners, i.e., the added length of the square's diagonal dimension which goes from corner to corner. That is, the width of the circle wherever we measure must equal the diagonal of the inner square. Whereas the width of the inner square is not that long, except when measured from corner to the diagonally opposite corner. Therefore, the outer circle's circumference needs to be more than a quarter greater than the perimeter of the inscribed square.

*

The Gemara raises a difficulty: Still, though, we don't need so much (i.e. 24 *tefachim*). For we need only to triple the length of the diagonal of the square, which is the diameter of the circle in keeping with the ratio that "any circle of circumference three has a diameter of one."

The Gemara makes the calculation: **Let us see: every square *ammah* has a diagonal of an *ammah* and two-fifths.** According to this ratio, a window of four by four *tefachim* has a diagonal of five and three-fifths *tefachim*.

Therefore, a window **with** a circumference of **seventeen minus a fifth is enough**, for this is the result when you triple five and three fifths. Why, then, did Rabbi Yochanan require 24 *tefachim*?

*

Perek 7– 76B

The Gemara answers: **Rabbi Yochanan**, who **said** we need a window of 24 *tefachim*, goes **according to the Judges of Caesaria, and others say "the Rabbis of Caesaria", who said:**

A circle within a square — a quarter. The circumference of a circle inscribed within any square is one-fourth smaller than the perimeter of the square (as we have said: How much is the square greater than the circle? One quarter.).

And **a square within a circle – a half.** This means that the perimeter of a square inscribed within a circle is smaller than the circumference of the circle by half the perimeter of the square – that is, a third of the circumference of the circle. Thus the whole perimeter of the square is two thirds the circumference of the circle.

The reasoning for this is as follows: every square *ammah*, according to this view, has a diagonal of two *ammot*. Thus, in order to encircle a square of one *ammah* by one *ammah*, you need to triple two *ammot*, which produces a circumference of six *ammot*. And since the perimeter of a square *ammah* is four *ammot*, this equals two thirds of the circumference of the outer circle, namely, six *ammot*.

So, in order to encircle a square window of four *tefachim* by four *tefachim*, whose diagonal – according to this ratio – is eight *tefachim*, the result will be a circumference of 24 *tefachim*, which is exactly the figure that Rabbi Yochanan stated.

(The Gemara in *Succah* (8b) challenges this view of the Judges of Caesaria, saying: "But it is not so; for we see that it is not so much," that a square's diagonal is not twice its side.)

Perek 7– 76b

We learned in the Mishnah: **Less than four by four**, or above ten, they can make two separate *eiruvin*, but they may not make one joint *eiruv*.

Said Rav Nachman: They only taught that we need the window to be within ten *tefachim* in regard to **a window between two courtyards.**

But a window between two houses, even if the window is **above ten** *tefachim* from the floor of the house **also,** it is still effective. **If they want, they may make one** joint ***eiruv.***

What is the reason? A house is as though it were full. A house, since it has a roof, is considered as though it were filled up, making it as if the window were not above ten *tefachim*, being that the house is completely filled. (*Mishnah Berurah*; see *Gaon Yaakov*; and see *Rabbeinu Yehonatan*)

Rava contradicted Rav Nachman, from the following Baraita:

It is the same law **for me, whether it is a window between two courtyards, or whether it is a window between two houses, or whether it is a window between two upper stories, or whether it is a window between two roofs** (according to the Sages below, 89a, it is forbidden to carry from a roof belonging to one person to the roof belonging to another person, unless they made an *eiruv*), **or whether it is a window between two rooms.**

All of these windows need to be **four** *tefachim* **by four** *tefachim***, within ten.**

Thus we see that even a window between two houses needs to be within ten, which contradicts Rav Nachman's statement.

*

Perek 7– 76B

The Gemara answers: We should **interpret** the Baraita's statement that the window needs to be within ten as **referring** only **to** a window between two **courtyards**, and not in regard to a window between two houses.

The Gemara challenges the answer: **But "It is the same** law**" was taught** in the Baraita, implying that all cases have the same Halachah.

The Gemara answers: We should **interpret** the words "It is the same law" as being **in reference** only **to** the first Halachah, that the window needs to be **four by four.** Whereas the second Halachah, about the height of ten, has a more limited application.

A ladder leading over a partition has the Halachic status of an opening between the two areas. Thus, if there is a ladder between two courtyards which are separated by a wall, if they want, they may make one joint *eiruv*.

Rabbi Abba posed an inquiry to Rav Nachman, regarding the following case**: A hatch which opens** i.e. provides access **from the** ground floor of the **house to the upper story.** The house and the upper story have different owners, and they want to make an *eiruv* together.

The inquiry is as follows. Do we say: Since the hatch is higher than ten *tefachim* from the ground, they are not able to make an *eiruv* together via it, just as we say in regard to a window that is higher than ten *tefachim*? According to this way of looking at the case, there **needs** to be **a permanent ladder** set up there in order **to permit it,** the making of a joint *eiruv***.**

Or perhaps we say: A house is considered as if it were full. Therefore, the hatch is not considered to be ten high, and they may make an *eiruv* via the hatch. According to this

way of looking at the case, there does **not need** to be **a permanent ladder** in order **to permit it,** the making of a joint *eiruv***.**

Now Rabbi Abba explains the underlying issue: **When we say: "A house is considered as if it were filled",** perhaps **these words** apply only in regard to a window **on the side. But in the middle**, i.e. in the roof of the house, **no**, we do not say that the house is considered as if it were full.

Or perhaps there is no difference between the side of the house and the roof?

*

Rav Nachman **said to him**: **It does not need** a ladder.

He Rabbi Abba **understood this** to mean that **a permanent ladder is what is not needed** in order to make an *eiruv* via the hatch. **But a temporary ladder is** still **needed**.

However, **it was said** in a statement of Amoraim**: Said Rav Yosef bar Minyomi, said Rav Nachman: Whether a permanent ladder or whether a temporary ladder, it is not needed.**

Mishnah

A wall between two courtyards, ten *tefachim* **high and four** *tefachim* **thick — they may make two** separate ***eiruvin***, one *eiruv* for each courtyard, **but they may not make one *eiruv*** to carry from one courtyard to the other via any little holes between them or via going over the wall.

Perek 7– 76B

If **there was produce** placed **on top** of this four-*tefachim* thick wall, then **these** people may **ascend from here,** i.e., from their side of the courtyard, **and eat** on top of the wall, **and those** people from the other courtyard may **ascend from here,** their side, **and eat** (see illustration[10]).

But this is permitted **only if they do not take** the produce **down to the bottom.** This is because the wall is jointly owned, and it is forbidden to carry from a joint courtyard to a private courtyard. (This will be explained further in the Gemara.)

But if the wall was less than four *tefachim* thick, and consequently not a domain unto itself, there is a disagreement in the Gemara about it.

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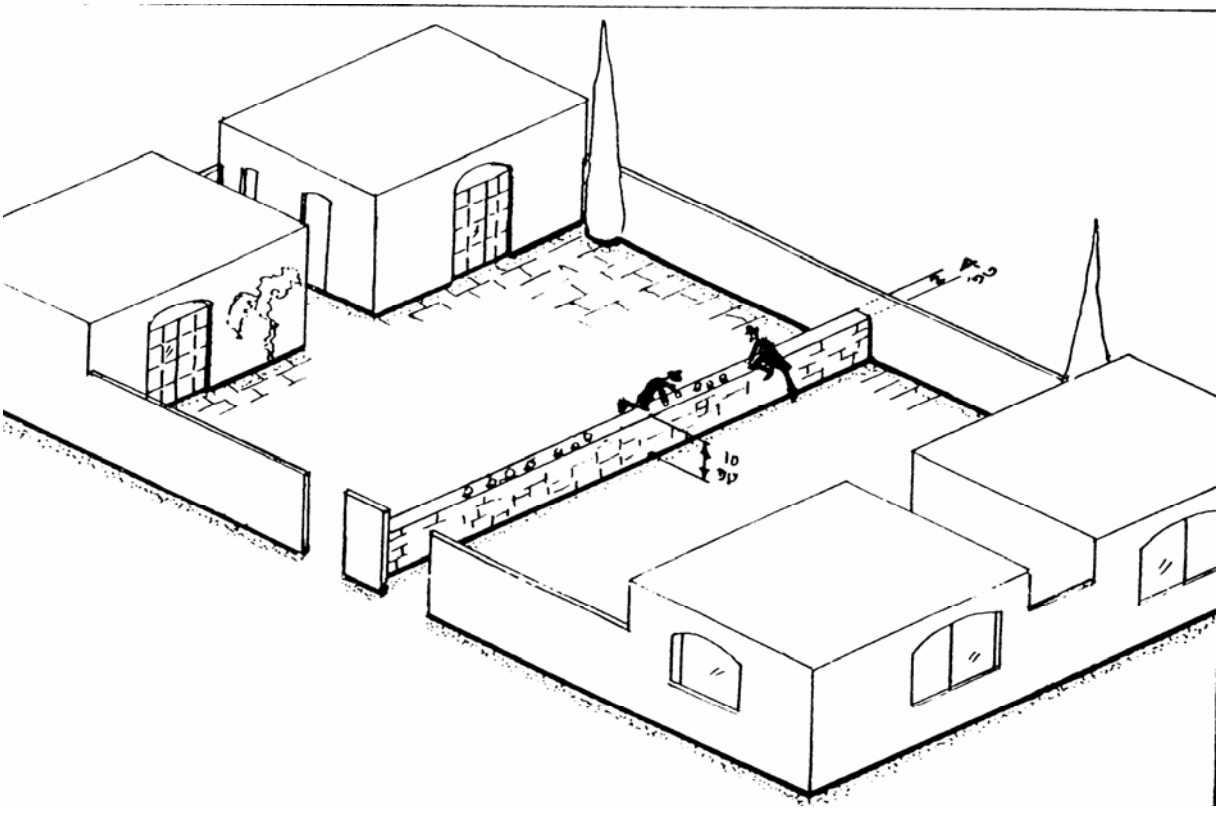


If **the wall** between them **broke open,** the Halachah is as follows**:** if the breach was **up to** (and including) **ten *ammot*** wide, and the wall was not totally breached along the entire width of the courtyard, then **they may make two** separate ***eiruvin*.** Each courtyard is permitted unto itself, but they may not carry from one courtyard to the other.

And if they want, they may make one *eiruv* which permits carrying from one to the other.

What is the reason that they may make two separate *eiruvin*, and that neither courtyard forbids the other? **Because it is like an opening**. I.e. the breach between them has dimensions that constitute an opening. Therefore, the courtyards are not totally open one to another; rather, a Halachic partition – with an opening in it – separates them.

But if the breach was **more than this,** more than ten *ammot*, then it is not just an "opening" between them. (Similarly, if the courtyards were breached along their entire width, with no remaining lintels.) In this case, the people of the two courtyards are regarded as if they dwell in one joint courtyard.

Therefore **they may make one *eiruv*,** permitting to carry in both courtyards. **But they may not make two** separate ***eiruvin*** to permit carrying in each courtyard separately.

Gemara

By way of introduction:

We learn in an upcoming Mishnah (89a, cited above 74a):

Perek 7– 76B

Rabbi Shimon says: Whether roofs or courtyards or corrals, they are (all) one domain as regards utensils that "began Shabbat" within them, but not for utensils which "began Shabbat" within the house.

This means: It is permitted to carry utensils between courtyards, if they were in the courtyard when Shabbat commenced. The different ownerships of the courtyards does not give the courtyards the status of separate domains to forbid carrying between them.

But as regards houses, since they are places of fixed dwelling, they would indeed be considered separate domains.

Thus, utensils that "began Shabbat" in the house and were taken out into the adjacent courtyard on Shabbat, even in a permitted way, are forbidden to be carried to another courtyard.

On this the Gemara states (below 91a, cited above, 74a):

Said Rav: The Halachah follows Rabbi Shimon (that the courtyards are one domain in regards to the utensils that "started Shabbat" within them), provided that they (the people of one courtyard) did not make an *eiruv*.

But if they did make an *eiruv*, no, they may not carry from one courtyard to the other, even those utensils that rested in the courtyard. The reason: Utensils that began Shabbat in the house are commonly taken out into the courtyard due to the existence of the *eiruv*. Therefore, where there is an *eiruv*, it was decreed not to carry between courtyards even utensils that started Shabbat in the courtyard, lest the utensils that started Shabbat in the house be carried by mistake to the other courtyard as well.

Shmuel and Rabbi Yochanan disagree with Rav; they rule according to Rabbi Shimon whether or not an *eiruv* was made. According to them, no decree was made against

carrying "courtyard utensils", even when the "house utensils" are commonly present in the courtyard.

*

If the wall between the two courtyards **is not four** *tefachim* wide – **what** is the Halachah regarding carrying from the courtyards to it, and regarding carrying on top of the wall itself?

Said Rav: The area of both domains, from both sides, applies to it. I.e. the top of the wall is viewed as belonging to both sides. Therefore, **one may not move upon it** produce that was there from before Shabbat, **even by a hair's breadth.**

Rashi explains: Since the narrow top of the wall is not significant enough to be a domain unto itself (as it lacks the dimensions of a self-defining domain), it is nullified in regard to both domains, and the domain of both courtyards holds sway over it. Therefore, the two courtyards forbid one another from carrying on top of the wall.

CHAVRUTA
EIRUVIN – DAF AYIN ZAYIN

Translated by: *Rabbi Reuven Subar*
Edited by*: R. Shmuel Globus*

And Rabbi Yochanan said: These people can **ascend from here and eat, and these** other people can **ascend from there and eat.**

Rashi explains: The people of each courtyard are allowed to carry up and down from their courtyards to the top of the wall, since it is an exempt place (*makom patur*), i.e. an area that there is no prohibition of transferring objects to and from it. This is because it does not have the necessary dimensions to make it into a proper domain. Thus it is nullified to both courtyards, resulting in a leniency.

The Gemara raises a difficulty with Rabbi Yochanan's statement, from what **we learned** in our Mishnah:

A wall between two courtyards, ten *tefachim*[1] high and four *tefachim* thick, with produce on top, **these ascend from here and eat, and those ascend from here and eat.**

This implies: To **ascend, yes**, it is permitted. The people of the courtyard may ascend and eat the produce that is on top of the wall. But to **bring up** produce to there**, no.** They may not bring it up, in contradiction to Rabbi Yochanan, who permits bringing produce to the wall's top.

At this point the Gemara assumes that Rabbi Yochanan permits carrying even to the top of a wall which is four *tefachim* thick. Being that it is ten high and not easy to use the wall's top, the Gemara assumes that it is not considered the domain of the people of either courtyard.

[1] 1 tefach: 3.1 in., 8 cm

Perek 7 – 77a

The Gemara answers: **This is what** the Mishnah **said** i.e. meant**: If it has four by four,** they may **ascend, yes,** but to **bring up, no.**

But if **it does not have four by four,** they may **bring up, too.**

Thus the Mishnah does not contradict Rabbi Yochanan, who was only speaking of a wall with less than four *tefachim* width at the top.

*

And Rabbi Yochanan, who said that a place smaller than four by four is not significant enough to be a domain unto itself, **goes according to his** general **view; for when Rav Dimi came** from the land of Israel to Babylon, he reported what **Rabbi Yochanan** had **said:**

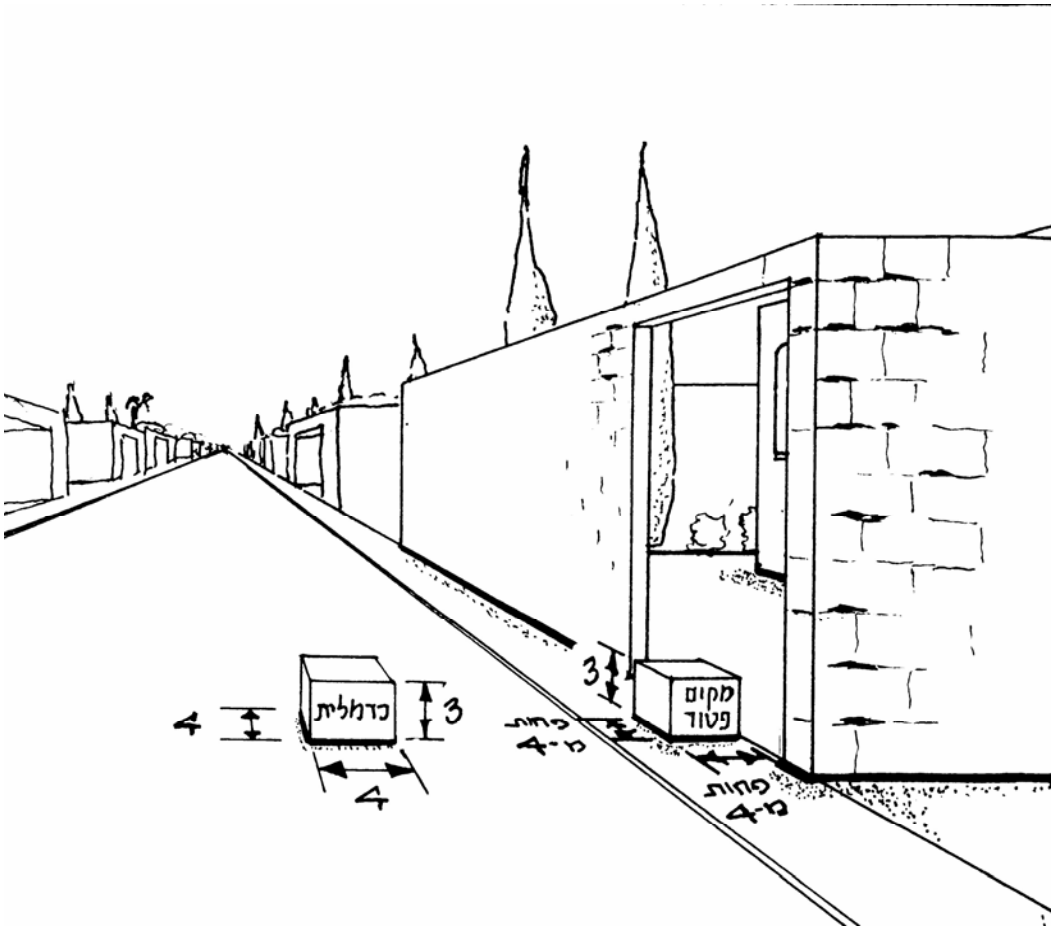
A place four by four *tefachim* wide, between three and ten *tefachim* high, demarcates its own domain and can be a '*carmelit*'[2]. If such a domain stands between the public domain

[2] A domain that is treated as a public domain as regards certain Rabbinic laws.

and the private domain, it is Rabbinically forbidden to carry to it, whether from the public domain or from the private domain (see illustration[3]).

But **a place that does not have four** *tefachim* **by four** *tefachim* in area, standing between the public domain and the private domain, is an exempt place. Even if it is three *tefachim* high, it does not define it own separate domain, due to its small size.

Therefore, it **is permitted** both **to the people of the public domain and to the people of private domain to "shoulder" upon it** i.e. to place their loads on it when they want to readjust the loads upon their shoulders**, so long as they don't exchange** with each other. That is, the people in the private domain and the people in the public domain may not exchange items with each other by putting them down there.



3

Left cube: *carmelit.* Right cube: exempt place.

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The Gemara now raises a difficulty to Rav, who differs with Rabbi Yochanan over a wall that is less than four thick on top. Rav holds the following view, as explained on 76b:

Said Rav: The area of both domains, from both sides, applies to it. I.e. the top of the wall is viewed as belonging to both sides. Therefore, one may not move upon it produce that was there from before Shabbat, even by a hair's breadth.

Rashi explains Rav's view: Since the narrow top of the wall is not significant enough to be a domain unto itself (as it lacks the dimensions of a self-defining domain), it is nullified in regard to both domains, and the domain of both courtyards holds sway over it. Therefore, the two courtyards forbid one another from carrying on top of the wall.

The Gemara asks: **And Rav**, why **does he not hold like Rav Dimi**? For Rav Dimi's statement is in line with a Mishnah in tractate Shabbat, which states: "A person standing upon a stoop may take from a poor man and give to him, and from the householder and give to him." And the reason this is permitted is that the stoop is an "exempt place", being that it is less than four by four *tefachim*.

The Gemara answers: **If** the case **in** question involves **Torah**-defined **domains** such as the public domain and the private domain, as does Rav Dimi's case, **so too** will Rav agree to the ruling reported by Rav Dimi. For when a Torah prohibition is involved, we are not concerned that they will exchange items directly from one domain to the other, thereby incurring a Torah transgression.

But **here, what are we dealing with** in the case where Rav differs with Rabbi Yochanan**? With Rabbinic**-defined **domains**. For the whole prohibition of carrying to

and from places of different ownership is only Rabbinic in origin, so long as nothing is transferred from a private to a public domain or vice versa. **And the Sages gave strength to their words more than** to **those of the Torah**. Since people are not as careful about Rabbinic prohibitions, Rav held that the Sages fortified their decrees, lest people come to carry from one courtyard to another.

Said Rabbah bar bar Huna, said Rav Nachman, regarding the following case**: A** jointly owned **wall** four *tefachim* thick, **between two courtyards, whose one side** – facing one courtyard – **is ten *tefachim* high from the ground. And one side** – facing the other courtyard – **is level with the ground.** "Level to the ground" here is not literal; rather, it means that it is less than ten *tefachim* from the ground, since the floor of their courtyard is higher than the floor of the other courtyard.

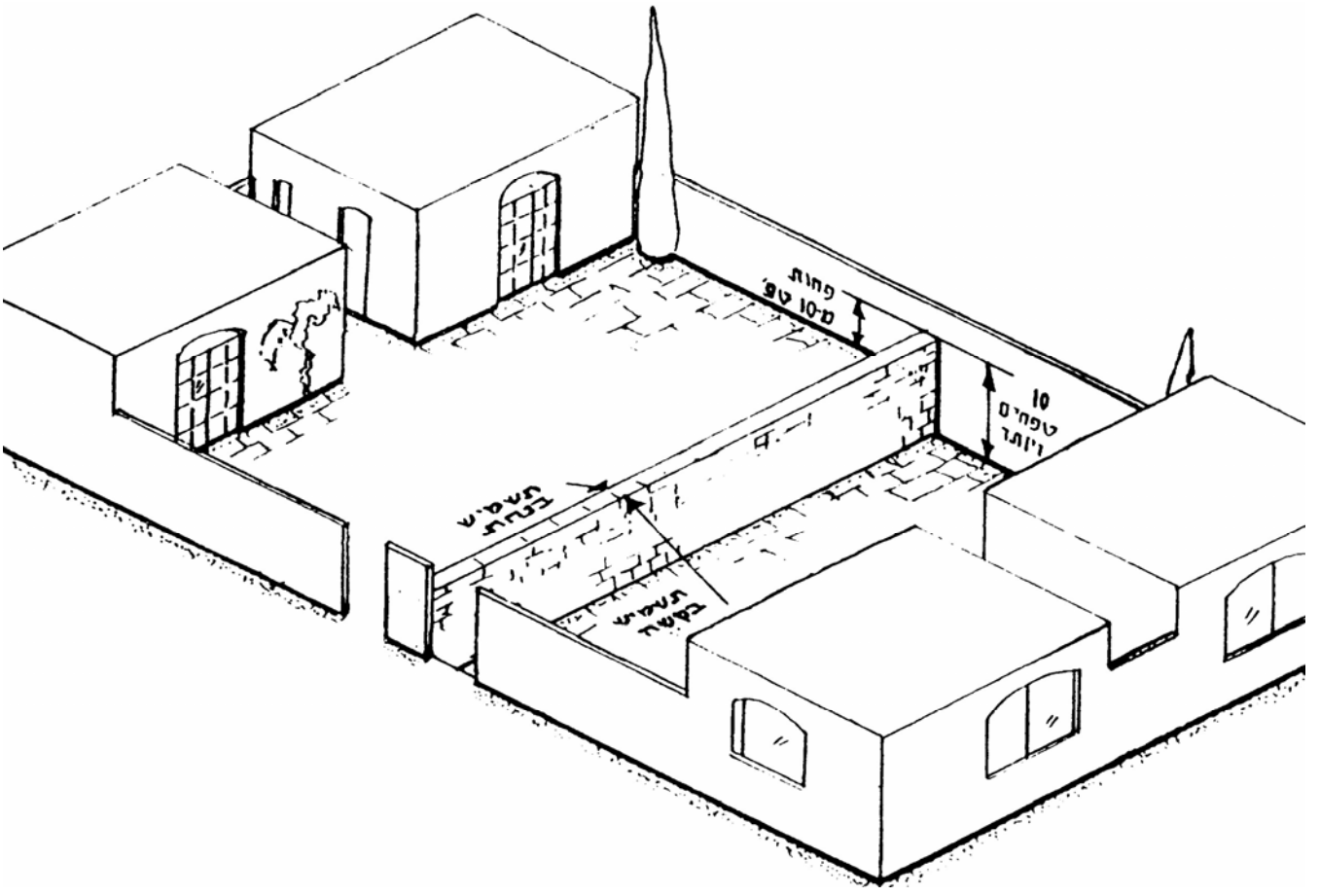
Perek 7 – 77a

In such a case, **we give it to this one that is level to the ground**, in order for them to use it and to carry to it from their houses (see illustration[4]). Whereas the people of the other courtyard are forbidden to use it.

Because it is for this courtyard, the one that is "level" to the wall, **usage with ease**. It is convenient for them to use it. **And for that** other courtyard, it is **usage with difficulty,** since for them it is at least ten *tefachim* high off the ground.

And anything which **for this** place is usage **with ease and for that** place usage **with difficulty, we give it to this** place **whose usage is with ease.**

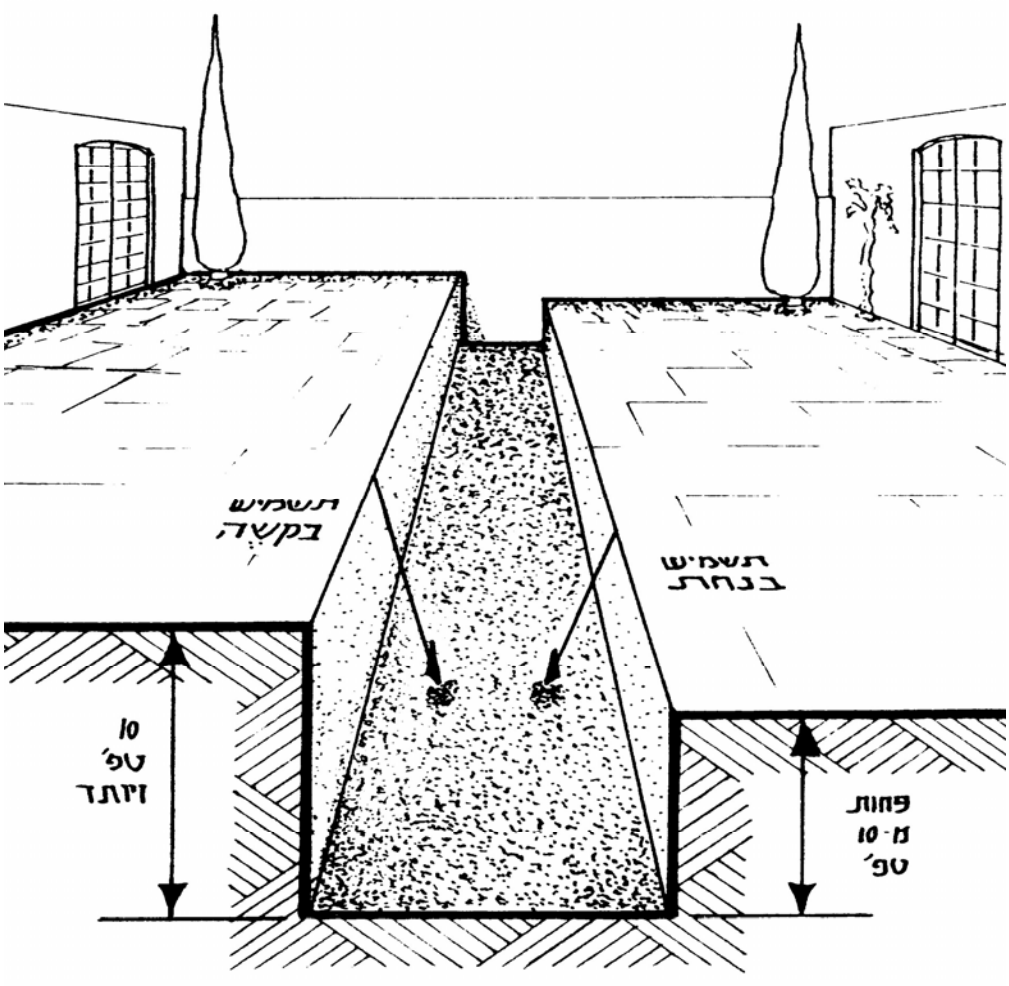
4



And similar to this **said Rav Shizbi, said Rav Nachman,** regarding the following case**: A trench** four *tefachim* wide **between two courtyards** owned by two different people, and this trench runs along the whole length of the courtyards and thereby constitutes a partition between them.

This is a trench **whose one side is ten** *tefachim* **deep, and whose other side is level to the ground**—meaning, it is less than ten deep, since the floor of the courtyard on that side is lower.

Regarding this case, **we give it to this** courtyard **that is level to the ground,** for them to carry there. And the people of the other courtyard may not use it. (see illustration[5])



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Perek 7 – 77a

Because it is for this courtyard, **usage with ease. And for that** courtyard, **usage with difficulty. And anything** which **for this** place is usage **with ease and for that** place is usage **with difficulty, we give it to this** place **whose usage is with ease.**

*

And we **need** both of these statements of Rav Nachman:

For if Rav Nachman had only **told us** this halachah in regard to a **wall**, I would think it was **because a high** place, **people utilize** i.e. people use places that are higher than the ground. And since the people who are "level" with the wall can use it more easily, we give it to them.

But regarding **a trench, that a deep** place, **people don't utilize,** since they need to bend down to use it. And this is not ease of usage, even for the people "level" to it. **I would say no**, we do not give it to one over the other. Thus, we need Rav Nachman's ruling regarding the trench.

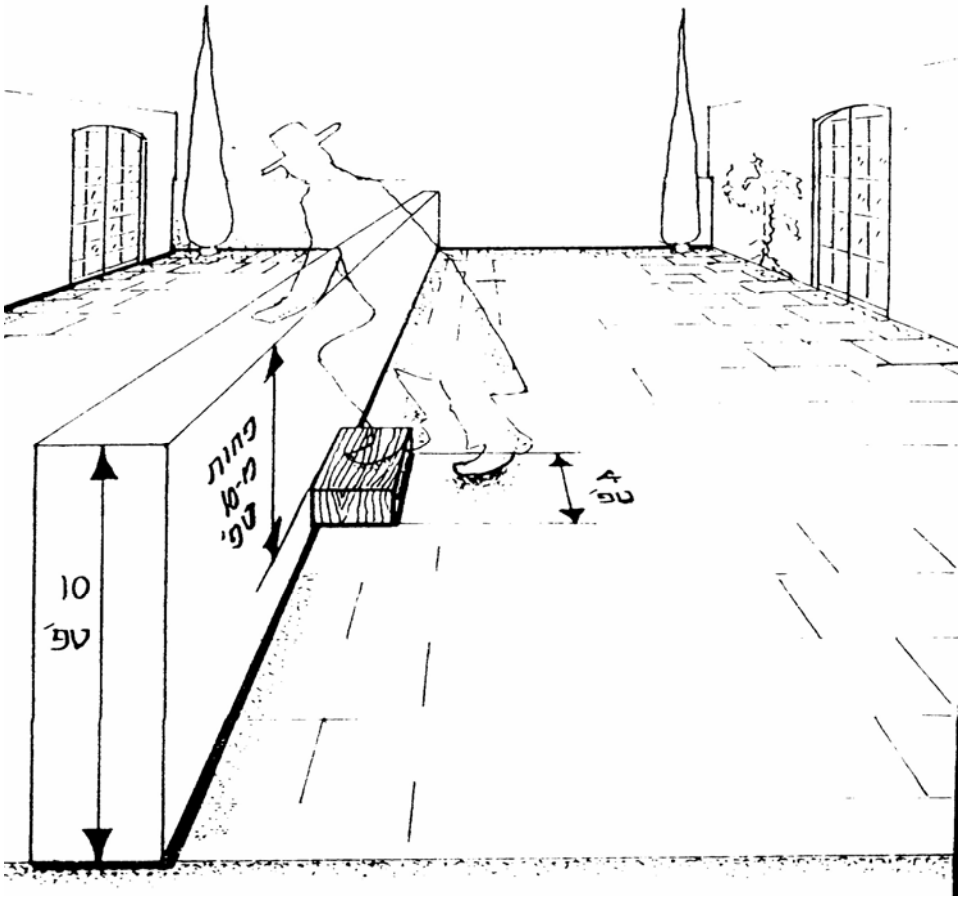
And had Rav Nachman only **told us** the halachah **regarding the trench**, I might think it is so **because it's not frightening to use**, that whatever is put there is safe-guarded. **But a wall, whose use is frightening**, because objects sometimes fall from it ("frightening" here is used as if the objects themselves were afraid lest they fall), **I might say no**, we do not give it to one over the other. For it would not be easy use for either party to use.

Therefore, we **need** both of these statements of Rav Nachman.

Perek 7 – 77a

The Gemara now discusses the case of wall between two courtyards, ten *tefachim* high and four *tefachim* thick, to which both courtyards are forbidden because it is hard for both of them to use. **And** someone **comes to reduce it**s height to less than ten *tefrachim* on one side of the wall, by putting a platform or the like next to the wall. This is so that the people of that courtyard will have easy use (see illustration[6]).

The halachah is: **If its reduction**-platform **has** a length of **four** *tefachim* along the length of the wall, **it is permitted** for the people of the one courtyard **to use the entire wall** and to place on it items that came from inside the house. For it is easy to ascend via the platform to the top of the wall, since there is less than ten *tefachim* between them.



6

Perek 7 – 77a

But if not, i.e. the reduction-platform does not have a length of four *tefachim* along the length of the wall**, one may use only** that part of the wall which is **opposite the reduction**-platform**.**

*

The Gemara raises a difficulty: **What**ever way **you want** to look at it, this does not make sense. **If** you say that **the reduction**-platform **helps,** even though the platform is not four *tefachim* long, then **one should** be able to **use the entire wall**. Just as the platform allows easy use of the piece of wall next to it, so too it allows easy use of the entire wall, because one can ascend via that platform to the top of the wall.

And if you say that **it doesn't help** for the entire wall, because the platform is less than four *tefachim* long, then **even facing the reduction also,** one should **not** be allowed to use the top of the wall. For the platform is not effective in achieving its intended purpose.

Ravina answered and **said:** Here, we are not dealing with a reduction of the wall's height via a platform at the side of the wall. For this certainly won't help at all, even facing the reduction. It is difficult to stand on it and use the wall, thus it is ineffective. (*Mishnah Berurah*)

Rather, **the case** here **is that he dismantled** one **block from the wall's top**, and the floor of one courtyard was also higher than the other (see illustration[7]). By dismantling a block, there remained less than ten *tefachim* from one courtyard's floor to the top of the wall, whereas in the other courtyard, whose floor was lower, there remained ten *tefachim* from the floor to the top of the wall. (Maamar Mordechai; see *Mishnah Berurah*)

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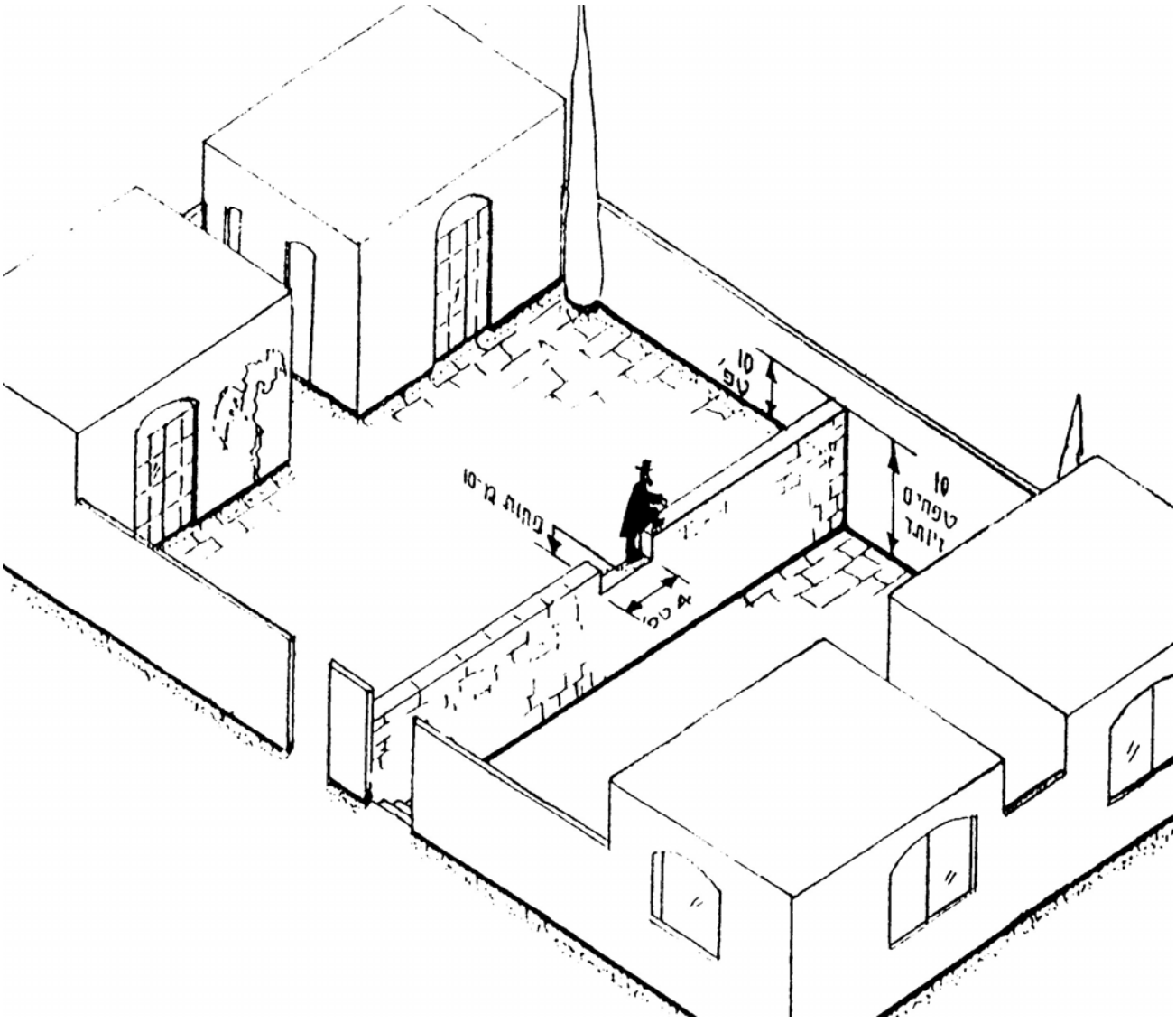


If the length of the dismantled block was four *tefachim*, it is permitted to use the entire top of the wall, since one can easily ascend from his courtyard to that spot where the block was removed, and from there to the entire wall.

But if that spot is less than four *tefachim*, it is not easy to ascend via it to the wall's top, and therefore it is not permitted to use the wall's top in its entirety.

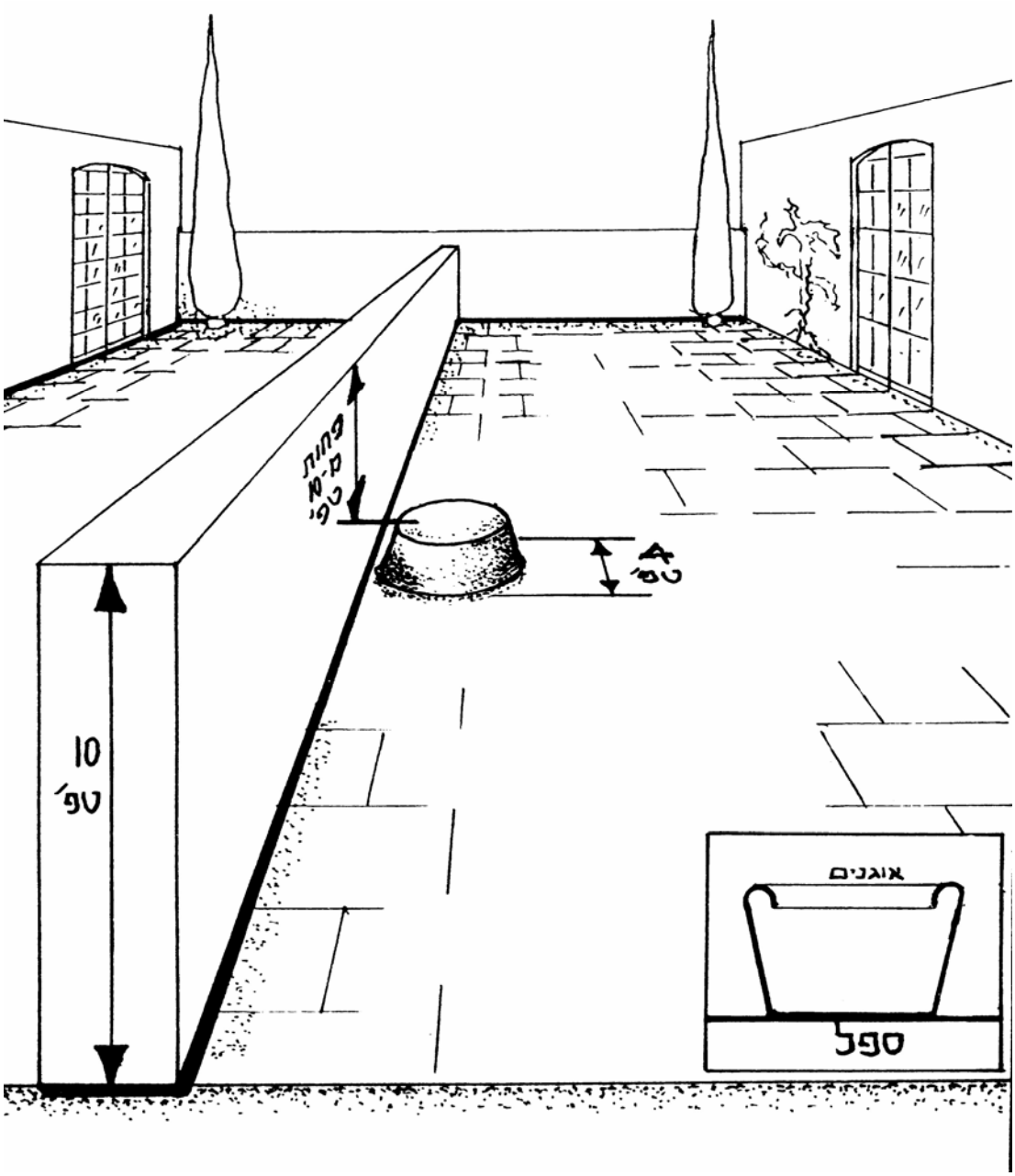
Nevertheless, the spot where the block was dismantled may be used, since there, it is easy to use while standing on the ground.

*

Said Rav Yechiel, regarding a variation on the case of a wall between two courtyards, ten *tefachim* high and four *tefachim* thick, to which both courtyards are forbidden because it is hard for both of them to use. In one of the courtyards, someone **turned upside down**

a basin, along a length of four *tefachim* of the wall, and thereby reduced the wall's height to less than ten tefachim, allowing easy use (see illustration[8]).

Rav Yechiel rules that **it reduces**, and it is permitted for those in that courtyard to use the top of the wall on Shabbat.



8

Perek 7 – 77a

The Gemara raises a difficulty: **But why** does an inverted basin help to reduce the wall's height? A basin **is something that may be moved on Shabbat** (for it is not '*muktzeh*'). **And something that may be moved on Shabbat doesn't reduce**, for we are concerned that perhaps someone will remove it. (*Rashba*)

The Gemara answers: **No, it is needed** i.e. Rav Yechiel's ruling is applicable, to the following case: **that he connected it** the basin **to the ground**.

*

The Gemara assumes that he put dirt and clods of earth all around it, in order to fix it there. (*Ritva*)

The Gemara raises a difficulty: **And if he connected it to the ground, so what?** Still the basin may be moved on Shabbat, even though this will automatically move the dirt, which is *muktzeh*—

For we have learned in a Baraita that this manner of moving *muktzeh* is permitted. The Baraita states, regarding the following case: "**An unripe fig that he covered in straw** to help it ripen, **or a breadcake that he covered in coals** before Shabbat, and now they are extinguished. **If** the fig, or the breadcake, **is partly exposed**, then **it may be moved on Shabbat** by holding onto the exposed part and thereby lifting the object.

And even though he indirectly moves the straw, which is *muktzeh* (for we are dealing with straw that was designated for use in making bricks), or the extinguished coals, which are *muktzeh*, it is permitted to do so. Because moving something indirectly (*tiltul min hatzad*) is not forbidden, when done for the sake of a permitted object—in this case, the fig or the breadcake.

Here too, it is permitted to remove the basin on Shabbat. So how can it be considered a reliable reduction of the wall's height?

The Gemara answers: **What are we dealing with here? With a basin that has a** folded-over **lip**, and this lip enters the ground and gets buried there (see above illustration, lower right-hand corner).

*

The Gemara assumes that the above answer is based on the premise that it is forbidden to remove the basin, for this would be like digging. (*Ritva*; see *Rashi*)

The Gemara raises a difficulty: **And if it has a lip, so what?**

But we have learned in a Mishnah that even in such a case it is permitted to move it. As the Mishnah states: **One who buries a turnip or a radish** in the ground **under a grapevine,** to keep the vegetables fresh, as burying was the usual way of preserving these kinds of foods, the Halachah is as follows:

When…

Ammud Bet

…part of their leaves are exposed and part are buried, **he need be concerned neither with *"kilayim"*** (a forbidden co-mingling of grapevines with other crops). **Nor with *ma'aser*** (retaking tithes from the vegetables is unnecessary, since they have not taken root). **Nor with** the prohibition on planting during ***shevi'it*** (the sabbatical year).

Furthermore, **they** the turnip and radish **may be moved**, via the exposed leaves, **on Shabbat.**[9]

We thus see that an object partially buried underground may be pulled out, and we are not concerned about 'digging'. The same should apply to a basin with a folded-over lip. If so, how does the basin reliably reduce the wall's height, if it may be moved on Shabbat?

The Gemara answers: **No, it is needed** i.e. Rav Yechiel's ruling is applicable, to the following case: He firmly plastered the basin to the ground, such **that it needs a hoe or an ax** to pry it off. In such a case it is forbidden to remove it on Shabbat, and it reliably reduces the wall's height.

*

Now the Gemara discusses another variation on the case of a wall between two courtyards, ten *tefachim* high and four *tefachim* thick, to which both courtyards are forbidden because it is hard for both of them to use:

In one courtyard, someone leaned an **Egyptian ladder**, a small, easy-to-move ladder, against the wall so that he could easily ascend and use the top of the wall. **It does not reduce,** and it is not permitted for those in that courtyard to use the top of the wall on Shabbat.

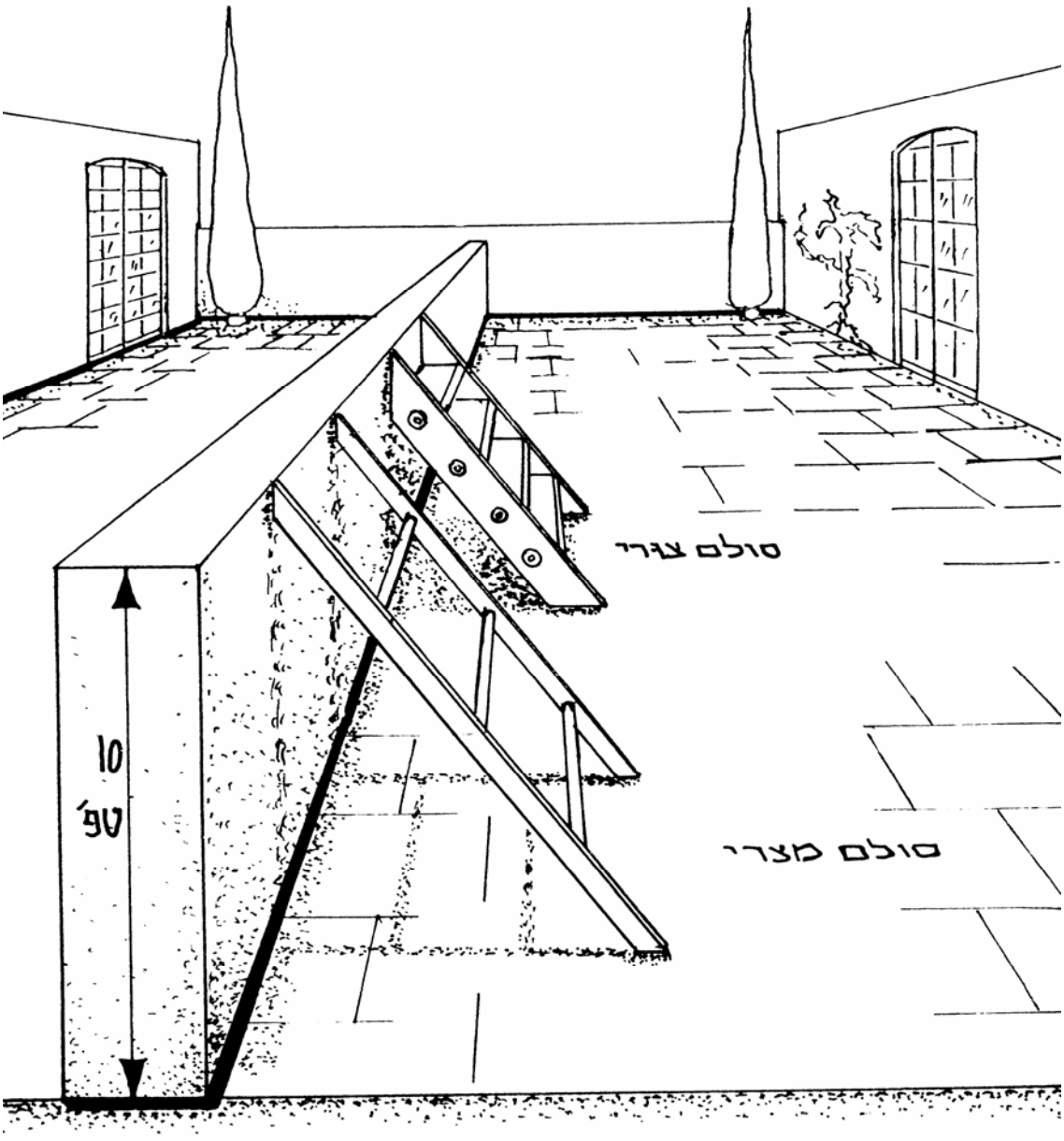
[9] The Baraita said "if their leaves were partly exposed" only in regard to this last case, involving *muktzeh.* But in regard to *kilayim, ma'aser* and *shevi'it,* it would be permitted whether the leaves are exposed or not.

Perek 7 – 77B

But a Tyrian ladder, which is big and heavy, **does reduce**, as will be explained soon. (see illustration[10])

The Gemara explains: **How** does it look like, **an Egyptian ladder?**

10



Lower ladder: Egyptian ladder. Upper ladder: Tyrian ladder.

Perek 7 – 77B

They say in the House of Rabbi Yannai: Any ladder so small **that it doesn't have four rungs.**

*

Said Rav Acha the son of Rava to Rav Ashi: What is the reason that an Egyptian ladder does not reduce?

He Rav Ashi **said to him: Didn't you hear that which said Rav Acha bar Ada, said Rav Hamnuna, said Rav?** For he said**: Because it is something which may be moved on Shabbat, and anything that may be moved on Shabbat does not reduce.**

The Gemara raises a difficulty: **If so, even a Tyrian** ladder **also** should not reduce, for it too may be moved on Shabbat.

The Gemara answers: **There,** regarding the heavy Tyrian ladder, **its weight fixes it** firmly in place. Due to its weight, people don't move it from its place, and it is considered as if affixed to the ground.

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Introduction:

The Gemara earlier stated (59b) that a ladder positioned between two domains, providing access from one to the other, has the status of an "opening".

This principle may be applied to the case of two courtyards with a wall between them, but connected by ladders placed on both sides of the wall. They may make an *eiruv* either

jointly or separately, just as if there was an actual opening between them. For the ladder acts as an opening.

*

Said Abaye, regarding the following case**: A wall between two courtyards,** that is **ten *tefachim* high** and thus constitutes a partition between the courtyards. **And** someone **put a ladder** which is **four** *tefachim* **wide here** on this side, **and a ladder four** *tefachim* **wide there** on the other side, but the ladders aren't positioned directly opposite from one another (see illustration[11]).

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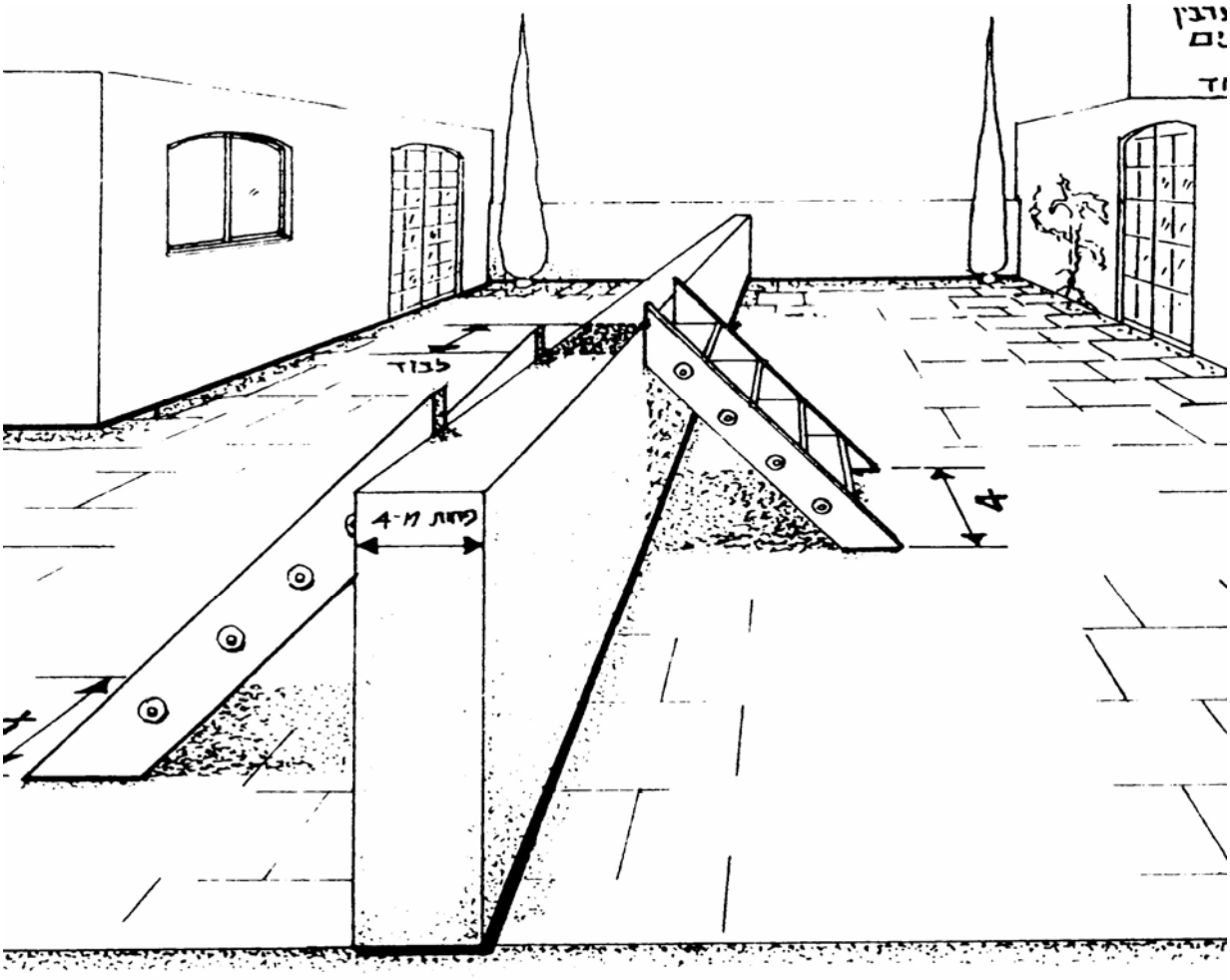


Perek 7 – 77b

If **there is not** a distance **between this** ladder **and that** ladder of **three** *tefachim*, then the ladders are considered *lavud*, connected. (*Rabbeinu Chananel*)

In this case, they **"reduce"** the wall's height. That is, in regard to the leniency of being able to make one joint *eiruv*, we consider the two courtyards as if there were no wall between them.

But if between the two ladders there is a distance of **three** *tefachim* or more, then they do not constitute an "opening" and they do **not reduce** the wall's height, since there is no ready access from one courtyard to the other.

And we only say that three *tefachim* between the ladders removes their status as an "opening" **when the wall is not four** *tefachim* thick.

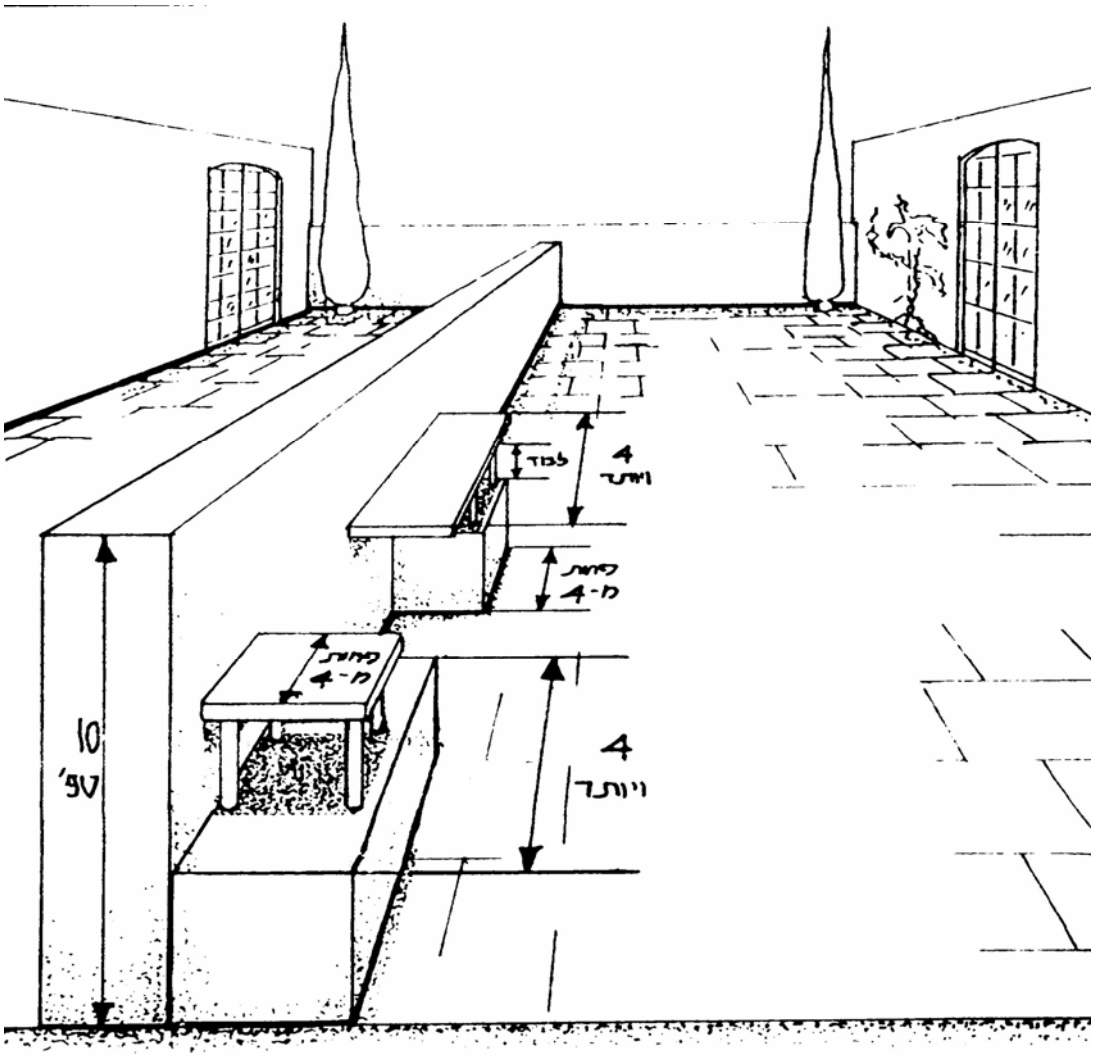
But if **the wall is four** *tefachim* thick, then **even if they are very distant** from one another, this is **also** considered an "opening". For one could ascend to the top of the wall via one ladder and walk along the wall until he gets to the other ladder. But if the wall is less than four *tefachim* thick, then it is hard to walk along the wall.

*

Said Rav Bivi bar Abaye, regarding the following case**:** A wall between two courtyards, that is ten *tefachim* high and thus constitutes a partition between the courtyards. In one courtyard, next to the wall, he **built a** wooden **platform** with legs standing **upon a**nother **platform.** He did this in order to make the top of the wall very

easy to use for the people of his courtyard, so that they would be allowed to use it on Shabbat (see illustration, bottom[12]).

If the lower platform has a length of **four** *tefachim* or more along the length of the wall, and it itself suffices to reduce the wall, i.e. its top is within ten *tefachim* of the top of the wall, then this **reduces** the wall's height. The people of that courtyard may use the top of the wall.



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This is because we view it as if the upper platform was taken away, and the lower one reduces on its own.

And **even if the lower** platform **does not have** a length of **four** *tefachim*, and it itself is not sufficient to reduce. But **the upper one has** a length of **four** *tefachim*, and **there is not between this** platform **and that** platform a space of **three** *tefachim*—in such a case the principle of "*lavud*" is applied, and the two platforms are considered as one platform standing on the ground (see above illustration, middle). Thus it **reduces** the height of the wall, and the people of that courtyard may use the top of the wall.

But if between the two platforms there are three *tefachim*, then only the upper platform is fit to reduce, whereas the lower one is not. And being that the upper platform is not standing upon the ground, this is called a "reduction in the air", and a reduction in the air is not considered a reduction.

*

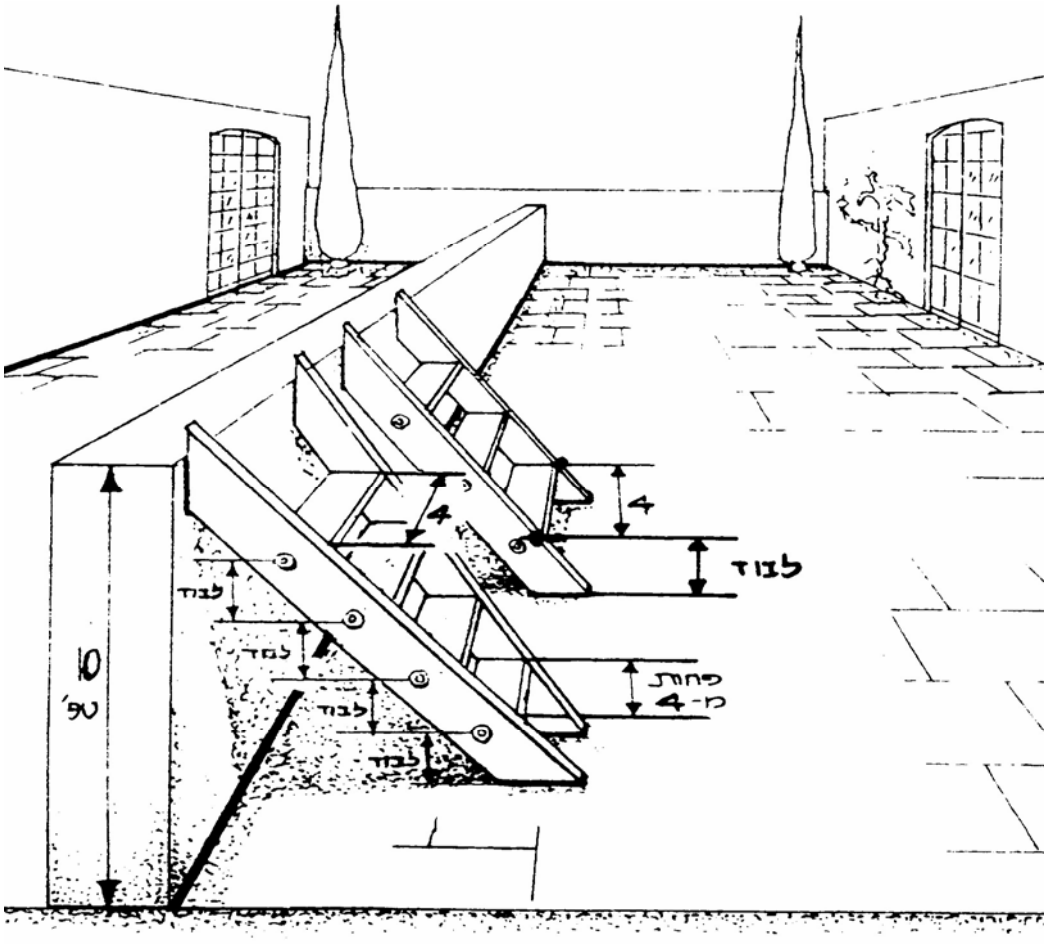
And said Rav Nachman said Rabba bar Avuhah, regarding the following case**:** A wall between two courtyards, that is ten *tefachim* high and thus constitutes a partition between the courtyards. In one courtyard, **a ladder** was constructed **whose rungs "fly".** (In other words, it was like the common ladders in use today, which have empty space between the rungs, each rung as if "flying" above the one below it. Other ladders were constructed in the shape of stairs.) The ladder was put against one side of the wall in order to facilitate usage.

If the lower rung has four *tefachim*, and this rung is within ten *tefachim* of the top of the wall, and it is at the same time less than three *tefachim* from the ground (which makes it

as if '*lavud*' to the ground), then it **reduces** the height of the wall (see illustration, middle[13]**).**

And **even if the lower rung does not have four** *tefachim*, **but the upper rung has four** *tefachim*, it is still effective. **And** this is provided that **there is not three** *tefachim* **between this** rung **and that** rung, making them as if "*lavud*" to each other. This, too, **reduces** the height of the wall, just as we said above in regard to a platform on top of another platform. (see above illustration, bottom)

And said Rav Nachman, said Rabba bar Avuhah:



13

Chavruta
Eiruvin – Daf Ayin Chet

Translated by: *Rabbi Reuven Subar*
Edited by*: R. Shmuel Globus*

[**And said Rav Nachman, said Rabbah bar Avuhah,** regarding the following case**:]**

Introduction:

A ten-*tefachim* high wall between two courtyards, with a four-by-four *tefachim* ledge jutting out from it, which is less than ten *tefachim* from the top of the wall. This ledge does not cause the wall to be considered 'easy to use', since it is a 'reduction in the air'.

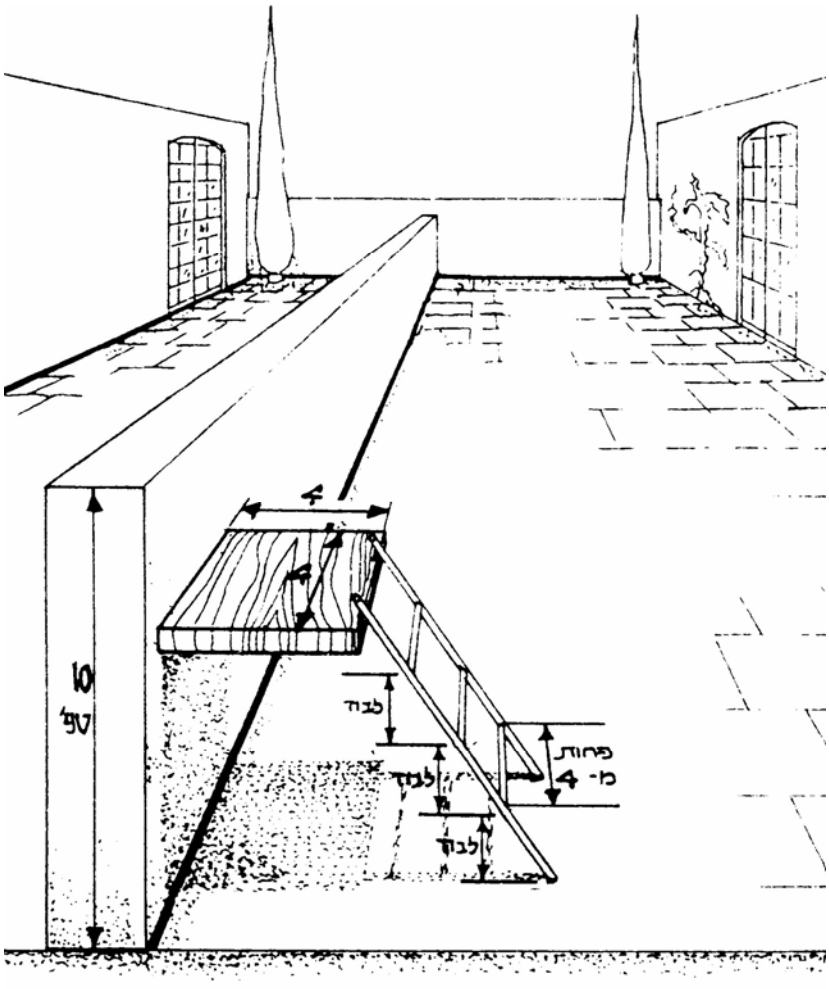
I.e. the height of the wall was reduced, by the existence of the ledge, to an easily usable level. But since the reduced level is merely sticking out into the air, where it cannot be easily accessed by people, is not considered a valid reduction of the wall's height. Thus the wall remains an effective partition between the two courtyards, preventing a mutual *eiruv* being made between them.

But the following case does constitute a valid reduction of the wall: **A ledge that juts out from the wall, whose width is four by four** *tefachim*, **and** one **placed upon it a ladder** that has less than three *tefachim* between its rungs. And there is less than three *tefachim* from the bottom rung to the ground. Thus, one can ascend via this ladder to the ledge. Even though the ladder's width is only **a little bit,** less than the four *tefachim* that is

normally required to create a significant domain**, it reduces** the height of the wall. (see illustration[1])

This is because the ladder has become a stair leading up to the ledge. And, together with the ledge, it is like one fixture of reduction that is standing on the ground. It does not concern us that that on the bottom it is not four *tefachim* wide (just as we said regarding "a platform upon a platform" and "a ladder with 'flying' rungs", on the previous *daf*).

But we only say this **if he set it upon it.** I.e. he leaned the ladder against the ledge. **But if he set it** next **to it,** i.e. he leaned the ladder against the wall next to the ledge, it is not effective. For the ladder has not become one fixture of reduction together with the ledge.



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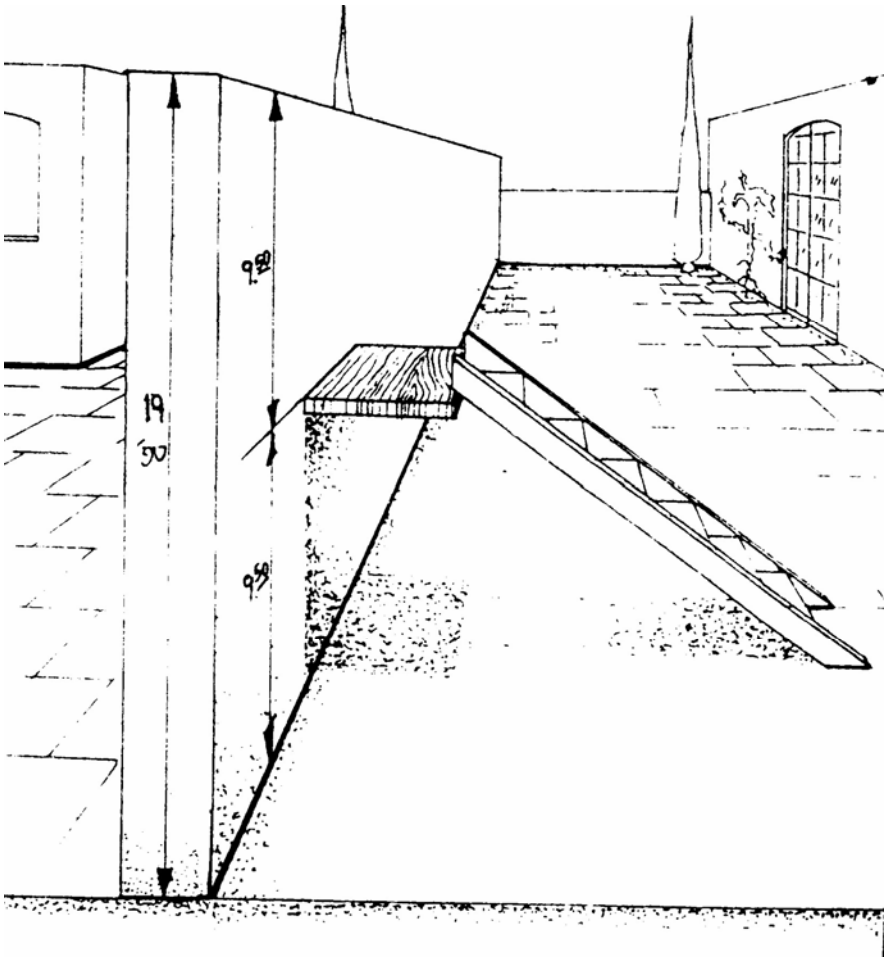
Rather it is as if **he has widened it,** the ledge, yet the ledge itself remains considered like a reduction in the air, which is not effective.

*

And said Rav Nachman, said Rabbah bar Avuhah: A **wall nineteen** *tefachim* high **needs** only **one ledge to permit it.** That is, he puts a ledge just below ten *tefachim* of the wall (and leans against it a ladder of any width), thus the ledge is now within ten from the ground. And it is also within ten from the wall's top, satisfying all requirements. (see illustration[2])



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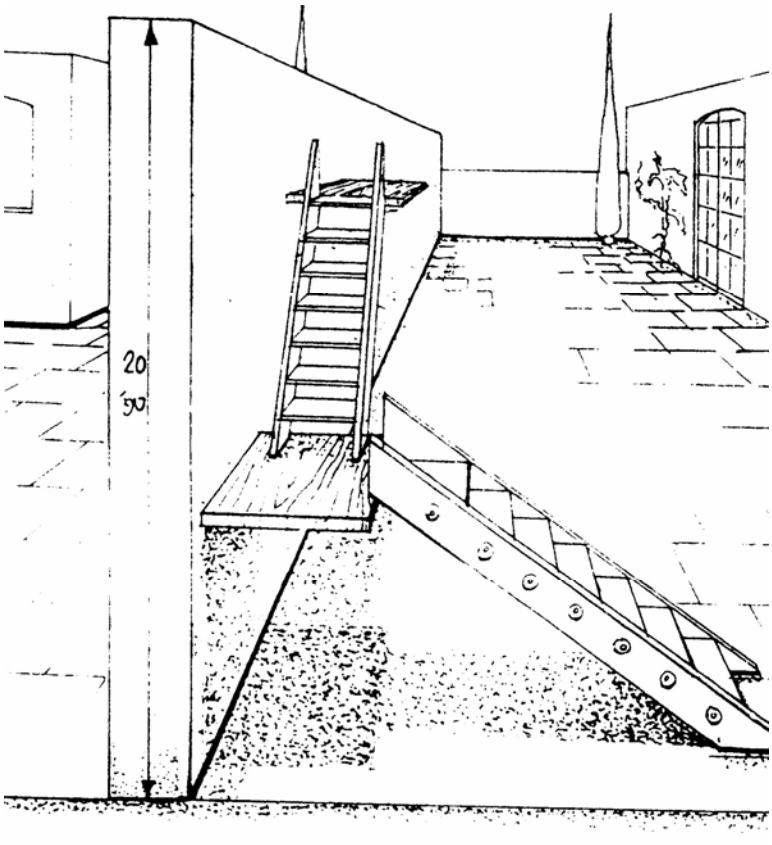
But if the **wall**'s height is **twenty** 'smiling' *tefachim*, i.e. expanded *tefachim*, the law is different. For the wall is actually slightly higher than 20 regular *tefachim*, being and we need the ledge to be both within ten *tefachim* of the ground and within ten *tefachim* of the wall's top. This is because a ten-*tefachim* high wall is not easy to use. Thus it **needs two ledges**—and two ladders, one on the ground, and one between the two ledges—**to permit it.** (see illustration[3])

They must be positioned in such a way that from the ground to the lower ledge there be less than ten *tefachim*, and similarly from ledge to ledge, and similarly from the upper ledge to the wall's top.

Said Rav Chisda: And this is in a case **where he stood them,** the ledges, **one not facing**, i.e. not directly above **the other**. Rather, he set them off to the side, such that he could lean a ladder from one ledge to the other**.**



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Perek 7 – 78a

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Said Rav Huna, regarding the following case**: A pillar** standing **in the public domain,** exactly **ten** *tefachim* **high and four** by four *tefachim* **wide,** which are the dimensions of a private domain. Thus, throwing an object onto it from the public domain transgresses the Torah prohibition of transferring an object from the public to the private domain.

And he stuck into its roof **a peg** of **whatever** width**.**

It is thereby **reduced it** from the minimal dimensions of four by four *tefachim*, and it is no longer a private domain.

Said Rav Ada bar Ahava: And this is only true **in** a case where the peg reaches **a height of three** *tefachim* above the pillar.

Abaye and Rava both say: **Even if** the peg **is not three** *tefachim* **high** above the pillar, it reduces.

What is the reason?

By thrusting a peg into the pillar's surface, **one can not use it**s entire breadth. Thus, there is no longer a useful surface of four by four.

*

Rav Ashi disagrees with Rav Huna's ruling altogether, and he **says: Even** if the peg is **three** *tefachim* **high**, it does not reduce.

What is the reason?

It is possible to hang something upon it, i.e. the peg itself. Thus the peg is usable as part of the pillar, and is considered part of the pillar and not a reduction thereof.

Rav Acha son of Rava said (i.e. asked) **Rav Ashi**, who holds that the peg does not reduce:

If one **filled it entirely**, i.e. one filled the surface of the pillar with closely-placed pegs so that it is not easy to hang anything from them, **what is** the Halachah?

Rav Ashi **said to him: Didn't you hear that which Rabbi Yochanan said** regarding the following case**: A pit and its sand** (i.e. the earth removed through digging the pit), and the sand is then heaped around the edge of the pit. The depth of the pit and the height of its surrounding heap of sand **combine to** complete the dimension of **ten** *tefachim*, which is the depth required to consider the pit a private domain.

And the same Mishnah from which Rabbi Yochanan derives this ruling, on *Shabbat* 99a, also states "and four *tefachim* wide". This implies that the sand of a pit combines with the empty part of the pit to create the requisite four *tefachim* width of a private domain.

And the question is asked: **But why** does this combine to create the four *tefachim***? One can not use** the cavity of **it,** of the pit. I.e. the resultant shape is not conducive to use. So how can it combine to make up the requisite four *tefachim*?

Rather, what must you say? That there, the reason is **that he placed something** that stretches from one side of the pit to the other, **and uses** the space in that manner.

Here too, in the case where he filled the entire upper surface of the pillar with pegs, we may say **that he placed something**, such as a four by four plank or a garment, and **uses** the space in that way. Since he can do this it is considered a proper private domain.

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The Gemara now returns to the topic of reducing a wall.

Said Rav Yehudah, said Shmuel, regarding the following case**: A wall ten** *tefachim* high, serving as a partition between two courtyards. One wants to lean a ladder against it in order to reduce it (either by easing the usage for the people of one courtyard, or by creating an "opening", i.e. an access route—which would allow joining the courtyards with a mutual *eiruv*). **He needs a ladder** whose length is **14** *tefachim* in order **to permit it**.

For he can't put the ladder straight up and down; rather he needs to bring the foot of the ladder four *tefachim* away from the wall. Therefore, he needs 14 *tefachim*. (Rashi; see Tosafot for alternative calculation).

Said Rav Yosef: Even a ladder whose length is **13** *tefachim* **plus a little bit** suffices. Even though it will not reach the very top of the wall, but since it will reach within one *tefach* thereof, we ignore the difference.

Said Abaye: Even a ladder which is **11** *tefachim* **plus a little bit** suffices. Since the top of the ladder reaches to within three *tefachim* of the top of the wall, we apply the principle of "*lavud*", and regard it as connected to the top of the wall.

Said Rav Huna son Rav Yehoshua: Even a ladder which is only **7** *tefachim* **plus a little bit** suffices. Because if you stand it straight up and down, it reaches to within three

tefachim of the top of the wall. This is in accordance with the view of Rav (below), that even an upright ladder reduces, since it is climbable to a certain extent. (*Beit Habechirah*)

*

Said Rav: The halachah that **an upright ladder reduces is an oral tradition** which I heard from my masters, **but I do not know the reason** for it, since it is not easy to climb.

Said Shmuel in astonishment: **Did not Abba** (Rav's name was Abba) **know the reason for this matter,** for this ruling about the upright ladder**?**

This is the reason: **It is something like** the ruling **regarding a platform on top of a**nother **platform** (77b), that even though they are directly above one another, and thus are like an upright ladder, we said above that they reduce.

*

Said Rabbah, said Rabbi Chiya, regarding someone who wishes to reduce a ten-*tefachim* high wall by putting **Babylonian palm** boards next to the wall—

If these boards were *muktzeh,* they would be regarded as fixed in their place. Thus they surely would be fitting to reduce the height of the wall (see 77a). However, these boards are not *muktzeh*. They have the status of "utensils" since they are fitting to sit upon, and are thus they are "a thing that may be moved on Shabbat", which does not reduce.

Nevertheless, **they do not need to be fixed** permanently to the ground such that one may not move them.

What is the reason?

Their weight fixes them firmly to the ground. They are so heavy that people don't just come along and move them; thus they are considered fixed to the ground. This is similar to what was said above in regard to a Tyrian ladder.

And said **Rav Yosef, said Rav Oshiya,** regarding **ladders in Babylonia**, which are small, with less than four rungs. And the Gemara said above (77b) that an Egyptian ladder doesn't reduce, since it can be moved on Shabbat. Nevertheless, since in Babylon these ladders were normally made of thick, heavy material, **they do not need to be fixed.**

What is the reason? Their weight fixes them.

The Gemara elaborates: **The one** (Rabbi Oshiya) **who said** his ruling in regard to **ladders, all the more so** does it apply to **palm** boards, that because of their weight they do not need to be affixed to the ground. But **the one** (Rabbi Chiya) **who said** his ruling in regard to **palm** boards applies it only to palm boards. **But** to **ladders**, because they are lighter, **no**. He holds that ladders need to be affixed**.**

*****

Rav Yosef posed an inquiry to Rabbah: Being that a ladder needs to be four *tefachim* wide in order to reduce the height of the wall, what if one put **a** very thin **ladder here and a** very thin **ladder here,** on the same side of the wall**, and** in order to complete the

width of four *tefachim*, he strung rungs made of **straw in the middle.** (see illustration[4]) **What is** the Halachah**?** Would this suffice to reduce the wall?

He Rabbah **said to him:** The normal way of climbing a ladder is with the foot in the middle. But here, **the foot can't go onto them,** the middle rungs of straw, because they are too weak. Therefore, it doesn't reduce.

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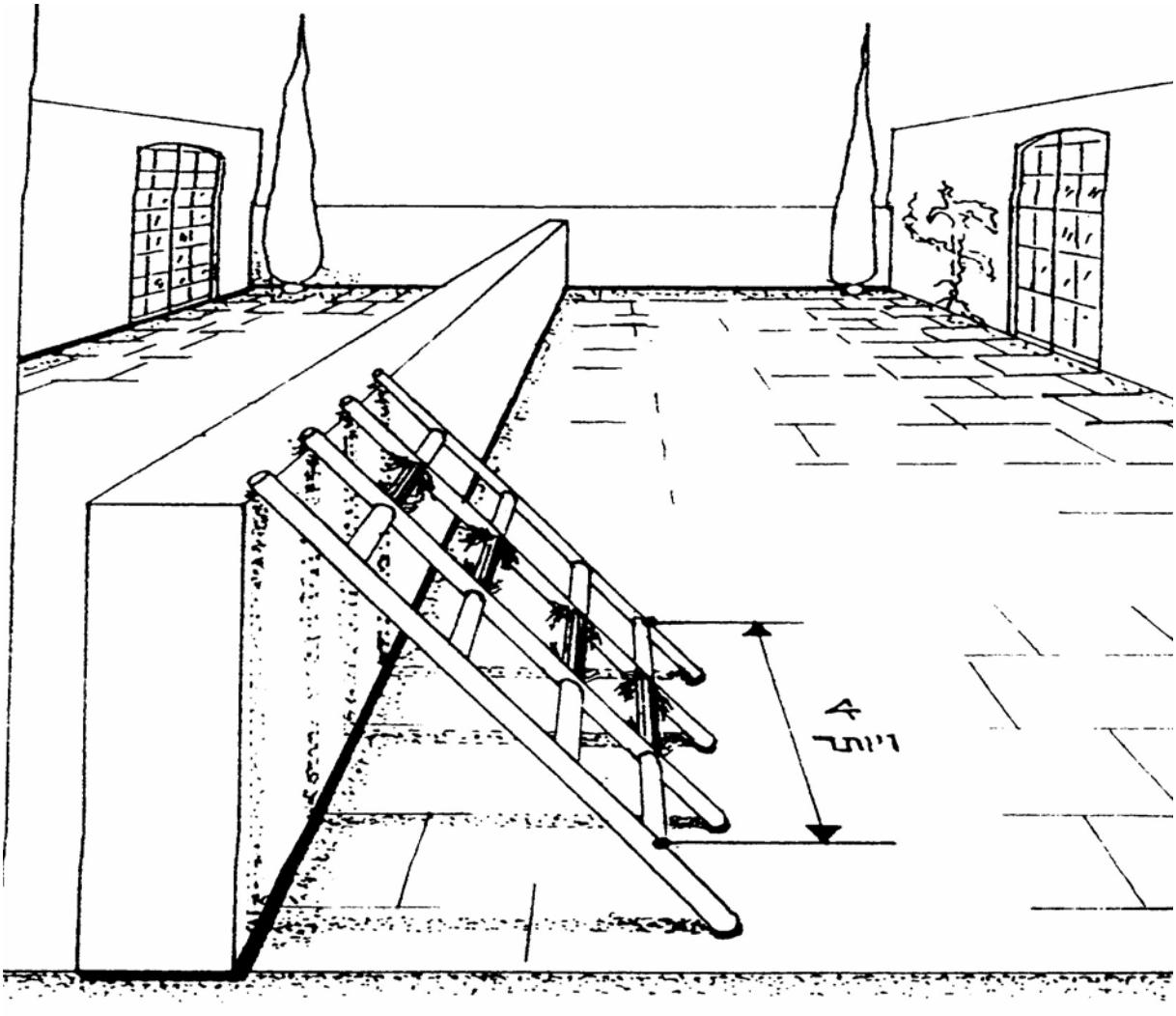
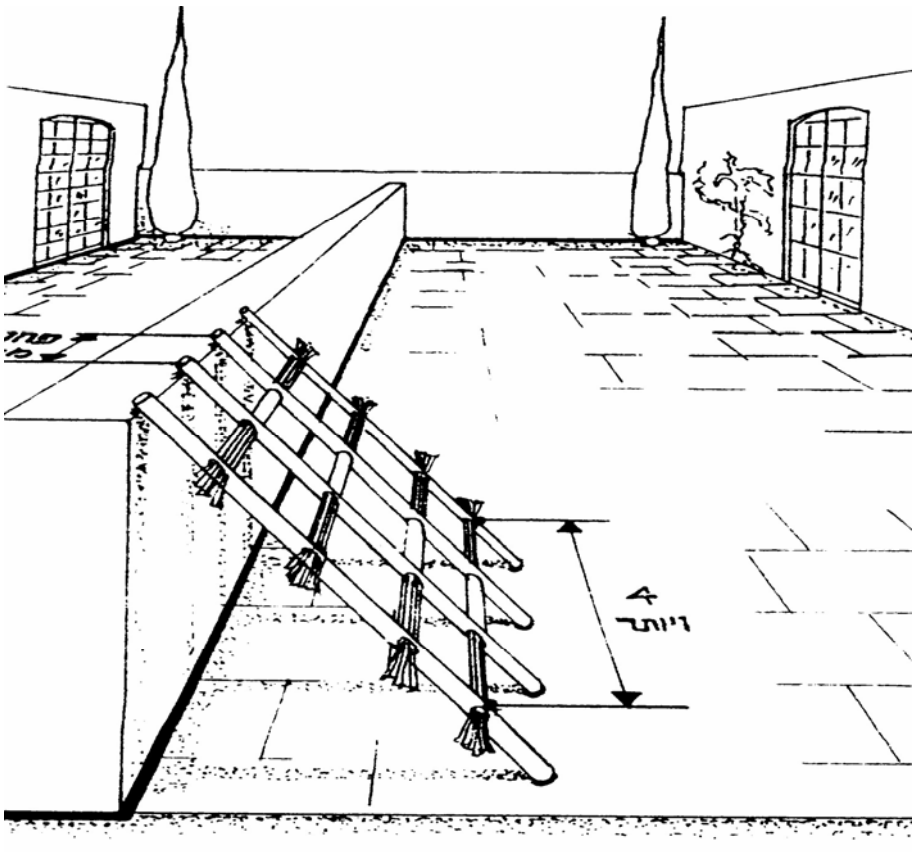


Perek 7 – 78a

Rav Yosef posed to Rabbah another inquiry: If he put **straw here and here, and a ladder** less than four *tefachim* wide **in the middle,** and together there are four *tefachim*, **what is** the Halachah? (see illustration[5])

Rabbah **said to him: Note that the foot can go upon them.** Since the ladder is in the middle, where one puts one's foot, the straw can then help give the ladder the needed dimension of four. This is because one grasps the straw with his hands to help him climb the ladder. (Rashi; the Rishonim give a different explanation)



5

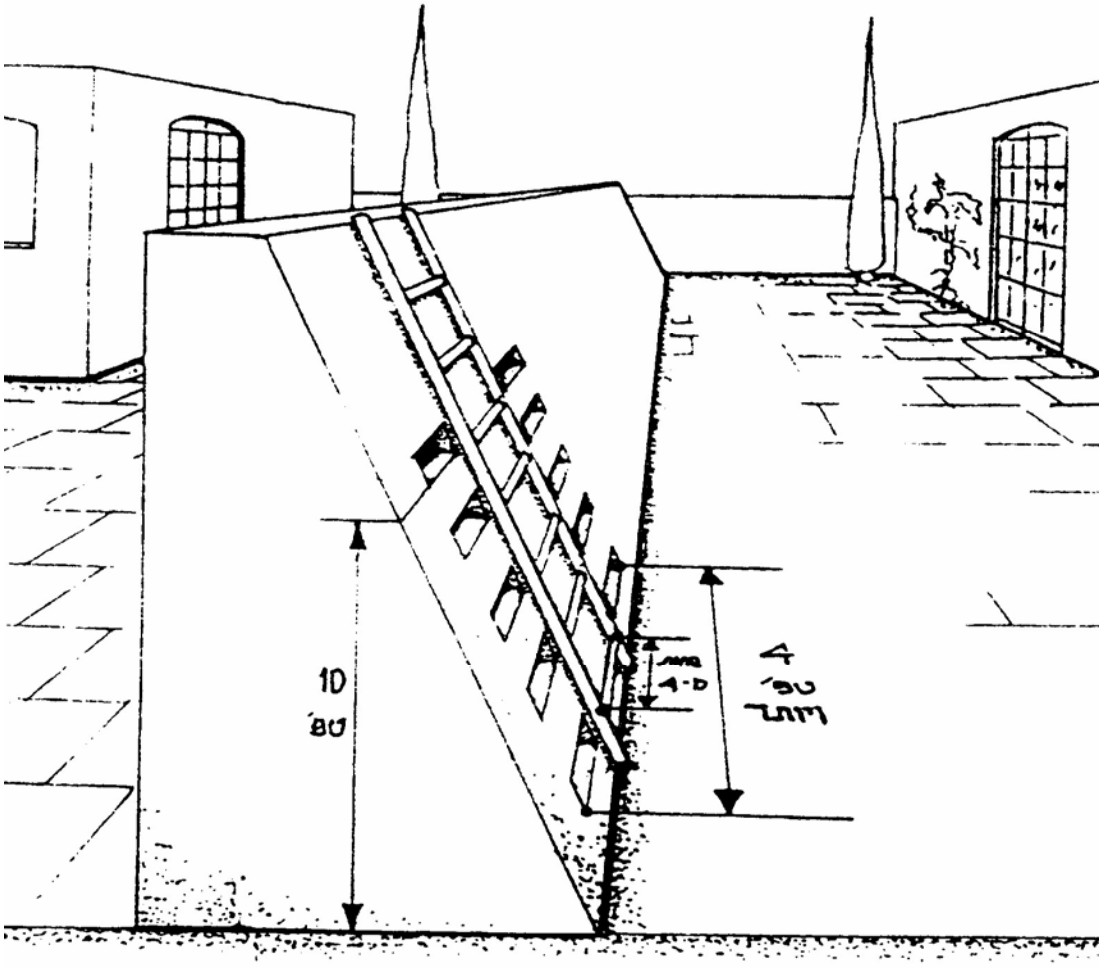
Ammud Bet

Rav Yosef posed to Rabbah yet another inquiry, regarding the following case: A very high wall, for which one made a very thin ladder whose top reached the top of the wall. And, since the ladder didn't have the requisite dimension of four *tefachim*, he **carved out** rungs or steps, in order **to complete** the dimension of four, **into the wall** itself. (see

illustration[6]) This allows people to reach the top of the wall, since the wall is slanted. (*Tosafot*)

The question is a follows: **Along how much** of the wall's height must he carve to complete the width of four *tefachim*?

Rabbah **said to him:** He needs to carve out four *tefachim* in width only **along** a height of **ten** *tefachim*. This is because it suffices to create the dimensions of a valid "opening", which is ten high and four wide. This, together with the fact that the ladder reaches the top of the wall, reduces the height of the wall.



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Perek 7 – 78B

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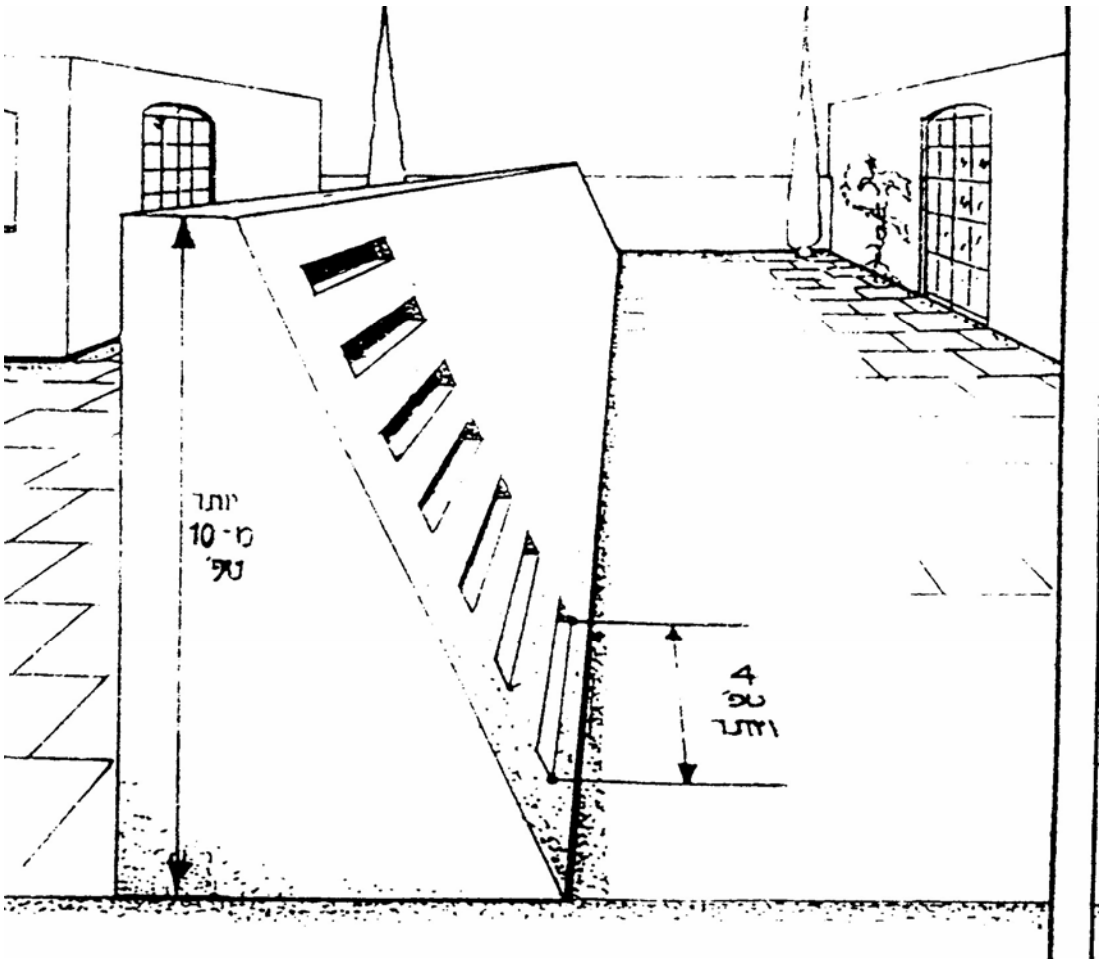
And again Rav Yosef **said to him**, i.e. posed another inquiry to Rabbah: If he didn't lean any ladder against the high wall, but rather **carved out all of it,** he carved out the rungs or steps, **into the** slanted **wall.** (see illustration[7])

The question is as follows: **Along how much** of the height of the wall does he need to carve out a width of four *tefachim*? For what remains until the top of the wall, he will carve out less than four *tefachim*.



7

Perek 7 – 78B

Rabbah **said to him:** In such a case it does not suffice to carve out four wide and ten high. Rather, he needs to carve out a width of four *tefachim* along **the full height** of the wall.

Rav Yosef is puzzled by this answer**: And what is the difference** between this case, and the case of carving out the wall to complete the thin ladder to the width of four—where it suffices to do so for a height of ten *tefachim* only?

Rabbah **said to him: There,** where the actual ladder reaches the wall's top, **he can climb it.** It is easy to climb. Therefore, in order to complete the width of four, it is sufficient to carve out ten *tefachim* only, to create the dimensions of an "opening".

But **here,** where there is no actual ladder but only carvings, **he can't climb it.** It is not easy to climb. Therefore, there needs to be carvings of a proper width all the way to the top of the wall.

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Rav Yosef posed an inquiry to Rabbah: A wall between two courtyards for which **he made a tree into a ladder – what is** the Halachah? Does this tree-ladder allow them to make a mutual *eiruv*? Or perhaps, being that it is forbidden to climb a tree on Shabbat, due to Rabbinic decree, it is ineffective.

The question is now explained further: **You may pose this inquiry according to** the view of **Rabbi** i.e. Rabbi Yehudah HaNasi. For he holds (in *perek "Bakol Me'arvin"*) that if one put his *eiruv techumin* in a tree, it is a valid *eiruv*. This is because, according to Rabbi, anything forbidden on Shabbat due to Rabbinic ordinance (such as not using a tree) is not forbidden during twilight. And an *eiruv* goes into effect during twilight. However, regarding a tree-ladder between courtyards, there is some question over what Rabbi would hold, as will be explained.

Perek 7 – 78B

And **you may** even **pose this inquiry according to** the view of the **Rabbis** who differ with Rabbi Yehudah HaNasi regarding an *eiruv techumin* placed in a tree. They hold that it is forbidden to use a tree even during twilight, thus the person cannot access the food of his *eiruv*. That is why it is invalid, in their view. But perhaps they would say that a tree-ladder is still effective in joining the courtyards, as will be explained.

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Now the Gemara explains:

You may pose this inquiry according to the view of **Rabbi:** For perhaps **Rabbi only says** that the *eiruv* is valid **there** because he holds that **"anything which is** forbidden **because of a Rabbinical ordinance, they did not decree against it** during twilight". But **these words** apply only to *eiruv techumin.* For it is during **twilight** that one establishes one's Shabbat residence, and since at that moment the food was accessible, the *eiruv* is valid.

But here, regarding *eiruvei chatzeirot*, it is different. Even though nothing interferes with the *eiruv* during twilight, still, a problem will arise later. For perhaps an *eiruv* is only effective in joining the courtyards if they have an opening between them for **the whole day.** And the tree-ladder is forbidden for most of Shabbat. Thus, the *eiruv* might well **not** be valid, even according to Rabbi's lenient view regarding twilight**.**

Or, perhaps, even the Rabbis would validate the tree-ladder, although they hold that an *eiruv techumin* in a tree is invalid. For perhaps they only invalidate it there, since they hold that one is forbidden to access his food even during twilight. Therefore, the *eiruv techumin* is ineffective in establishing his Shabbat residence.

But here, **it is an opening** that is needed. And there is in fact an "opening", i.e. an access route, between the two courtyards. For the tree is fitting to climb up during the week, and the fact that it is unusable on Shabbat does not invalidate the "opening". **Rather,** the Shabbat prohibition on using trees is viewed as follows: it is likened to **a lion** that **is crouching upon it.** I.e. it is merely making the opening temporarily unavailable, without robbing it of its status. Therefore, according to this approach, the people of the two courtyards could make a mutual *eiruv*, and transfer objects between the courtyards on Shabbat via holes in the wall. (*Ritva*)

Below, Rabbah answers Rav Yosef.

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Rav Yosef posed to Rabbah a further inquiry, regarding the following case: If **they made an *asheirah*** tree — a tree which is the object of pagan worship, and is thus forbidden by Torah law to derive benefit from — **into a ladder** between two courtyards, **what is** the Halachah?

If we say that a regular tree can serve as an "opening" between courtyards, then there is room to ask regarding an *asheirah* tree. For this new case is more severe, in that the tree is forbidden even during the week.

And now the question is explained: **You may pose this inquiry according to** the view of **Rabbi Yehudah,** who holds (in *perek Bakol Me'arvin*) that one may put the food of an *eiruv techumin* onto a grave, even though a grave is forbidden to derive benefit from.

And **you may pose this inquiry according to** the view of **the Rabbis** who differ with Rabbi Yehudah, and say it is forbidden to use a grave for this.

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Perek 7 – 78B

Now the Gemara explains the inquiry further: **You may pose this inquiry according to** the view of **Rabbi Yehudah:** Perhaps **Rabbi Yehudah only says there** this leniency**, that it is permitted to establish** one's **home,** i.e. one's Shabbat residence, **with forbidden items. Because there, after his *eiruv* establishes** his Shabbat residence **for him, he doesn't care for it** (the *eiruv*) **to be safeguarded.** I.e. it does not matter to him whether it is safe or not. Thus, his only 'benefit' from the grave is that it establishes his Shabbat residence, which allows him to walk further on Shabbat in order to fulfill a mitzvah such as attending the discourse of a sage visiting the next town. And fulfilling a mitzvah is not considered deriving benefit.

But the merging of courtyards effected by *eiruvei chazeirot* is for his personal benefit and enjoyment, and not necessarily for mitzvah purposes. Therefore, the fact that he utilizes the tree to validate his *eiruv* could be considered deriving benefit from a forbidden tree.

Or perhaps here, **even the Rabbis,** who rule stringently regarding using the grave, would be lenient. This is because he is not practically using the *asheirah*-tree for anything at all.

Although this tree-ladder ought not be effective in joining the courtyards since it cannot be used, it could be viewed as follows: **this** tree constitutes **is an opening,** i.e. a route of access between the courtyards. **But a "lion is crouching upon it",** i.e. the prohibition does not rob the tree of its status as an opening. Rather, it merely stands in his way of using the ladder. Since the tree-ladder is still called an "opening", the courtyards may be joined through a mutual *eiruv*.

*

Rabbah answered and **said to him,** to Rav Yosef**:**

Perek 7 – 78B

a) **A tree is permitted** to be used as a ladder, even though one may not ascend it on Shabbat. Thus, the two courtyards may make a mutual *eiruv*, even according to the Rabbis who differ with Rabbi Yehudah HaNasi.

b) **But an *asheirah* is forbidden** to serve as a ladder, because one thereby benefits from it. This holds true even according to Rabbi Yehudah. (*Ritva*)

*

Rav Chisda challenged this ruling of Rabbah's**: On the contrary! A tree, that a Shabbat prohibition** is what **causes it** to be forbidden to climb, **should be forbidden** to serve on Shabbat as an "opening".

But an *asheirah*, that a prohibition of something else (idol worship) is what **causes it** to be forbidden on Shabbat, **should not be prohibited** to serve on Shabbat as an opening .

It was said as well in a statement of Amoraim, in accordance with Rav Chisda's reasoning: **When Ravin came,** he said that **Rabbi Elazar said — and some say** it was reported as follows — **Said Rabbi Abahu said Rabbi Yochanan:**

Anything that a prohibition of Shabbat causes, this **is forbidden** to serve as an opening. But **anything that a prohibition of something else causes,** this **is permitted** to serve as an opening.

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Rav Nachman bar Yitzchak taught the respective views **thus:**

Perek 7 – 78B

Regarding using **a tree** to join two courtyards**, it is a disgreement of Rabbi and the Rabbis.** Just as they differ regarding using a tree for *eiruvei techumin*, so too do they differ here**.**

And regarding an ***asheirah,* it is a disagreement of Rabbi Yehudah and the Rabbis.** Just as they differ regarding using a grave for *eiruvei techumin*, so too do they differ here.

Mishnah

A ditch between two courtyards, going across the entire length of the courtyards**. And there is no wall between them,** the courtyards. And the ditch is **ten** *tefachim* **deep and four** *tefachim* **wide. They** the residents of the courtyards **may make two** separate ***eiruvin,* but they may not make one** mutual **eiruv.**

But if it were less than four *tefachim* wide, in which case it is easy to step across, it does not divide the courtyards, and they may make one mutual eiruv.

And this ditch separates the courtyards **even** if it was **full of straw or hay.** Straw and hay are not viewed as actually filling in a ditch, because one does not leave them there indefinitely but will eventually remove them in order to use them.

But if the ditch was **full of dirt or stones,** even if they were placed in the ditch without expressed intent whether one will eventually remove them or leave them there indefinitely, the stones and dirt fill in the ditch. Thus **they may make one** mutual ***eiruv*. But they may not make two** separate ***eiruvin***, since the stones and dirt properly fill in the ditch, and they are now like one courtyard.

Perek 7 – 78B

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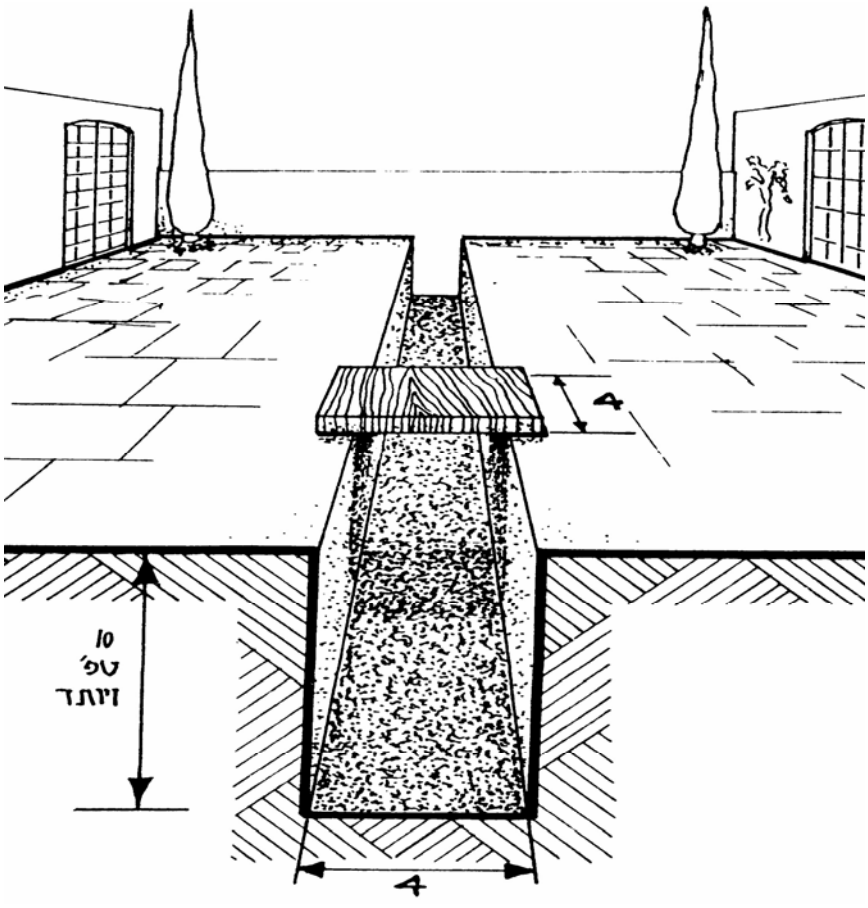
But the Halachah is different in the following case: **He put upon it**, across the ditch, from one edge to the other, **a plank which was four *tefachim* wide.** This plank becomes like an opening between the two courtyards. (see illustration[8])



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Perek 7 – 78B

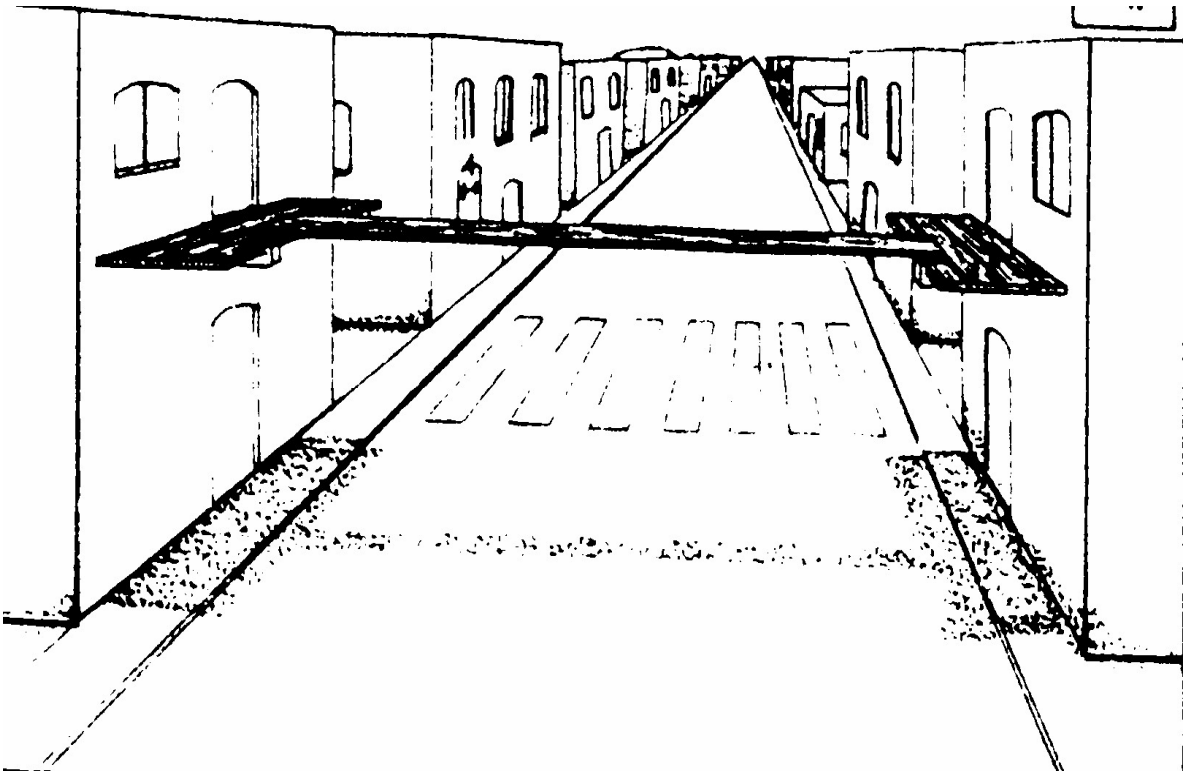
And similarly if he put a plank between **two projecting balconies** which are **across from one other** on opposite sides of the street.[9] Also here, the plank functions as an 'opening' between the two balconies. (see illustration[10])

In both these cases, if they want, **they can make two *eiruvin*, and if they want, they can make one** mutual ***eiruv***. This is because the plank joining them acts as an 'opening'.

But **less than that**, if the plank is less than four *tefachim*, then it is not like an opening. In which case **they may make two *eiruvin*, but they may not make one** mutual ***eiruv*.**

[9] The author of the *Mishneh Berurah* writes, in *Sha'ar Hatziyun*, that many Commentators are puzzled by Rashi's explanation of projecting balconies. Thus, our explanation follows the view of the *Shulchan Aruch* and the majority of Commentators.

[10]

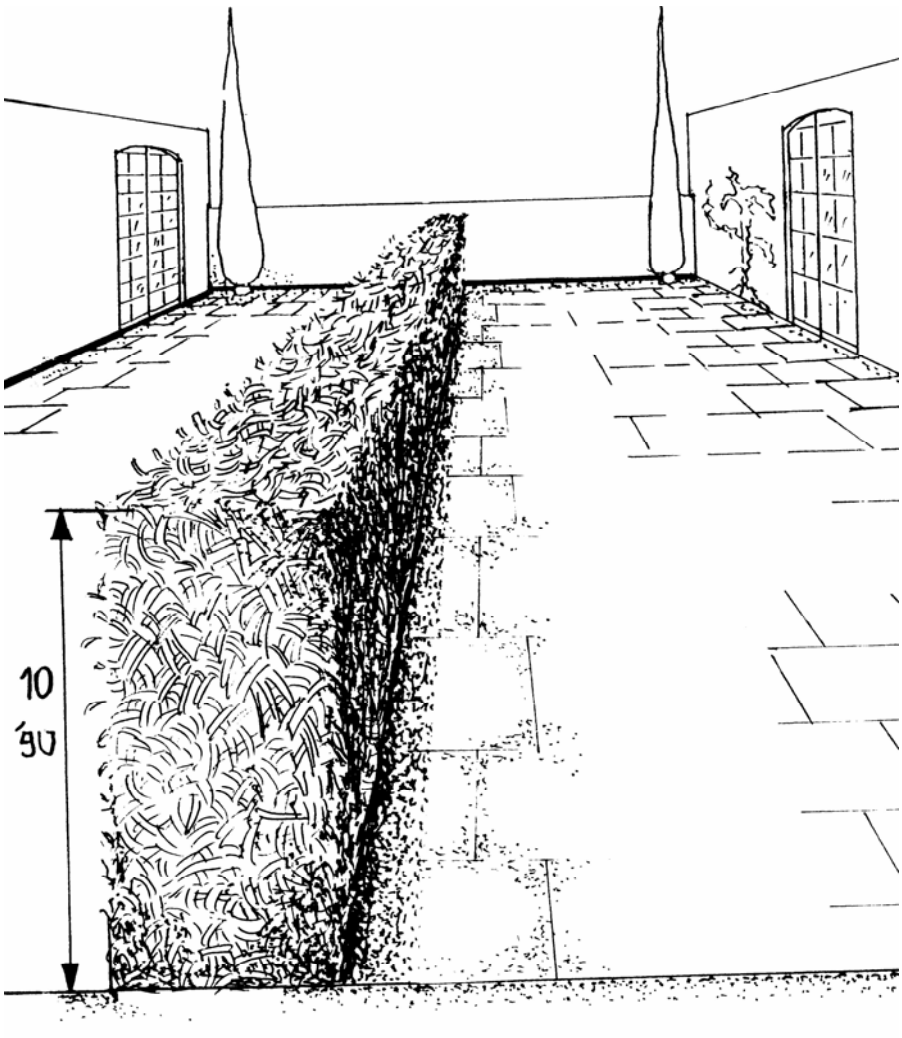


Perek 7 – 78B

Gemara

The Gemara raises a difficulty: **But** is it really true that **straw does not separate**; i.e. does it not effectively fill in the ditch**?**

But we have learned otherwise in a later Mishnah: **A straw wall between two courtyards,** which was **ten *tefachim* high, they may make two *eiruvin* but they may not make one** mutual ***eiruv.*** (see illustration[11]) Thus we see that it functions as an



11

effective separation between the courtyards. So why did our Mishnah here say that straw does not serve to fill in the ditch?

Said Abaye in answer: **Regarding a wall, everybody agrees that** straw **is a wall.**

Although he will eventually remove it, as long as it is there, it serves as a partition. For a straw wall is no worse than a wall made of saddles and animal utensils, regarding which the Mishnah in the first *perek* states is a valid wall.

But regarding separation, i.e. to fill in the ditch, it is different. **If he nullifies it** the straw explicitly, saying: "I won't take it from here," then the straw is nullified to the ground, and **it separates** i.e. fills in the ditch.

But if he doesn't nullify it explicitly, then **it doesn't separate.**

We learned in the Mishnah:

If the ditch was **full of dirt** or stones, they may make one mutual *eiruv* but they may not make two *eiruvin*.

The Gemara raises a difficulty: **And** is it really true that **even where** his intent was **unexpressed**, and it is unknown whether he will eventually remove them, even here the ditch is considered filled in?

But we learned otherwise in a Mishnah in Tractate *Ohalot*, regarding the following case:

Perek 7 – 78B

Introduction:

A house that is impure due to a corpse's presence inside it. And the corpse is *retzutzah,* i.e. it is covered by something that provides less than a *tefach* of free space between the corpse and the cover. In such a case, the impurity is said to "break through" the cover, and spreads throughout the house. In addition, whatever is directly above the corpse, even on the roof of the house, becomes impure.

But if the corpse has space under the cover, then the impurity does not rise past the cover, and whatever is above the cover remains pure.

*

A house, wherein lies a corpse, **that they filled with straw or stones** upon the corpse**,** consequently there is no *tefach* of free space between the corpse and the ceiling. **And they** explicitly **nullified** the straw or stones to the house, i.e. they expressed their intent to leave it there indefinitely. The Halachah is that the straw or stones are **nullified**, and the impurity is *retzutzah,* i.e. it breaks through the cover and imparts impurity to whatever is above it**.**

This implies that only if **they** explicitly **nullified** the stones, then we say that **yes,** they are considered nullified.

But if **they did not nullify** explicitly, then **no**, they are not considered nullified.

Chavruta
Eiruvin – Daf Ayin Tet

Translated by: *Rabbi Reuven Subar*
Edited by*: R. Shmuel Globus*

[This implies that only if **they** explicitly **nullified** the stones, then we say that **yes,** they are considered nullified.

But if **they did not nullify** explicitly, then **no**, they are not considered nullified.]

So why does our Mishnah say (in the case of the ditch) that filling in with dirt nullifies the ditch even without explicitly nullifying?

Said Rav Huna in answer: **Who is the Tanna** who taught this Mishnah in Tractate ***Ohalot***, from which the difficulty was raised? **It is Rabbi Yossi,** as the Gemara demonstrates a little later. Whereas our Mishnah here goes according to the Sages who differ with him.

The Gemara raises a difficulty: **If** the author of the Mishnah in *Ohalot* is **Rabbi Yossi,** this cannot be. **Rather, we have heard the opposite** view expressed in his name**! As it was taught** in the Tosefta of *Ohalot*:

Rabbi Yossi says: If the house was full of **straw**, **and** it was known that he would **never remove it,** yet he did not expressly nullify it, **this is like dirt** about which his intent was **not expressed.** I.e. it is unknown whether he will ever remove it. **And it is nullified**.

And if the house was full of **dirt, and** it was known that he would **eventually remove it, this is like straw** about which his intent was **not expressed. And it is not nullified**.

Thus we see that Rabbi Yossi holds that ordinary dirt about which his intent was not expressed, and straw which he will never remove, are automatically considered nullified, without the owner having to declare that he is nullifying it.

For only dirt that he will eventually remove, and straw about which his intent was not expressed, are not automatically nullified.

So how can we say that Rabbi Yossi holds that stones and dirt need express nullification?

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Rather, says Rav Asi, we should say as follows: **Who is the Tanna** who taught our Mishnah here in tractate ***Eiruvin*****?** **It is Rabbi Yossi**, for thus he holds regarding impurity, as brought above in the Tosefta in *Ohalot*.

Whereas the Mishnah in *Ohalot* is the view of the Sages who differ with Rabbi Yossi.

*

Rav Huna son of Rav Yehoshua said to resolve the contradiction:

The laws of **impurity, upon** the laws of **Shabbat, you posed as a contradiction?**

Leave alone the Shabbat prohibition. In other words, the prohibition on Shabbat against moving *muktzeh* items, such as stones or dirt, causes such items to be nullified even without expressed intent. **For even** a valuable item such as **a wallet**, which is forbidden to move on Shabbat, **people nullify**.

*

Rav Ashi said: A house, upon a ditch, you posed as a contradiction?

Perek 7 – 79a

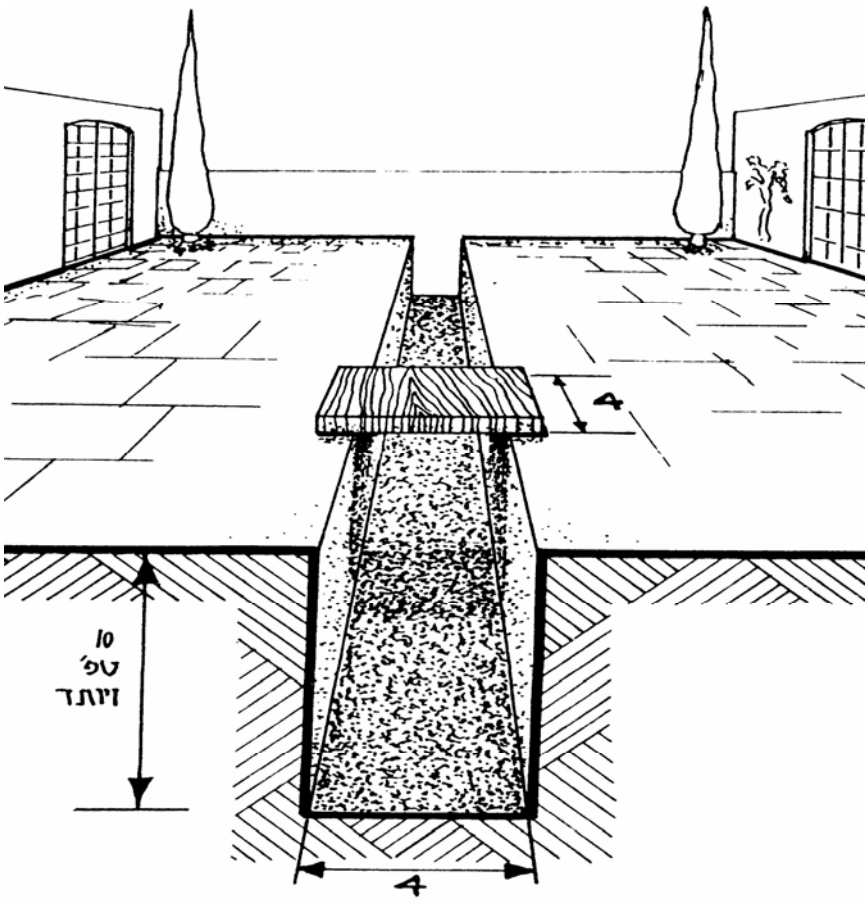
Granted, a ditch is bound to be filled in. Therefore, even dirt about which one did not express one's intent is nullified when placed in a ditch, even according to the Rabbis who differ with Rabbi Yossi.

But a house, such as in the case of Tractate *Ohalot*, **is it bound to be filled in?** Certainly not. And therefore, the Sages hold that dirt about which one did not express one's intent is not nullified there.

The Mishnah said: **He put upon it**, across the ditch, from one edge to the other, **a plank which was four *tefachim* wide.** This plank becomes like an opening between the two courtyards… if they want, they can make two *eiruvin*, and if they want, they can make one mutual *eiruv*. This is because the plank joining them acts as an 'opening'.

Said Rava: They only taught that the plank needs to be four wide if **he put** the plank **to its width,** i.e., to the width of the ditch, like a bridge. In this case, as long as it is not four *tefachim* wide, it is not considered an "opening". (see illustration[1])

But if he put inside the ditch a plank supported by poles **along its length,** i.e. along the length of the edge of the ditch, and the ditch itself is exactly four *tefachim* wide, then



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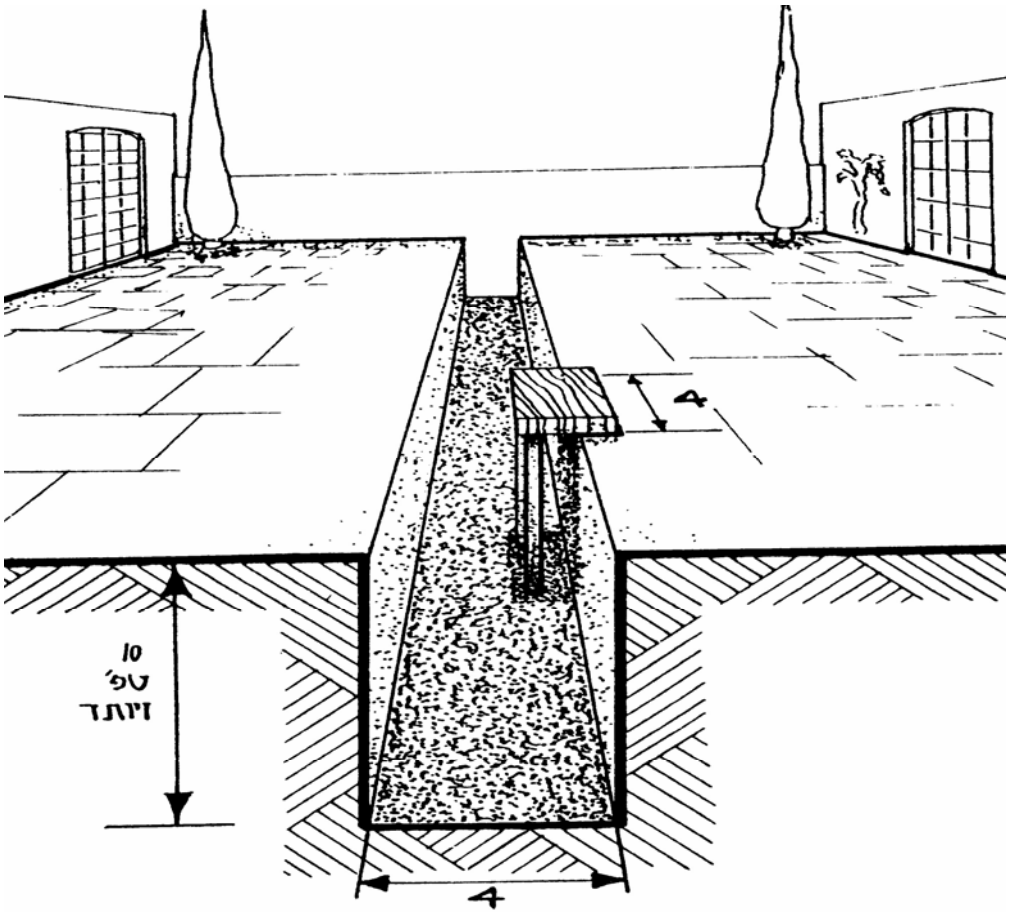
even a plank of **any** width **also** can serve as an opening. (see illustration[2]) And if they want, they may make a mutual *eiruv*.

For he has reduced it, the ditch's width, **from** being **four** *tefachim.* Thus the ditch no longer separates the courtyards. If he did this along merely four *tefachim* of the ditch's length, this suffices. This is because four *tefachim* is the minimum size of an "opening".

The Mishnah said: **And similarly** if he put a plank between **two projecting balconies** which are **across from one other** on opposite sides of the street.[3] Also here, the plank



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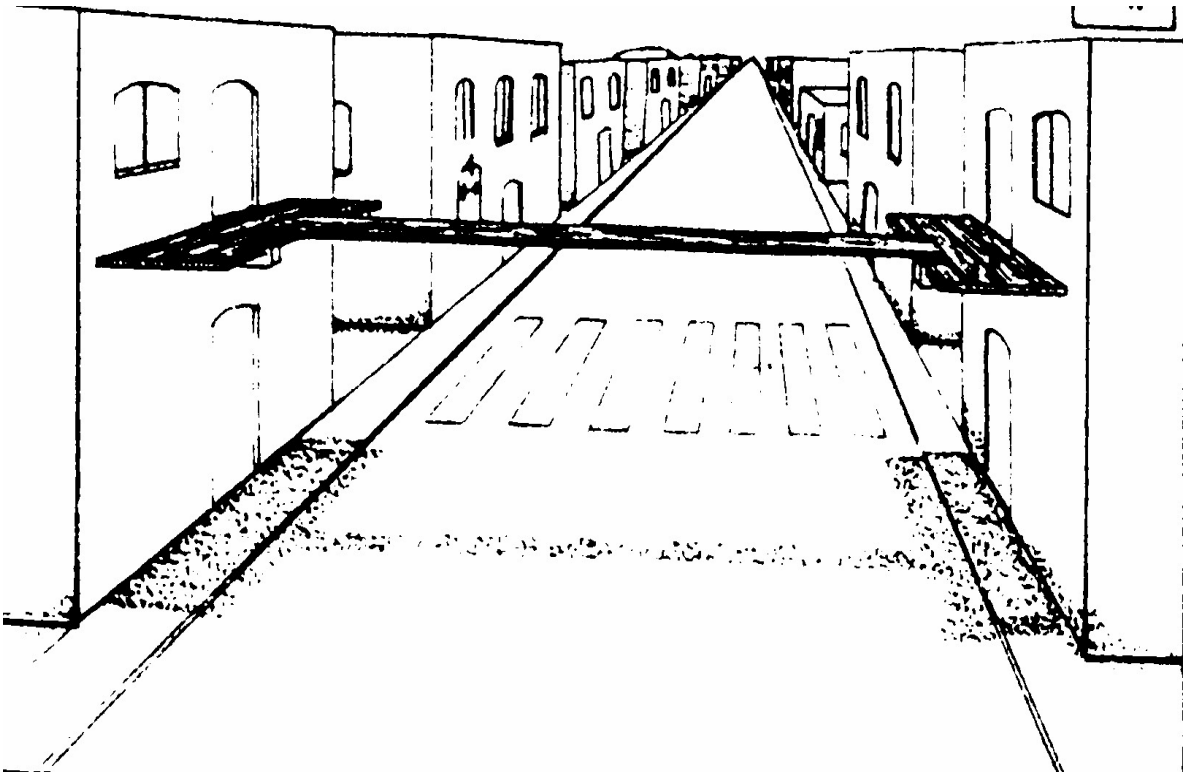
functions as an 'opening' between the two balconies (see illustration[4])…. If they want, they can make two *eiruvin*, and if they want, they can make one mutual *eiruv*. This is because the plank joining them acts as an 'opening'.

Said Rava[5]: The fact that the Mishnah stated "**And similarly** if he put a plank between **two projecting balconies** which are **across from one other"** teaches us that "**one across from the other**"**, yes,** they may make a mutual *eiruv*. But **one not across from the other**, the Halachah will be different. For instance, where one balcony is positioned

[3] The author of the *Mishnah Berurah* writes, in *Sha'ar Hatziyun,* that many Commentators are puzzled by Rashi's explanation of projecting balconies. Thus, our explanation follows the view of the *Shulchan Aruch* and the majority of Commentators.

[4]



[5] According to the emendations of the *Bach.*

further up the street than the other one. In this case, they may not make one *eiruv*. (see illustration[6])

This is because when one puts a plank from one to the other, it will go from the corner of one balcony to the corner of the other balcony, and people don't make an 'opening' in the corner. Furthermore, being that the bridge isn't straight but rather goes diagonally, people are afraid to cross it. (*Mishnah Berurah*)

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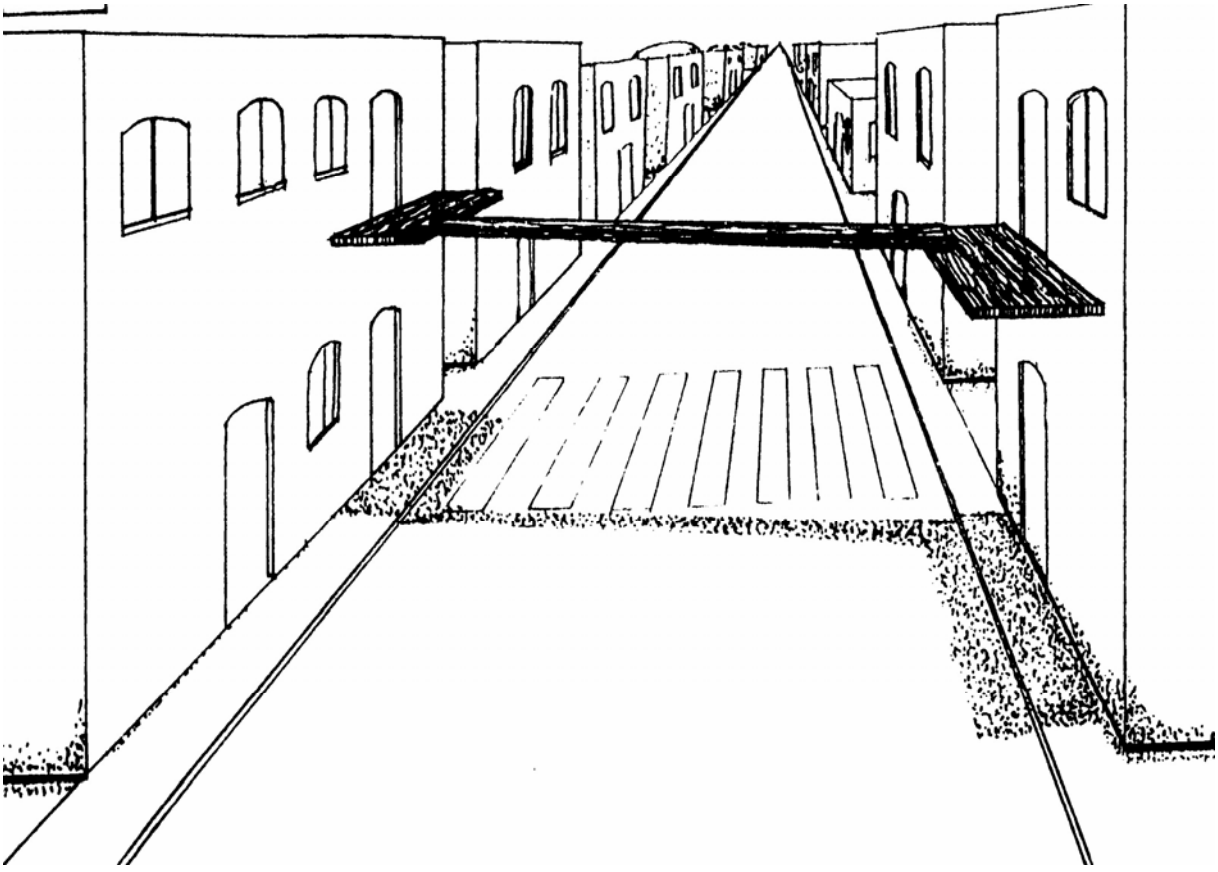
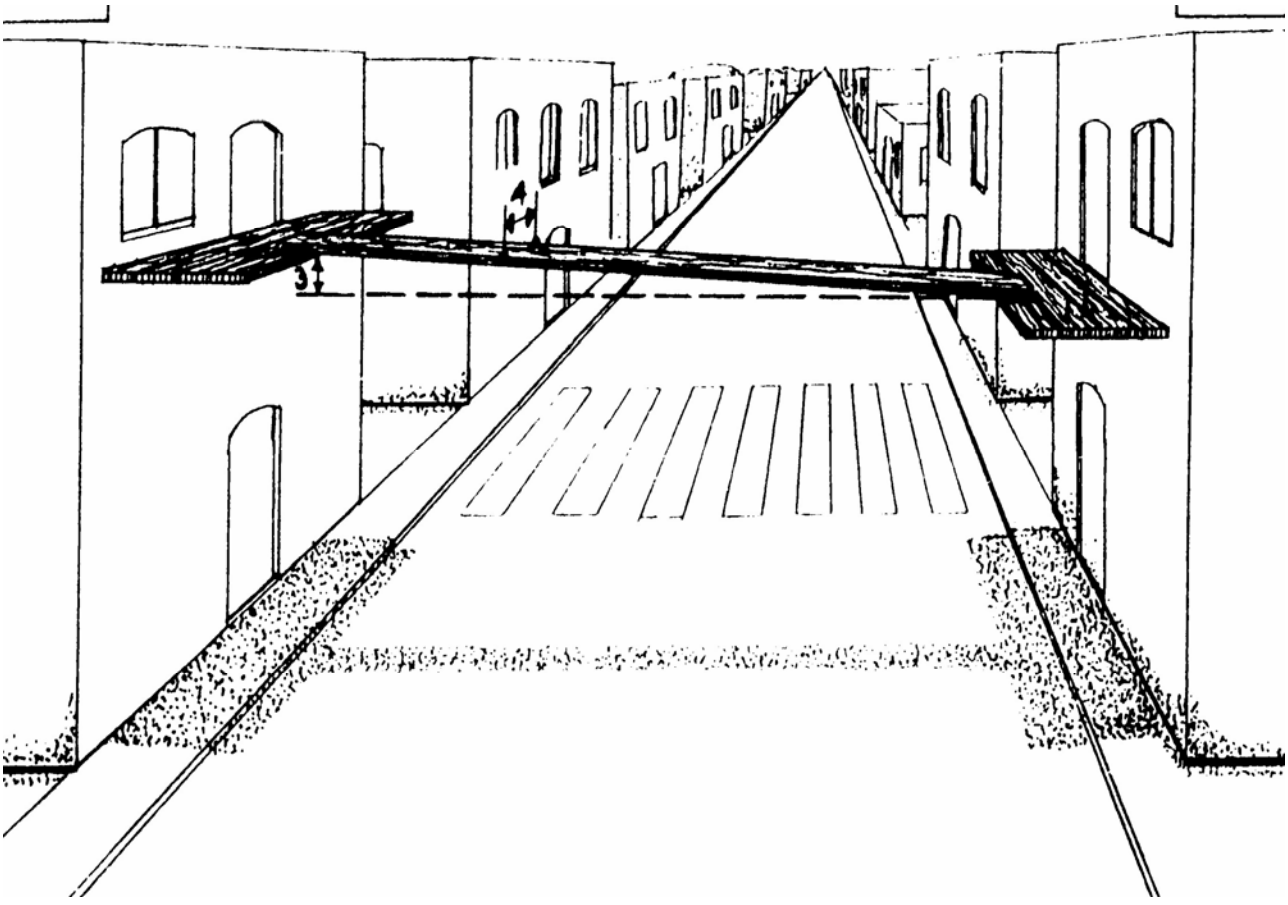


Or if **one** balcony lay **higher than the other** (see illustration[7]), here too we will say **no**, they may not make a mutual *eiruv*. Being that one end of the bridge is higher than the other, people are afraid to cross it. (*Binu Yehonatan*)

And we say[8] that the invalidity of the two previously mentioned cases applies **only if there are three *tefachim* between them.** I.e. one balcony is three *tefachim* further up the street, or one balcony is three *tefachim* higher.

But if there are not three *tefachim* between them, then we apply the principle of "*lavud*", i.e. we regard them as connected.

[7]



[8] According the text that appears in the *Shulchan Aruch*

For in this case, **this is** viewed merely as **a crooked balcony.** Whereas the plank itself is considered as lying straight. (*Mishnah Berurah*)

Mishnah

A haystack serving as a partition separating **between two courtyards** along their entire length, and the hay is **ten *tefachim*** high. **They may make two** separate ***eiruvin* but they may not make one** mutual ***eiruv*.**

These people in the one courtyard **may feed** their animals hay **from here,** from their side. **And those** people in the other courtyard **may feed** their animals hay **from here,** from their side.

And they need not be concerned that the haystack might become lower than ten *tefachim* along a length of more than ten *ammot*, as the Gemara later states, thus making the courtyards into one courtyard—in which case they forbid each other from carrying since they do not have a mutual *eiruv*. And if such were to occur, perhaps they wouldn't notice and would continue carrying out from their houses to their courtyards as previously.

Therefore the Mishnah teaches us that we need not be concerned for this. This is because an animal doesn't eat enough on one Shabbat to diminish a wall to that extent.

However, the Halachah is different in the following case: The hay-wall **was reduced to less than ten *tefachim*** high, along the entire length of the courtyards, and is thus "fully breached". Or even if it became smaller along a length of just ten *ammot*, which exceeds

the dimensions of an "opening". Then **they may make one** mutual ***eiruv*, but they may not make two** separate ***eiruvin*.**

Gemara

The Mishnah stated that the people of each courtyard may feed their animals from this wall of hay:

Said Rav Huna: Only if he doesn't take the hay by hand and **put** it **into his box and feed** his animal.

For in such a case we are concerned lest he unwittingly take so much from the haystack that it will be diminished to less than ten *tefachim* high.

The Gemara asks**: But to** bring the animal and **stand it** right up against the wall **is permitted?**

That is: If we say that it is forbidden only to take it by hand, this implies that the Mishnah which states "These people in the one courtyard may feed their animals hay" must mean that they can bring their animals right up to the wall and let it eat. This shows that the Rabbinic decree of not taking the straw by hand is severe enough in people's eyes so that there is no concern that they will transgress it.

But said Rav Huna, said Rabbi Chaninah: A person may stand his animal upon grass on Shabbat, and we are not concerned lest he uproot some grass by hand and give it to his animal, being that this is a Torah prohibition.

Perek 7 – 79a

But a person may not stand his animal upon *muktzeh* fodder **on Shabbat,** being that the prohibition of moving *muktzeh* is Rabbinic. And we are concerned lest he take the *muktzeh* by hand and feed his animal.

Thus we see that it is forbidden even to stand one's animal to feed upon something which is Rabbinically prohibited to move. Why, then, does our Mishnah permit standing one's animal next to the hay-wall?

The Gemara answers: When the Mishnah says "these people… may feed their animals hay", it doesn't mean that one may actively stand one's animal next to the haystack. Rather, it means **that he stands in front of it,** in front of his animal, not allowing it to turn in any direction other than towards the haystack. **And it goes and eats** by itself. The Sages did not extend their decree to this case.

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And now we ask the opposite: According to Rav Huna, **one may not** take by hand and **put hay into his box,** lest he unwittingly reduce the wall's height**.**

But it was taught in a Baraita that even this is permitted:

As the Baraita taught: **A house between two courtyards**, which has openings to both courtyards. **And they filled it with straw.** They divided this house inside with a partition

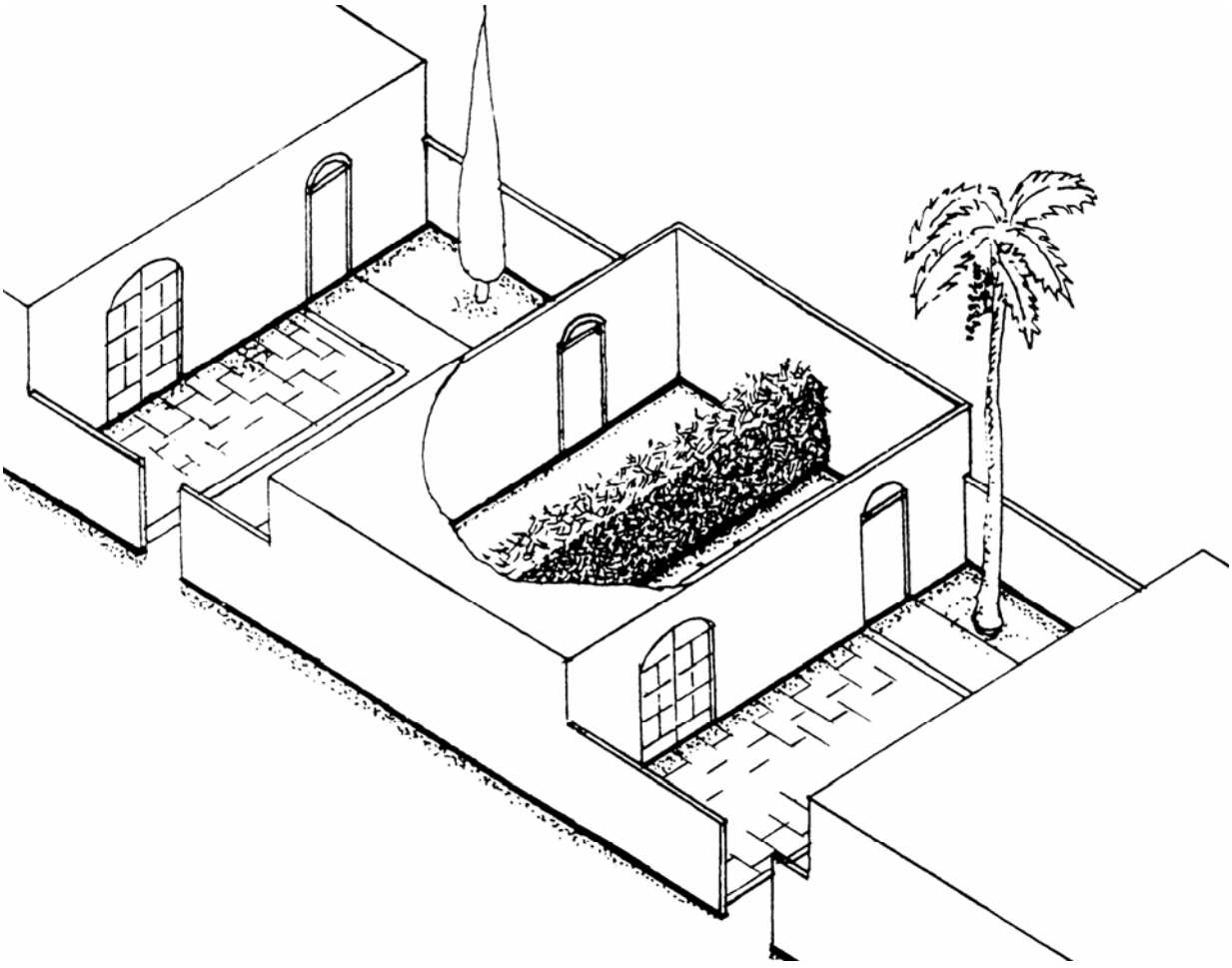
of hay along its entire length, leaving empty space in the house on both sides of the haystack. (see illustration[9])

They may make two separate ***eiruvin*****, but they may not make one** mutual ***eiruv*****.** This is because the original opening between the two courtyards, via the house, is now blocked.

And half the house may be used by the people of one courtyard, and half by the people of the other courtyard.

Therefore, a person from **this** courtyard can **put** hay **into his box and feed** his animal, **and** a person from **that** courtyard can **put** hay **into his box and feed** his animal.

9



Perek 7 – 79a

If **the hay was reduced** to less **than ten *tefachim*** high, thereby annulling its status as a partition, **they are both prohibited** to use the house. Since the house is no longer divided, the people of the two courtyards forbid one another from carrying into it, since they do not have a mutual *eiruv*.

What does one then **do** if he wants to permit the people of the other courtyard to carry to and from the house, and he is the only person living in his courtyard?

He locks the door of **his house** which opens into his courtyard, thereby "removing" himself from the house in the middle.

And he relinquishes his rights in the house to the people of the other courtyard. (Later the Gemara will ask why he needs both locking the door and relinquishing of rights, when annulling of rights alone should suffice.)

If he does this, **he is prohibited** to carry to that house, and **his fellow** from the other courtyard **is permitted**. This is just as in any joint domain. After one relinquishes his rights to the other, the relinquisher is prohibited and the other one is permitted.

And similarly should **you say in regard to a hay-pit that is between two Shabbat boundaries,** such that half the pit is within the boundaries of one town and half is within the boundary of another town. (I.e. the town's boundary ends in the middle of the hay-pit). On Yom Tov, the people of each town may take hay from within their boundary to

feed their animals. We are not concerned lest someone unwittingly take hay from outside his own boundary. (see illustration[10])

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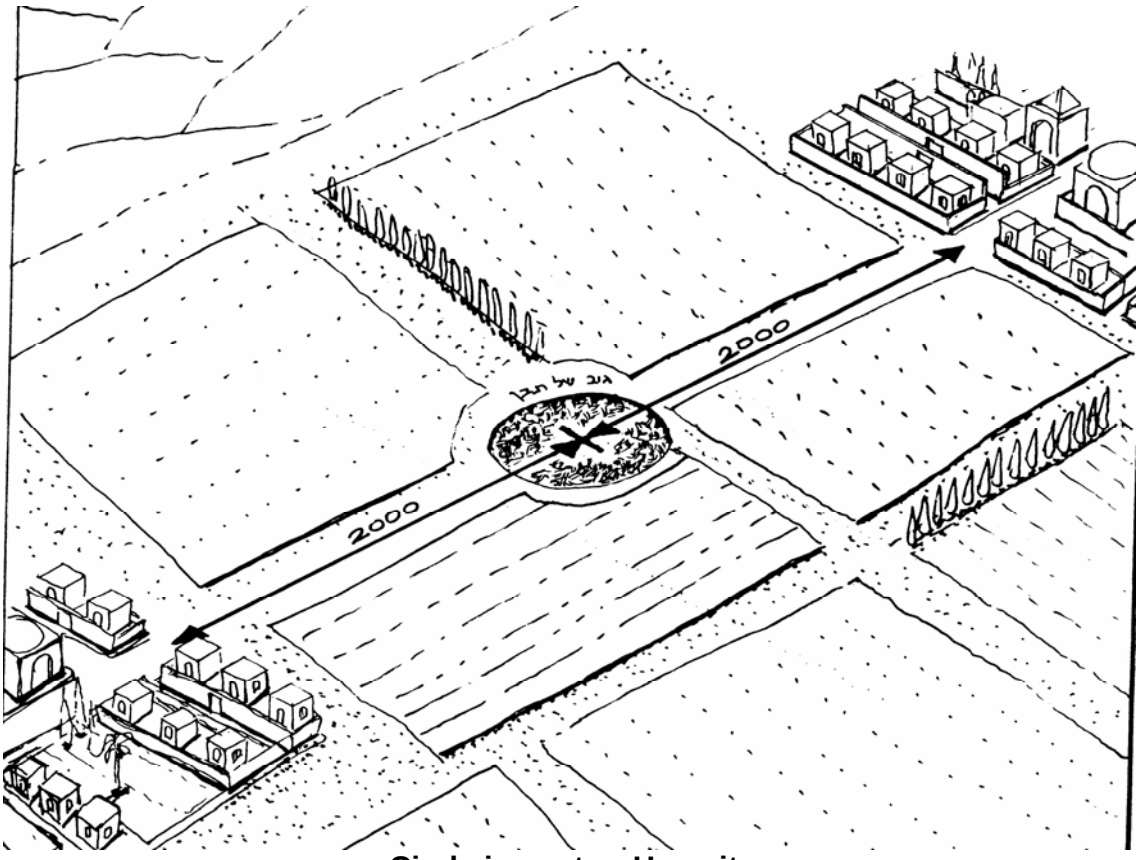
Now the Gemara brings out the point.

The Baraita **taught, in any case:** A person from **this** courtyard may **put** hay **into his box and feed** his animal, **and** a person from **that** courtyard may **put** hay **into his box and feed** his animal, in contradiction to Rav Huna, who prohibits this.

They answered and **said**: The Baraita refers specifically to a haystack in **a house. Since it has walls and ceiling, when it gets less** than ten *tefachim* high**, the matter is**

10



Circle in center: Hay-pit

noticeable, because the straw gets farther from the ceiling. Therefore, there is no concern that it will diminish too far without being noticed.

But **here**, in our Mishnah's case of the straw-wall in the courtyard, **the matter is not noticeable.** I. e. the reduction in the wall's height is not readily apparent. Therefore we are concerned lest the wall go below ten *tefachim* without being noticed.

*

It was taught in the above Baraita**:** If **the hay was reduced** to less **than ten *tefachim*** high, **they are both prohibited** to use the house**.**

The Gemara infers: **But** if the straw was not reduced, and a height of **ten** remains**, it is permitted** to carry to and from the house, because a partition divides it. **And** this is true **even if the ceiling is very high** above the partition.

We hear from this a proof that temporary **partitions that do not reach the ceiling are called partitions** nevertheless**.**

This contradicts the view that such a partition is not valid.

Said Abaye in answer: **Here, we are dealing with a house** that is **13** *tefachim* **minus a tiny bit** high. **And the straw is ten** *tefachim* **high**. Thus, between the straw and the ceiling there is less than three *tefachim*, in which case we apply the principle of "*lavud*", meaning that we view the partition as if it connects to the ceiling.

And Rav Huna son of Rav Yehoshua said: You could **even say** that we are dealing **with a house ten** *tefachim* high.

Perek 7 – 79B

Ammud Bet

And the **straw** is **seven** *tefachim* high **plus a tiny bit. For anything** that is **less than three** *tefachim* **is like *"lavud"*** (connected), so it is considered as if the partition reaches the ceiling.

*

The Gemara raises a difficulty: **It is all right according to Abaye, this which was taught** in the Baraita: If the partition **"**was reduced to less **than ten** *tefachim*", implying that the partition started out ten *tefachim* high.

But according to Rav Huna son of Yehoshua, who sets up the case as a partition that never reached the height of ten *tefachim*, **what is** meant by "was reduced to less **than ten"?**

The Gemara answers: The Baraita means that the partition was reduced to less **than the category of ten** *tefachim.* At first, the wall was considered in the category of ten *tefachim* high, due to the principle of "*lavud*". For it was viewed as connected to the ceiling and thus extending to a height of ten. And now it is reduced.

*

The Baraita stated: If the hay was reduced to less than ten *tefachim* high, **they are both prohibited** to use the house.

The Gemara infers: We **hear from this** a proof that **residents who come** to a courtyard **on Shabbat,** they **forbid** the other people in the courtyard to carry into the courtyard.

Perek 7 – 79B

Even though at Shabbat's onset the courtyard was permitted, for the residents had made an *eiruv*, we do not follow the status established then.

For this is the principle underlying the Baraita's ruling: The straw diminished, and thereby the people of one courtyard, who at the onset of Shabbat held sway over only their courtyard and their half of the house, now "came to be residents" in the other courtyard—and they forbid those of the other courtyard to use the house.

Yet Rav Huna and Rav Yitzchak differ over the question of whether we follow the status established at the onset of Shabbat (see 17b). This Baraita seems to contradict Rav Huna's position.

The Gemara answers: **Perhaps** the Baraita's ruling, "If the hay was reduced to less than ten *tefachim*, they are both prohibited," refers to a case where **it was reduced from yesterday**, i.e., from before Shabbat.

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The Baraita stated: **What does one do** if he wants to permit the people of the other courtyard to carry from their houses into the courtyard? **He locks his house and relinquishes his rights.**

The Gemara is puzzled: He needs **both?** Why does he need to lock his door, once he has relinquished his rights? Relinquishing alone should suffice, as in any case of a courtyard where one person forgot to join in the *eiruv*.

The Gemara answers: **This is what was said: He either locks his house** and thereby reveals his intention to remove himself from the house in the middle, and this serves as his relinquishment (see *Keren Orah*), **or he** actually **relinquishes his rights.**

Perek 7 – 79B

And if you wish, I could say an alternative answer**: In truth,** we need **both.**

As far as permitting others to use that house, relinquishing alone suffices. But the Sages put a restriction on the one who made the relinqhuishment. Being that he is forbidden to use the house in the middle, they required that he lock his house as well. (*Ritva*, and see Rashi)

For if not, **since he was accustomed** to carry **in**to **it** before, he might come to carry there now as well, even after the relinquishment. Therefore, we require that he lock his door.

*

The Baraita stated: **He is prohibited** to carry to that house, and **his fellow** from the other courtyard **is permitted.**

The Gemara raises a difficulty: This is **obvious**! For such is the Halachah in all cases of one who relinquishes his domain to another, as the Mishnah taught above (69b). So why must it be taught here?

The Gemara answers: **It is only needed** to teach us about the case **where the other** person, to whom the rights were relinquished, **turned around and relinquished** his rights in the house back **to his fellow—**after having done in the house what he needed to do**.**

And it the Baraita **informs us** that the following is not true: Now the house is once again permitted to the first relinquisher, and prohibited to his fellow.

Rather, the Halachah is that his fellow is permitted to use the house, and the first relinquisher remains prohibited.

Perek 7 – 79B

Because one may not relinquish his rights to his friend **and** then have his friend **turn around and relinquish** the rights back **to him** on the same Shabbat. This prohibition is so that the Rabbinic decrees do not become objects of ridicule and mockery, when people appear to make use of the rules to justify doing whatever they wish (68b).

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The Baraita stated: **And similarly** should **you say in regard to a hay-pit that is between two Shabbat boundaries.**

The Gemara is puzzled: But this is **obvious!** Why should the laws of Shabbat boundaries be more strict than the laws of courtyards, being that both are Rabbinic decrees?

The Gemara answers: **It is only needed** to teach us that even according **to Rabbi Akiva, who says that *Techumin*** ("boundaries") **are** a prohibition **from the Torah**, this is permitted nonetheless**.**

What might you have said? We should decree against it, **lest they come to swap** and take straw from the other boundary. Therefore, the Baraita **informs us** that we are not concerned about this.

Perek 7 – 79B

Mishnah

How do they join together to make *shitufei mevu'ot* **in an alleyway?**

Simply speaking, each courtyard donates to a jointly-owned pool of foodstuffs called a "*shituf*". This creates a symbolic joint household. But, if they want, they need not collect from every courtyard its portion in the *shituf*. Rather, one person **puts down a barrel** of wine or oil that was his, **and says: "Behold, this is for all the people of the alleyway,"** in order that they all become partners in the "*shituf*." **And he confers to them ownership** of their portion in the barrel's contents **via his adult son** or **daughter**.

He does this by saying to his son or daughter: Receive this barrel on behalf of all the people of the alleyway.

And similarly he can confer ownership to the people of the alleyway **via his Hebrew slave or maidservant,** even if she is a minor**.**

And similarly he can confer ownership to them **via his wife**.

But he may not confer ownership to them **via his son or daughter who are minors,** when he supports them (*Shulchan Aruch*). **And not via his Canaanite** i.e. non-Jewish **slave or maidservant.** This is **because their ownership,** of his young children and his non-Jewish slaves, **is like his** own **ownership.** I.e. giving them something accomplishes nothing. For whatever they acquire belongs automatically to him.

Perek 7 – 79B

Gemara

Said Rav Yehudah, regarding the following case**: A barrel of *shitufei-mevuot,*** containing wine or oil that belongs to one of the people of the alleyway. He wishes to confer its ownership to the people of his alleyway, via a third party. The third party **needs to pick up** the barrel **from the ground** to a height of at least **a *tefach***. For as long as the barrel rests in the domain of the original owner, the others do not acquire it.

Said Rava: These two things, the Elders of Pumbedita (meaning Rav Yehudah and his yeshivah) **said.**

One, that which was said above, in Rav Yehudah's name.

And **the other,** as follows: **One who makes Kiddush** over wine on Shabbat and Yom Tov, how much wine must he drink from the cup? **If he drank** enough to make **his cheeks full,** i.e. the amount that if he were to put it all to one side of his mouth, it would look like his cheek was full (*Rabbeinu Tam* and *Ritva*)**, he has fulfilled his obligation.**

But if not, he has not fulfilled his obligation.

Said Rav Chaviva: This halachah, **too, the Elders of Pumbedita said** it**:**

That said Rav Yehudah, said Shmuel: For 30 days after birth **we may make a bonfire for a new mother, on Shabbat,** if she is distressed by the cold.

The disciples of the yeshivah **understood from this** that **for a new mother, yes**, we make may a bonfire. But **for a sick person, no.** We may not.

Perek 7 – 79b

And even for a new mother, **in the winter, yes,** one may make a bonfire. But **in the summer, no.**

Yet **it was said** to the contrary, in a statement of Amoraim**: Said Rav Chiya bar Avin said Shmuel: One whose blood was let** for healing purposes, **and** he **felt chilled, we make for him a bonfire on Shabbat, even in the season of Tammuz** i.e. the height of the summer. This is because being cold is a probable threat to the life of one whose blood was let. And the same applies to any anyone with a life-threatening sickness who feels cold. (*Mishnah Berurah*)

Said Ameimar: This also, the Elders of Pumbadita said it**:**

That it was said: What is assumed to be an *asheirah*? What tree do we assume to be an *asheirah*, which was worshipped in the course of an idolatrous service, even though we didn't actually witness it being worshiped?

Chavruta
Eiruvin – Daf Peh

Translated by: *Rabbi Reuven Subar*
Edited by*: R. Shmuel Globus*

Said Rav: Any tree we see **that the priests of idol worship guard** it **but don't eat from its fruits.** For certainly, if they had not worshipped it, they wouldn't refrain from eating its fruits.

And Shmuel said: Like those **who** guard its fruits and **say: "These dates are for** making **beer for** the idol called ***Bei Netzarfi,"* which they drink on their holiday** in honor of this idol**.** This alone is enough to clearly indicate that the tree is an *asheirah*.

And now Ameimar finishes his statement: **And they**, the Elders of Pumbedita, **said to me: The Halachah is in accordance with Shmuel.**

We now return to the previous statement, that one who confers ownership in the food of a *shituf* or *eiruv* must lift the item a *tefach* from the ground.

They contradicted this, from the following Baraita**: How do they create a *shituf* in an alleyway? They bring a barrel of wine or of oil, or of dates, or of figs, or of other types of fruits.**

If it was his, if the barrel belonged to one of the members of the alleyway, **he needs to confer ownership** of it to all the members of the alleyway.

But if he takes from what is **theirs**, then he doesn't need to transfer ownership from one to another.

But **he needs to inform** the people from whom he took. Being that everyone is allowed to eat whatever food is in the *shituf* or *eiruv*, he needs to know if the contributors to it agree to this. For perhaps someone is adamant that the other members of the alleyway not eat from his portion. And when one is adamant about this, his *eiruv* or *shituf* is invalid.

And when he confers ownership of his own food-stuff to the others via a third party, the third party needs to **lift it up from the ground a tiny bit.**

So we see that one need not lift it a *tefach*.

The Gemara answers: **What was** meant by the expression **"a tiny bit" that was said** in the Baraita**? Also** this expression means **a *tefach*.**

*

It was said in a statement of Amoraim: Regarding food of ***shitufei-mevu'ot*** contributed by one of the members of the alleyway:

Rav said: One does not need to confer ownership to the others (this is against what stated in our Mishnah).

The reason: since the other people of the alleyway forbid him to use the alleyway, in the case that the *shituf* should be invalid, he thus wholeheartedly confers ownership, with no need of an act of acquisition.

And Shmuel said: One needs to confer ownership to them.

Perek 7 – 80a

But regarding ***eiruvei-techumin,*** which establish a person's Shabbat boundary, when one makes such an *eiruv* for his friend:

Rav said: One needs to confer ownership to him, because here, one's friend doesn't forbid one from walking to the end of one's Shabbat boundary, should the friend's *eiruv techumin* be invalid. So there is no automatic transferring of ownership.

And Shmuel said: One does not need to confer ownership to him. [See *Tosafot* and *Ritva* for several explanations of Shmuel's reasoning.]

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The Gemara raises a difficulty: **It is all right according to Shmuel,** since his view finds support in the different expressions that the Mishnayot use.

For **here,** regarding *shitufei-mevu'ot,* **the Mishnah taught:** "and he confers ownership," whereas **here,** regarding *eiruvei-techumin,* **the Mishnah did not teach** that one must confer ownership. Rather, the latter Mishnah says: "He puts down the barrel and says: "Behold, this is for all the people of my town."

This implies that nothing more need be done, and that conferring ownership is not required for *eiruvei-techumin*.

But according to Rav, what is the reason that he holds that one needs to confer ownership for *eiruvei-techumin***?** The Mishnah doesn't mention the need to confer ownership, implying that there is no such need!

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Perek 7 – 80a

The Gemara answers: **This is** the subject of a disagreement between the **Tannaim.** There is a Tanna who differs with the above-quoted Mishnah and holds that one needs to confer ownership, and Rav ruled like that Tanna.

For said Rav Yehudah, said Rav: It happened to the daughter-in-law of Rabbi Oshiya, that she went one Friday afternoon **to the bathhouse** outside her town's boundary, **and darkness fell** before she had time to return to within her town's boundary.

And her mother-in-law made an eiruv-*techumin* **for her,** to allow her to return home.

And the incident came before Rabbi Chiya, and he forbade her to rely on this *eiruv*. The reason will be explained soon.

Rabbi Yishmael b'Rabbi Yossi said to him, to Rabbi Chiya:

O Babylonian! (Rabbi Chiya was from Babylon.) **Are you so strict regarding *eiruvin*?** It is unnecessary to be so strict, because **this is what** my **father** Rabbi Yossi **said: Whatever** basis **you have to be lenient regarding *eiruvin*, be lenient!**

And they the scholars of the study hall **posed an inquiry**: In the above incident, what exactly was the case?

Perhaps it was **from her mother-in-law's** food **that** her mother-in-law **made the *eiruv* for her**, **and** Rabbi Chiya forbade it **because she didn't confer ownership** of the *eiruv* **to her?**

Or, perhaps it was **from that which belonged to her** daughter-in-law that **she,** the mother-in-law, **made the *eiruv* for her? And** Rabbi Chiya forbade it for a different reason: **because** she made the *eiruv* **without her** daughter-in-law's **knowledge.**

Perek 7 – 80a

And **one of the scholars said to them, and Rabbi Yaakov was his name:**

I myself heard **it explained from Rabbi Yochanan: It was her mother-in-law's** food**, and** Rabbi Chiya forbade it **because she did not confer ownership to her.**

Said Rabbi Zeira to Rabbi Yaakov: Son of Yaakov's daughter! (Being that Rabbi Yaakov's father was unworthy, Rabbi Zeira didn't mention his name, and instead mentioned his mother's father.)

When you go **there,** to Babylon, please **go out of your way and go via** the path called **Sulma of Tzur**, **and** there **pose the inquiry to Rav Yaakov bar Idi** about what exactly happened.

So, Rabbi Yaakov went out of his way via Sulma of Tzur, **and he posed the inquiry to him**, Rabbi Yaakov bar Idi: Was it **with the mother-in-law's** food that **she made the *eiruv,* and** it was ruled invalid by Rabbi Chiya **because she did not confer ownership?**

Or perhaps it was with her daughter-in-law's food that **she made the *eiruv,* and** it was ruled invalid **because it was** done **without her knowledge?**

He Rav Yaakov bar Idi **said to him** Rabbi Yaakov**: It was with the mother-in-law's** food that **she made the *eiruv* for her, and** it was ruled invalid **because she did not confer ownership.**

Thus, there is a disagreement between Rabbi Chiya and Rabbi Yishmael b'Rabbi Yossi over the need to confer ownership in the food of an *eiruv techumin.*

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Perek 7 – 80a

Said Rav Nachman bar Yitzchak**: We have accepted** [the following as a tradition from our fathers and a custom of our masters:

Whether *eiruvei-techumin,* or whether *shitufei-mevu'ot,* one needs to confer ownership.

Rav Nachman bar Yitzchak **posed an inquiry:** ***Eiruvei-tavshilin,*** which we make in order to permit cooking on Yom Tov for the sake of a Shabbat which falls the following day, does one **need to confer ownership** to those relying on this *eiruv*, **or does one not need to confer ownership?**

Said Rav Yosef, puzzled by this: **And what was** the point of uncertainty underlying **his inquiry?**

Did he Rav Nachman bar Yitzchak **not hear that which Rav Nachman bar Rav Adda said, said Shmuel: "**For ***eiruvei-tavshilin*****, one needs to confer ownership"?**

Abaye said to him, to Rav Yosef**:** It is **obvious that** Rav Nachman bar Yitzchak **did not hear** that statement of Shmuel. **For had he heard it, what would he pose an inquiry** about**?**

Rav Yosef said to him, to Abaye: The fact that he posed such an inquiry does not prove that he did not hear the statement of Shmuel.

For **regarding *eiruvei-techumin*, did Shmuel not say: "One does not need to confer ownership," yet he** (Rav Nachman bar Yitzchak) **said** above**: "One needs to confer ownership**,**"** unlike Shmuel.

Here too, perhaps he heard that Shmuel said "one needs to confer ownership", yet still posed an inquiry whether this view should be followed.

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The Gemara rejects this approach: **Now, is it** a valid comparison? **It is all right there**, regarding *eiruvei-techumin*, that Rav Nachman would say "one needs to confer ownership", contrary to Shmuel's view. **Because Rav and Shmuel differ** regarding that matter, **and** Rav Nachman **informs us** that we should rule **according to the stringencies of the Master,** i.e. Rav, who said regarding *eiruvei-techumin* that one must confer ownership. **And** that we should rule **according to the stringencies of the** other **Master,** i.e. Shmuel, who said regarding *shitufei-mevu'ot* that one must confer ownership.

But here regarding *eiruvei-tavshilin*, **if it would be that he** Rav Nachman **heard** Shmuel's statement that one must confer ownership, he certainly would not have posed an inquity about it. For **is there anyone who differs** with Shmuel**?**

Therefore, he must not have heard it.

[The following section of Gemara is explained according to the *Chazon Ish*, *siman* 99, *se'if katan* 5 and 6.]

There was a certain gentile ***turzina*** (appointee over the city's weapons arsenal) **who was in the neighborhood of Rav Yehudah bar Oshiya.**

And the residence of a gentile in a courtyard forbids the Jews of the courtyard and of the alleyway, unless the Jewish residents rent his rights from him (as explained in the beginning of *perek Hadar*).

They, the Jewish neighbors who lived with him in that courtyard or alleyway, **said to him:** "Please **rent us your rights** in this courtyard (or alleyway)."

He did not rent them his rights**.**

They, the neighbors, **came before Rav Yehudah** bar Oshiya to ask advice**.**

He said to them: Thus said Shmuel: A man's wife may make an *eiruv,* donating for this purpose food that belongs to him, **without his knowledge.** And similarly, a man's wife may rent his rights in a common domain, without his knowledge, for the purpose of permitting an *eiruv.* (*Ritva*) Thus, if they could get agreement from the *turzina's* wife, they could make an *eiruv.*

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They contradicted him, from a Mishnah: **Women who made an *eiruv* or a *shituf*** using their husband's belongings but **without their husband's knowledge, their *eiruv* is not a** valid ***eiruv,* and their *shituf* is not a** valid ***shituf*.**

The Gemara answers**: It is not a difficulty.**

This which Shmuel said, that she may make an *eiruv* without his knowledge, is in a case **that he** otherwise **forbids** them to carry in the common domain, unless he joins in their *eiruv* or *shituf.*

And that which the Mishnah says, that she may not make an *eiruv* without his knowledge, is in a case **that he does not forbid** them to carry there, even if he does not join their *eiruv* or *shituf.*

For example: His house or courtyard was open to two different domains, and he was accustomed to go in and out via one of them, in which case he doesn't forbid the dwellers in the second domain from carrying out from their houses to the joint domain.

And therefore: If his wife wants to make an *eiruv* with the second domain, in order to permit carrying out from his domain to the domain with which she is making the *eiruv*, she is not allowed.

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This also stands to reason, that Shmuel agrees that the wife may not make such an *eiruv* where the husband doesn't otherwise forbid them to carry.

For if it is so that Shmuel holds that even there, she may make such an *eiruv*, then there will be a **contradiction of Shmuel**'s statement that permits this, **upon Shmuel**'s other statement which forbids it**:**

For said Shmuel, regarding the following case**: One of the people of an alleyway who was accustomed** every Shabbat **to join together with the** other **people of the alleyway,** because he otherwise forbade them. **And** this Shabbat **he did not join,** because he wanted to forbid them. **The people of the alleyway** may **enter into his house,** with his wife's permission, **and take from him** a little of his foodstuffs as his share in **their *shituf*— against his will.**

And we draw the inference that only if he were **"accustomed"** to join with them, being that he otherwise would forbid them, then, **yes**, they may do this.

But if he were **not accustomed** to join with them, because he has another opening to a different alleyway via which he comes and goes, in which case he does not forbid them, then **no**, they may not do this, even if his wife allows it.

And so Shmuel's two statements would contradict one another.

And so **we hear from this** a proof for what was stated above, that Shmuel allows a wife to make an *eiruv* without her husband's knowledge only if he otherwise forbids them.

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Let us **say** that the following **is a support for him**, for Shmuel: **We may force him** a resident of an alleyway **to** help pay to **make a side-post or a crossbeam for the alleyway,** to allow carrying in the alleyway.

And it follows that we may force him to join in *shitufei-mevu'ot*, in order not to forbid them from carrying in the alleyway. And therefore, his wife may make the *eiruv* without his knowledge, based on the fact that we may even force him to participate. [Explained according to the *Chazon Ish*]

Ammud Bet

The Gemara rejects this support:

It is different there, where we may force him to participate in the costs of a side-post or crossbeam. **For** otherwise **there are no** Halachically valid **partitions** marking off the alleyway, and it is thus a low-quality alleyway that is hard to guard. Therefore we may force him. But to merely to allow carrying, perhaps we need his consent.

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Perek 7 – 80b

A different version[1]: From the side i.e. due to the order issued by the Rabbinical Court[2] **is different.** I.e. "we may force him" refers to the force of the court order. Such a procedure carries more validity than merely attaining his wife's agreement behind his back.

ס ס ❋ ק ק

It was said in a statement of Amoraim**:**

Rav Chiya bar Ashi said: We may make a side-post, in order to permit carrying in an alleyway, out of wood taken from an ***asheirah***, a tree that was the object of pagan worship and is thereby forbidden by Torah law to benefit from**.**

And Rabbi Shimon ben Lakish said: We may make a crossbeam, in order to permit carrying in an alleyway, out of wood taken from an ***asheirah*.**

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[1] The following text, the more widespread version in most manuscripts, should be considered the correct one:

Its different there, for there "are" partitions.

Meaning, even though they were made against his will, nevertheless, they are partitions which permit carrying in the alleyway, and being that its fitting to force him -- we force him.

But regarding *eiruv*ei-chatzeirot, which require an acquisition or "dwelling" (via the *eiruv*, as above, 49a), if it be done against his will, perhaps it doesn't work, for there is neither acquisition nor "dwelling."

[2] According to the emendations of the Ga'on of Vilna.

Perek 7 – 80b

The Gemara explains: **The one who says a crossbeam** is valid if made from an *asheirah* – **all the more so a side-post** is valid if made from an *asheirah*. This is because a side-post has no requisite dimensions, neither in its width nor its thickness. And there is a principle stating that an object from which we are forbidden to benefit is regarded as lacking requisite dimensions. This principle will not invalidate a side-post made from *asheirah* wood, since a side-post does not have stringent requirements regarding its dimensions.[3]

But the one who says a side-post of *asheirah* wood is valid, this is only true of a side-post. **But a crossbeam,** which has a requisite width of a *tefach,*[4] **no.** A crossbeam would be invalid if made from *asheirah* wood, because **"its dimensions are** regarded as **non-existent."**

This principle is because the Torah requires it to be burnt, as written, "and their *asheirot* you shall burn in fire". Thus its dimensions are not regarded as such, for it is considered as if it was already burnt. (*Rashi*)

Mishnah

The members of an alleyway put the food of their *shituf* in a guarded place for many weeks, and after a while, **the food was diminished** and no longer equaled the minimal amount defined below in the Mishnah.

If one of the people of the alleyway wishes, **he adds** some of his own food **and confers** ownership to all the other people of the alleyway.

[3] *Tosafot* explain why the requisite height of a side-post does not pose a problem.

Perek 7 – 80B

Or, if he wants, he may take food from them to replenish the *shituf*, **and he need not inform** them**.**

Usually he would need to let them know if he would take from them, as explained above (*ammud alef*). But here it is different, because they already wanted to be partners in the *shituf* originally.

If more residents **joined them** since the time they first made the *shituf*, then, if someone wants to, **he adds** some of his own food, **and confers** ownership to newcomers.

And if he wants to take food from them, **he needs to inform** them, as explained above (*ammud alef*), in order that they not be stingy in regard to their *shituf*.

How much is the amount needed for *shitufei-mevu'ot*, and the same will apply to *eiruvei-chatzeirot*? (*Rabbeinu Yehonatan* and *Tosfot Yom-Tov*)

When there are many residents (the Gemara will say how many) who are obligated to join in the *shituf*, **food** that would be enough **for two meals** of one person suffices, for **everyone**. I.e. each resident does *not* have to contribute this amount. Rather, enough food to feed one person twice is the *total* amount required. Even if there are very many residents, this amount suffices, being that two meals is a significant amount. (*Rabbeinu Yehonatan*) "Two meals" is six egg-volumes, and some say eight egg-volumes. (*Shulchan Aruch*)

But when there are few residents, **a dried-fig volume for each one** suffices. Food enough for two meals of one person, which in this case would come out more than a dried-fig volume per person, is not required. The Gemara will explain how many people are considered "few".

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[4] Wide enough to rest an "ariach" (a half-brick) upon -- and a minimal strength to support such an ariach

Said Rabbi Yossi: When are these words said? In the beginning of an *eiruv-chatzeirot*, when they first made the *eiruv*. But **in the leftovers of an *eiruv,*** where they made an *eiruv* to last for several weeks and the first Shabbat already passed, and only afterwards did the *eiruv* diminish, then the requisite amount for the coming weeks is **a minute amount.**

Because **they only said to make an *eiruv-chatzeirot*** along with the *shituf* of the alleyway **in order that the children not forget** the laws of *eiruv*.

But, in principle, the *shituf* of the alleyway stands in place of an *eiruv-chatzeirot*. Therefore, any minute amount suffices. (*Rabbeinu Yehonatan*; this, too, is Rashi's view, according to the *Biur Halachah*.)

Gemara

We learned in the Mishnah: if the food was diminished, he may add to it and confer ownership to the others, and he need not inform.

We may draw an inference: Only if the food were "diminished" would he not need to inform.

But if it disappeared totally, and he re-supplies it with food, then he would need to inform them.

The Gemara clarifies the case: **What** case **are we dealing with?**

(as stated in the Mishnah above, 13b)

Perek 7 – 80b

If you say we are dealing with a case where he makes the *eiruv* **with one type,** i.e. with the same type of food as had been used to make the *eiruv* until now, then **why is it** the Mishnah **speaking of** a case that it was "**diminished**", implying that only this is the case where one need not inform**?**

For **even** if it were totally **disappeared too**, he would not need to inform**!**

Rather, it is dealing with **two types**. That is, he now wants to use a different type of food from the type he used originally.

If so, **even if it were** merely **diminished**, and not totally disappeared, **also** he may **not** make an *eiruv* without informing them.

For it was taught in a Baraita**: If the food had disappeared** and he wants to remake the *eiruv* **from one type,** i.e. from the same type of food, **he need not inform** them.

But to make the *eiruv* **from two types,** i.e. a different type, **he needs to inform** them**.**

At this point the Gemara assumes that this would apply even if the *eiruv* were diminished and not disappeared. And the fact that the Baraita speaks here of a case of "disappeared" is explained by the first part of the Baraita. For there, regarding making an *eiruv* with the same type of food, it is true even if the food had disappeared. (*Tosafot*)

Thus the Baraita allegedly states that he needs to inform them even if the *eiruv* was only diminished.

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The Gemara answers: **If you wish, I will say**, i.e. explain, that the Mishnah is talking about a case where he makes the *eiruv* **from one type.**

Perek 7 – 80b

And if you wish, I will say an alternative explanation, that the Mishnah is talking about a case where he makes the *eiruv* **from two types.**

If you wish, I will say that the Mishnah is talking about a case where he makes the *eiruv* **from one type**—

And regarding the objection that was raised: Why, then, does the Mishnah speak of the *eiruv* being "diminished", when even if it had totally disappeared, he still would not need to inform?

The answer is that the Mishnah indeed speaks of "disappeared". And **what is** the proper reading of **'diminished',** ***nitma'eit*****? Destroyed,** ***nitmatmeit*****.** In Hebrew, these words are quite similar.

And if you wish, I will say that the Mishnah is speaking of where he makes the *eiruv* **from two types.**

And regarding the objection that was raised: If so, even if the *eiruv* is merely diminished, he should still need to inform—

The answer is that "disappeared" is different. The above Baraita which forms the basis of the objection, which states that "the food had disappeared", means specifically the case of "disappeared". It does not apply also to a case where it was merely "diminished", as assumed originally.

Perek 7 – 80b

We learned in the Mishnah: **If more** residents **joined them** since the time they first made the *shituf,* then, if someone wants to, **he adds** some of his own food, **and confers** ownership to newcomers. And if he wants to take food from them, he needs to inform them.

Said Rav Shizbi, said Rav Chisda: Rabbi Yehudah rules in the next Mishnah that one may make an *eiruv* for someone without their knowledge. And the fact that our Mishnah here states "he needs to inform them", **this implies that the colleagues of Rabbi Yehudah differ with him,** with Rabbi Yehudah. For our Mishnah, expressing the view of the other Sages (i.e. Rabbi Yehudah's colleagues) implies that one cannot originate an *eiruv* without the knowledge of the others, and thus the Mishnah states: "he needs to inform them."

As we have learned in the following Mishnah, regarding the rule that one may not make an *eiruv* for a person without his knowledge: **Said Rabbi Yehudah: When are these things said** that we need a person's knowledge? **Regarding *eiruvei-techumin,*** because perhaps he doesn't want an *eiruv* on one side of the town, causing him to lose his territory on the other side of the town.

But regarding *eiruvei-chatzeirot* and *shitufei-mevu'ot,* **we may make an *eiruv*** and a *shituf* **whether with** his **knowledge or without** his **knowledge.**

And this is not in accord with our Mishnah, which teaches that he must inform the others.

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The Gemara is puzzled: **It is obvious** that our Mishnah shows **that they differ!** Why did Rav Chisda need to point this out?

Perek 7 – 80b

The Gemara answers: Rav Chisda is teaching us the following: **What might you have said?** That in truth, Rabbi Yehudah in the following Mishnah is coming to *explain* the view of the first Tanna, rather than differ with him. And this which our Mishnah states, "he needs to inform them", **these words** apply only **in a courtyard between two alleyways.** For in this case we don't know with whom the residents of the courtyard wish to join, and that is why he needs to inform them.

But in **a courtyard** with only **one alleyway, I might say no,** he need not inform the residents of the courtyard that he is making a *shituf* on their behalf. Since there is no other alleyway with whom they could join, they need not be informed, as Rabbi Yehudah indeed said in the following Mishnah.

Therefore, Rav Chisda **informs us** that even in a courtyard with only one alleyway, he needs to inform them. This is because the other Sages, i.e. Rabbi Yehudah's colleagues, differ with him in this regard.

We learned in the Mishnah: **How much is the amount** of food needed for a *shituf* or an *eiruv*? When there are many residents, enough food for two meals of one person; when there are few residents, one dried-fig volume per person.

The Gemara asks: **How many is "many"?**

Said Rav Yehudah said Shmuel: Eighteen people. The reason for this figure is explained below.

And we ask: **Eighteen** people, **and not more?**

Surely, more than eighteen people is also considered many.

The Gemara answers: Rather you should **say: "From eighteen and onwards."**

And what is different[5] **about** the number **eighteen, that it was chosen?**

Said Rav Yitzchak, son of Rav Yehudah: That statement of my **father was explained to me:**

Anything which if you **divide the food of two meals** for one person **among them,** among those obligated in the *eiruv*, **and it does not get to a *grogeret*** (dried-fig volume) **for each one, they are considered "many."** Regarding them, two meals suffices for all of them together; a *grogeret* per person is not required.

And if not, if they divide the food of two meals and it comes out more than a *grogeret* per person, then **they are** considered **"few".** Thus they not require two meals, but rather a *grogeret* per person. In other words, we follow the smaller of the two measurements.

And by the way, Shmuel **informs us** by stating the number eighteen (as opposed to saying that "many" means when you divide two meals among them, there isn't a *grogeret* for each person) **that two meals are** composed of **18 dried-fig volumes.**

And that is why he hinged this ruling upon the number eighteen.

[5] According to emendation of the *Bach*

Perek 7 – 80b

MISHNAH

With any type of food or drink **we** may **make an *eiruv* or a *shituf*, except for water and salt**, because we need something significant. These are **the words of Rabbi Eliezer.**

Rabbi Yehoshua says: Only **a** whole **loaf is** fit to serve as **an *eiruv***, but not a broken loaf. (Included in Rabbi Yehoshua's statement is that only bread may serve as an *eiruv*, but not any other type of food)**.**

And therefore, **even baked goods** of bread made from **a *se'ah*** of flour, **but** from **which** a little piece is missing and **is** now regarded as **a fragment** due to the fact that it is broken, **we may not make an *eiruv* with it** because it is not whole.

Whereas even **a** small **loaf** of bread **like** the size of **an *issar*** (a kind of coin), **but which is whole, we may make an *eiruv* with it**, if there are enough of such loaves to provide a *grogeret* per person.

The reasoning of Rabbi Yehoshua—that bread is required, and that it be whole—is due to a concern lest dispute and ill-feelings arise when one person will say to his fellow: "How is it that I give meat and you give fruits?" or "How is it that I give whole loaves, while you give broken pieces?"

CHAVRUTA
EIRUVIN – DAF PEH ALEF

Translated by: *Rabbi Reuven Subar*
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Gemara

The Gemara raises a difficulty: But **we** already **learned one time** this ruling, that one may make an *eiruv* with everything except for water and salt. We learned this above, regarding *eiruvei-techumin*, which establish the place of one's Shabbat residence, allowing one to walk from there 2000 *ammot* in any direction.

For it was taught in a previous Mishnah: **With all** types of foodstuffs **one may make an *eiruv* and a *shituf*,** which joins the people of an alleyway**, except for water and salt.**

And we answer: **Said Rabbah:** We need to teach it here in order **to exclude** the view **of Rabbi Yehoshua, who says "a** whole **loaf, yes,"** it is fit for an *eiruv*, but **"anything else, no."** This Mishnah **informs us** that even for *eiruvei-chatzeirot*, one may make them **with all** types of food or drink.

And regarding *eiruvei-techumin*, Rabbi Yehoshua agrees with the Sages that one may use anything, for there, each person makes his own *eiruv* for himself, and there is no concern for resentment (explained in our Mishnah on the previous *daf*).

Abaye contradicted this assertion that the Sages (whose view is expressed in our Mishnah) differ with Rabbi Yehoshua, and allow an *eiruv* to be made from foodstuffs other than bread.

For one could explain the Mishnah's use of the word "with all" to mean "with all types of bread", meaning "even with a broken piece"—but with not other types of food. For we find a similar structure in the following Baraita:

The Baraita states: **With everything, may one make *eiruvei-chatzeirot,* and with everything may one make *shitufei-mevu'ot,* for they** the earlier Sages who established the halachot of *eiruvin* **only said to make an *eiruv* with bread in regard to a courtyard alone.**

And when the Baraita says "*With everything*, one may one make *eiruvei-chatzeirot*", this obviously refers to every type of bread, since the Baraita goes on to state expressly that bread is needed for the *eiruv* of courtyards.

And **who did you hear saying "bread, yes, anything else, no?" Rabbi Yehoshua. And** nevertheless, **he taught** that one may make an *eiruv* **"with everything."**

We see, then, that "with everything" can mean "with every kind of bread." And if so, this too could be its meaning in our Mishnah.

Rather, said Rabbah bar bar Channah in answer**:** The Mishnah's statement that "with everything, may one make an *eiruv*" **comes to exclude that** ruling **of Rabbi Yehoshua, who said "**A **whole** loaf**, yes, a fragment, no."**

*****

The Gemara asks: **And a fragment, what is the reason not** to allow its use as an *eiruv*?

Said Rabbi Yossi ben Shaul, said Rabbi i.e. Rabbi Yehudah HaNasi**: Because of resentment**. For it may bring to quarreling, as explained in our Mishnah on the previous *daf***.**

Perek 7 – 81a

Said Rav Acha son of Rava to Rav Ashi: If **everyone made the *eiruv* with fragments**, in which case there can be no resentment, **what is** the ruling**?**

Rav Ashi **said to him:** It is forbidden, because **maybe the matter will return to its** previous**, untrustworthy state**. I.e. we are concerned that next time, some will give whole loaves and some will give fragments, leading to resentment. Therefore, there is a decree that one may not make an *eiruv* with fragments of bread in any case.

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Said Rabbi Yochanan ben Shaul: A loaf which was not whole because after it was baked, **the amount of *challah* was removed from it,** in order to permit eating the loaf[1] —

Or the amount of *dimua* was removed from it, in order to permit eating the loaf[2] —

The Halachah is that **one may use it for an *eiruv*.**

Because such a small lack from the loaf is not called a lack, since this is the rectification of the bread, permitting it to be eaten. It is thus considered a whole loaf.

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[1] *Challah* is the requisite portion of dough removed from a loaf, as explained below. The case here is that he first baked less than the amount requiring the removal of challah, and afterwards he combined it in a basket together with other loaves such that now there was the amount requiring the removal of challah. (*Ritva*)

[2] *Terumah* [the kohanim's (priests') due from the grain, permitted to be eaten only by kohanim] mixed together with *chullin* [grain from which all requisite gifts and tithes have been removed], where the *chullin* is 100 times more than the terumah, becomes nullified [*Terumot* 4:7]. Nevertheless, one must remove an amount of the mixture equal to the amount of the terumah therein, and the rest may then be eaten by non-kohanim. The amount removed is called the amount of "*dimuah*" – admixture.

Perek 7 – 81a

The Gemara raises a difficulty: **But we learned** in a Baraita that only if one removed from it **the amount of *dimua,* may one use it for an *eiruv*.** But if one removed **the amount of *challah*,** which is a bigger amount, **one may not use it for an *eiruv.***

The Gemara answers: **This is not a difficulty.**

This which Rabbi Yochanan ben Shaul said that even if they removed the amount of *challah*, we may use it for an *eiruv*, this is **in** reference to **the *challah* of a baker.** (*Challah* removed by a professional baker who makes bread to sell in the market)**.** This is a small amount, as explained below, and is therefore not considered a lack**.**

And **that** which the Baraita said, that it may not be used as an *eiruv*, it is **in** reference to **the *challah* of a householder**, which is a larger amount**.**

As we learned in a Mishnah: **The amount of *challah* is one** part **out of twenty four.**

One who makes dough for himself or even **for his son's** wedding **feast,** takes **one out of twenty four.**

But **a baker who makes** bread in order **to sell in the market, and, similarly, a woman who makes to sell in the market,** they take only **one** part **out of forty eight.**

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Said Rav Chisda: If a loaf was broken and he **"stitched" it** together **with a splinter,** connecting the broken pieces so that it looks whole, **we may make an *eiruv* with it.**

The case here is that he did not remove the amount of *dimuah*, but rather baked a loaf from the forbidden mixture, and afterwards removed the amount of *dimuah*, i.e., that he removed from the mixture the ratio of terumah therein, in order to permit the rest of the loaf to be eaten.

Perek 7 – 81a

The Gemara raises a difficulty: **But we learned** in a Baraita**: We may not make an *eiruv* with it.**

The Gemara answers**: This** which one may not use a mended loaf for an *eiruv* **is where the stitch is known,** i.e. the place of the stitch is noticeable. And **that** which one may use it **is where the stitch is not known,** i.e. not noticeable**.**

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Said Rabbi Zeira, said Shmuel: One may make an *eiruv* with rice bread and with millet bread.

Said Mar Ukva in opposition: **To me, that** statement **of Master Shmuel was explained** as follows**: With rice bread, one may make an *eiruv*; but with millet bread, one may not make an *eiruv*.**

*

Said Rav Chiya bar Avin said Rav: One may make an *eiruv* with lentil bread.

Is it so? But there was an incident regarding **that** lentil bread **that was in the time of Master Shmuel, which they made** according to the description of the bread which Hashem commanded the prophet Yechezkel[3] to make (*Yechezkel* 4), in order to see what it tasted like. **And he threw it to his dog, and** the dog **did not eat it!** Thus we see that it is not considered bread.

The Gemara answers: **That** bread in the time of Shmuel **was** made also **of** a mixture of **other types** of food not fitting for bread, and when they are mixed into a bread, they spoil it. (*Gaon Yaakov*)

[3] Ezekiel

This was the case regarding the bread that *Yechezkel* was told to make. **As it is written: "And you, take for yourself wheat and barley and bean and lentils and millet and spelt,** and put them into one vessel, and make it for yourself as bread."

"Bread" such as this is eaten only in pressed circumstances. It's not true bread; only someone severely hungry would eat it.

Rav Papa offers a different answer, and **says: That** bread in the time of Shmuel **was roasted** (i.e. baked) **with human dung,** as was *Yechezkel's* bread. **As it is written:** "And loaves of barley shall they be eaten (referring to that bread, as below), **and it, in the excrement of man, will be roasted in front of their eyes.** Therefore, it is not fit to be eaten.

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Now the first part of the verse is explained: **What** is meant by **"And loaves of barley shall they be eaten"?**

Said Rav Chisda: The word "barley", *se'orim*, whose first letter is the Hebrew letter "*sin*", may be read slightly differently. Because the letter "*sin*" may also be read as the letter "*shin*".

Thus, the word should be read as though it indeed were spelled with a "*shin*", and read as **"**Loaves **of *shiurim***, i.e., measured amounts, shall they be eaten**."** That is, the bread should be weighed as during a famine, and not eaten to satiety.

Rav Papa said a different explanation**: Its arrangement should be like the arrangement of barley** bread. (*Ya'avetz*) This is unsightly, **and not** beautiful **like the**

arrangement of wheat bread, which one arranges beautifully so that it be round and pleasing.

Mishnah

A person may give a *"ma'ah"* (a kind of coin) **to a baker or to a shopkeeper, in order for to acquire for himself an *eiruv*.**

That is, the person gives him the coin and says: "When the people of my courtyard come to you to buy a loaf to use as an *eiruv*, use this coin to acquire for me a share in that loaf, so that I will have a portion with them in the *eiruv*. **These are the words of Rabbi Eliezer.**

But the Sages say: Money is not a valid means for acquiring movable objects such as foodstuffs. (It may be used to acquire real estate, though.) Thus, **his money does not acquire for him.**

But if he said to the shopkeeper, "make an *eiruv* for me", and the shopkeeper conferred ownership to him via a third party, then he does acquire the *eiruv*. Since he said "make an *eiruv* for me," he thereby made the shopkeeper an agent to make an *eiruv* for him in any way that works. It is considered as if he explicitly asked him to confer ownership upon him as a free gift, which is effective.

Perek 7 – 81B

Ammud Bet

But the Sages **agree in** regard to one who gave money to **any other person** (the Gemara explains this to mean that he gave money to a householder, as opposed to a baker or shopkeeper). And he said to him: "Acquire for me a portion in the *eiruv*." All agree in this case **that his money acquires for him.**

This is because a householder does not generally sell his belongings. Therefore, the person wishing to participate in the *eiruv* does not intend to "buy" from the householder, via money, the food that is to be his portion in the *eiruv*. Rather, he gives the money with the intent that the householder should acquire food on his behalf, and this is like saying: "make an *eiruv* for me". Through this, he appoints him as an agent to make an *eiruv* on his behalf, which is effective, as above.

Yet regarding a baker and shopkeeper, saying "acquire for me an *eiruv*" is ineffective, for the reason **that we may not make an *eiruv* for a person unless** it is **with his knowledge**. And one who gives money to the shopkeeper has not made him an agent, but rather intends to acquire for himself via his money, and money is not a valid means, as explained.

Said Rabbi Yehudah: In regard to **what** type of *eiruv* **are these words said? In** regard to ***eiruvei-techumin*. But in** regard to ***eiruvei-chatzeirot,* one may make an *eiruv* whether with his knowledge or without his knowledge.** This is **because one may confer advantage upon a person** even **not in his presence,** i.e. without express his knowledge and consent. **But one may only confer disadvantage upon a person** when **in his presence,** i.e. with his express knowledge and consent**.**

PEREK 7 – 81B

GEMARA

The Gemara raises a difficulty: **What is the reason of Rabbi Eliezer,** who said that giving money to the shopkeeper is an effective way to acquire one's part in the *eiruv*? **But he did not perform *meshichah*** (pulling the object into one's possession) upon the loaf! And money is not a means by which one may acquire movable objects.

Said Rav Nachman, said Rabbah bar Avuhah: Rabbi Eliezer made it i.e. considered it to be **like the four times during the year** during which the Sages said that money does acquire, as will be explained in the continuation of the Gemara according to Rabbi Yochanan:

As we learned in a Mishnah: Four times during the year, which are: The day before Pesach, the day before Shavu'ot, the day before Rosh Hashanah, and the day before the last Yom Tov of Succot[4] —

We require the butcher to slaughter the available animals and sell the meat **against his will.** I.e. he may not save the meat for later.

And **even** if he has to slaughter **a bull worth 1000 *dinar*, and the buyer has** obligated himself to buy **only one *dinar*'s** worth of it, and the buyer has already paid the *dinar*, **we force him** the butcher **to slaughter** and to give the buyer his share of meat.

Therefore, being that the buyer acquired his share via the money that he gave, **if the bull dies, it dies** partially **to the buyer**'s loss; i.e. he loses his share.

[4] And in the Galilee, there is a fifth day, the day before Yom Kippur. This is because the Galileans would then eat a large meal, in accordance with the view of Rabbi Yossi HaGalili (the Galilean), who held that whoever eats the day before Yom Kippur is considered as though he fasted that both day and the next. (*Meiri, Chulin* 83a)

Perek 7 – 81B

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This raises a question: How can we say that **it dies to the buyer**'s loss**? But he**, the buyer**, did not perform *meshichah***, and money alone does not acquire**!** Therefore he should get his money back.

Said Rav Huna: Here, we are dealing with a case **in which he did perform *meshichah,*** and did thereby acquire his portion in the bull.

The Gemara challenges Rav Huna's answer: **If so,** I will **say the latter clause** of the Mishnah:

The other days of the year, this is not so. We do not force the seller to slaughter it, if he has no other buyers.

Therefore, if it dies, it dies entirely **to the seller**'s loss; and he must give the buyer his money back.

Yet according to Rav Huna, **why** does the seller need to return the money**? Note that he**, the buyer, **performed *meshichah,*** and thereby acquired his portion of the bull. Thus the buyer should share in the loss.

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Said Rav Shmuel bar Yitzchak in explanation of Rav Huna**: In truth,** the Mishnah's case is one **in which he did not perform *meshichah*.**

And regarding the question: If so, why then does the buyer lose his money?

Perek 7 – 81B

Here, what are we dealing with? In a case **that he**, the seller**, conferred ownership to him,** the buyer, **via a third party. And** this is what Rav Huna meant when he said that the buyer performed *meshichah*. (*Tosafot*) That is, he gave the third party the bull, and said: "Acquire a dinar's worth of meat in this bull on behalf of the buyer." (The buyer had not yet given money.)

But the buyer had not appointed that third party as an agent to acquire for him. Therefore, the Halachah varies depending on the time of year, as follows.

In these four times mentioned above**, that it is an advantage for him,** the buyer, to be able to acquire meat for his expected festival needs, **we may confer advantage upon him** even **not in his presence**, i.e., without his knowledge and express consent. Thus if the bull dies, he shares in the loss.

But on the other days of the year, that it is a disadvantage for the buyer to spend money, **one may not cause disadvantage to him except in his presence.** Therefore the buyer does not acquire a share when the butcher tries to confer ownership to him via the third party's *meshichah,* performed on his behalf**.**

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And Rav Ila said in the name of **Rabbi Yochanan** a different explanation of that Mishnah**: In these four times, the Sages made their words follow the Torah law**, which is that money does effect an acquisition**.** I.e. in these instances the Sages did not uphold their decree requiring *meshichah.*

And Rabbi Yochanan indeed holds a view consistent with this explanation. **For Rabbi Yochanan said** on other occasions**: "According to the Torah, money acquires."**

Perek 7 – 81B

And why, then, **did they** the Sages **say that** money does not acquire, and only ***meshichah* acquires?** It is **a decree lest he** the seller **say to him** the buyer: **"Your wheat burned up in the loft."** I.e. the Sages wished to prevent the seller from being able to make such a claim after having received payment for the goods, before having delivered them.

For according to Torah law, if the goods were to burn up after the buyer paid for them, but before delivery, it would be the buyer's loss, since he acquired it via paying money. Thus, if a fire breaks out in the loft where the wheat is stored, the seller won't trouble himself to save the wheat.

Therefore, the Sages decreed that the seller retain ownership until it comes into the physical possession of the seller. This way, if a fire breaks out, he will exert himself to save it.

Since by Torah law, money does acquire, the Sages left the Torah law in place during these four times during the year mentioned above.

And what Rav Nachman said in the name of Rabbah bar Avuhah, above, is in line with Rabbi Yochanan's view. For regarding *eiruv* as well, the Sages left the Torah law in place, allowing money to acquire even though no *meshichah* was performed. And this explains Rabbi Eliezer's view.

We learned in the Mishnah: **But** the Sages **agree in** regard to one who gave money to **any other person**, that his money acquires for him.

The Gemara asks: **Who is "any other person"?**

Perek 7 – 81B

Said Rav: A householder i.e. someone who is neither a baker nor a shopkeeper.

And similarly, Shmuel said: A householder.

For Shmuel said: The Mishnah **only taught** that he does not acquire through money when the money is given to **a baker. But** when given to **a householder, he acquires.**

And Shmuel said further: The Mishnah **only taught** that from a baker, he does not acquire, when giving **a *ma'ah*** — being that money does not acquire. **But** if he acquires from him via a "*kinyan sudar*", wherein he makes use of **a utensil** to effect the transaction**, he acquires.**

And Shmuel said further**:** The Mishnah **only taught** that the acquisition is invalid **where he said to him** the shopkeeper: **"acquire for me". But** if **he said: "make an *eiruv* for me",** then **he has appointed him** as **an agent, and he acquires**, as explained in the Mishnah**.**

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Said Rav Yehudah, said Shmuel: The Halachah here **is according to Rabbi Yehudah.**

And not only that, i.e. not only here, **but every place that "Rabbi Yehudah" is taught in *eiruvin*, the Halachah is according to him.**

Rav China the Bagdadite said to Rav Yehudah: Did Shmuel really **say** that the Halachah follows Rabbi Yehudah, **even** in the case of **an alleyway whose crossbeam or side-post was removed** on Shabbat**?**[5] In *perek Kol Gagot*, Rabbi Yehudah states a principle that once something is permitted at the onset of Shabbat, it remains permitted

[5] Text is presented according to Rashi and Gemara below

throughout Shabbat. Therefore one is allowed to carry in that alleyway on that Shabbat, even though the features permitting it were later removed.

Rav Yehudah **said to him: In** regard to ***eiruvin,*** i.e. in regard to the validity of the joint foodstuffs serving as the *eiruv*, that is where **I said to you** that Shmuel says that the Halachah follows Rabbi Yehudah**. But not in regard to partitions,** i.e. the structural requirements which define the domain. In regard to these, the Halachah does not follow Rabbi Yehudah.

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The Gemara raises a difficulty with Shmuel's statement: **Said Rav Acha son of Rava, to Rav Ashi:**

This which Shmuel said, that the **Halachah** follows Rabbi Yehudah, it **implies that they** the Sages **differ** with him on this point.

But Rabbi Yehoshua ben Levi said: Every place that Rabbi Yehudah said the words **"When** does this apply**"** (as on 82a), **or "In what** case are these words said**"** (as here), **in our Mishnah, it is only to explain the** previously stated **words of the Sages**, and not to differ with them.

How, then, could Shmuel say, "The Halachah follows Rabbi Yehudah," if there is no dissenting view?

And now the Gemara challenges Rav Acha son of Rava's assertion that the Sages concur: **And do they**, the Sages in our Mishnah, **not differ** with Rabbi Yehudah**?**

But we learned in a Mishnah above (80b)**: If more** residents **joined them**, the original people of the alleyway, after they had already made a *shituf* for many weeks, and one of

them wants to include the newcomers in the *shituf*, **he may add** from his own foodstuffs to the *shituf*, **and confer ownership** to them**. And he needs to inform** them**.**

So we see that the knowledge of the new residents is required, unlike the view of Rabbi Yehudah, who holds that express knowledge and consent is only necessary in the case of *eiruvei techumin*. Therefore the Sages in our Mishnah indeed differ with Rabbi Yehudah.

The Gemara answers:

It is **because there,** in that Mishnah, one could explain that it deals **with a courtyard that is between two alleyways**. In such a case, the residents can choose either one of the two alleyways with which to join. And since we don't know with which alleyway the new residents wish to join, we need their consent. But in general, even the Sages agree that we do not need their consent.

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The Gemara continues to question the statement of Rav Acha son of Rava:

But Rav Shizbi said, Rav Chisda said, regarding that Mishnah: **This says** to us, i.e. this implies, that **Rabbi Yehudah's colleagues differ with him.**

Thus we see that the Sages do differ with Rabbi Yehudah.

Rather, we may answer Rav Acha son of Rava's question on Shmuel as follows:

Chavruta
Eiruvin – Daf Peh Bet

Translated by: *Rabbi Avraham Rosenthal*
Edited by*: R. Shmuel Globus*

Rav Acha son of Rava's question on Shmuel was that Rabbi Yehoshua ben Levi had said: Every place that Rabbi Yehudah says, in a Mishnah, the words "When does this apply", or "In what case are these words said", it is only to explain the previously stated words of the Sages, and not to differ with them. Yet Shmuel made a statement implying that in the case of our Mishnah—where Rabbi Yehudah says these words—the Sages in fact disagree with Rabbi Yehudah.

The Gemara answers as follows:

Do you pose a man (Rabbi Yehoshua ben Levi) **against a** different **man** (Shmuel), and present it **as a contradiction?**

There is in fact no contradiction at all. For one **master,** Shmuel, **holds that they** the Sages **differ** with Rabbi Yehudah**. And** the other **master,** Rabbi Yehoshua ben Levi, **holds that they do not differ** with Rabbi Yehudah**.**

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And Rabbi Yochanan says a different set of rules regarding Rabbi Yehudah's statements in Mishnayot. Wherever Rabbi Yehudah says, **"When** does this apply?**"** it **is to explain** the words of the Sages**. But** when he says, **"In what** case are these words said?**"** he **is** coming **to differ** with them**.**

The Gemara raises difficulties with both of these rules. **And** whenever Rabbi Yehudah says **"When",** he **is** coming **to explain?**

Perek 7 – 82a

But we learned in a Mishnah[1]:

Introduction:

a.) It is written: "Do not put your hand with a wicked person to be a witness of theft." From here the Sages derived that any "witness of theft," meaning that the witness himself is a man a theft, i.e., he is a thief, is invalid to give testimony. Included in this is anyone who transgresses any Torah commandment out of desire for monetary gain.

b.) "*Asmachta*" is not legally binding.

What is *asmachta*? For example, a person takes upon himself to work a field as a sharecropper, where part of the produce goes to the field's owner and part goes to the sharecropper. And the sharecropper says to the owner: "If I leave the field fallow and don't work it, thus causing you the loss of your part in the crop, I'll pay you a thousand *zuz*", an exorbitant sum. This stipulation is called an "*asmachta*."

In such a case, if the sharecropper were to leave the field fallow, he would not need to pay the thousand *zuz*. Why? Because it is self-evident that he never truly intended to obligate himself to keep the stipulation. Rather, he trusts that he will work it and not need to pay. We therefore assess him as not ever having intended to obligate himself in this.

c.) If A obligates himself to pay money to B via an *asmachta*, B is guilty of theft if he takes the money. Consequently, he is invalid as a witness.

Nevertheless, his invalidity for testimony is only Rabbinic. For he does not think he is doing a sin, thus he does not have a Torah-level invalidation. (*Tosafot, Sanhedrin* 24b)

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[1] The Mishnah will be explained according to the Gemara's initial approach.

Perek 7 – 82a

And these are those types of people **who are** Rabbinically **invalid** to testify**:**

One who plays with dice, i.e. he gambles. This is because the winner takes the loser's money contrary to Halachah, since gambling is judged as a case of *asmachta*. This is because the player only puts his money down thinking that he will win. Therefore, the winner is considered a thief for taking the winnings, and thus Rabbinically invalid to testify**.**

And who lends at interest. Here, both lender and borrower are invalid, because they transgress a Torah command out of desire for monetary gain.

And those **who race pigeons**. They are invalid for the same reason as the dice-players, because the winner takes money (see *Sanhedrin* 25a for an Amoraic dispute in this regard)**.**

And those **who trade in seventh-year** produce, i.e. the produce of *Shevi'it*, the Sabbatical year. For the sake of monetary gain, they transgress the prohibition against trading in this produce. (They are not invalid according to Torah law, since the Sabbatical year is in effect only on a Rabbinic level in our times. This was true even in the time of the Mishnah. See *Tosafot*, *Sanhedrin* 24b for another reason.)

Says Rabbi Yehudah:

Rabbi Yehudah differs with the above reasoning, and says: Dice players and pigeon racers are indeed invalid as witnesses, but not because they take money unjustly. For the money they take is theirs by right.

Why are they invalidated? Because they do not involve themselves in *yishuv olam*, constructive activities that benefit the world in some way. And the Mishnah is speaking

of people for whom gambling is their livelihood. They are not acquainted with the efforts and pains normal people undergo to earn a living, so it doesn't bother them to cause financial loss to others. Therefore, they are suspected of lying and are invalid by Rabbinic decree. For this reason, Rabbi Yehudah says:

When is a gambler invalid**? When he has no livelihood other than that**, and is not involved in the betterment of the world**.**

But if **he has a livelihood besides that, he is indeed valid.**

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And it was taught regarding this, in a Baraita:

But the Sages say: Whether he has not a livelihood besides that, or whether he has a livelihood besides that, he indeed is invalid, since he is judged as a thief**.**

From here we see clearly that the first Tanna, i.e. the Sages, differs with Rabbi Yehudah.

Thus, although Rabbi Yehudah said "when," he is not coming to explain, but rather to differ. This presents a difficulty to Rabbi Yochanan.

The Gemara answers: In truth, Rabbi Yehudah is not coming to differ, but rather to explain the words of the Sages. He is explaining that even the Sages hold that a gambler is invalid only if he does nothing else to contribute to the world's betterment.

Whereas the Sages of the Baraita, who said that gamblers are invalid because they are thieves, they are not the same Sages as those mentioned in the Mishnah in connection to Rabbi Yehudah. Rather, **that** view in the Baraita, called "the Sages", **is** actually the view

of Rabbi Yehudah who **said** in the name of **Rabbi Tarfon**, who holds that *asmachta* is not legally binding**.**

But the first Tanna of the Mishnah does not differ with Rabbi Yehudah.

As was taught: Said Rabbi Yehudah, said Rabbi Tarfon: Two people who were sitting and they saw a third person coming, and one of them says: "I am sure that the man coming in is a Nazirite." And the other one says: "I am sure he is not a Nazirite."

The one sure that the coming man is a Nazirite says: "Behold, I am a Nazirite if I'm right," if the coming man is indeed a Nazirite. And the other one says: "Behold, I am a Nazirite if I'm right," if the coming man is not a Nazirite.

In this case, Rabbi Tarfon said that **neither one of them a Nazirite.**

This is **because the** Nazirite vow **requires explicit expression.** I.e. the vow to become a Nazirite must be enunciated as a clear and unequivocal statement.

So **we see** that Rabbi Tarfon holds the view: **Since it is a doubt whether he** the coming man **is a Nazirite or is not a Nazirite, he** the vower **does not obligate himself** to become a Nazirite.

Here too in the case of an *asmachta***, since he doesn't know if he acquires or does not acquire – he doesn't fully confer ownership.**

Hadran Alach Chalon

We Will Return to You, Perek Chalon

Perek Keitzad Mishtatfin

MISHNAH

How do they join in an *eiruv* ***techumin*****?**[2]

One does not need to collect a portion from each person.

Rather, **one places the barrel** of food or drink in the intended location, **and he says: Note** that **this** is the *eiruv* **for all the residents of my town, for anyone who will walk out.**

Meaning, I am making an *eiruv* for every resident of my town. This is for anyone who wants to go **to the house of the mourner,** which is beyond the town's natural boundary on the side that the *eiruv* was placed. Or, for someone who wants **to the house of the feast** of his son's wedding, which is beyond the town's natural boundary on the side that the *eiruv* was placed

And he confers to them ownership in the food of the *eiruv*.

[2] One leaves food outside one's town or residence before Shabbat, within 2000 *ammot*, thus designating the place of the food as one's "Shabbat dwelling". This is done so that on Shabbat, one may walk another 2,000 *ammot* from where one left the food.

And anyone who accepted upon himself while it was still day to rely on that *eiruv* and to walk out, **he is permitted** to leave the town's natural boundary.

But if he decided only **after it got dark** to rely on the *eiruv*, **he is forbidden** to walk out of the town's natural boundary**, because one may not place an *eiruv* after it gets dark.**

GEMARA

Said Rav Yosef: One may only make and rely on **an *eiruv*** *techumin* **for a mitzvah**-related **matter.** For personal matters, such an *eiruv* may not be relied upon. This is a Rabbinic ordinance, whereas by Torah Law, there is no difference between the two.

The Gemara is puzzled: **What is** Rav Yosef **teaching us?**

His statement seems unnecessary, because **it was taught** in our Mishnah: **For anyone who will go to the house of the mourner or to the house of the feast.** From the fact that the Mishnah mentioned only cases that are mitzvah-related matters, it is evident that they only make an *eiruv* for a mitzvah-related matter!

The Gemara answers: One cannot learn this halachah from our Mishnah, because, **what would you say? It taught** something that is **common practice,** since most people only trouble themselves to make an *eiruv* for a mitzvah-related matter. Thus **He,** Rav Yosef, **teaches us** that it is *only* for a mitzvah-related matter that such an *eiruv* may be used.

Perek 8 – 82a

It was stated in the Mishnah: And anyone who accepted upon himself while it was still day to rely on that *eiruv*, he is permitted. After it got dark, he is forbidden.

You may hear from this, our Mishnah, a proof that there is **no** such principle as **retroactive designation (*bereirah*),** even in a Rabbinic Law.

Because if there is such a principle as **retroactive designation,** we would say the following: once Shabbat commenced, and he decides that he wants to utilize the *eiruv*, **the matter has been clarified retroactively that while it was still day,** at the time the *eiruv* went into effect, **it was acceptable to him** that the *eiruv* should establish his Shabbat residence for him.

We assume that he had a doubt in his mind on Friday afternoon, and it is viewed as if he declared: To the place that I will later decide that I want to go, that *eiruv* will take effect for me now. If there is a principle of retroactive designation, the *eiruv* would take effect for him retroactively, as if he originally had to rely on that *eiruv*.

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Said Rav Ashi, in dismissal of this proof: In truth, there is indeed a principle of retroactive designation, regarding a Rabbinic Law. Our Mishnah does not require a person to make a decision about the *eiruv* before Shabbat.

Rather, the Mishnah **taught** a distinction between when **they informed him** while it was still day that they made an *eiruv* allowing people to walk beyond the town's natural Shabbat boundary, and when **they did not inform him** about the existence of such an *eiruv* until it had already fallen dark on Friday night.

If he did not even know about the existence of the *eiruv*, then the principle of retroactive designation is not applicable. For its basis is that he had a doubt in his mind on Friday afternoon whether he wanted to rely on the *eiruv*, which cannot be if he did not know of its existence.

Therefore, if they informed him while it was still day, he is permitted. And if they informed him after dark, he is forbidden.

Said Rav Asi: A minor, until he reaches the age of **six, goes out with the *eiruv*** *techumin* of **his mother** who made an *eiruv* for herself, even if she did not specifically have him in mind or place extra food for him.

She takes him with her, since the two of them are like one entity. The reason for this is she thinks about him, since he cannot manage without her.

They contradicted him, from a Baraita: **A minor that needs his mother**, i.e. less than six years old, as the Gemara proceeds to explain, **goes out with the *eiruv* of his mother.**

And a minor **who does not need his mother does not go out with the *eiruv* of his mother.**

The Gemara examines the Baraita:

And if you say that until six it is considered that "he needs his mother," **and** note: **It was taught also** in a Mishnah **regarding a *succah* in the same manner** regarding the obligation of a minor who needs his mother:

Perek 8 – 82a

A minor that does not need his mother is obligated in *succah,* since there is a Rabbinic obligation to educate him.

The Gemara asks in Tractate Succah regarding this Mishnah: **And which is the minor that does not need his mother?**

The school of Rabbi Yannai say: Anyone who relieves himself and his mother does not clean him.

Rabbi Shimon ben Lakish says: Anyone who awakes from his sleep **and does not call "mother."** Since he does not call "mother," he does not need her.

The Gemara there is puzzled regarding Rabbi Shimon ben Lakish's statement: Until he does not call **"mother," it** would **enter your mind** that he still needs his mother?

And note that even **adults,** who certainly do not need their mothers, **also call** "mother" when they awake from their sleep?!

The Gemara there explains: **Rather say: Anyone who awakes from his sleep and does not call, "mother, mother."** Meaning, he continues to call out until she comes.

And now the Gemara proves: **And how** old is the minor that does need his mother according to what is explained there? **Like the age of four, like the age of five,** each child according to his intelligence.

Therefore, there is a question on Rav Ashi, who said that until the age of six, the mother does not need to place an *eiruv* for him and her *eiruv* is sufficient. Note that already when is "like the age of five" when he does not need his mother, she has to place an *eiruv* for him and to transfer ownership to him.

Perek 8 – 82B

AMMUD BET

Said Rabbi Yehoshua the son of Rav Idi: In truth, he may not go out on the basis of his mother's *eiruv* if she did conferred him part in it, unless it is a minor who needs his mother. This is until the age of four or five, as is explained in Tractate Succah.

And **when Rav Yosi said** that even a six year old goes out with his mother's *eiruv*, is only where his mother gave him part in the *eiruv*.

Rather, it is speaking, **for example, where** his father **made an *eiruv* for him in the north**, **and** his mother made an *eiruv* for him **in the south.** In this situation Rav Asi teaches us that he only goes out with his mother's *eiruv*.

This is because **even** a **six** year old **prefers the companionship of his mother,** and his mother's *eiruv* is a benefit for him, while his father's is a liability.

Until six he goes with his mother, while after six, he goes with his father.

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Now the Gemara takes the opposite direction: **They posed a contradiction** to Rav Yehoshua the son of Rav Idi who holds the minor does not go out with his mother's *eiruv* from the age of five, unless she gave him part in it.

As it was taught in a Baraita: **A minor who needs his mother, goes out with his mother's *eiruv* until the age of six,** since until six he needs his mother.

We thus see, even where his mother did confer him part in it, he goes out with his mother's *eiruv* until the age of six.

Perek 8 – 82B

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The Gemara asks a question on Rav Asi.

Let us say that this Baraita **is a contradiction to Rav Asi,** since he said that even a six year old goes out with his mother's *eiruv*, while here it was taught "until" six. This indicates that a six year old himself, i.e., someone in his sixth year, does not go out with his mother's *eiruv*.

The Gemara answers: **Rav Asi** would **say to you: "Until"** six that is taught in the Baraita means "**until" is included,** i.e., only after he enters his seventh year he does not go out with his mother's *eiruv*.

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The Gemara now returns and asks: **Let us say** this is **a contradiction to Rabbi Yannai and Reish Lakish,** who said earlier that a five year old does not need his mother, and it was taught in a Baraita earlier: When he does not need his mother, he does not go out with his mother's *eiruv*, while here it was taught in the Baraita that until six he goes out with his mother's *eiruv*.

The Gemara answers: This **is not difficult.**

This that from the age of five he is considered as not needing his mother and he does not go out with his mother's *eiruv*, this is **when the** minor's **father is found in town** and the minor travels with him. From the age of five, it is sufficient for him to be with his father and he does not need his mother.

And this that it was taught in the Baraita that until six he needs his mother and he goes out with his mother's *eiruv*, this is dealing **where** the minor's **father is not found in town,** and he needs his mother until he is six, therefore he goes out with his mother's *eiruv*.

Perek 8 – 82b

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The Rabbis taught in a Baraita: **A person makes an *eiruv* for his minor son and daughter,** even if they do not rely on him for sustenance, and even if they told him not to make the *eiruv* for them, or they made another *eiruv* on a different side of town.

The reason for this is because the halachah is that an *eiruv* is only made for a mitzvah-related matter, and he always makes an *eiruv* for them by conferring them part in the *eiruv*, in order to educate them to do mitzvot.

Similarly, a person can make an *eiruv* (even without conferring ownership) **for his Canaanite slave and maidservant, whether with their knowledge and whether without their knowledge, since their ownership is like his ownership,** i.e. he automatically acquires whatever they receive**.**

And they cannot protest, as it says later.

But, he cannot make an *eiruv* for his Jewish slave and maidservant, and not for his adult son and daughter, and not for his wife, except with their knowledge.

The Gemara explains later whether this is specifically when they protest or even if they did not specify, it must be with their knowledge.

And it was taught in **another** Baraita: **A person may not make an *eiruv* for his adult son and daughter, and not for his Jewish slave and maidservant and not for his with, except with their knowledge.**

Perek 8 – 82B

But he can make an *eiruv* for his Canaanite slave and maidservant and for his minor son and daughter, whether with their knowledge, whether without their knowledge, because their ownership, of the slave and maidservant, **is like his ownership.**

And any of them who made an *eiruv* on a one side of town, **and their master made an *eiruv* for them** on another side of town; **they go out with their master's.**

Except for a wife, since she can protest.

It might enter one's mind that that which it was taught in the latter clause, "and any of them," is also referring to his Jewish slave and maidservant and his adult children, and this is what the Tanna of the Baraita is saying: That which was taught in the first clause that he may only make an *eiruv* for them with their knowledge, that is specifically when they protest. But if they do not say anything, or even if they made an *eiruv* on different side than their master or father, and they thereby show that they do not want his *eiruv*, nevertheless, they go out with his *eiruv*, until they protest explicitly.

This is all the more so true with Canaanite slaves and maidservants and minor children, where his *eiruv* takes effect even when they made the *eiruv* on a different side.

Therefore, the Gemara is puzzled: **A wife - what is different** about her that you said, "aside from a wife," that her status is not the same as that of his Jewish slave and maidservant and his adult children? Do they not have the same status, that he can only make an *eiruv* for them with their knowledge?

Said Rabbah: "And any of them" is not referring to his Jewish slave and maidservant or his adult son and daughter, since they have the same status as the wife.

And that which was taught, "aside from the wife," the intention of the Tanna was to say: **The wife and anyone similar to her,** they cannot make an *eiruv* for them without their knowledge.

The latter clause is only referring to those that one can make an *eiruv* for without their knowledge. This teaches that even where they showed that they did not want the *eiruv* that was made on their behalf, nevertheless, they can go out with the *eiruv* that was made for them.

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The Gemara is puzzled about the Baraita: **It itself is difficult** to understand, due to an internal contradiction**.**

On the one hand **you said: Aside from the wife, because she can protest.**

The reason that she does not go out with her husband's *eiruv* is **because she protested** or she made an *eiruv* in a different direction and she thereby showed she did not want her husband's *eiruv*.

But where it was **unspecified,** i.e., she did not protest or make an *eiruv* elsewhere, **she goes out with** the *eiruv* **of her husband.**

And note that **it was taught in the first clause:** That a person should not make an *eiruv* for his adult son and daughter, nor for his Jewish slave and maidservant and nor for his wife, **except with their knowledge.**

Is it not referring to **when they said** explicitly, **"yes,"** and they expressed their approval. But if they did not specify, he cannot make an *eiruv* for them. Therefore, there is a difficulty to resolve the first and latter clauses

The Gemara dismisses this: It is **not** like you said that "with their knowledge" means where they said "yes" and this excludes the case of not specifying.

Rather, **what is "only with their knowledge"? Even if they were quiet,** the *eiruv* also takes effect.

The words, “only with their knowledge” is only coming **to exclude where they said,** “we do **not** want this *eiruv*.”

*

The Gemara is puzzled: How can you say that if they did not specify, the *eiruv* that was made for them is effective?

And **note,** that it was taught in a Baraita: **And any of them,** his Canaanite slave and maidservant and his minor children, **that made an *eiruv*, and their master made an *eiruv* for them, they go out with their master’s.**

This is a case **that was unspecified, and it was taught** regarding this Baraita, **“except for the wife,” that** in this case, she and anyone similar to her **cannot go out.**

Thus, we see that even where they did not specify, the *eiruv* is not effective unless they say “yes.”

Said Rava: Since they made an *eiruv* to a different direction, even if they did not know that he made an *eiruv* for them, **there is no greater protest than this.**

But if they did not specify, reveal their intentions or protest explicitly, the *eiruv* that was made for them is effective.

Perek 8 – 82b

MISHNAH

What is the amount of food needed for an *eiruv techumin*?

Enough **food** for **two meals for each one** of those joining the *eiruv*.

What type of food are they speaking of?

They estimate with **his food of a weekday** meal, **and not of** a **Shabbat** meal. These are the **words of Rabbi Meir.**

Rabbi Yehudah says: They estimate with **his food of** a **Shabbat** meal, **and not of** a **weekday** meal. The Gemara will explain how much this is, according to both Rabbi Meir and Rabbi Yehudah.

The Mishnah explains: **And** both **this** one, Rabbi Meir, **and that** one, Rabbi Yehudah, **intend to be lenient** and lessen the amount.

According to Rabbi Meir the food of a weekday meal is less than that of a Shabbat meal. Since the Shabbat food is tasty, people eat more, and they thus eat more bread.

However, according to Rabbi Yehudah, people eat less at a Shabbat meal, since one needs to eat three meals.

Their disagreement is whether the *eiruv* is made with bread or whether it is made with other foodstuffs.

Rabbi Yochanan ben Berokah says: When a person makes the *eiruv* with bread, the amount required is **a** bread **loaf** that is purchased from the bakery **with a *pundyon*[3]** coin,

[3] *Pundyon* and *sela* are two coins of the Talmudical era. We will discuss later their relationship.

when the price of **four *se'ah*[4]** of wheat **is a *sela*** coin. This will be explained more in the Gemara.

Rabbi Shimon says: The amount of food of two bread meals is: **Two thirds of a loaf,** when one makes **three** loaves out of **a *kav*[5]** of wheat.

*

The halachah is that a person who enters a house that is afflicted with *tzara'at*[6] becomes impure upon entering. However, his clothes only become impure and therefore require immersion in a *mikveh*,[7] when he remains in the house the amount of time required to eat a half of a loaf of wheat bread.

The Mishnah states, without attributing the view to a particular Tanna: The time that it takes to eat **half** of the loaf mentioned by Rabbi Yochanan ben Berokah and Rabbi Shimon is the amount that we use to estimate how much time he has to spend **in the afflicted house,** i.e., with *tzara'at*, and thereby his clothes become impure.

And half of its half, i.e., a quarter of that loaf; Rabbi Yochanan ben Berokah, according to his opinion and Rabbi Shimon according to his opinion; this is the amount a person needs to eat of impure foods in order **to invalidate his body,** such that he can no longer eat *terumah*.

It was decreed by the Sages that a person who eats impure food, although he is not impure since according to Torah Law, food cannot render a person impure, nevertheless, he is invalidated according to Rabbinic Law from eating *terumah* until he immerses in a *mikveh*.

[4] *Se'ah* = 2.2 gallons or 8.3 liters.
[5] *Kav* = 2.9 pints or 1.4 liters.
[6] A spiritually caused disease that affected the body, clothes or homes.
[7] A ritual bath.

Perek 8 – 82b

GEMARA

And how much is the food of two meals according to Rabbi Meir and Rabbi Yehudah when he makes an *eiruv* with bread?

Said Rav Yehudah: Two loaves of the cattle-drivers, which they took with them to the field. This is the amount of two bread meals, because this is what the average person eats during the week according to Rabbi Meir and on Shabbat according to Rabbi Yehudah.

Rav Ada bar Ahavah said: Two loaves that were common in a place called **the Papita River.**

These amounts are what an average person eats. But an old or sick person estimates based on what he eats. However, someone who eats more only needs to eat this amount.

Said Rav Yosef, to Rav Yosef the son of Rabbah: Your father, Rabbah, **like whom does he hold** in the disagreement of Rabbi Meir and Rabbi Yehudah? They differ regarding whether it is a weekday or a Shabbat meal.

Rav Yosef the son of Rabbah said to Rav Yosef: My father **holds like Rabbi Meir.**

Perek 8 – 82b

Said to him Rav Yosef: **I also hold like Rabbi Meir,** that a weekday meal is smaller than a Shabbat meal.

Because if it is like Rabbi Yehudah, that a person eats less on Shabbat, there is a **difficulty** with **what people say: Space** in one's stomach, **for something sweet, can** always **be found.** Even if a person is full, there is always room for dessert. Thus people eat more on Shabbat.

It was stated in the Mishnah: **Rabbi Yochanan ben Berokah says…** Rabbi Shimon says…

It was taught in a Baraita: **Their words are close to being the same.** The measurement of Rabbi Yochanan and Rabbi Shimon are very similar.

The Gemara is puzzled: **Are they comparable,** i.e., this measurement to that measurement?

And note, according to the measurement **of Rabbi Yochanan,** there are **four meals in a *kav*.** One *kav* of grain produces four meals.

This is the calculation:

1) In each *se'ah* there are six *kav*.

In four *se'ah* there are twenty-four *kav*, which are forty-eight half *kav*.

Perek 8 – 82B

2) In every *sela* there are four *dinar*[8]. In a *dinar* there are six *ma'ah*. In a *ma'ah* there are two *pundyon*.

So in a *sela*, there are forty-eight *pundyon*.

3) Therefore, if the price of four *se'ah*, which is forty-eight half *kav*, is a *sela*, which is forty-eight *pundyon*, one *pundyon* would buy one half *kav*.

Thus, Rabbi Yochanan ben Berokah's measurement of two meals mentioned in the Mishnah, "a loaf bought from the baker, when four *se'ah* is bought for a *sela*, is a half of a *kav*.

And if there are two meals in a half *kav*, therefore in a whole *kav* there are four meals.

However, according to the measurement **of Rabbi Shimon** of two meals, which is two thirds of a loaf made of a third of a *kav*, we find that each meal is a third of a third of a *kav*. Thus, there are **nine meals in a *kav*,** while according to Rabbi Yochanan ben Berokah there are four meals to a *kav*.

Therefore, how can the Gemara say that the two measurements are almost the same?

The Gemara answers: That what we said that according to Rabbi Yochanan who holds that a loaf purchased with a *pundyon* has in it a half of a *kav* of wheat, is incorrect.

This is because the baker does not sell a loaf made of a half of a *kav* of wheat for just a *pundyon*, since that is the price that he himself paid for the grain and he needs to make a profit.

His profit is as was **said** by **Rav Chisda: Subtract from them,** from the amount that the baker purchases, **a third for** the **storekeeper**'s, i.e., baker's, profits.

[8] *Dinar* and *ma'ah* are coins of the Talmudical era.

We find that the baker takes for his profit one third of the half *kav* that he purchased for a *pundyon*, and the loaf that he sells for a *pundyon*, there is only two thirds of the half *kav*, i.e., a third of a *kav*. This loaf contains two meals. Therefore, in each *kav* there are more than four meals.

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Still, the Gemara is puzzled: **Still,** the measurement of Rabbi Yochanan ben Berokah is not close to the measurement of Rabbi Shimon.

Because according **to** one **Master,** Rabbi Shimon, there are **nine** meals in a *kav*, as we said.

And according **to** the other **Master,** Rabbi Yochanan ben Berokah, that there are two meals in a third of a *kav*, thus there are **six** meals in a *kav*.

Rather, we can answer **like** the **other** statement **of Rav Chisda.**

Who said: Subtract from them, from the entire amount that the baker bought, **one half for the storekeeper,** baker.

We find that the baker takes half of the half *kav* that he bought, as profit, and he puts a quarter *kav* into the loaf that he is selling for a *pundyon*. This loaf contains two meals, so in a whole *kav* there are more than eight meals.

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The Gemara is still puzzled: **And still** their measurements are not the same.

Because according **to** one **Master,** Rabbi Shimon, there are **nine** meals in a *kav*, and according **to** the other **Master,** Rabbi Yochanan, there are **eight** meals in a *kav*, since he makes two meals from a quarter of a *kav*.

Perek 8 – 82b

The Gemara answers: **That is what** the Tanna of the Baraita said: **"And their words are close" to being equal,** but they are not completely the same.

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The Gemara is puzzled: This is a **contradiction of** one statement of **Rav Chisda**, who said: Subtract from them a third for the baker, **against** another statement **of Rav Chisda,** who said: Subtract half for the baker!

The Gemara answers: **This is not a contradiction.**

That which Rav Chisda said, that he only takes a third for his profit, is speaking where **the householder gave wood** to the baker to bake with.

And **that** which Rav Chisda said that he takes half for his profit is speaking where **the householder did not give wood.** (This is what the Baraita is speaking about.) Even the wood costs money and the baker is paid for it.

It was stated in the Mishnah: **And its half for an afflicted house, and half of its half to invalidate the body.**

Chavruta
Eiruvin – Daf Peh Gimel

Translated by: *Rabbi Avraham Rosenthal*
Edited by*: R. Shmuel Globus*

It was taught in a Baraita an additional measurement that is based on this loaf:

And half of "half of its half" of this loaf is the measurement **to become impure with food impurity.**

According to Rabbi Yochanan ben Berokah, a whole loaf is a quarter of a *kav*,[1] which is six eggs. Half of that is three eggs, the amount for a house with *tzara'at*;[2] half of its half is one and a half eggs, the amount for invalidating the body as regards eating *trumah*; and half of half of its half, which is three quarters of an egg is the amount for food impurity.

However, according to Rabbi Shimon we base all the measurements on a loaf that is a third of a *kav*, which is eight eggs. According to that, half of half of its half is one egg.

This is because half of the loaf is four eggs, for a house with *tzara'at*; half of its half is two eggs, to invalidate a body; and half of half of its half is one egg, the amount for food impurity.

The Gemara asks: **And our Tanna, what is the reason that he did not** also **teach** the measurement for **food impurity,** as did the Tanna of the Baraita?

The Gemara answers: **Because their measurements are not equal to each other.**

The Tanna of our Mishnah holds that one cannot say that the measurement for food impurity is exactly half of the amount used to estimate how much one needs to eat and

[1] *Kav* = 2.9 pints or 1.4 liters.
[2] A spiritually caused disease that affected the body, clothes or homes.

thereby invalidate his body from eating *trumah*.[3] This is because there is a disagreement about this; some increase the amount and some decrease it.

The Gemara first quotes a Baraita that states the disagreement regarding half of its half, which invalidates the body from eating *terumah*.

That it was taught in a Baraita: **How much is the amount of half of a *peras*?** A *peras* is a half of a loaf, so half of a *peras* is a quarter of a loaf. If a person eats this amount of impure foods, he has invalidated his body from eating *terumah*

Rabbi Shimon said in the Mishnah that the measurement is two eggs. There is a disagreement between the Tannaim as to the size of these eggs.

Two regular **eggs minus a bit,** since the amount is small eggs. These are the **words of Rabbi Yehudah.**

Rabbi Yosi says: Two generous eggs, i.e., slightly more than two regular eggs.

Rabbi, i.e., Rabbi Yehudah HaNasi, **measured** a *se'ah*[4] of grain that had been brought before him. He wanted to determine the amount of eggs in each *kav*. He found that in each *kav* of grain there is more than twenty-four eggs.

And since according to Rabbi Shimon the loaf is made of a third of a *kav*, we find that there is more than eight eggs in a loaf.

And in half of the loaf, a peras, there are more than four eggs.

And in half of half its half, a half of a peras **there are two** eggs **and more.**

[3] A small portion separated from agricultural produce in the Land of Israel, and given to cohanim for their personal consumption. It may be eaten only in purity.
[4] *Se'ah* = 2.2 gallons or 8.3 liters.

The Baraita explains: **How much "and more"** does one have to add to each egg?

One twentieth of the egg.

Meaning, for both eggs, which are a half of a *peras*, which invalidates the body from eating *trumah*, we must add two twentieths of an egg, which together is one tenth.

But regarding the measurement **of food impurity it was taught** in a Baraita:

Rabbi Natan and Rabbi Dosa said: The measurements of **like an egg that they spoke of** that the Sages established for food impurity, it is **like it**, the egg, **and like its shell.**

It is evident that the measurement of food impurity is not exactly half of the measurement that invalidates a body.

This is because if we measure the half based on the relationship stated earlier regarding invalidating the body, note that according to Rabbi Yehudah, we deduct a bit from the egg, and according to Rabbi Yosi we add until the size of a generous egg with its shell, and according to Rabbi we have to add "and more" which is one twentieth of an egg.

And the Sages say: As it is without its shell.

This amount is even smaller than that of Rabbi Yehudah.

Therefore the Tanna did not teach in our Mishnah the measurement of food impurity based on that loaf.

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The Gemara quotes another view regarding the disagreement in the Baraita about the measurement of the half *peras* that invalidates the body.

Perek 8 – 83a

Said Rafram the son of Pappa in the name of Rav Chisda: These are the words of Rabbi Yehudah and Rabbi Yosi.

But the Sages say: The measurement of a half *peras* that invalidates the body is **a generous egg and a half.**

And who are the Sages? Rabbi Yochanan ben Berokah, who holds that a loaf is six eggs, and half of that, a *peras*, is three eggs, and half of a *peras* is an egg and a half.

The Gemara is puzzled: This is **obvious,** since Rav Chisda himself already said earlier, "subtract from them half for the storekeeper."

The Gemara answers: The addition that they are **"generous"**, this is what Rav Chisda **came to teach us.**

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When Rav Dimi came from the Land of Israel, **he said:**

A person by the name of **Bunyos sent to Rabbi** a *se'ah* of grain, which was called ***"mudia dekundis"* from** the place called ***Ne'usa*.**

And Rabbi measured it and found that in that *se'ah* there were **217 eggs.**

The Gemara asks: **This *se'ah*** that Rabbi measured, i.e., the *mudia dekundis*, **of which type** is it?

In other words, of the three types of *se'ah* measurements, i.e., the Desert measure, the Jerusalem measure and the Tzipori measure, to which did this *se'ah* that Rabbi measured belong?

If it was **of the Desert** measurement, **it should be** the volume of **144** eggs.

And if it was **of the Jerusalem** measure, **it should be 173** eggs.

And if it was **of the Tzipori** measure, **it should be 207** eggs.

The Gemara answers: **In truth,** it was **of Tzipori** and it has 207 eggs.

The ten eggs is added to the amount because one must **bring the *challah,***[5] i.e., add the amount of *challah* to the 207 eggs. This amounts to one twenty-fourth of the dough. **Add it to them,** to the 207 eggs. Thus it equals the 217 eggs that Rabbi found.

The Gemara asks: The amount of ***challah*** taken from a dough that contains 207 eggs, based on the ratio of one twenty-fourth, **how much** is it? **Eight** eggs.

This is because eight times twenty-four is 192. The Gemara is unconcerned about the remaining fifteen eggs (the difference between 217 and 192) because their amount of *challah* is less than an egg.

If so, even if we add the *challah* to the dough:

207 eggs according to the Tzipori measure plus another eight for *challah*, only equals 215. Rabbi however measured 217.

If so, **it is still missing** two eggs to complete the amount he measured.

Rather, we can answer, **bring the "additional amounts" of Rabbi,** i.e., that what Rabbi adds "and more" on to each egg, one twentieth. Thus on 200 eggs, Rabbi would add ten. Therefore, **add** ten eggs **to them,** the 207 of the Tzipori measure, and we now have 217 eggs.

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[5] A portion of the dough set aside and given to the cohen.

The Gemara objects: **If so,** that they add ten eggs because of the "additional amounts" of Rabbi -

Why do we not count the one twentieth of egg for all 207 eggs? And if so, **it will be more** since we will have to add more than ten eggs. Together with the 207 it will be more than 217.

The Gemara answers: **Since it is not** the volume of **an egg, he does not count it.**

The reason we did not add the one twentieth of an egg to the seven remaining eggs beyond the 200 eggs is because it does not equal one whole egg.

And in this calculation they did not add the measure of *challah*.

The Rabbis taught in a Baraita: **The Jerusalem *se'ah* is larger than the Desert** *se'ah* by a **sixth** of the sum total, or an "outside" sixth, and a fifth of the original amount, or an "inside" sixth.

A Desert *se'ah* is 144 eggs.

144 / 5 = 29 - 0.2

We find that the inside fifth, which is an outside sixth is 29 eggs minus a fifth of an egg.

And since we do not consider the missing fifth of the egg, therefore 144 + 5 = 173. This is the measurement of the Jerusalem *se'ah*.

Perek 8 – 83a

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And the Tzipori *se'ah* **is larger than the Jerusalem** *se'ah* by an outside **sixth,** which is an inside fifth.

A Jerusalem *se'ah* is 173 eggs.

173 / 5 = 34 + 0.6

We find that an inside fifth, which is an outside sixth is 34 eggs with an additional six-tenths of an egg.

And since we do not consider anything less than an egg,

173 + 34 = 207

This is the measurement of the Tzipori *se'ah*.

We find that the *se'ah* **of Tzipori,** which is 207 eggs, **is larger than the Desert** *se'ah*, which is 144 eggs, by 63, which is a **third.**

The Gemara is puzzled: **A third of what?**

If you say a third of the Desert *se'ah*, this is not possible.

Because, **let us see, a third of the Desert** *se'ah* **is how much? 48.**

144 / 3 = 48

But the excess, the difference between the Desert and the Tzipori *sa'im*, is **63.**

207 - 144 = 63

Rather a third of the Jerusalem *se'ah*.

This also cannot be.

Because **a third of it is how much? 58 minus a third.**

173 / 3 = 58 - 0.33

But the excess is 63.

Rather a third **of** the **Tzipori** *se'ah*.

This also cannot be.

Because **a third of it is how much? Seventy minus one.**

207 / 3 = 69

But the excess is 63.

Rather, said Rabbi Yirmeyah: This is what it said: We find that a *se'ah* of Tzipori, which is 207 eggs **is larger than the Desert** *se'ah* by **close to its third,** i.e., the third of the Tzipori *se'ah*, which is 69 eggs.

And its third, that of the Tzipori which is 69, **is close to half of the Desert** *se'ah* which is 72.

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Ravina challenged this: Does the Baraita **teach** in such an inexact way as **"close"** to the amount**,** and then another time **"close"** to the amount**?**

Rather, said Ravina, this is what it said:

We find that is **a third of** the **Tzipori** *se'ah* **with** the **"additional amounts" of Rabbi,** which is seventy-two and a third.

217 / 3 = 72 + 0.33

It is larger than half of the Desert *se'ah*, which is 72 eggs, by **a third of an egg.**

The Rabbis taught in a Baraita: The Torah states, regarding the mitzvah of *challah,* **"The first of your kneadings."** (*Bamidbar*[6] 15:20).

AMMUD BET

This means that you must separate *challah* that **is enough** for the amount **of your kneadings.**

And how much is the amount **of your kneadings? Enough** for the amount **of the dough of the desert.**

[6] Numbers

Perek 8 – 83B

And how much is the amount **of the dough of the desert? That is written** (*Shemot*[7] 16:36), **"And the *omer* is a tenth of an *eiphah*."**

In an *eiphah* there are three *se'ah*, which are eighteen *kav*, which are seventy-two *log*.[8] A *log* is a quarter *kav*.

According to this a tenth of an *eiphah* is 7.2 *log*, or seven quarters of a *kav* plus an additional fifth.

A fifth of a *log* is an egg and a fifth.

From here they said: A dough that has in it **seven "quarters"** (i.e. 7 *log*[9] of the desert) of **flour, and an additional** egg and a fifth, **is obligated in *challah*.**

They are six quarters **of Jerusalem.** This is because if we subtract a sixth, i.e., a *log* and a fifth, from seven *log* and a fifth, the result is six *log*.

7.2 / 6 = 1.2

7.2 – 1.2 = 6

They are five of Tzipori. This is because if we subtract a sixth from six, the result is five.

[7] Exodus
[8] *Log* = 0.7 pint, or 0.3 liter
[9] Since a *log* is a quarter *kav*, it is called a "quarter".

From here they said: One who eats this amount, he is healthy, since he eats what he needs, **and he is blessed** because he does not eat more than necessary.

More than this, he is gluttonous.

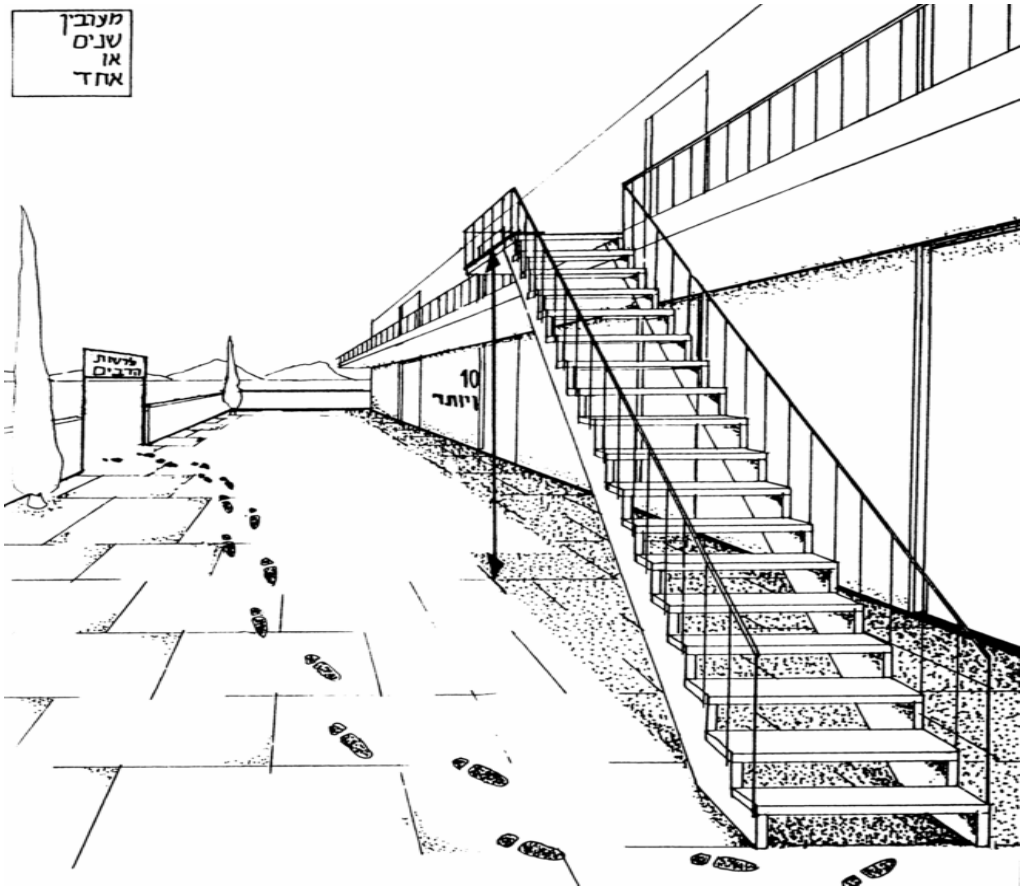
Less than this, his intestines are ruined.

MISHNAH

Introduction:

This Mishnah deals with a courtyard in which there are double-story dwellings. The residents of the upper level access their apartments via a set of stairs in the courtyard. All of the upper-level apartments open to a *mirpeset*, or a portico. This is a kind of open-air corridor through which the upper-level residents must pass. The stairs lead from the

portico down to the courtyard. (see illustration[10])



10

Although the upper-level residents walk through the courtyard either to go out to the public area or to enter their apartments, they do not forbid the ground-floor residents from transporting items in the courtyard, even if a mutual *eiruv chatzeirot*[11] was not made. This situation is different then the case earlier (75A) where there were two courtyards, one further in than the other, and the residents of the inner courtyard made it forbidden for the residents of the outer courtyard to transport items in the courtyard, where there was no mutual *eiruv*.

The difference is that the portico is more than ten *tefachim*[12] above the courtyard and the set of stairs is considered like a partition, and therefore the upper-level residents do not make it forbidden for the others to carry.

On the one hand, the set of stairs is considered to be a partition. Yet it is also considered to be a doorway. Therefore, if the residents of both levels wish to make a mutual *eiruv*, they are considered like two courtyards that have a doorway in between them and they may make one *eiruv*. They are not considered like two courtyards that have a partition without a doorway who cannot make a joint *eiruv*.

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The residents of the courtyard and the residents of the portico who forgot and did not make an *eiruv* together, but each group made an *eiruv* by itself; **any** mound or pillar in the courtyard **that is ten *tefachim* tall** and therefore inconvenient for the courtyard

[11] That the co-dwellers of a courtyard make joint ownership in an article of food and thereby symbolically combine (*me'arvim*) their ownership, as if the courtyard belongs to a single person. They do this to permit carrying from their homes into the courtyard on Shabbat.

residents to use, it is given **to** the residents of the **portico.**

Meaning, only the residents of the portico have rights to use it, and the residents of the courtyard may not transfer from their domain to it.

[12] 1 tefach: 3.1 in., 8 cm

But if its height is **less than this,** and it is convenient for the courtyard residents to use, it is given **to the courtyard.** (see illustration[13]) The Gemara will explain the reason.

13

Perek 8 – 83B

The following is the Halachah regarding a raised **bank around a pit** i.e. a pit surrounded by its bank (the earth removed from the pit). **And** the same Halachah applies to **a rock.** If **they are ten *tefachim* tall,** and therefore if the residents of the courtyard want to draw water they have to jump over the bank that is ten *tefachim*, or to use the rock they have to throw the object they wish to place on it to the height of ten *tefachim*, these areas are given **to the portico.**

Less than this, they are given **to the courtyard.** The Gemara will explain the reason.

When are these words said? When the bank **is close** to the portico and therefore convenient for the portico residents to use.

But if it is distanced from the portico, **even** if the rock or bank **are ten *tefachim* tall,** they are given **to the courtyard.** The Gemara will explain the reason.

And which is considered **close** to the portico?

Anything that is not distanced from it **four *tefachim*.**

GEMARA

This section of Gemara will be explained according to the *Ritva*.

Perek 8 – 83B

The Halachah is **obvious** to us, and unnecessary to teach, regarding the following case: two courtyards that did not make a joint *eiruv*, and there is another domain that is four by four *tefachim* wide, adjacent to both courtyards, and serving both of them—

If the use of that domain is equally convenient to both courtyards—

For example, **for this** courtyard the domain is raised less than ten *tefachim* from the courtyard's floor, and therefore the residents of the courtyard can use it easily, as **a door** would be used—

And even **for that** courtyard the domain is raised less than 10 *tefachim* from the courtyard's floor, and is as easy to use as **a door—**

The Halachah is that the domain in the middle belongs to both courtyards, and neither of them is allowed to transfer from the houses to it, or from it to the houses, in either courtyard.

And **this is the same** Halachah as in the Mishnah in 76A.

And the proof that the Halachah is obvious is this Mishnah on 76A, which stated: **A window between two courtyards –** they make two *eiruvin*, and if they wish, they make one.

The Tanna did not see any need to teach us the law regarding the place of the window itself, i.e. to tell us to whom it belongs, in a case where they did not make an *eiruv* at all.

Whereas the Tanna did see need to teach that law in the following Mishnah, on 76B, regarding the use of a wall in between two courtyards.

As it was taught in the Mishnah there: "A wall between two courtyards, ten *tefachim* high and four *tefachim* thick — they may make two separate *eiruvin*, but they may not make one *eiruv*.

Perek 8 – 83B

"If there was produce (placed on top of the wall), then these people may ascend from here, i.e., from their side of the courtyard, and eat on top of the wall, and those people from the other courtyard may ascend from here, their side, and eat. But this is permitted only if they do not take the produce down to the bottom. This is because the wall is jointly owned, and it is forbidden to carry from a joint courtyard to a private courtyard."

We are forced to say that the reason the Tanna did not teach us the law regarding the use of the window itself is because it is obvious that it belongs to both courtyards, and it is forbidden to transfer object to and from it, since they did not make a common *eiruv*.

This is not the case with a wall in between two courtyards, which appears to be its own domain and therefore the Tanna needed to tell us that it has the same status as the window in the previous Mishnah, which belongs to both courtyards, and regarding which all transferring is forbidden.

*

It is also obvious, although it needs to be taught, that if the domain between the courtyards serves **this one** only **by throwing** to a height of ten *tefachim*, **and that one** only **by throwing** to a height of ten *tefachim*—as it is ten *tefachim* high on both sides—that neither courtyard may use this domain, since it belongs to both of them.

This is the Mishnah that was taught earlier: **A wall between two courtyards,** ten *tefachim* high and four *tefachim* thick, regarding which they may not take the produce down from the wall.

*

It is also obvious to us and unnecessary to teach, that if the domain serves **this one by lowering,** i.e. in order to use it, one must reach down ten *tefachim*, **and that one by**

lowering, i.e. in order to use it, one must reach down ten *tefachim*, that neither courtyard may use it.

This is the Mishnah that was taught earlier: **A trench between two courtyards,** ten *tefachim* deep and four *tefachim* wide, they may make two separate *eiruvin*, but they may not make one *eiruv*. The Tanna did not see a need to teach us that neither courtyard can use it, as he did with the wall, because with the trench it is so obvious.

*

It is also obvious what is the Halachah regarding this domain if it serves **this one as a door, and that one by throwing** objects onto it**.**

This is **what Rabbah bar Rav Huna said in the name of Rav Nachman** earlier: A wall between two courtyards, whose one side is ten *tefachim* high, and its other side is level with the ground (i.e. less than ten *tefachim* high), it is given to the courtyard that it is

level with, because for this courtyard its use is convenient (as a door), and for the other courtyard its use is difficult, since one uses it by throwing. (see illustration[14])

Any situation where for one courtyard the use is convenient, and for the other courtyard the use is difficult, it is given to the one whose use is convenient.

*

It is also obvious what is the Halachah regarding this domain if it serves **this one as a door and that one by lowering** to a depth of ten.

This is **what Rav Shizvi said in the name of Rav Nachman** earlier: A trench between two courtyards, whose one side is ten deep and its other side is level with the ground, i.e.,

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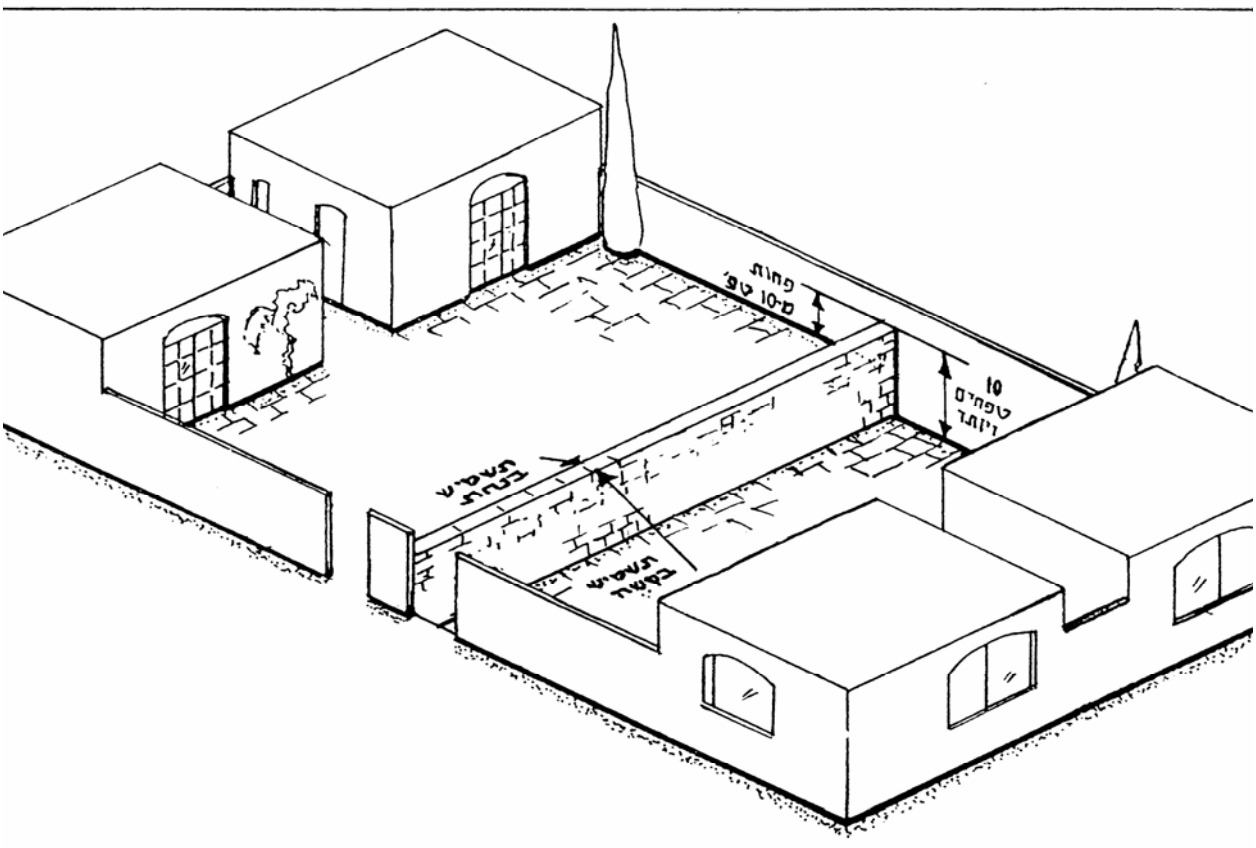


the ground was low on the side of the trench and the trench was less than ten *tefachim* deep, it is given to where it is level with, because: for this one the use is convenient (like a door) and for this one its use is difficult, since it is used by lowering.

*

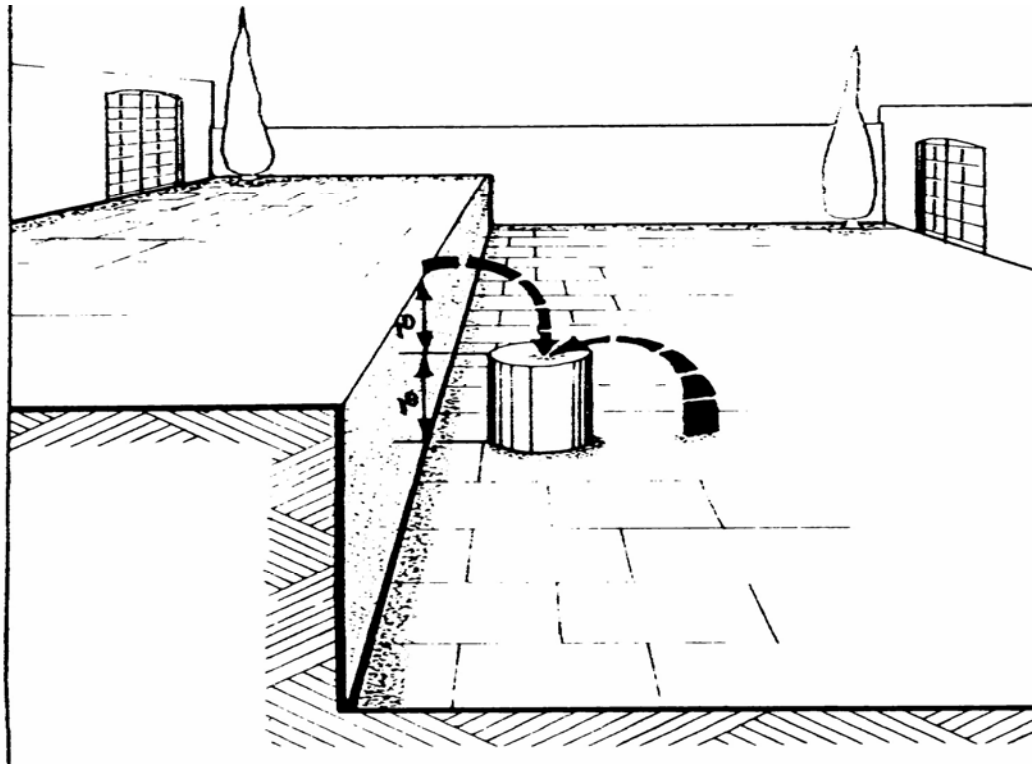
The Halachah in all the above cases is clear. However, we have the following inquiry:

If the domain serves **this one by lowering**, i.e. one courtyard was ten *tefachim* higher than the domain, **and that one by throwing,** i.e. the other courtyard was ten *tefachim* lower than the domain, **what** is the Halachah? (see illustration[15])

Said Rav: Both are forbidden, since for both of them it is difficult to use.

And Shmuel said: We give it to this one that uses it **by lowering.**

15



Perek 8 – 83B

Because **for this one its use is convenient,** since lowering is not as hard as throwing is. **And for that** one, which must throw**, its use is difficult.**

And any situation where for one the use is convenient and for the other the use is difficult, we give it to the one whose use is convenient.

ꕥ ꕥ ✺ ꕥ ꕥ

It was taught in our Mishnah: **The residents of the courtyard and the residents of the portico who forgot and did not make an *eiruv*** together, **anything that is ten *tefachim* tall,** it is given **to the portico. Less than this, to the courtyard.**

You might think: **What is the** meaning of **"portico"?**

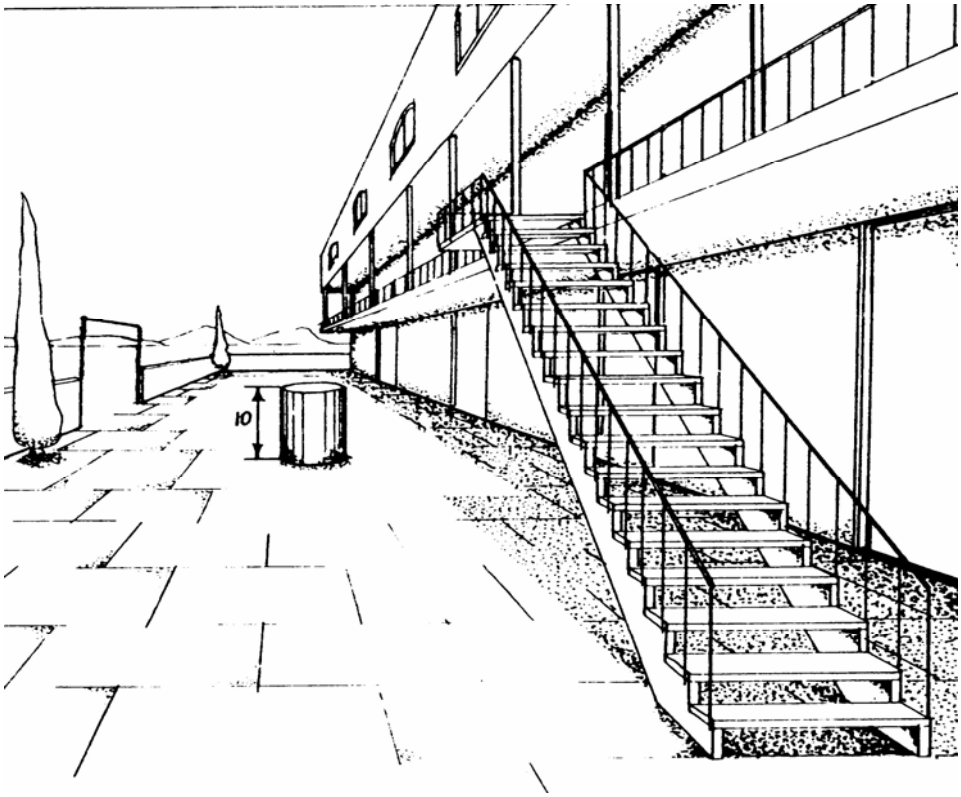
Chavruta
Eiruvin – Daf Peh Daled

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[You might think: **What is the** meaning of **"portico"[1]?]**

Residents of the upper level. I.e. we might think that the Tanna is referring even to a case where there is a third story to the building, positioned above the portico. And one reaches this story by means of an additional set of stairs, from the portico. (see illustration[2])

[1] *Mirpeset.* This is a kind of open-air corridor through which the upper-level residents must pass. Stairs lead from the portico down to the courtyard, which is level with the ground floor.



2

And why did they call them residents of the **portico?** Because **they go out** i.e. ascend to their homes **by means of the portico.**

As discussed in the Mishnah on *ammud bet* of the previous *daf*, a raised domain ten *tefachim* high is given to the residents of the upper level, although it is more than ten *tefachim*[3] below the their level. **Therefore** we can conclude that **wherever** the raised domain functions **for this** upper level **through tossing** items **down** onto it**, and for that** lower level **through tossing** items **up** onto it**, we give it to** the residents of the area that must **toss it down.**

That being the case, Rav's position—that neither the residents of the upper nor the lower level may use the raised domain—seems difficult. For on *ammud bet* of the previous *daf*, the Gemara had said as follows:

[3] 1 tefach: 3.1 in., 8 cm

If the domain serves this one by lowering, i.e. one courtyard was ten *tefachim* higher than the domain, and that one by throwing, i.e. the other courtyard was ten *tefachim* lower than the domain, what is the Halachah? (see illustration[4])

Said Rav: Both are forbidden, since for both of them it is difficult to use.

And Shmuel said: We give it to this one that uses it by lowering.

*

The Gemara answers for Rav: It is **as Rav Huna said** later in the discussion: Our Mishnah is not discussing people who live on a floor above the portico. Rather, it is discussing **those that live on** the same level as **the portico.**

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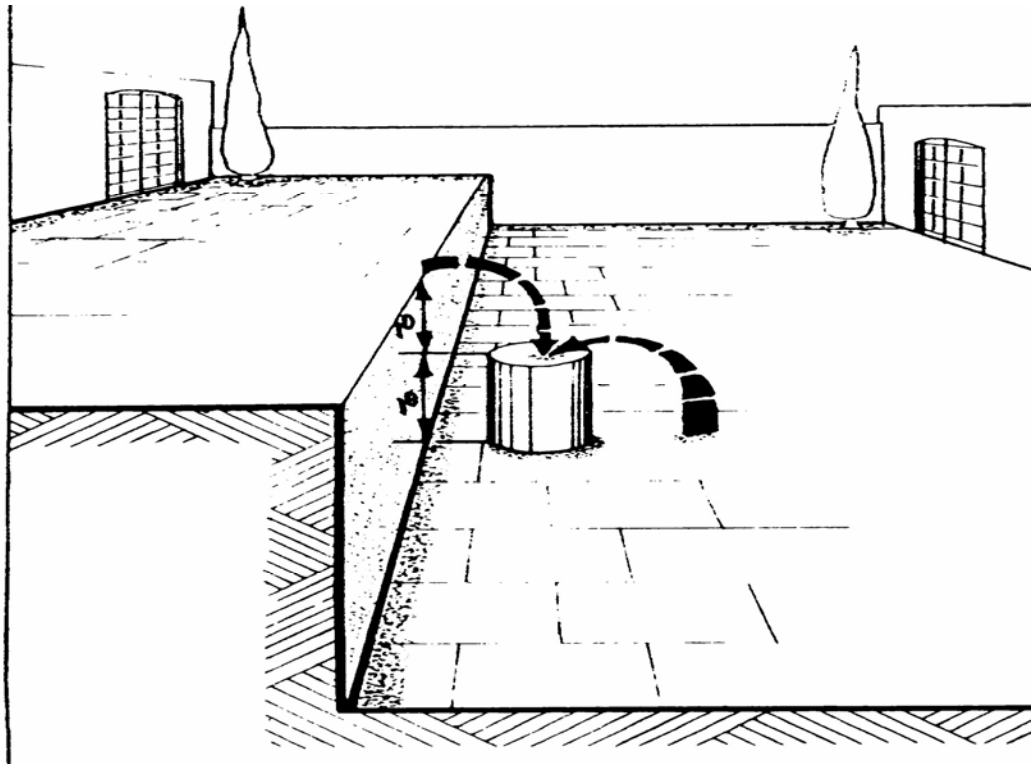

Here, too—it is discussing **those that live on** the same floor as **the portico.** I.e. the word "portico" in our Mishnah does not refer to the third floor residents, as suggested at the very beginning of this *daf*. Rather, it refers to upper floor residents, and there are only two floors to the building.

The Gemara is puzzled: **If so, let us consider the latter clause** of the Mishnah. If it is **less than this** i.e. if the raised domain does not stand ten *tefachim* above the courtyard, we give it to the residents of the **courtyard.**

If the residents of the upper level are in fact on the level of the portico, presumably the portico itself is not so high that there are ten *tefachim* between it and the top of the raised domain, with the same necessarily being true of the upper level's apartments.

The Gemara thus asks: **Why** is the raised domain given solely to the residents of the raised area? It is used **for this** i.e. the residents of the upper level **at their entrance, and** it is also used **for that** i.e. the residents on the level of the courtyard **at their entrance.** If so, there is no obvious reason to give it solely to the residents of the courtyard, as versus the residents of the upper level. Until now we thought that the residents of the upper level were high above the portico. Based on that, it made sense for the raised domain to be given solely to the residents of the courtyard, since it is so much closer to them. But now that the upper level is assumed to be at the same height as the portico, this is no longer true.

*

The Gemara answers: **What** is the meaning of the term **"for the** residents of the **courtyard"** mentioned in the Mishnah? It means **"*even* for the** residents of the **courtyard."** Indeed, the raised domain is given both to the residents of the courtyard and to the residents of the upper level.

Therefore, both areas have rights to the raised area, **and both are forbidden** to make use of it, since it is used as at the entrance of both.

The Gemara supports this interpretation: **This** interpretation **stands to reason,** as we can deduce **from the latter clause of the Mishnah.** That clause states, "**When are these words said? When** it **is close** to the portico and therefore convenient for the portico residents to use.

"But if it is distanced from the portico, **even** if it **is ten *tefachim* tall,** it is given **to the courtyard."**

What is the meaning of the term **"to the courtyard"** that appears in the latter clause of the Mishnah? **If you say** that it means that we give the raised domain **to the** residents of the **courtyard, and** if so, it is **permissible** for them to use it, then **why** should we do so? It is no easier for them, who must toss things up to it, to use it, than it is for the residents of the portico, who must drop things down. Therefore, we must accept that **it is their joint jurisdiction.**

Rather, what is the correct meaning of **"to the courtyard?"** It must mean that we give the raised domain **even to the** residents of the **courtyard, and both of them** i.e. the residents of the courtyard and the portico, respectively, **are forbidden** to use it.

If so, **here too, what** is the meaning of **"to the courtyard?"** It means **even to the** residents of the **courtyard, and both of them are forbidden** to use it.

The Gemara concludes: **Hear from this** a proof that our interpretation is correct.

*

The Gemara asks another question based upon the latter clause of the Mishnah, similar to the question based on the earlier clause, which it posed against the position of Rav.

Perek 8 – 84a

It was taught in our Mishnah:

The following is the Halachah regarding a raised **bank around a pit** i.e. a pit surrounded by its bank (the earth removed from the pit). **And** the same Halachah applies to **a rock.** If **they are ten *tefachim* tall,** and therefore if the residents of the courtyard want to draw water they have to jump over the bank that is ten *tefachim*, or to use the rock they have to throw the object they wish to place on it to the height of ten *tefachim*, these areas are given **to the portico.**

Less than this, they are given **to the courtyard.**

The Gemara assumes that our Mishnah is referring to a case involving residents of an upper level high above the portico, who must lower things down in order to use the stone or the pile of earth. Nevertheless, it teaches that we give it to them, and we do not say, as Rav does, that since the residents of the upper level must lower things just as the residents of the courtyard must toss things up, it is a joint jurisdiction, and both are forbidden to use it.

*

Said Rav Huna in answer: This Mishnah is referring **to those that live on** the same level as the **portico.** Therefore, for them, the pile of earth or the stone is at their entrance, whereas for the residents of the courtyard, it is elevated, and they must toss things up in order to use it. For this reason, the residents of the upper level are permitted to use it, while the residents of the courtyard are not.

The Gemara is puzzled: **This stands to reason** in regards to a **stone.** But, in regards to the water-storage **pit,** even if the residents of the upper level do live on the same level as the portico, they still must lower their buckets down in order to make use of the pit.

Nevertheless, we give it to them, and not to the residents of the courtyard, who must climb up in order to use it. This appears to support Shmuel's position mentioned above, that we give the raised domain to this one that uses it by lowering.

What can be said concerning this? How can Rav's position still be maintained?

Said Rav Yitzchak the son of Rav Yehudah: Here, **we are discussing** the case of a **pit filled with water** right up to the top of the piled-up earth. Since the water comes so high, it is within ten *tefachim* of the residents of the portico.

*

The Gemara is puzzled: **But** there is a **lack.** I.e. since the water is used over the course of Shabbat, the water level eventually will decline to the point that it is no longer within ten *tefachim* of the portico. Nevertheless, it seems that they would still be permitted to use it. If so, then Rav's position still seems to be questionable.

The Gemara answers: **Since when it was full** at the beginning of Shabbat it was **permitted** for the residents of the portico to use it, **even** when it becomes somewhat **empty,** it is **also permitted** for them to use it. Once it enters Shabbat in a permitted state, it retains its permitted state throughout Shabbat.

The Gemara is puzzled: **Just the opposite! Since when** it eventually becomes partly **empty** it will be **forbidden,** if not for the fact that it was permitted at the onset of Shabbat, and we know that it will eventually become partly empty, let us say that when it is still **full, also,** it should be **forbidden** for the residents of the portico to use it.

Since we know that the pit will eventually become empty, and since it was in the joint jurisdiction of the residents of the courtyard and of the portico, we should simply consider it from the beginning of Shabbat as though it were already partly empty.

*

Rather, Abaye said another answer. **Here, we are dealing with a pit full of produce.** The Gemara will explain this answer further below.

The Gemara assumes that they use the pit by taking produce from it over the course of Shabbat.

The Gemara asks: **But** the pit will eventually be partly **empty** of produce. Based on what we said above, we should consider the pit as though it were empty from the beginning of Shabbat, and forbid the residents of the portico to use it.

The Gemara answers: We are talking **about** produce that is **untithed,** and therefore may not be used. The use the Mishnah permits them to make of the pit full of produce is by putting things on top of it.

*

This is **also implied** in the words of the Mishnah, **for it is taught** in the Mishnah that the pit is **similar to** the **stone.** By mentioning both cases together, the Mishnah implies that they are similar, in that both are used to provide a surface to store things upon.

The Gemara concludes: **Hear from this** a proof that Abaye's interpretation of the Mishnah, in defense of Rav's view, is correct.

Perek 8 – 84a

The Gemara is puzzled: **Why do I** need the Mishnah **to teach** specifically the case of the **pit** and also **to teach** specifically the case of the **stone?** It would seem that it would be enough just to teach the case of the stone; what does teaching the case of the pit add?

This would not be a question if we were talking about a pit full of water, used by lowering a bucket into it. The Mishnah would then be teaching us that the residents of the courtyard may use the pit by ascending, while the residents of the portico may use it by descending. However, since the Mishnah is speaking of a pit that is similar to a rock, there would seem to be no point in teaching the case of the pit at all.

*

The Gemara answers: It is indeed **needed, for if** the Mishnah would only **teach us** the case of the **stone,** I would think that it is permitted for the residents of the portico to make use of it because **there is no** reason to **decree** that they may not do so. **But** in the case of the **pit** full of produce, I would think it is forbidden for them to use it, since there is reason **to decree** that they may not use it, because **sometimes** the pit **is full of tithed produce.** In such a case, it will indeed become empty over the course of Shabbat, and it should be forbidden for the residents of the portico to use it. Therefore, I might think that we would decree that they may not use it even when the produce are untithed, and will not diminish over the course of Shabbat. Therefore, the case of the pit is **needed.**

Come and hear a proof that supports Rav: If the **residents of the courtyard and** the **residents of the upper level forgot to make a** joint ***eiruv,*** the **residents of the courtyard may use** the external wall of the building **within** the lower **ten *tefachim*, and** the **residents of the upper level may use** the upper **ten *tefachim***. The portion between the upper and lower sets of ten *tefachim* may not be used by anyone.

Perek 8 – 84a

The top ten *tefachim* may be used by the residents of the upper level because, being within ten *tefachim* of them, it is as though it is at their entrance, whereas the residents of the courtyard would have to ascend in order to use it.

How is this? If there was a **projection** four *tefachim* wide that **projected from the wall** of the building **within ten** *tefachim* of the courtyard, we give it **to the courtyard.**

If it was **above ten** *tefachim* i.e. within the top ten *tefachim* of the wall, we give it **to the upper level.** (see illustration[5])

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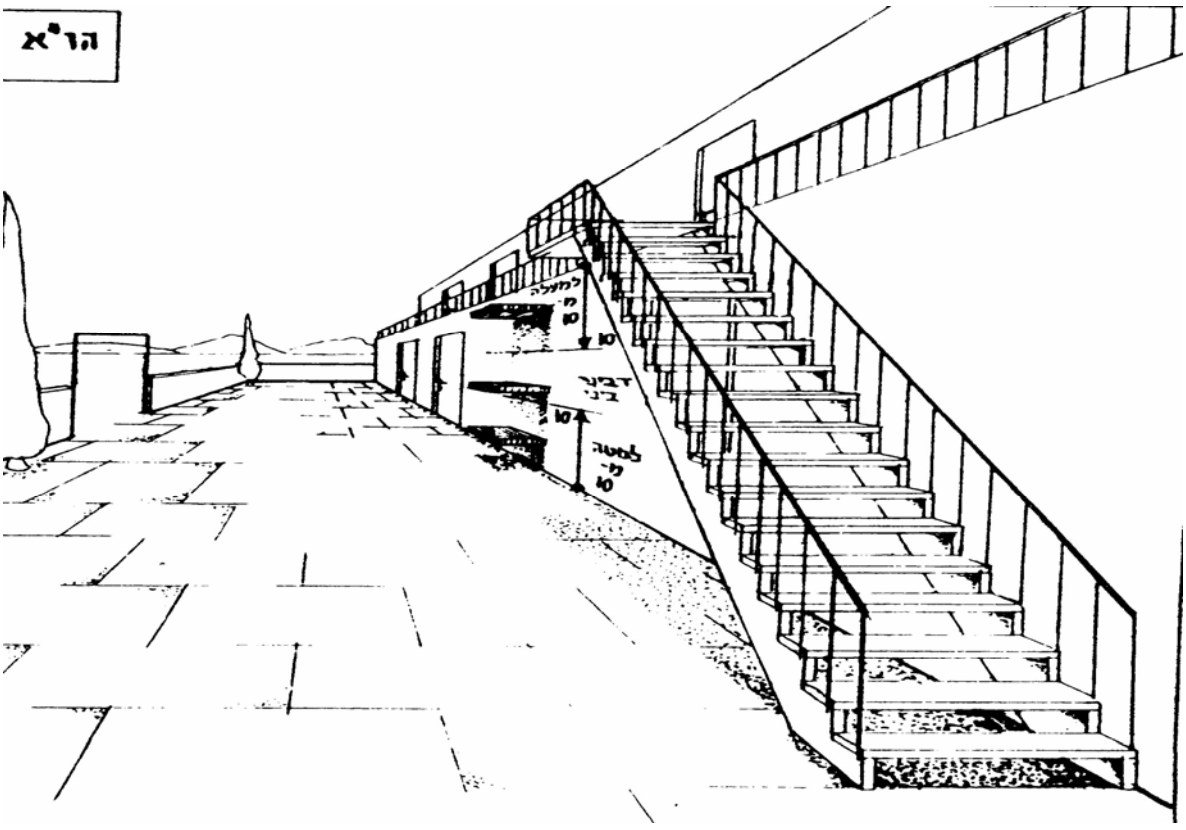

The Gemara asks: **That** implies that a projection **between** these two areas—neither within ten *tefachim* of the floor nor within that distance of the top of the wall—is **forbidden** for use by the residents of either the courtyard or the upper level. Even though the residents of the upper level could use it by descending, and the residents of the courtyard by ascending, we do not permit the residents of the upper level to use it. This appears to contradict Shmuel's ruling that use by lowering takes precedence, and to support Rav's.

Perek 8 – 84B

Said Rav Nachman: Here we are dealing with a wall nineteen *tefachim* tall. (see illustration[6]) According to this interpretation, the bottom nine *tefachim* of the wall are in the sole jurisdiction of the residents of the courtyard, the top nine *tefachim* are in the sole jurisdiction of the residents of the upper level, and the central *tefach* is in the joint jurisdiction of both groups.

And this wall had a **projection projecting from it.** If the projection was **below ten** *tefachim* from the top of the wall—that is to say, in the bottom nine *tefachim* of the wall—then it is given to the use of the residents of the courtyard, because **for this** i.e. the residents of the courtyard it is **in the entrance, and for that** i.e. the residents of the upper level, it is only accessible **by descending.** However, if the projection was **above ten** *tefachim* measuring from the floor of the courtyard—that is to say, within the top nine *tefachim* of the wall—then it is given to the use of the residents of the upper level,

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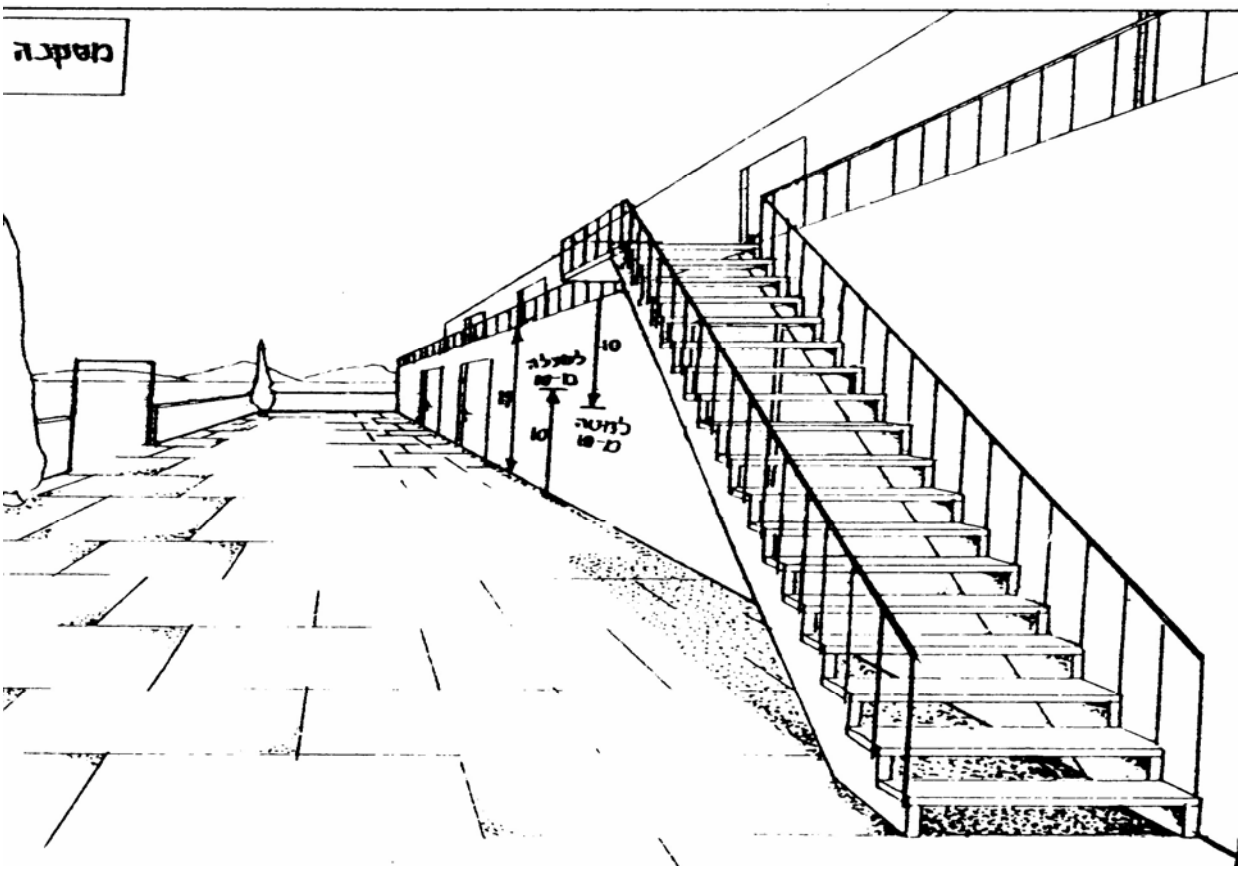

because **for that** i.e. the residents of the upper level it is **in the entrance, and for this** i.e. the residents of the courtyard it is only accessible **by ascending.**

If the projection is situated in the central *tefach*, neither group may use it, because it is "in the entrance" for both groups.

*

Ammud Bet

Come and hear a support for Rav's ruling.

A) If there is a balcony extending over a lake, one is not permitted to lower a bucket from it on Shabbat in order to bring up water.

The reason for this is that the balcony, owing to its size and location, is a private domain, whereas the lake is a *carmelit*[7]. In order to permit bringing up water from the lake, it is necessary to make a partition around the hole in the balcony through which the bucket is to be lowered, either projecting up or down from the balcony. In either event, the partition must have a height of at least ten *tefachim*. Then, the Halachic principle stating that that the partition "extends downwards" enables us to judge the case as though the partition extended down to the bottom of the lake. As a result, the water in that area is now considered to be within the same private domain as the bucket.

B) If there were **two balconies** side by side, and with less than four *tefachim* horizontal distance between them, except that **one was higher than the other,** and the owners of the

[7] An area in which carrying is forbidden by Rabbinic law.

two balconies jointly **made** a partition **for the higher** balcony, **but they did not make** a partition **for the lower** balcony. (see illustration[8])

The owners of the lower balcony toss the bucket up to the higher balcony which has the requisite partitions, and lower it through the hole in the upper balcony to receive water. Since the upper balcony, having been, at least in part, constructed by both groups, and being used by both groups, is considered to be under joint jurisdiction, **both of them** i.e. the two groups of people **are forbidden** to use the balcony on Shabbat, **until they make an *eiruv*** together.

This Baraita appears to contradict Shmuel's ruling that use by lowering takes precedence.

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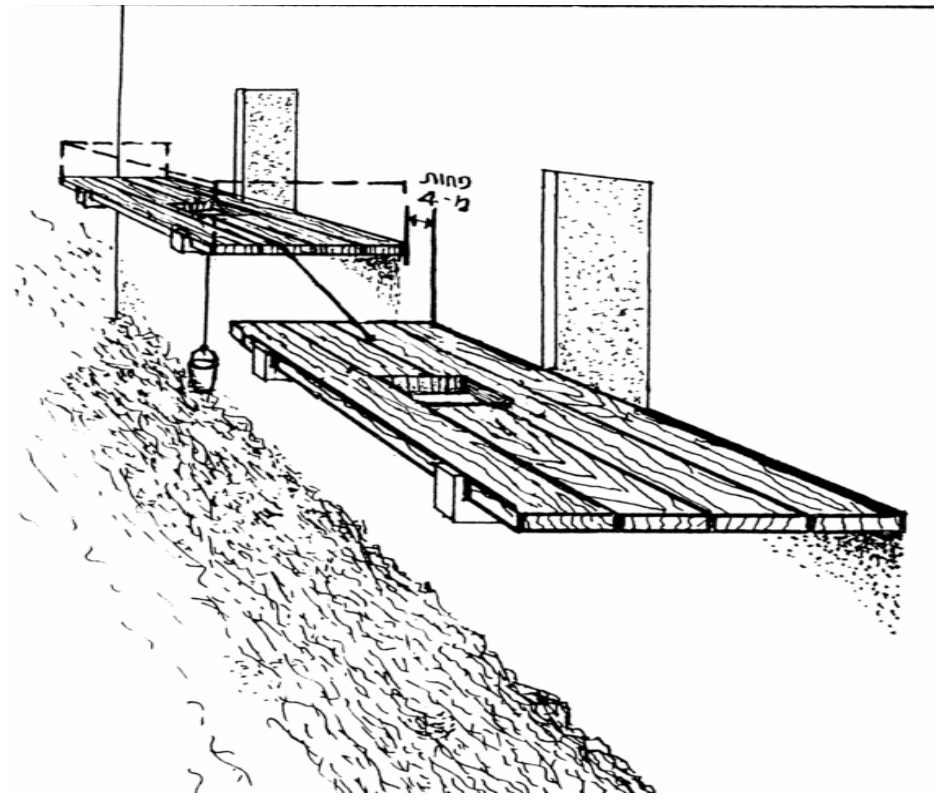

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Perek 8 – 84b

Said Rav Ada the son of Ahavah in defense of Shmuel's ruling: The Baraita is referring to a case **where the owners of the lower** balcony **come** up to the **upper** balcony **to fill** their buckets, by means of a ladder or stairs. Therefore, both groups only need to lower a bucket, and for that reason it is considered a joint jurisdiction such that neither group may use it on Shabbat without an *eiruv*. (see illustration[9])

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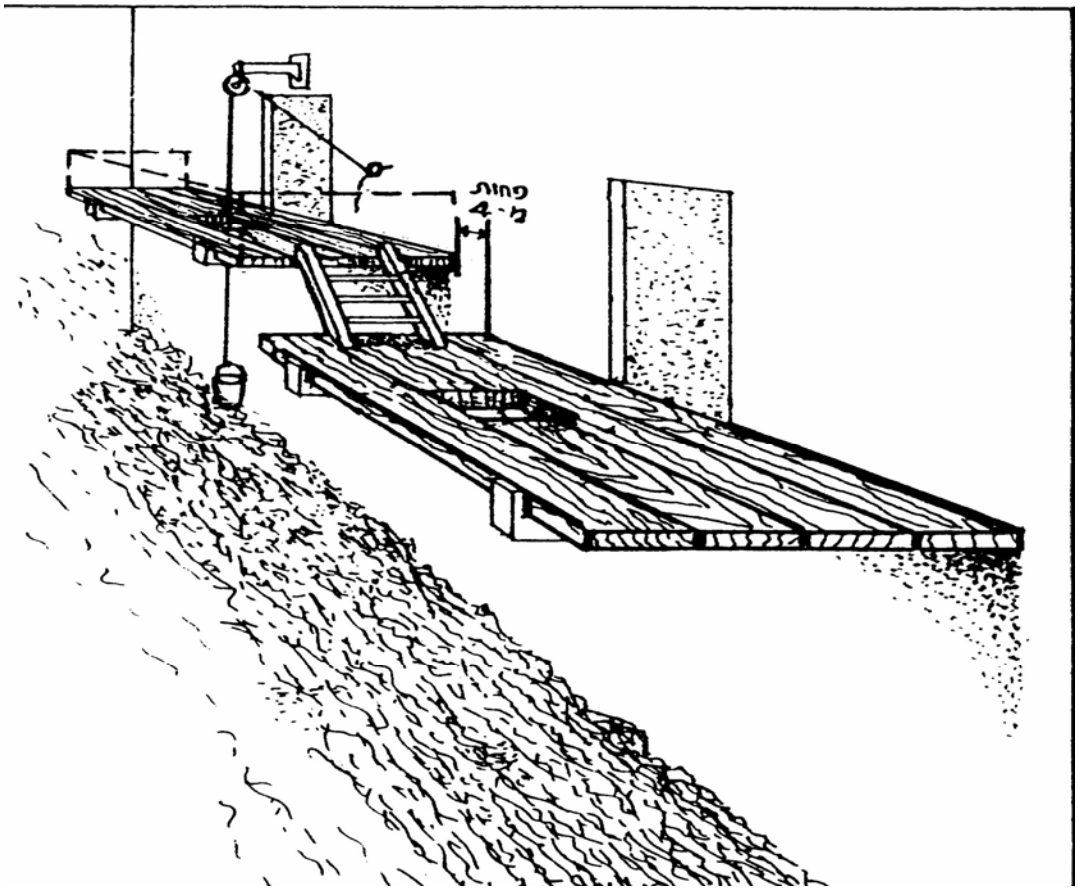
Said Abaye a different answer in defense of Shmuel's ruling: The Baraita is referring to a case where the two balconies are **within ten** *tefachim* **of each other** i.e. not only is



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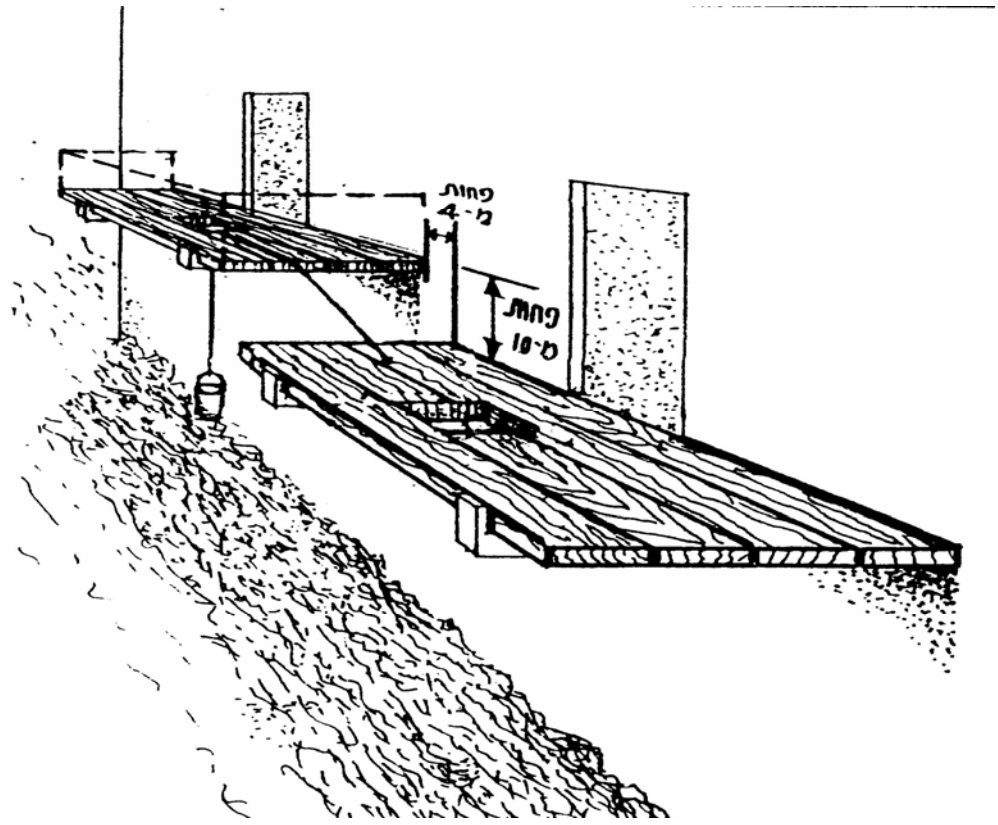
there less than four *tefachim* of horizontal distance between them, there is also less than ten *tefachim* of vertical distance between them. (see illustration[10])

Whereas Shmuel's ruling applies only to a case where the two groups are separated by at least ten *tefachim* of vertical distance, as in the case of the courtyard and the upper level.

Abaye continues: And the Tanna **was discussing first the more obvious case, and then the less obvious.** He meant to say, **"It is obvious** that if **they made** a partition **for the lower** balcony **and they did not make** a partition **for the upper** balcony, **that they are forbidden** to make use of the lower balcony on Shabbat." **Since** they **are within ten** *tefachim* of each other, vertically, and four *tefachim* horizontally, **they forbid each other** to use the lower balcony. This is true even though both groups need only one process to use the lower balcony—they both need only to go down.



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Perek 8 – 84b

However, even if **they made** a partition **for the upper** balcony and **did not make** a partition **for the lower** balcony, in which case the owners of the lower balcony must go through two processes—taking the bucket up to the upper balcony and then down through the hole to the water. Whereas the owners of the upper balcony only need one process, lowering their bucket through the hole in their balcony. But still, it is forbidden for both groups to use.

Without the Baraita stating this, **I would say** that **since this** group uses the upper balcony **easily and that one** uses it only **with difficulty, it should be given to this** i.e. the owners of the upper balcony to use, **for its use is easy** for them, which would accord with Shmuel's ruling.

The Baraita **informs us** that this is not so. Rather, **since they are within ten** *tefachim* of each other vertically, they **forbid each other** to use the balcony.

Although this appears initially to contradict Shmuel's ruling, it in truth agrees with it. This is so because the Baraita only states that the upper balcony is forbidden to the use of both groups when the two balconies are within ten *tefachim* of each other vertically. That implies that if there is ten or more vertical *tefachim* between them, it would be permitted for the residents of the upper balcony to lower their bucket through their hole on Shabbat, but forbidden for the residents of the lower balcony. And this accords with Shmuel's ruling but not with Rav's.

This ruling is **like that** statement **that Rav Nachman said in the name of Shmuel:** In the case of a **roof** of a building **that borders on a public domain** on one side, while the other sides face towards a portico, it is forbidden to carry from the portico onto the roof.

The exception to this is if the owner of the roof demonstrated that he wishes to separate his roof's domain from the public domain and use it separately. In order to do this, **he must** set up a **permanent ladder** from the upper level of the building or from the courtyard to the roof. By doing this he demonstrates that he wishes to use the roof's domain, and prevents it from being considered part of the public domain. Thus he is able **to permit it** i.e. to permit carrying items from the portico to the roof.

The Gemara deduces: If he set up a **permanent ladder,** then, **yes,** this rule applies. But, if it is a mere **temporary ladder,** which can easily be removed, then, **no,** the roof is not in the sole jurisdiction of the owner, but rather is under a joint jurisdiction of the owner and the people who frequent the public domain.

Based on this deduction, the Gemara asks: **Why** is the roof considered to be in a joint jurisdiction, considering that the people in the public domain cannot use the roof at all?

Is it **not because** the portico and the public domain are **within ten** vertical *tefachim* of each other, and the portico, in turn, is within ten vertical *tefachim* of the roof? Thus we see that the people in the public domain can forbid the people of the portico to use the roof, although they themselves cannot use the roof.

Rav Papa challenged him: But perhaps the people in the public domain do use the roof. For example, **many people place their hats and turbans** there, to air out.

According to this, we do not need to explain that the portico is vertically within ten *tefachim* of the public domain. And the prohibition against carrying is not because the people of the public domain, having access to the roof only through the portico, forbid the people of the portico to use the roof. Rather, it is because the people of the public domain themselves have direct use of the roof.

Said Rav Yehudah in the name of Shmuel:

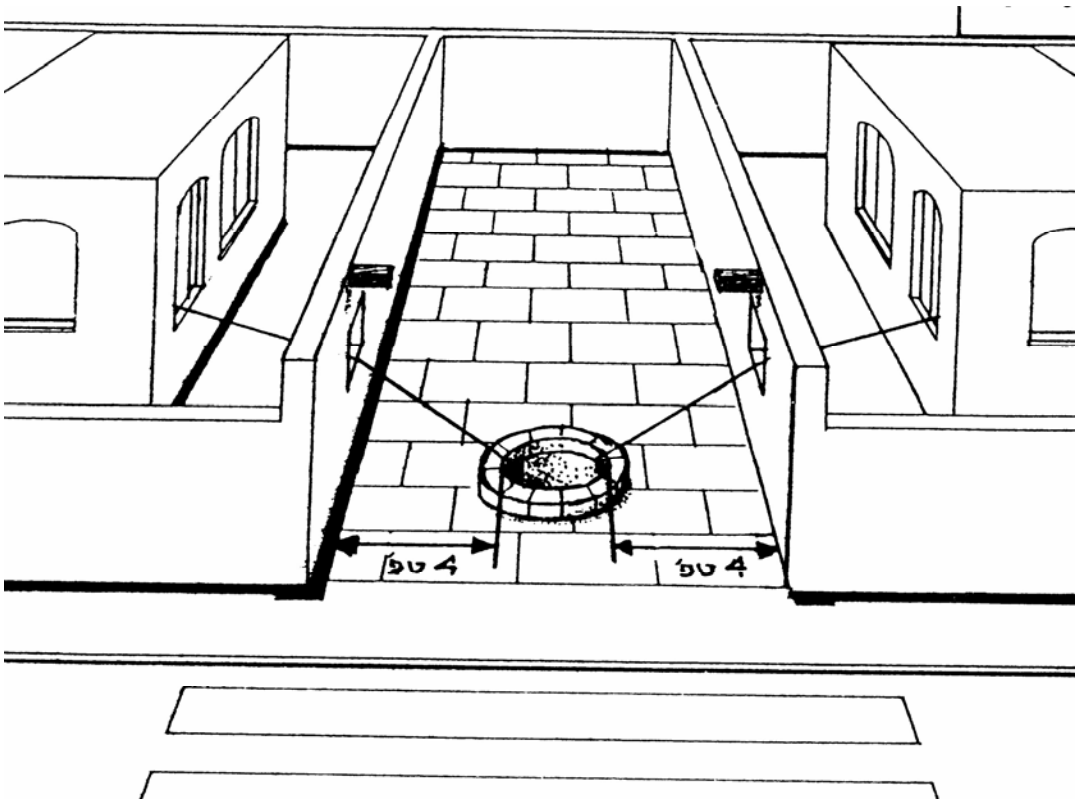
Chavruta
Eiruvin – Daf Peh Heh

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[**Said Rav Yehudah in the name of Shmuel:]**

Regarding the case of a **water-storage pit,** i.e. a cistern, situated in a small alleyway **that is between two courtyards.** (see illustration[1]) The two courtyards do not have doorways into the alleyway, but only have windows designed to enable the residents to take water from the cistern. The pit was **four** *tefachim* **distant from the wall of this** courtyard and **from the wall of that** courtyard, so that whenever the residents of the courtyards want to take water they must toss their buckets four *tefachim* to the pit.

According to the basic Halachic principles of *eiruvin*, since each group must toss their buckets at least four *tefachim* through the air in order to use the pit, they do not forbid



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each other the use of it on Shabbat. However, the Sages said that they must set up a certain physical feature that will visually remind them of the unique Halachic status of this pit, before being allowed to actually use it. This is lest they become confused and come to use some other joint jurisdiction without a proper *eiruv*.

Therefore, **this** group may **set up a projection** protruding from their wall towards the pit. However, the **smallest possible** width is adequate for the projection. Then they may **fill** their buckets from the pit. And likewise, **that** other group may **set up a projection** protruding from their wall towards the pit. Again, the **smallest possible** width is adequate for the projection. Then they may **fill** their buckets from the pit.

And Rav Yehudah himself said: Even a cane attached to the wall on either side is sufficient, though it is less noticeable than the projection that Shmuel requires.

*

Said Abaye to Rav Yosef: That statement **of Rav Yehudah,** that a cane is sufficient, **is** actually the view of **Shmuel.** I.e. he learned this particular Halachah from Shmuel, not from Rav. (Rav Yehudah had studied under both.) Right now, the Gemara assumes that Abaye had heard a different version of Rav Yehudah's statement, in which he permitted the residents of one of the courtyards to use the pit, with a cane attached to one of the walls, and did not attribute it to either Rav or Shmuel.

For if we assume that it was a quote **of Rav, note that** Rav **said** that **a man does not forbid his friend** to use a joint jurisdiction just because he has access to it via **airspace**. According to this, there should be no need even for one cane.

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Perek 8 – 85a

The Gemara requests clarification: **And** the view **of Shmuel, from where** did Rav Yehudah derive it? On what basis did Rav Yehudah conclude that Shmuel does require a cane?

Perhaps you would say that Rav Yehudah learned it **from that which Rav Nachman said in the name of Shmuel**[2]**,** that in the case of a **roof** of a building **that borders on a public place** on one side, while the other sides face towards a portico, in order to permit carrying from the portico onto the roof the owner **must** set up a **permanent ladder** from the upper level of the building or from the courtyard to the roof. By doing this he demonstrates that he wishes to use that area, and prevents it from being considered part of the public place, and is able **to permit it** i.e. to permit carrying items from the portico to the roof.

We might think that this is the source for Rav Yehudah's statement, since we see that the people of the public place, who need to toss things onto the roof (owing to the fence which is presumably erected around it) prevent the people of the portico from being permitted to use it.

But that cannot be Rav Yehudah's source, for **perhaps** Rav Yehudah understood it **like Rav Papa** did, who explained that the people of the public place placed—but did not toss—their turbans and hats there.

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Rather, Abaye was well aware of Rav Yehudah's statement in the name of Shmuel concerning the case of the case of a water-storage pit, i.e. a cistern, between two courtyards. He only intended to say that Rav Yehudah's comment, that one does not need two projections, but merely two canes, was intended to explain Shmuel, not to disagree with him.

[2] On page 84b above

According to this, Rav Yehudah learned this explanation of Shmuel's statement **from this:** Shmuel said that **this** group may **set up a projection of the smallest possible** width **and fill** their buckets from the cistern, **and that** group may **set up a projection of the smallest possible** width **and fill** their buckets from the cistern.

We thus see that the **reason** they may fill their buckets from the cistern is **that** they **set up a projection** from the wall. **That** implies that if they **did not set up a projection, we say** that **a man forbids his friend** to use a joint jurisdiction due to his access to it via **airspace**.

And since Shmuel allowed a projection of the smallest possible width, and did not require that it be four *tefachim* wide, Rav Yehudah deduces that a cane would also be adequate.

And the view **of Rav,** that a man does not forbid his friend to use a joint jurisdiction due to his access to it via airspace, **from where** do we learn it?

Perhaps you will say that we learn it **from that** which was taught in a Mishnah[3]: If there were **two balconies, one higher than the other, and they made a partition for the higher one** in order to be permitted to bring up water from the lake beneath, **but they did not make a partition for the lower one, they are both forbidden** to draw water through the upper one on Shabbat, **until they make an *eiruv*.**

And Rav Huna said in the name of Rav: They only taught this law in a case where one balcony was **close** i.e. within four *tefachim* horizontally of the other. **But** if one was

[3] This Mishnah appeared on page 84b above.

distant from the other by a horizontal distance of **four** *tefachim*, the owners of the **upper one are permitted** to draw water, while the owners of the **lower one are forbidden**.

From this we see that Rav holds that a man does not forbid his friend to use a joint jurisdiction due to his access to it via airspace.

The Gemara rejects this: **Perhaps it is different here** in this case **since this one** the owners of the lower balcony must both **toss** their bucket **and lower** it in order to draw water through the upper one. **While that** the owners of the upper balcony need **only** to **lower** their bucket. Therefore, it is **like** a case where one must **throw** things to the "joint airspace," while the other has it as his **entranceway.**

*

Rather, we learn Rav's view **from that which Rav Nachman said in the name of Rabbah the son of Avuha in the name of Rav:** If there were **two** houses with people living in them, **and** between them are **three ruins**.

Perek 8 – 85a

The walls separating the ruins are breached. (see illustration[4])

This is actually a case of one building subdivided into five homes, by means of four interior walls. The outer two homes are in good condition, and are occupied, while the three interior homes are in ruins, and unoccupied. As a result, nobody uses them except for the residents of the outer two homes, and even they do not have doorways leading directly into the ruins.

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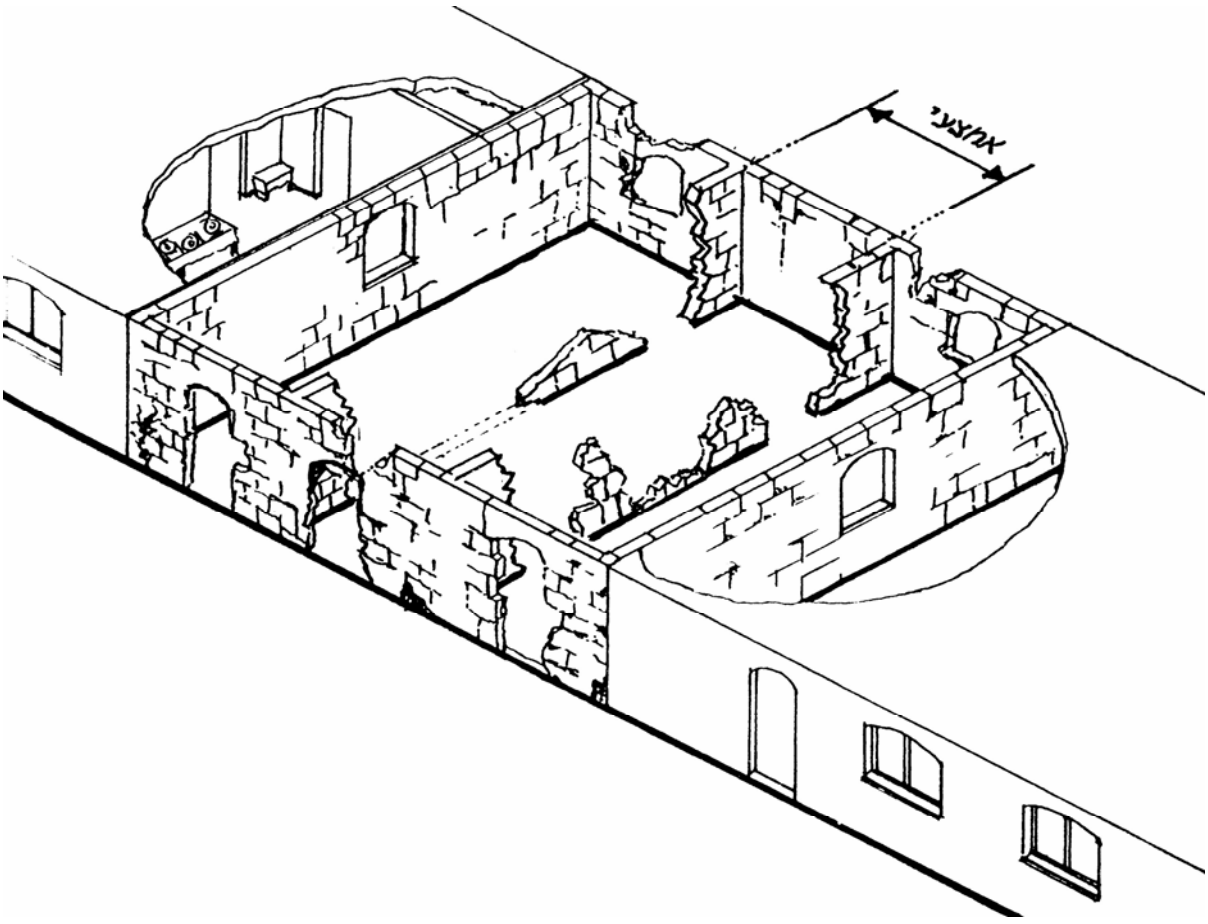


Perek 8 – 85a

This resident may **use** the ruins **near him by throwing.** I.e. he may throw items, on Shabbat, into the ruins immediately adjacent to his home by throwing them through the window between his home and the ruins. **And that** resident may **use** the ruins **near him by throwing.** Despite the fact that the ruins all open into one another, owing to the collapse of the interior walls between them, the residents of the occupied houses may still use the airspace of the ruins immediately adjacent to them.

Ammud Bet

And the **central** ruin **is forbidden** to both of them. The reason for this will be explained below.

In any event, we see that the residents of the one occupied house do not forbid the residents of the other occupied house from using their adjacent ruins, since the one would only be able to use the ruins adjacent to the other by means of throwing things through the airspace of two ruins.

*

Rav Bruna sat down and said this teaching in the name of Rav.

Said to him Rabbi Elazar: Young scholar, did Rav really say that? Rabbi Elazar thought that Rav meant that each of the two side ruins were accessible to the nearby residents by merely lowering things through the windows, and only accessible to the distant residents by throwing things. Therefore, Rav permitted the nearby residents to use it on Shabbat, and forbade the distant residents.

As for the central ruins, where both sides had to throw things in order to use it, Rav forbade both to do so on Shabbat. As we shall see, Rabbi Elazar did not wish to explain Rav as holding that a man does not forbid his friend to use a mutual airspace on Shabbat. For if Rav held that, it should be permitted even to throw things into the central ruins.

When Rabbi Elazar heard Rav Bruna say that Rav held that this last case is forbidden, he concluded that Rav must hold that a man indeed forbids his friend to use a mutual airspace, and the only reason the side ruins may be used, each by its respective "neighbor", is because each ruins is far more convenient to the nearby residents than to

the distant residents. Therefore he was surprised, and he questioned Rav Bruna concerning what he had said.

Said Rav Bruna **to him: Yes,** he did say it.

Rabbi Elazar responded: **Show me the place where he is lodging** so that I can ask him myself.

He showed him where Rav could be found.

Rabbi Elazar **came before Rav** and **said to him: Did the Master really say so?**

Rav **said to him: Yes.**

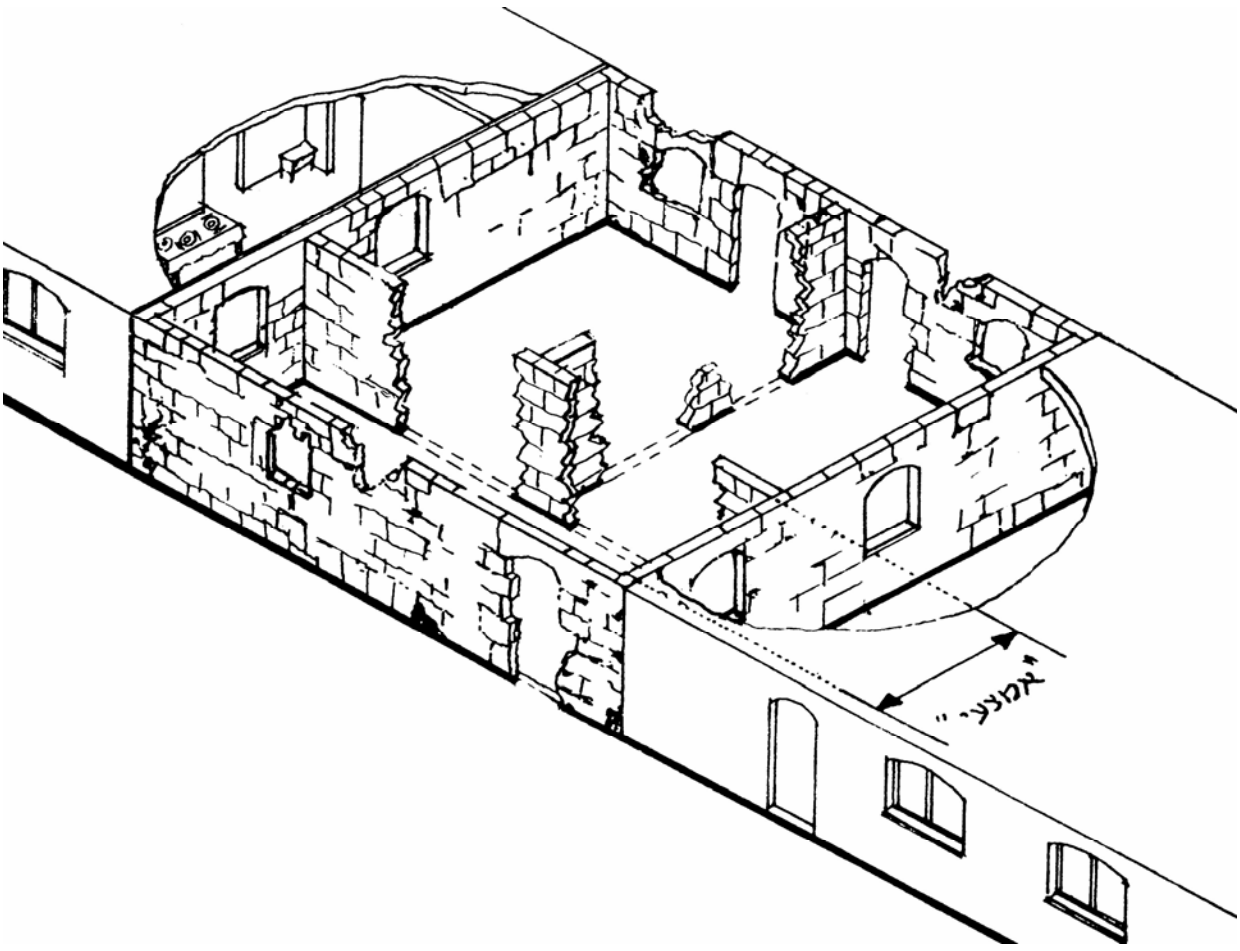
Rabbi Elazar **said to him: But** was it not the **Master himself who said** the following? In a case where **this** neighbor can use the mutual jurisdiction **by lowering, and that** one can use it **by throwing** something upwards ten *tefachim*, even though it is certainly easier for the first to use the mutual jurisdiction than it is for the second, we do not permit him to use it on Shabbat without an *eiruv*. Rather, **they are both forbidden** to use it. One neighbor would only be permitted to use it without an *eiruv* if it were extremely easy for him to use it, i.e. if it were as his entranceway.

If so, how could Rav permit the residents each to use the ruins nearby them, since it is not as if their entranceway?

Said Rav **to him:** The reason that it is permitted for the residents to use the nearby ruins is not because it is easier for them to use it than it is for the opposite residents. Rather, it is because the opposite residents can only use it if they toss items through their airspace, and a man does not forbid his friend to use an area due to his access to it via airspace. As far as the question of the central ruins, which both sides utilize only via its airspace, it is

nevertheless forbidden for either side to use it, because the ruins are not situated as we had understood till now.

Do you think that the three ruins **are standing in a row,** each one parallel to the others? **No!** They are **standing in a three point formation**, with two adjacent to each of the occupied houses. (see illustration[5]) Therefore, the "central" ruins—the one that is adjacent to both houses—is forbidden for either side to use, because both sides can use it by merely lowering things in, rather than tossing items through the airspace.



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Perek 8 – 85B

Now the Gemara returns to discussing the view of Shmuel, who holds that a man forbids his neighbor to use a joint jurisdiction due to his access to it via airspace, as we saw in the case of the cistern between two alleyways, where at least a small marker was required to permit drawing water on Shabbat.

Said Rav Papa to Rava: Let us say that Shmuel does not agree with the view **of Rav Dimi. For when Rav Dimi came** from the Land of Israel to Babylonia, **he said in the name of Rabbi Yochanan** that a **place** that stands between a public domain and a private domain **that does not have** a minimum size of **four by four** *tefachim* is an exempt space (*makom patur*).

Therefore, **it is permitted for the people of the public domain and for the people of the private domain to adjust their loads** upon their shoulders while resting their loads on this place, **provided that they do not switch** i.e. that they do not use the exempt place to transfer something from the private to the public domain or vice-versa.

Since the exempt place is so small, setting things down on it is not considered a true act of putting things down. Rather, it is comparable to tossing something through its airspace. Nevertheless, the people of the public domain do not cause it to be forbidden for the people of the private domain to use it, nor do the people of the private domain cause it to be forbidden for the people of the public domain to use it. This appears to contradict Shmuel's ruling, for he stated that a man indeed forbids his friend to use a mutual jurisdiction due to his own access to it via airspace.

The Gemara answers: **There,** in Rav Dimi's case, we are discussing **domains** where transferring is forbidden by **Torah law. Here,** in the case of the cistern between two alleyways, we are discussing **domains** in which transferring is forbidden only by **Rabbinic law,** since both the courtyards are—as far as Torah law is concerned—private domains. **And the Sages strengthened their words more than** the laws of **the Torah,**

and forbade the residents of the courtyards toss their buckets to the pit unless they set up some sort of marker, such as a projection or a cane.

Now the Gemara returns to discussing Rav's position.

Ravina said to Rava: Did Rav really say that? But it was said in a statement of Amoraim: In a case of **two houses** that both belong to one man, **on two sides of a public domain, Rabbah the son of Rav Huna said in the name of Rav** that it is **forbidden to throw** objects **from one to the other** over the intervening public domain, and even if the flight path is more than ten *tefachim* above the ground, a height which is considered an exempt place.

The Gemara assumes that this is forbidden because the people in the public domain sometimes use that airspace, and it therefore becomes the equivalent of a joint courtyard.

And Shmuel said: It is **permitted to throw** objects **from one** house **to the other.**

But according to Rav's statement in the case of the ruins, merely using the airspace of a given area is not a full-fledged usage of that area. If so, why should the people in the public domain forbid the owner of the two houses from tossing his things through it?

Perek 8 – 85B

Rava **said to him** i.e. to Ravina: **Is not** the disagreement between Rav and Shmuel **discussing a case** where **one** house is **high** and **one** house is **low?** (see illustration[6])

Rav holds that it is forbidden to throw things from the high house to the low house, lest he throw things from the low house to the high, and **sometimes** the ball will **roll and fall** i.e. not make it all the way into the high house, but fall into the public domain. Then they might **come and take it** from the public domain into the private domain, and thereby violate Shabbat by Torah law.

Now there is no contradiction between Rav's two teachings. In the latter case, where he forbade throwing things through the airspace of the public place, it was for a reason irrelevant to the case of the ruins.

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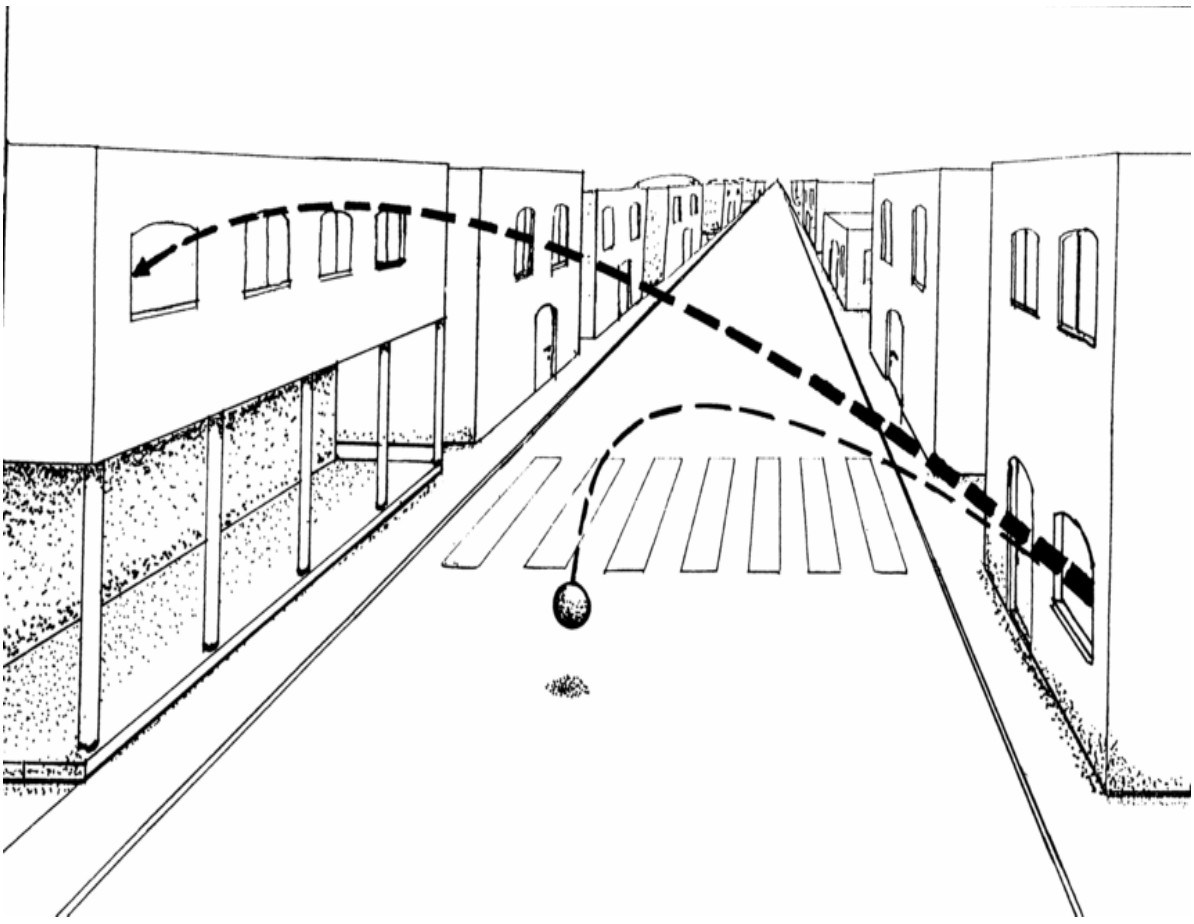

Perek 8 – 85B

Mishnah

The food of an *eiruv chatzerot* must be placed in one of the houses of the courtyard.

But **someone who puts his *eiruv* in the gate house** (the small building through which one enters the courtyard), or in the **corridor before the houses,** or in the **portico** through which people enter upper-level apartments, it is **not a** valid ***eiruv*.** I.e. the residents of the courtyard would not be permitted to carry to and from the courtyard on Shabbat if the food of the *eiruv* is in any of these places.

And someone who lives there in one of these three places **does not forbid him** the residents of the courtyard to carry, should he not contribute to the *eiruv*. The residents have no need to include such a person in any *eiruv* they might make.

The reason for both of these laws is that such a place is not regarded as being fit for habitation.

Someone who places his *eiruv* in the **building where they store straw, in the cattle barn, in the building where they store wood, or in the storage building, it is an *eiruv***. I.e. the residents of the courtyard would be permitted to carry, based on this *eiruv*.

And someone who lives there i.e. someone who requested and received permission from the owner to sleep in one of these places **forbids him** i.e. the person who lives in one of these places must participate in the *eiruv.*

Since these buildings are, at least minimally, fit for habitation, they are acceptable as places to store the *eiruv*, and someone who lives there indeed needs to join in the *eiruv* in order for it to be valid.

Rabbi Yehudah says: If there is usage-rights in one of these minimally fit places **on the part of the owner,** i.e. the owner has stipulated with the place's resident that the owner retains rights to store utensils there, then the resident **does not forbid him**. Since the owner can store his things in that building, it is considered as though he lives there himself, and the owner's participation in the *eiruv* is sufficient. Thus the resident need not be expressly included in the *eiruv*.

Gemara

Said Rav Yehudah the son of Rav Shmuel the son of Shilat: In any place of which the Sages said that **someone who lives there does not forbid** his neighbors to carry if he did not participate in the *eiruv*: if **someone puts his *eiruv* there, it is not a** valid ***eiruv*. Except for the gate house** of a courtyard, when the gate house belongs to an **individual,** rather than to all the residents of the courtyard**. And** concerning **any place that the Sages said** that one must **not place an *eiruv* in it,** we may nevertheless **place a *shituf mavu'ot*[7] in it, except for** the **airspace of an alleyway[8].**

The Gemara is puzzled: **What** does this statement **inform us?** Was it not already **taught** in a Mishnah? For the Mishnah stated: S**omeone who puts his *eiruv* in the gate house**, or in the **corridor before the houses,** or in the **portico** through which people enter

[7] Allows carrying to and from the courtyards that open onto the alleyway.
[8] The reason for the distinction is that an *eiruv chatzerot* makes it as if all the residents of the courtyard dwell in one house together. Therefore, it must be stored in a habitable locale. A *shituf mavu'ot*, on the other hand, does not create such a situation, and therefore it can be stored in any secure location.

upper-level apartments, it is **not a** valid ***eiruv*.** This implies that **it is not a** valid ***eiruv*, but it is** indeed **a** valid ***shituf*** *mavu'ot*.

The Gemara answers: The halachah that one may place his *eiruv* in the **gate house** of a courtyard when the gate house is owned by an **individual, and** that he may *not* place his *shituf mavuot* in the **airspace of an alleyway—**this is what **it** the statement of Rav Yehudah son of Rav Shmuel **needed** to inform us. **For** these laws **are not taught** in the Mishnah.

It was taught thus in a Baraita **as well: Someone who places his *eiruv* in a gate house, a corridor, a portico, in a courtyard, or in an alleyway, it is a** valid ***eiruv*.**

The Gemara starts to bring out the meaning of the Baraita: **But it was taught** in a Mishnah: **"It is not a** valid ***eiruv*"!**

The Gemara concludes its explanation of the Baraita: **I must say** that the proper text of the Baraita is that **it is a** valid ***shituf*** *mavu'ot*. From this we see that a *shituf* does not need to be placed in a habitable place.

The Baraita ruled: "Someone who places his *eiruv* in… a courtyard, or in an alleyway, it is a valid *eiruv*."

The Gemara raises a difficulty: How can one put the *shituf* in an alleyway? The food of **a *shituf*,** when placed **in an alleyway, is not protected—**and therefore should not be valid!

Perek 8 – 85B

The Gemara answers: The Baraita did not intend to validate both a courtyard and an alleyway. Rather, **I must say** that the proper text of the Baraita is that it is valid when placed **in a courtyard that is along the alleyway.** The *shituf* must be placed in a courtyard that opens into the alleyway. It is invalid when placed in a courtyard that does not open into it.

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Said Rav Yehudah in the name of Shmuel[9]: The members of a group who were invited to eat at someone's house on Friday afternoon, and were **reclining** at his table, **and the day** '**sanctified on them'** (Shabbat commenced), **we rely on the bread** that is there **on the table,** to serve for them all **as an *eiruv*.**

And some say it: As a *shituf* for an alleyway.

And Rabbah said: They these two versions **are not differing** with each other**.**

Here, when we say it is an *eiruv,* **it is when they are reclining in a house,** because the *eiruv* is kept in a house.

Here, when we say it is a *shituf,* **is when they are reclining in a courtyard,** because one is allowed to keep the food of the *shituf* outside, in a courtyard.

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[9] See page 73b above, where this law also appears.

Perek 8 – 85B

Said Abaye to Rabbah: There is a **teaching** in a Baraita **that supports you.** For it was taught in a Baraita that an ***eiruvei chatzerot*** may be **in a courtyard,** and a ***shitufei mavu'ot*** may be **in an alleyway.**

Abaye discusses the Baraita: How could it say that ***eiruvei chatzerot*** may be **in a courtyard?**

But it was taught in a Mishnah: **Someone who places his *eiruv* in a gate house, a corridor, or a portico, it is not** a valid ***eiruv.*** If it is true that the *eiruv* may be placed outside in the courtyard itself, which is not a habitable location, it should also be possible to put it in these places.

Abaye himself provides the answer: **I must say** that the proper text of the Baraita is: ***eiruvei chatzerot*** must be **in a house that is in the courtyard.** It must not be placed in a house in some other courtyard.

And likewise a ***shitufei mavu'ot*** must be **in a courtyard that is along the alleyway.** This supports Rabbah's ruling above.

It is stated in the Mishnah: **Rabbi Yehudah says: If there is usage-rights** in one of these minimally fit places **on the part of the owner,** i.e. the owner has stipulated with the place's resident that the owner retains rights to store utensils there, then the resident does not forbid him**…**

The Gemara comments: **What is an example of usage-rights? For example, the courtyard of the son of Bunias.** He was a wealthy man who used to lend houses in his courtyard to others. In each house, he stored various utensils.

Perek 8 – 85B

When the son of Bunias **came before Rabbi** i.e. Rabbi Yehudah HaNasi to learn Torah, **they cleared a** distinguished **place** for him, one fit for **the owner of a hundred *maneh*. Afterwards, someone else came** who appeared to Rabbi to be wealthier than the son of Bunias. **He** Rabbi **said to them…**

Chavruta
Eiruvin – Daf Peh Vav

Translated by: *Rabbi Dov Grant*
Edited by*: R. Shmuel Globus*

[When ben Bunias **came before Rabbi** i.e. Rabbi Yehudah HaNasi to learn Torah, **they cleared a** distinguished **place** for him, one fit for **the owner of a hundred *maneh*. Afterwards, someone else came** who appeared to Rabbi to be wealthier than ben Bunias. **He** Rabbi **said to them:]**

Clear away a more important **place** amongst the distinguished people, as is fit **for a** wealthy **man** who is **worth two hundred *maneh*!**

Rabbi Yishmael, the son of Rabbi Yosi, said to him to Rabbi**: My master!** Did you give ben Bunias a less important place because you thought that he is less wealthy than this man?

Bunias, **the father of this** man ben Bunias, **owns a thousand ships on the sea. And, corresponding to them, a thousand towns on land!** He deserves a more honorable place.

He Rabbi **said to him** to Rabbi Yishmael, in reply: How could I have known? According to the way he dresses he appears less wealthy than he really is. Therefore, **when you** next **get to** see **his father** Bunias, **tell him: Do not send him to me in these** kinds of **clothes.**

*****

Rabbi would **honor wealthy people,** as we saw in the above incident.

Similarly, **Rabbi Akiva** would **honor wealthy people.**

What is the significance of wealth, that these great Tannaim saw fit to honor rich people?

Perek 8 – 86a

It is **in accord with how Rava bar Mari expounded** the verse (*Tehillim*[1] 61:8): **"May he sit forever** (or: 'may the world sit') **before G-d; kindness and truth should be made ready to protect him".**

When will "the **world sit** well **before G-d"?**

At a time that the wealthy people in it bestow **kindness and truth,** i.e. they make **food** available for the poor as charity. This ensures that **they will protect it,** i.e. the world.

The Gemara returns to analyze the Mishnah.

The Mishnah had said that if the owner retains usage-rights where the tenant lives, then he, the owner, is regarded as still being there. Thus the tenant does not need to participate in the *eiruv*. The Gemara now gives the definition of usage-rights.

Rabbah bar bar Chanah said: Even if the owner uses a small space in his tenant's house—enough, **for example,** for **a peg of a plough.** Even this is considered usage-rights, and removes the need for the tenant to participate in the *eiruv*.

Rav Nachman said: It was taught in the study hall of Rabbi Yishmael: If the item that the owner keeps in the tenant's house is some**thing that can be moved on Shabbat,** i.e. it is not *muktzeh*, this is not called usage-rights. Since the owner's item could be removed from the house on Shabbat, we do not regard the owner as residing there. Thus

[1] Psalms

the tenant **forbids** the other residents from carrying, should he fail to participate in the *eiruv*.

If the owner keeps in the tenant's house some**thing that cannot be moved on Shabbat,** i.e. it is *muktzeh,* then **he** the tenant **does not forbid** the others from carrying there.

It was also taught thus in a Baraita**:** There is no need for the tenant to participate in the *eiruv* if **he,** the owner, **has** in the house an item that is *muktzeh*, such as **untithed produce. Or** if **he has** there **large pieces of metal. Or anything that cannot be moved on Shabbat.** In these cases **he** the tenant **does not forbid** other residents from carrying.

MISHNAH

This is the law of **one who left his house** which is situated in a courtyard shared with other residents, **and went to spend Shabbat in a different town.** The courtyard's *eiruv chatzeirot* must take his residence into account, in spite of his temporary absence. This is true **whether he is a gentile,** as explained above (62a) **or whether he is a Jew.** In either case **he forbids** other residents from carrying in the courtyard, unless he participates in the *eiruv* (if he is Jewish) or gives over his rights (if he is gentile). These are **the words of Rabbi Meir,** who holds that a dwelling of an absent resident is still treated as a dwelling.

Rabbi Yehudah says: He, the absent resident, **does not forbid** other residents from carrying in the courtyard. For a dwelling of an absent resident is not treated as a dwelling.

Rabbi Yosi says: An absent **gentile forbids** other residents from carrying there, even though the dwelling of an absent resident is not generally treated as a dwelling. For we are concerned that the gentile may return there on Shabbat.

But **a**n absent **Jew does not forbid** other residents from carrying there, **since it is unusual for a Jew to come** back to his house **on Shabbat.**

Rabbi Shimon says:

A) A Jew who went to spend Shabbat in a different place does not forbid the other residents, if he had said expressly that he had no intention to return on Shabbat.

B) If he had said that he intended to return on Shabbat, he does forbid the other residents. We regard him as still being at home.

C) If he had not stated his intention explicitly, then we assume that he will not return. Thus, **even if he left his house and went to spend Shabbat with his daughter in the same town, he does not forbid** the other residents. For we say **that he has already removed from his heart** any thought of returning i.e. he has committed himself to remain at the house of his daughter for the whole of Shabbat.

GEMARA

Rav said: The Halachah is in accordance with Rabbi Shimon.

However, if the absent resident is spending Shabbat in the same town, it is **specifically** where he went to spend Shabbat with **his daughter.**

But if he went to spend Shabbat with **his son,** then we say: **no,** we cannot assume he will stay there for the duration of Shabbat. For there is a possibility that his daughter-in-law will quarrel with him, driving him away from the house.

This is in accord with **that which people say:** Even if **a male dog** (i.e. your son-in-law) **barks at you, go in!** Do not be afraid of him, and go into the house of your son-in-law and daughter.

But if **a female dog** (i.e. your daughter-in-law) **barks at you, go out!** Leave their house and flee to your own house.

MISHNAH

The explanation follows that of Rashi according to *Gaon Ya'acov.*

This Mishnah deals with two private courtyards, divided from each other by an unbroken partition across their whole length. Since there is no opening between them, the two residents of the courtyards cannot join together in an *eiruv*[2].

[2] According to the *Shulchan Aruch,* the halachah would be the same if there was an opening, but they had not made an *eiruv*.

Perek 8 – 86a

In addition, there is a cistern lying underneath the partition, halfway between the two courtyards. (see illustration[3])

Since there is no *eiruv* between the courtyards, and all the water of the cistern is regarded as a single indivisible unit, it is forbidden for any resident to draw water from the cistern on Shabbat from his half. For, by doing so, he is in effect taking water from the other courtyard.

However, the Sages allowed the drawing of water by way of constructing a further partition extending into the cistern.

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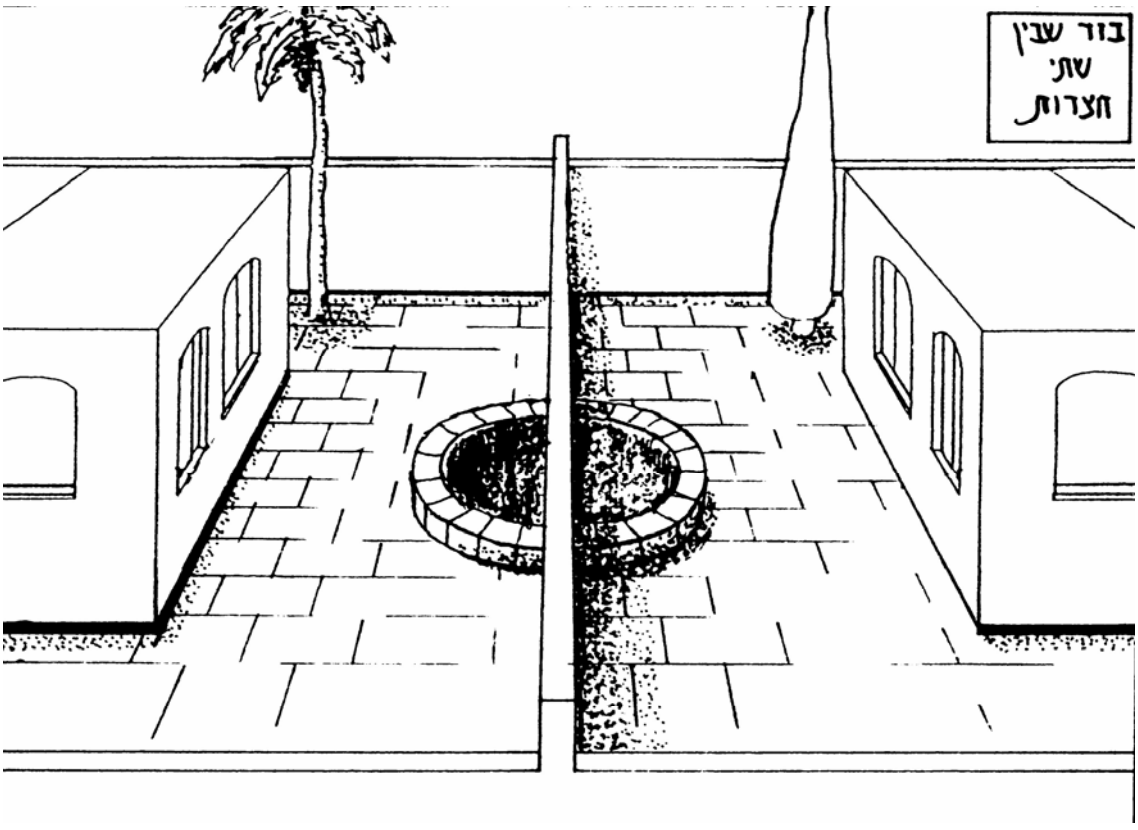
3



Thus, regarding **a cistern between two courtyards** that has a partition hanging above it, **one may not fill up** water **from it on Shabbat, unless they** the residents **make a** special **partition for it** measuring **ten *tefachim* high.**

This special partition is valid, **whether** it is '**below'** (the Gemara will explain this), **or whether** the partition is **within its** the cistern's **rim.** This is true even if it does not touch the water. However, in the latter case, the principle of *gud achit* (viewing a hanging partition as if it descends downwards) is only applicable if the partition is located completely within the rim of the cistern. In this way it will appear as a proper division between the two halves of the cistern.

Rabban Shimon ben Gamliel says: Beit Shammai say that the partition should be placed '**below'. And Beit Hillel say** that the partition can be placed even **above.**

Rabbi Yehudah said, in disagreement with the previous Tannaim, that there is no need for constructing a special partition for the cistern. For this special **partition would not be greater** i.e. more effective **than the** existing **wall that is between them.** The status of the current wall as a hanging partition is sufficient to permit drawing water from the cistern.

GEMARA

Rav Huna said the following in explanation of the disagreement between Beit Shammai and Beit Hillel (and by extension, the view of the first Tanna of the Mishnah).

When Beit Shammai said that the partition must be '**below',** they meant **really** all the way **below,** until the partition is almost touching the water**.** (The Gemara will later reject this explanation).

And when Beit Hillel said that the partition must be **'above',** they meant **really** all the way **above,** at the very top of the rim of the cistern – even if this is far from the water surface.

But in any event, both **this one and that one,** i.e. both Beit Hillel and Beit Shammai, agree that the partition has to be located completely with**in the cistern**. Thus Beit Hillel reflects the view of the first Tanna.

*

But Rav Yehudah said: The partition being placed **"below"** means **below the water,** fixed into the floor of the cistern.

Whereas **"above"** means that the partition is placed **above the** surface of the **water** but close to it**.**

Thus Rav Yehudah's definition of "above" is the same as Rav Huna's definition of "below".

Rabbah bar Rav Chanan said to Abaye the following question: What is the reason behind **that which Rav Yehudah had said,** that **"below"** means **below the water,** as opposed to "really below", i.e. within the cistern, close to the water's surface yet above it slightly**?**

Perhaps we could explain his reason as follows: **What is different about** a case where the partition is **"really below"** i.e. above the water surface**, that** we would say that the

partition is **not** valid**?** We would say the reason is **that the waters** under the partition **are mixed together.**

Yet this reason is surely insufficient. For **also** when the partition is **below the water, the waters become mixed together** above the partition, since the partition is only ten *tefachim* high, whereas the cistern could be very deep**!**

*

He Abaye **said to him** in reply: Did **you not hear that** teaching **which Rav Yehudah said in the name of Rav, or which they** others **reach** back to an earlier source **in the name of Rabbi Chiya?** They explained the usage of the word "below" in the Mishnah as follows. It **needs** to be that **the** top **end of the reeds** of the partition **should be seen one *tefach* above the water** surface. In this way, there will be a visual reminder to prevent a resident inadvertently drawing from his neighbor's domain.

This is notwithstanding the fact that the waters of both residents are mixed together, for which even an iron partition would be futile. Nevertheless, we must do whatever possible to make it appear as if the water is divided, and that each resident is only drawing from his own area. This is sufficient for the purposes of *eiruvin*, which is a Rabbinic enactment.

*

And Rabbah bar Rav Chanan **further** asked Abaye: What is the reason behind **that which Rav Yehudah had said,** that **"above"** means **above the water** (yet close to the surface), as opposed to "really above", at the rim of the cistern?

Perhaps we could explain his reason as follows: **What is different about** a case where the partition is **"really above",** far away from the water, **that** we would say that the

partition **is not** valid**?** We would say the reason is that there is no recognizable partition in the water, so **the waters are** apparently **mixed together.**

Yet this reason is surely insufficient. For when the partition is **above the water,** it **also** does not touch the water! **Surely,** then, **the waters are** still **mixed together!** So how could a partition that does not touch the water be regarded as a division?

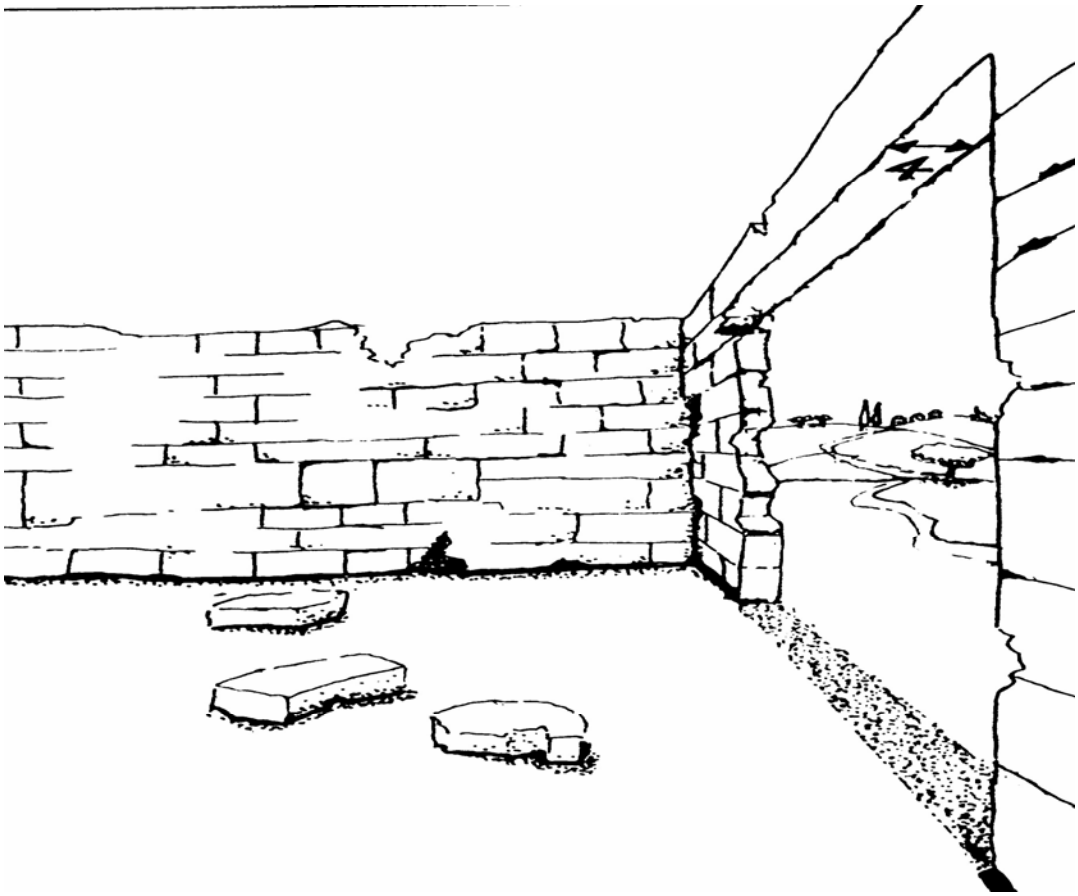
*

He Abaye **said to him** in reply: Did **you not hear what Rabbi Yaacov Karchina taught?** He taught: It **needs** to be that **the** bottom **end of the reeds** of the partition **are submerged a *tefach* in the water.** In this way he is not considered to be drawing from the domain of the other resident. This is sufficient for the purposes of *eiruvin,* which is a Rabbinic enactment.

The Gemara poses a difficulty: **But** what about **that which Rav Yehudah said** regarding the beams that remain stuck between the walls after a building has collapsed**?** For he said

that if such **a beam** of **four** ***tefachim*** width remains, this **permits** carrying **in a ruin**

under the beam on Shabbat. (see illustration[4])



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Since a ruin does not have proper partitions surrounding it, in theory it should be treated as a domain where carrying is prohibited on Shabbat. However, by applying the principle that "the edge of a roof is seen as extending downwards and closing off" (*pi tikrah yoreid vesoteim*), we view the inner and outer edge of the beam as extending downwards. Thus the space under the beam is seen as bounded by two partitions, where it is permissible to carry.

(If the beam is less than four *tefachim* in width, however, it is forbidden to carry underneath it. For a partition that is made for a space of less than four *tefachim* has no validity.)

This shows the effect of a suspended beam, according to Rav Yehudah: it creates a Halachic reality of descending partitions, between which it is permitted to carry.

And this being so, Rav Yehudah is contradicted by what **Rav Nachman said in the name of Rabbah bar Avuha[5],** regarding the case of a cistern located between two courtyards. Rabbah bar Avuha offers a new solution to the problem of drawing water from the cistern on Shabbat**:**

AMMUD BET

[5] Rabbah bar Avuha was senior to Rav Yehudah. (*Ritva*)

Perek 8 – 86B

A beam, four *tefachim* wide, which is placed across the top of the cistern, **permits** the drawing of **water** on Shabbat. (see illustration[6])

This statement of Rabbah bar Avuha in fact contradicts Rav Yehudah, for **surely the bucket is able to go** underneath the whole width of the beam **to the other side** of the beam, and beyond it, into the domain of the other resident. **And** he is in effect **bringing** water from the side of the other resident**!**

Whereas according to Rav Yehudah, the beam should only permit the drawing of water directly under it.

The Gemara answers: **The Sages have determined that a bucket does not move more than four *tefachim,*** and therefore it does not draw from the other resident's domain.

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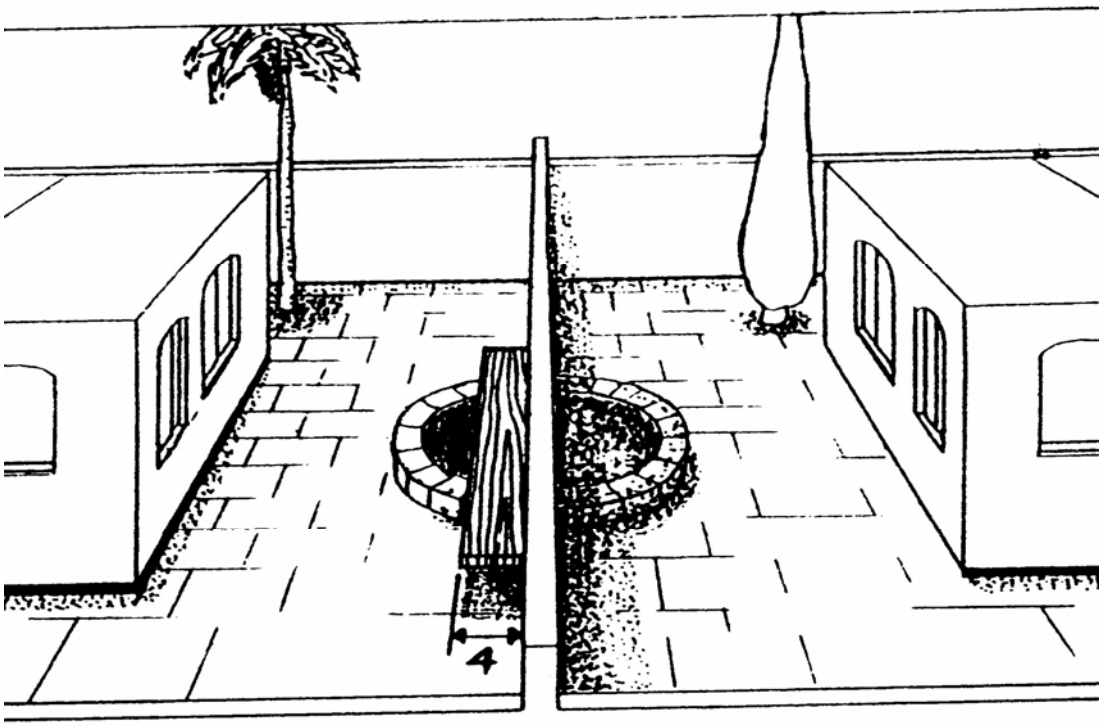

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Perek 8 – 86B

The Gemara still has a difficulty: How does this beam fulfill the requirement of Rav Yehudah, as expressed at the beginning of the Gemara, that regarding such a cistern, a real division is required? (Rav Yehudah had commented on the position of the partition mentioned in our Mishnah: "'below' means below the water". This shows that he requires the water to be divided as much as possible, i.e. a mere reminder is insufficient.)

Thus the difficulty arises: **Underneath the beam, at least,** there remains the problem that **the waters are mixed.**

On the strength of this question, the view of Rav Yehudah is rejected.

Rather, a special partition is valid for the cistern even if it is located high up, like the beam, close to the rim of the cistern.

For it is a leniency that the Sages instituted regarding water, as we see from the response to **the** following **inquiry that Rabbi Tavla posed to Rav:**

Can a hanging partition such as is commonly found in a collapsed building such as a ruin, be used to **permit** carrying **in a ruin?**

He Rav **said to him** in reply: **A hanging partition only permits** carrying **in** the case of **water. It is a leniency that the Sages instituted regarding water.**

We learnt in the Mishnah: **Rabbi Yehudah said:** This special **partition would not be greater** i.e. more effective than the existing wall that is between them.

Perek 8 – 86B

Rabbah bar bar Chanah said in the name of Rabbi Yochanan: Rabbi Yehudah, who validates a hanging partition that was not made specifically for the water underneath and that does not reach into the cistern, is not alone in this view. Rather, **he said it according to view of Rabbi Yosi.**

For he Rabbi Yosi had **said: A hanging partition permits** carrying on Shabbat **even on land.**

For it was taught in a Mishnah (*Succah* 16a)**:** This is the Halachah regarding **one who weaves** the **walls** of a succah, starting **from above** and working his way **downwards,** leaving an open area below them**. If** the walls **are three *tefachim* from the ground,** then young goats are able to go underneath them. Thus, the walls are treated as "hanging partitions" and the succah **is invalid.**

And this is the Halachah regarding one who weaves the walls of a succah, starting **from below** and working his way **upwards. If** the walls **are ten *tefachim* high,** then they meet the minimum requirement of a partition. Thus, even if they do not reach the succah's roofing, the succah **is valid.**

Rabbi Yosi says that the succah is valid in both cases.

Just as for walls that are woven **from below** and reach **upwards,** that it is sufficient to be **ten *tefachim*** high, despite not reaching the roofing—

So it is sufficient for walls that are woven **from above** and reach **downward,** to be **ten *tefachim*** high, despite not reaching the ground.

This shows that Rabbi Yosi holds that hanging partitions are valid.

*

Perek 8 – 86B

The Gemara rejects the statement of Rabbah bar bar Chanah.

But this is not so!

Rather, **Rabbi Yehudah does not hold like Rabbi Yosi**, **and Rabbi Yosi does not hold like Rabbi Yehudah.**

One cannot infer from Rabbi Yehudah's ruling in our Mishnah what he would say regarding the hanging walls of a succah. And one cannot infer from Rabbi Yosi's ruling in the Mishnah of *Succah* what he would say regarding a hanging partition for a cistern.

The Gemara clarifies: "**Rabbi Yehudah does not hold like Rabbi Yosi": Only this far,** in the case of the cistern, **did Rabbi Yehudah state** that a hanging partition is valid**,** since it is dealing only **with the Rabbinic law of the *eiruvin* of courtyards. But** regarding **a succah,** which is part of **Torah law,** he did **not** intend any such leniency to apply.

"And Rabbi Yosi does not hold like Rabbi Yehudah": Only this far, regarding the case of **the succah**, **did Rabbi Yosi state** the leniency that a hanging partition is valid, since **it is** only **a prohibition** arising out **of a positive mitzvah** (*Vayikra*[7] 24:32 – "You shall live in succot for seven days"). And a positive mitzvah is not treated as stringently as is a negative mitzvah bearing the death penalty.

But the case of the cistern, where the transfer from one domain to another is a law of **Shabbat,** which involves **a prohibition** punishable **by stoning.** In such a case, Rabbi Yosi **did not state** the leniency that a hanging partition is valid.

[7] Leviticus

Perek 8 – 86B

Although the cistern is surrounded by courtyard walls, and thus is only Rabbinically forbidden to draw water from, nevertheless, the Sages bound their enactments to the laws of the Torah on which they are based. Since a hanging partition is not valid for a negative Torah mitzvah bearing the death penalty, so is it not valid for a Rabbinic law that is connected to such a mitzvah.

*

And if you will say that Rabbi Yosi holds that a hanging partition is not valid for the laws of Shabbat, then how do you explain **that incident that occurred in Tzippori? According to who**se view did they follow there, when **it** a hanging partition **was made** valid**?** Surely it was based on the ruling of Rabbi Yosi, who was the leader in Tzippori!

Nevertheless, I could say to you: **It,** the partition, **was not made** valid **according to** the ruling of **Rabbi Yosi. Rather, it was made** valid **according to** the ruling of **Rabbi Yishmael, the son of Rabbi Yosi,** after the death of his father.

*

And this was the incident: **When Rav Dimi came** from the land of Israel to Babylon, **he related** the following event**: Once,** in Tzippori, **they forgot** to make preparations in advance. **And they did not bring** the **Torah scroll** to the synagogue **before Shabbat.** It needed to be brought from a house that was in the courtyard of the synagogue.

It was forbidden to carry there, since the other residents of that courtyard had not joined together to make an *eiruv*.

Perek 8 – 86B

Therefore, **the next day,** on Shabbat, **they spread sheet**s **on pillars** that lined the path from the house to the synagogue. (see illustration[8])

In this way, an alleyway was created containing only the house and the synagogue. The other residents of the courtyard did not Halachically restrict transfer from the house to the synagogue, since they had no access to the "alleyway".

And then **they brought the Torah scroll and read from it.**

It was Rabbi Yishmael, the son of Rabbi Yosi, who declared these sheets to be valid partitions. And this is despite the fact that the sheets, because they did not reach the ground, constituted hanging partitions.

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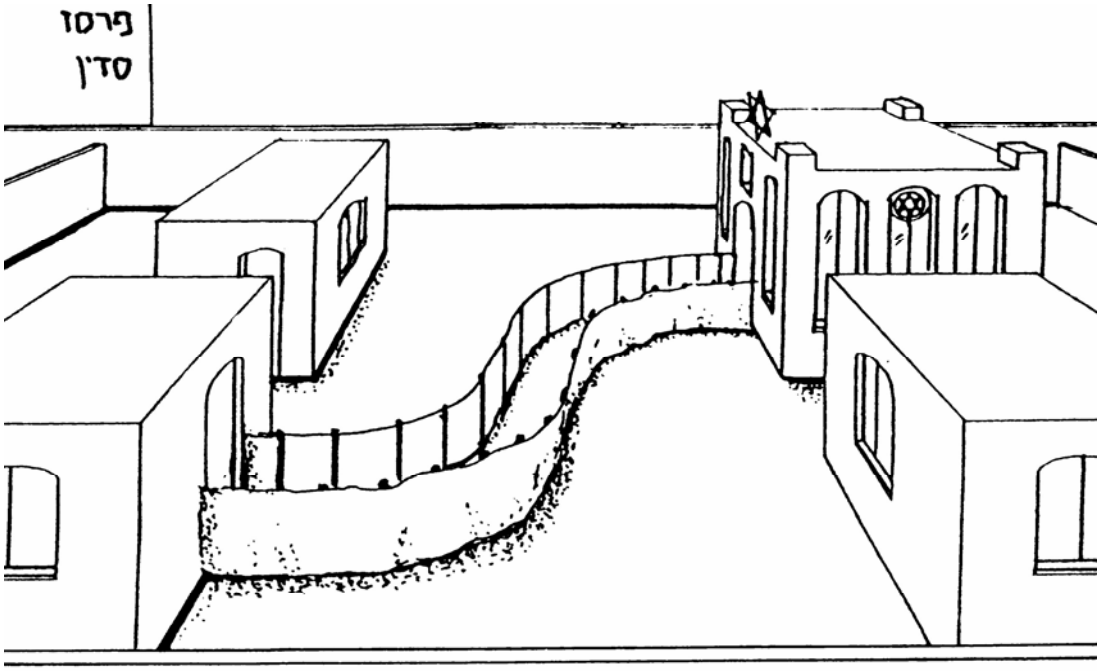
The Gemara is puzzled by the details of the incident.



8

Perek 8 – 86b

How could it be that **"they spread** sheets"**? Is this completely permitted?**

But we learnt (Shabbat 125b) that **all** views**,** even the Sages, **agree that one may not** start to **make a temporary tent on Shabbat.** The Sages only permitted adding on to an existing temporary tent. This applies also to making partitions. So how could spreading sheets over poles, which is starting the creation of a temporary partition, be permitted?

The Gemara answers that the details of the incident have not been reported accurately. **Rather,** what happened is as follows: **They *found* sheets spread on the pillars and they brought** the **Torah scroll and read from it.**

Rabbah said: Rabbi Yehudah of our Mishnah, **and Rabbi Chananya ben Akavya,** effectively **said the same thing.** They were both lenient in regard to transferring water from one domain to another, not requiring a special partition for a visual reminder.

The statement of **Rabbi Yehudah** in this matter **we have said** already.

The statement of **Rabbi Chananya ben Akavya** in this matter is contained in **that which was taught** in a Baraita, as follows.

Rabbi Chananya ben Akavya says: When is it permissible to draw water to **a balcony** overhanging the sea, **which** has no walls, and **measures four by four *ammot*?** Normally, it is Rabbinically forbidden to transfer from the sea, which is a *carmelit*[9], to a private domain.

[9] An area in which the Sages declared carrying to be forbidden on Shabbat

Chavruta
Eiruvin – Daf Peh Zayin

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

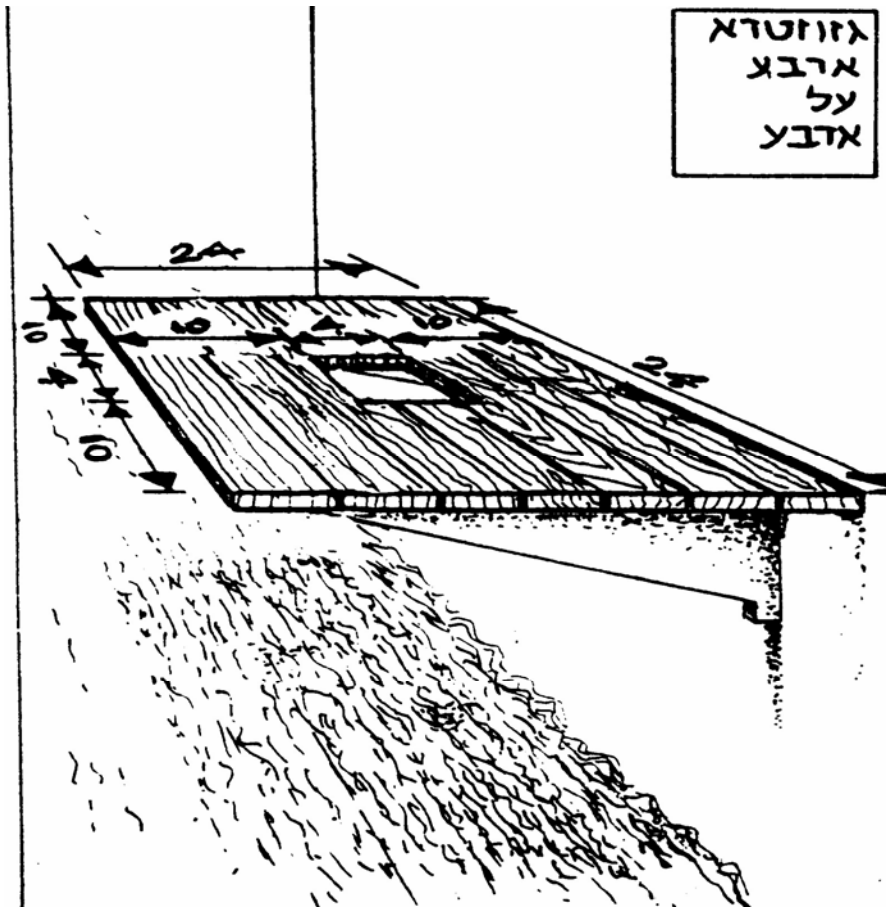
[Rabbi Chananya ben Akavya says: When is it permissible to draw water to **a balcony** overhanging the sea, **which** has no walls, and **measures four by four *ammot*?** Normally, it is Rabbinically forbidden to transfer from the sea, which is a *carmelit*[1], to a private domain.]

It is permitted if one **cut out** a hole **in it,** the balcony, measuring **four** *tefachim*[2] **by four** *tefachim*, ensuring that at least ten *tefachim* of the floor of the balcony surrounded the

[1] An area in which the Sages declared carrying to be forbidden on Shabbat
[2] 1 tefach: 3.1 in., 8 cm

hole from all four sides. (see illustration[3]) Then **one** would be permitted to **draw** water from the sea, even though this would involve transferring it from the sea, a *carmelit*, to a private domain.

The reason that this would be permitted is that we apply a principle called '*kof*'[4], enabling us to view, in a Halachic sense, the ten *tefachim* bordering the hole as if it were bent down in the form of a partition suspended over the water. In addition, we also apply a second principle called '*gud achit mechitzah*'[5], which enables us to view this partition as



[3]

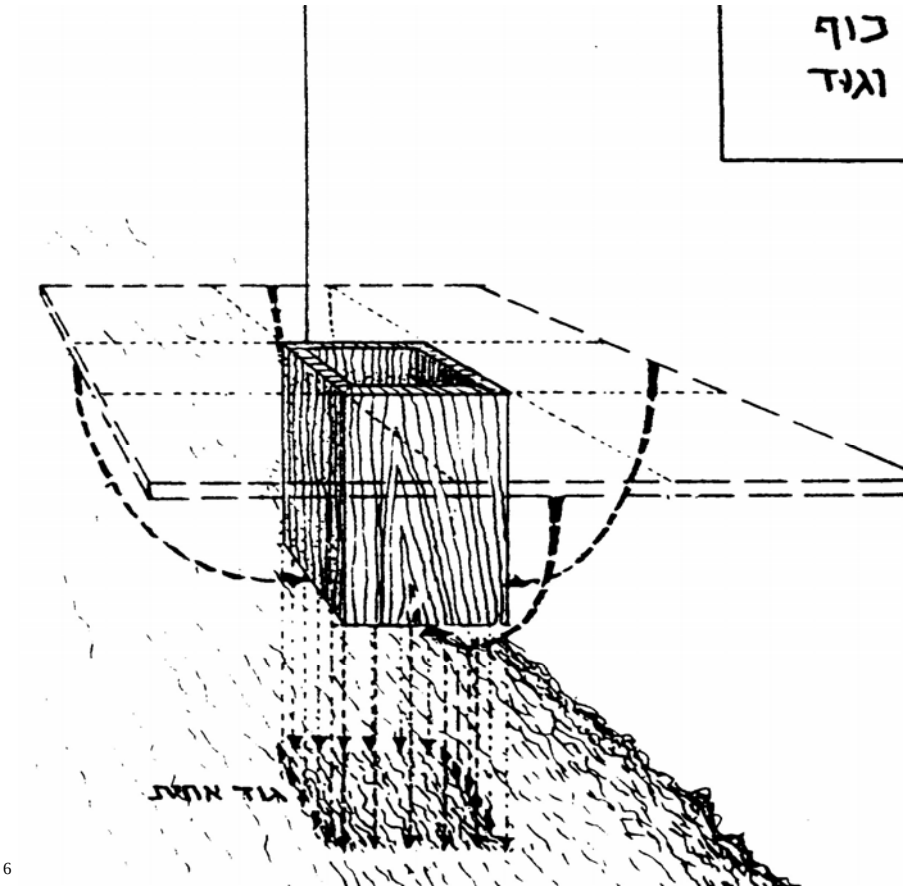
[4] Lit. [To] bend.

[5] Lit. [To] stretch the partitions downward.

if it descended all the way to the water. This would mean that the water below the hole was viewed, in a Halachic sense, as if it were in the private domain. (see illustration[6])

It is necessary both for the hole to measure four *tefachim* square and for the bordering area to measure ten *tefachim* on each side. Because in order to apply the principle of *gud achit mechitzah* and be viewed as a partition descending down to the sea, the partition must be at least ten *tefachim* high. In addition, the partitions must enclose an area of at least four *tefachim* square to be viewed as valid partitions.

Thus, we see that Rabbi Chananya ben Akavya is lenient in the case of water, not requiring a special partition in order to draw the water. For here, even though the hole was made for this purpose, no partition was made.[7]



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Abaye said to him: Perhaps it is not really as you said, that Rabbi Yehudah and Rabbi Chananya ben Akavya both said a similar Halachah.

Rather one might say: **Until this point Rabbi Yehudah** over **there** in the Mishnah **only said** his statement **because he said** one may apply the principle of ***"gud achit mechitzah"*** in a circumstance where the partition was actually suspended over the water.

But in a case where one needed to apply both the principles of ***kof* and *gud*** *achit mechitzah,* he would **not** hold that one is permitted to draw water.

And until this point Rabbi Chananya ben Akavya only said his leniency over **there,** where he permitted the residents of Tiberias to draw water from the Sea of Tiberias[8], as the Gemara will indeed mention later. Because **in** the case of the **Sea of Tiberias,** the sea is not viewed as a proper *carmelit*, given that **it has high banks** that form a partition around it, **and towns and enclosures surround it,** enabling one to view it as an enclosed domain.

Despite this, the Sea of Tiberias still has the status of a *carmelit* in Rabbinic law, given that it is an area of more than a *beit sa'atayim*[9] that was not set aside for residential purposes, the Rabbis considered such an area to be a *carmelit*, see 23a.

Therefore, given that in Torah law the sea would be considered a private domain, Rabbi Chanina permitted one to rely on this method, combining both principles mentioned above.

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[7] *Gaon Yaakov*, see *Ritva*
[8] The Sea of Galilee.
[9] Two *Beit Se'ah* – the area in which one would sow two *se'ah* of seed (one *se'ah*=2.2 gallons or 8.3 liters), equaling 100 *ammot* by 50 *ammot*, the size of the courtyard of the Mishkan.

However in the case of **other seas,** which would have the status of a *carmelit* even if they were less than a *beit sa'atayim* in size, Rabbi Chanina would **not** have been lenient, even in a case such as that of the Mishnah.

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Abaye said: And according to the words of Rabbi Chananya ben Akavya, who holds that we use the principles of *god* and *kof* in the case of a balcony suspended above the sea—

If the wall of a house, to which a balcony was attached, lay on the edge of the sea, and the balcony **was next to the wall, at** a distance of **less that three *tefachim*** from it. One does not then need the balcony to be four *ammot* square.

Rather, **one needs that it be four *ammot* long,** along the length of the wall, **and eleven** *tefachim* **and a** small **amount** more in width. (see illustration[10])

The reason is as follows: Given that the house itself stands on the edge of the sea, one may view the wall of the house as one partition for the balcony, requiring one to use the principle of *kof* to 'create' just more three walls. The first of these walls is 'formed' by viewing the outer most ten *tefachim* width of the balcony as if it were bent downwards, forming a 'Halachic' second wall opposite the wall of the house.

Following the application of the principle of *kof*, we would be left with a balcony a little over one *tefach* in width, and four *ammot* (twenty-four *tefachim*) in length.

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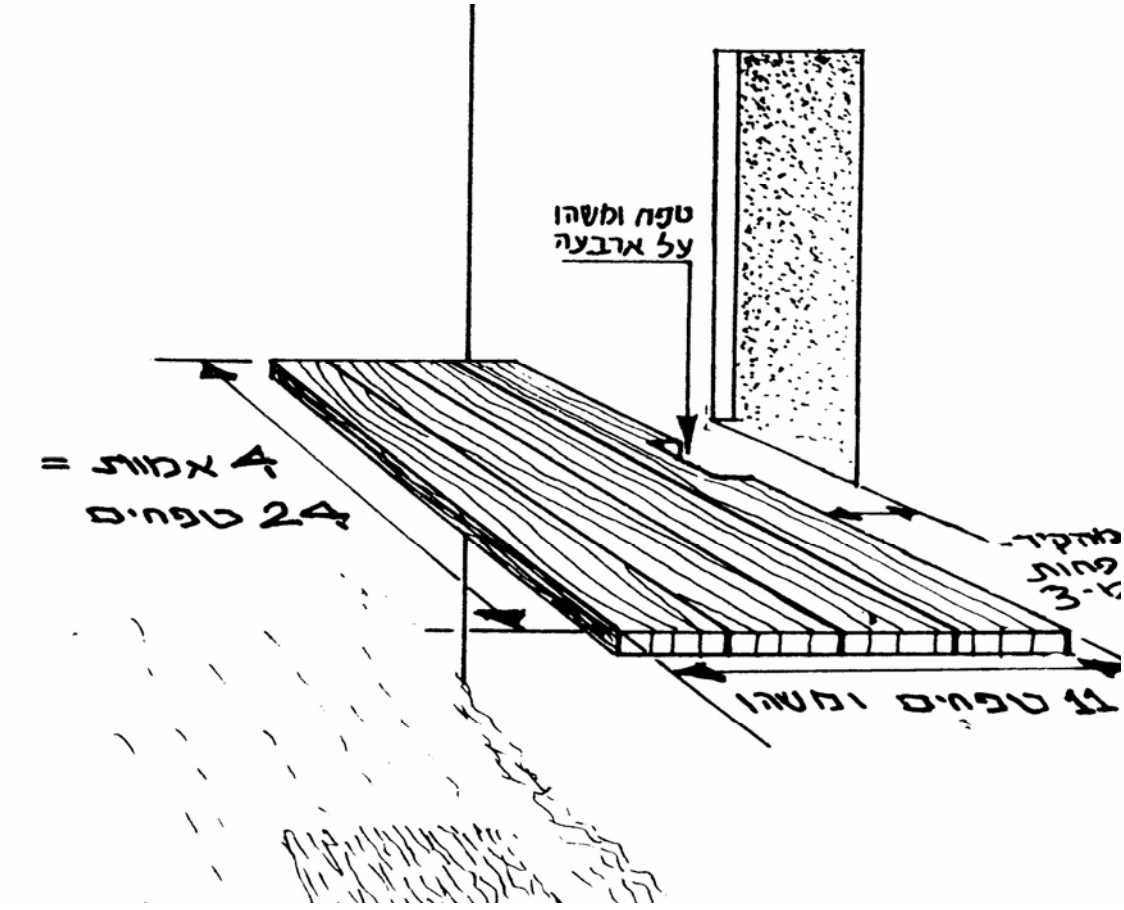

Next, we view the outer ten *tefachim*, at either end of the thin length of the balcony, as if they were also bent downwards.

This would leave us with a partition ten *tefachim* high and a little over one *tefach* wide on both sides, with a distance of just under three *tefachim* between these partitions and the wall of the house.

We then apply the principle of *lavud*, which allows us to view two bodies that are less than three *tefachim* apart as if they are actually joined together. Thus, we would view the two partitions as if they were attached to the house, with a total width of four *tefachim* each.

Following this, we would be 'left' with a balcony measuring four *tefachim* in length, and a little over one tefach in width.

Now one would physically cut out this 'remaining' part of the balcony, leaving a hole measuring four *tefachim* by a little over one *tefach*. When added to the distance between the balcony and the wall of the house, this would combine to make a large hole,

measuring four *tefachim* square. This hole would be surrounded by four 'Halachic' partitions. (see illustration[11])

One would then be permitted to lower a bucket from a window of the house, through this hole, and to draw water from the sea below.

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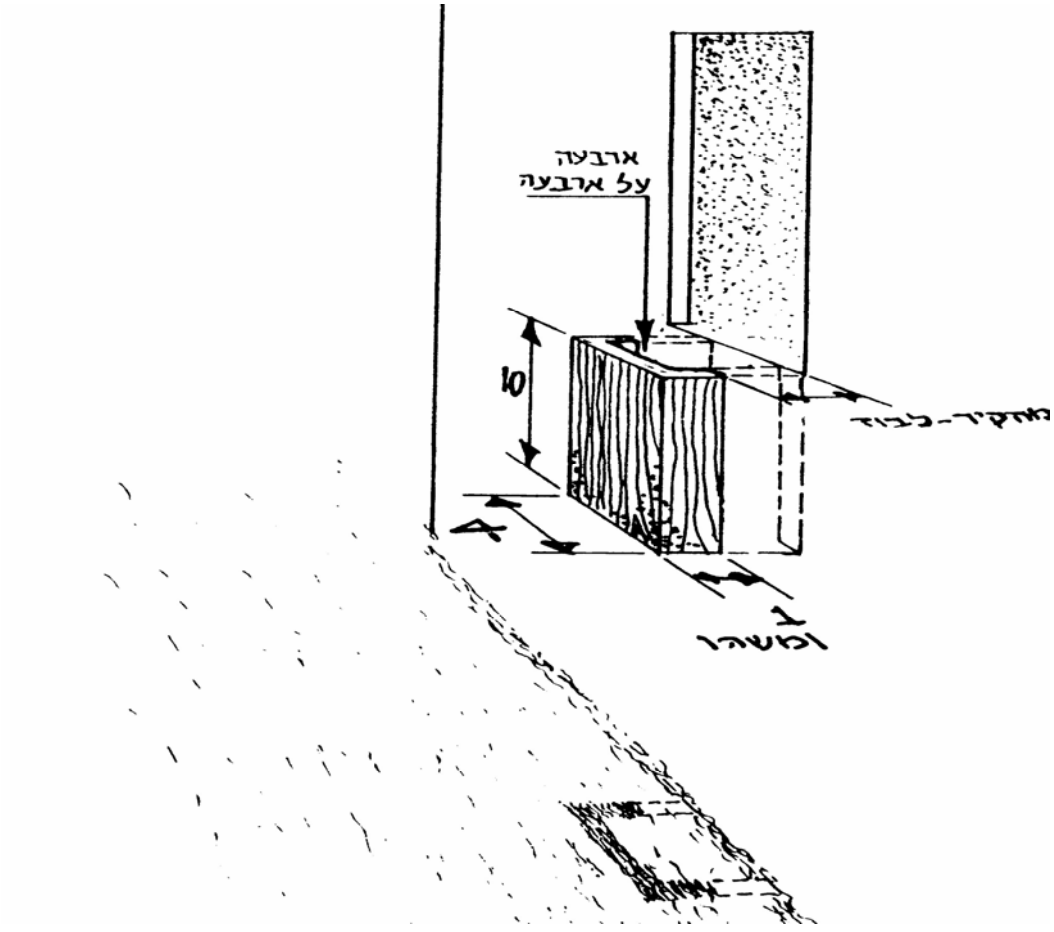
If it was upright, meaning to say that if instead of placing a horizontal balcony, one attached an upright board, parallel to the wall of the house, at a distance of exactly four

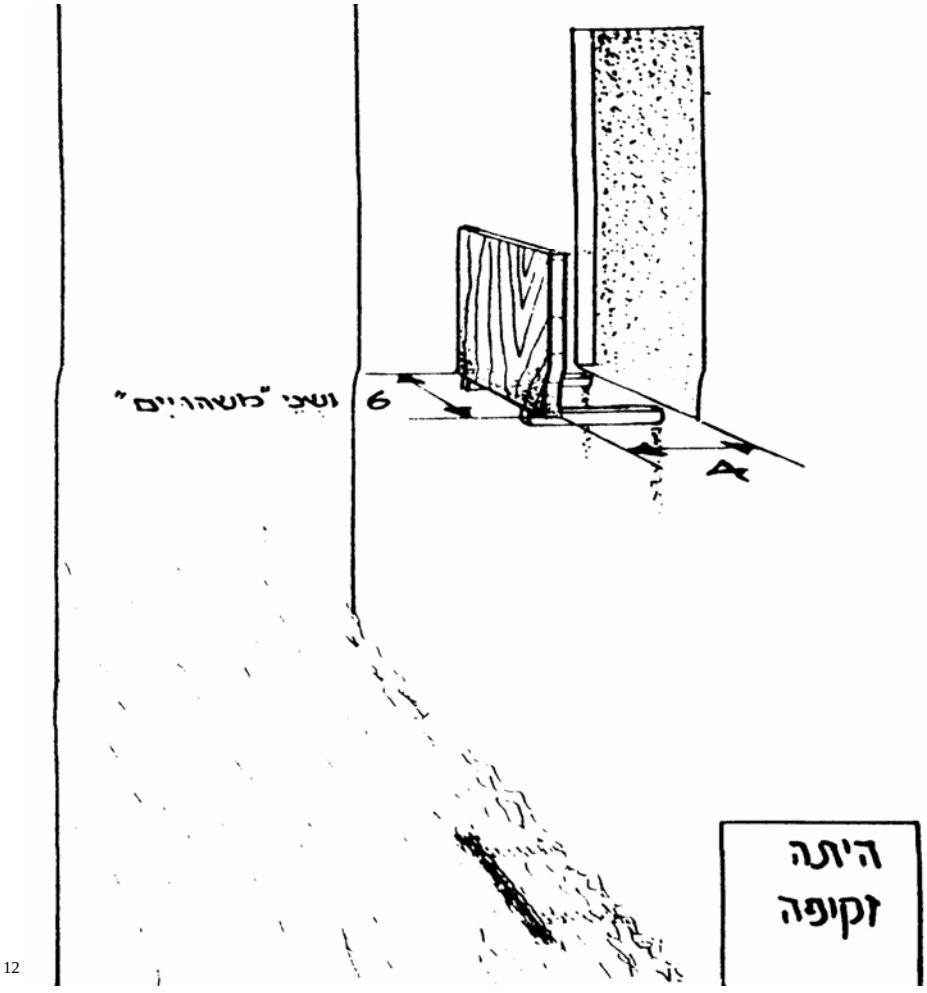


11

tefachim. **One would need for the height** of that board **to be ten *tefachim*.** (see illustration[12])

If this were so, we would already have two partitions that were ten *tefachim* high, namely the wall of the house and the upright board. In addition, a hole measuring four *tefachim* would lie between them.

We would then need to complete two partitions in order to join the board to the wall, **and** thus we would need for **the width** of the upright board to be **six *tefachim* and two** small **amounts.**



12

The reason is as follows: Just as we apply the principle of *kof* in a downward direction, we may also apply the principle sideways, in order to view the ends of the upright board as if they were bent towards the wall of the house.

And once a little more than one *tefach* is bent towards the wall, we would be left with just under three *tefachim* separating the ends of the board and the house.

If we then applied the principle of *lavud*, we would have two Halachic walls at either side of the hole, each of them measuring ten *tefachim* in height and four *tefachim* in width.

They would stand at either side of a hole measuring four *tefachim* (the remaining width of the board after applying the principle of *kof*), by four *tefachim* (the distance between the board and the house). (see illustration[13])

In this way, one would be permitted to lower a bucket through the 'Halachic' hole and draw water from the sea below.

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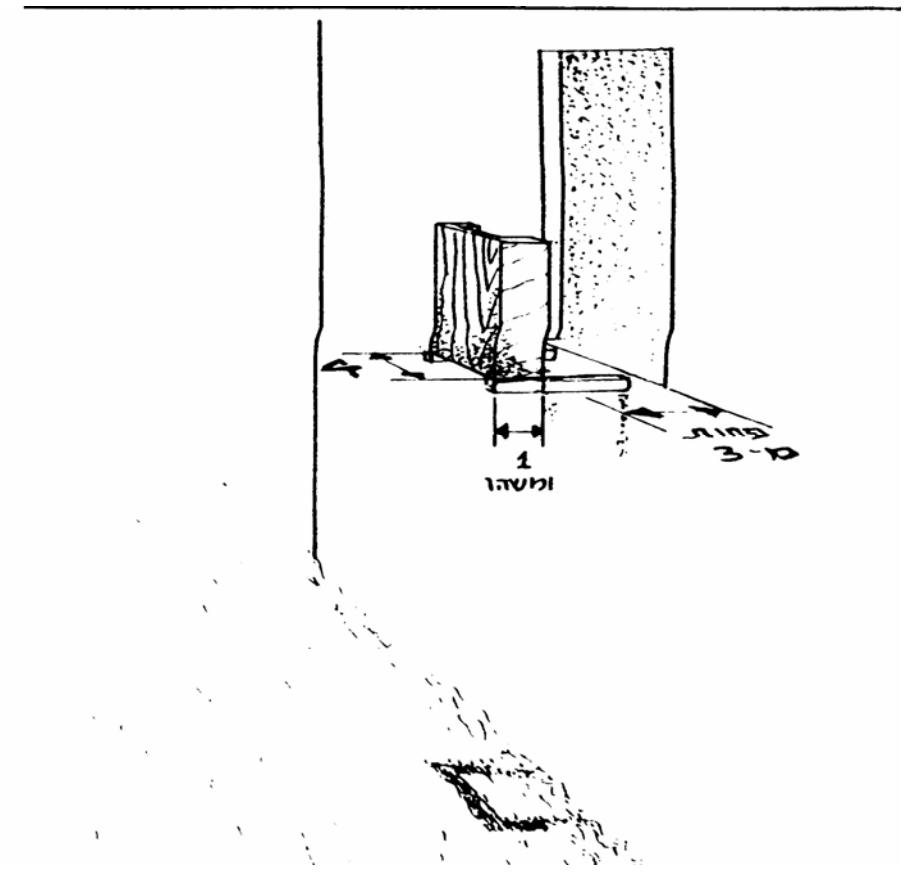
Rav Huna son of Rav Yehoshua said: If two walls of the house extended into the sea, and were positioned at a right angle to each other, forming a corner. Each wall extended along the edge of the sea for a distance of four *tefachim*. And if the balcony **was standing in the corner** over the water, with the two walls of the house forming the walls of the

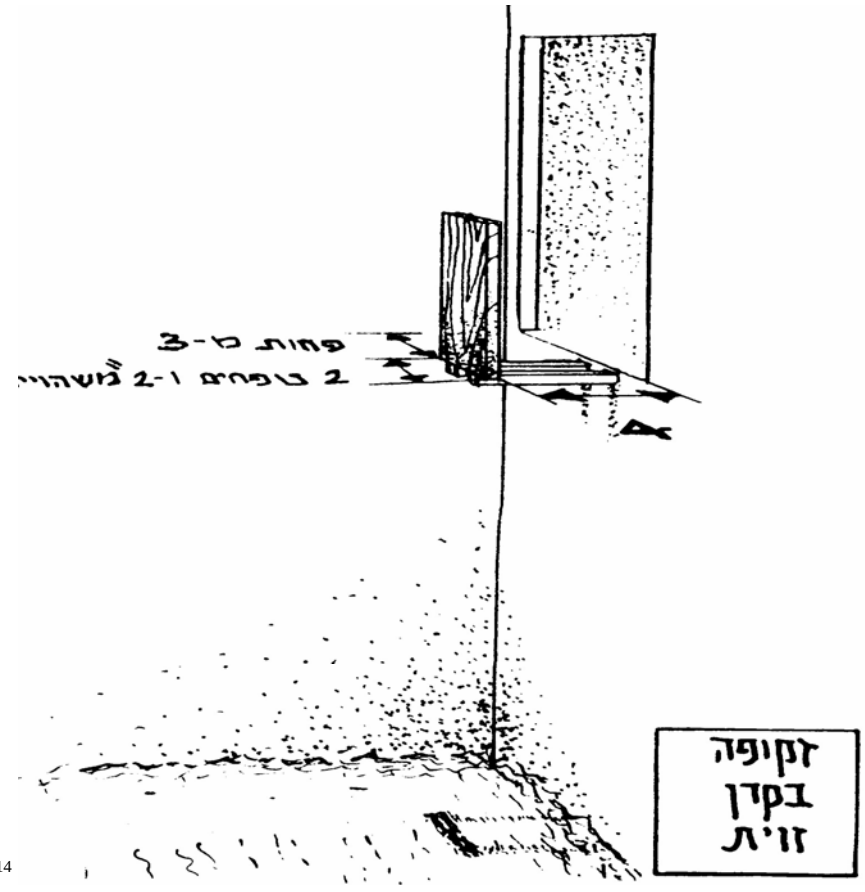


13

balcony. (see illustration[14]) In this case, one would only need to complete a further two walls.

Therefore, **one would need there to be** an upright partition, parallel to one of the walls of the house. This partition would have to be at a distance of exactly four *tefachim* from the wall, with a **height of ten *tefachim* and a width of two *tefachim* and two** small **amounts.** (see above illustration)

The reasoning is as follows: If the edge of this partition, which was lying in one direction, was just under three *tefachim* from the other wall. When one applies the principle of *lavud*, joining just over one *tefach* of the width of the partition to the other wall, one would have formed a third wall four *tefachim* wide.

14 

One would then be left with a partition just over one *tefach* wide, to which one could apply the principle of *kof*, viewing it as if it were bent towards the first wall. Next, one would apply the principle of *lavud* to this bent partition, joining it to the first wall lying just under three *tefachim* from it. In this way, one would have formed a fourth 'Halachic' wall.

If the bottom of the balcony was entirely open, one would have a hole, four *tefachim* square, surrounded by four partitions that were ten *tefachim* high. This would allow one to lower a bucket through the hole in order to draw water from below. (see illustration[15])

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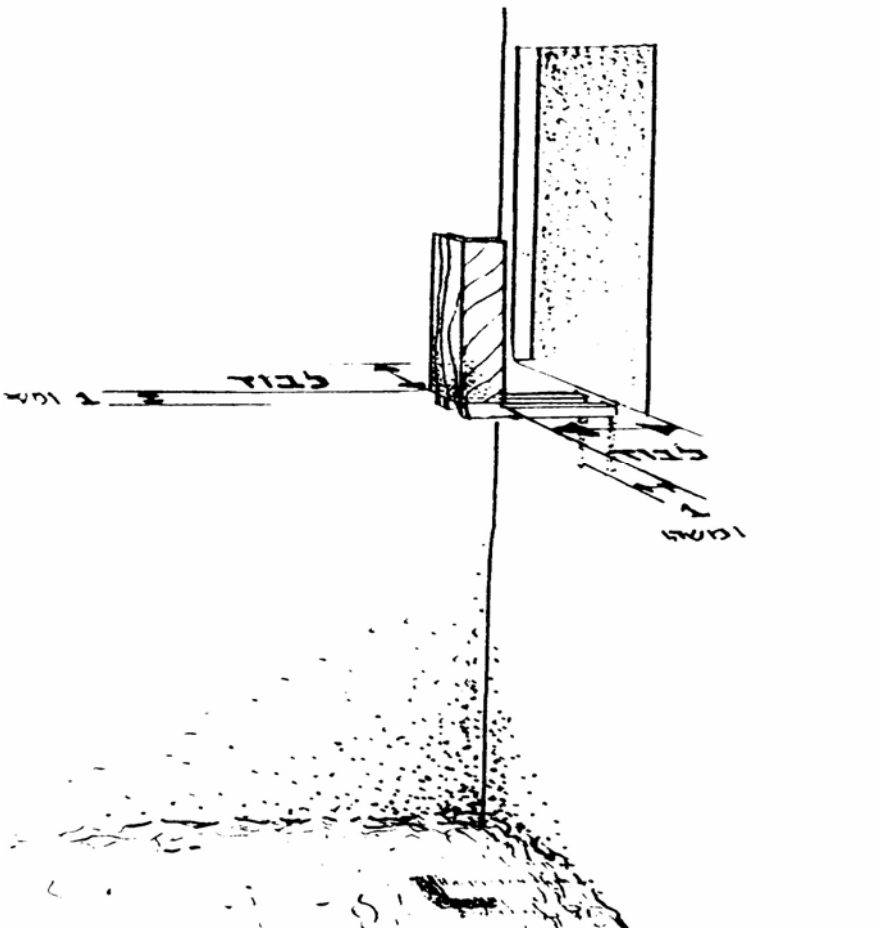


15

Perek 8 – 87a

The Gemara now poses a difficulty: We said that when the balcony is next to the wall of the house, we may view this wall as if it is one of the four partitions enclosing the hole. In addition, we also said that we may view the gap between the house and the balcony as if it were actually part of the partitions, using the principle of *lavud*.

But if this is so, we must question **that which was taught** in the Baraita above: **Rabbi Chananya ben Akavya says: A balcony that is four *ammot* by four *ammot,* cut out** a hole **in it** measuring **four** *tefachim* **by four** *tefachim* **and draw** water through it.

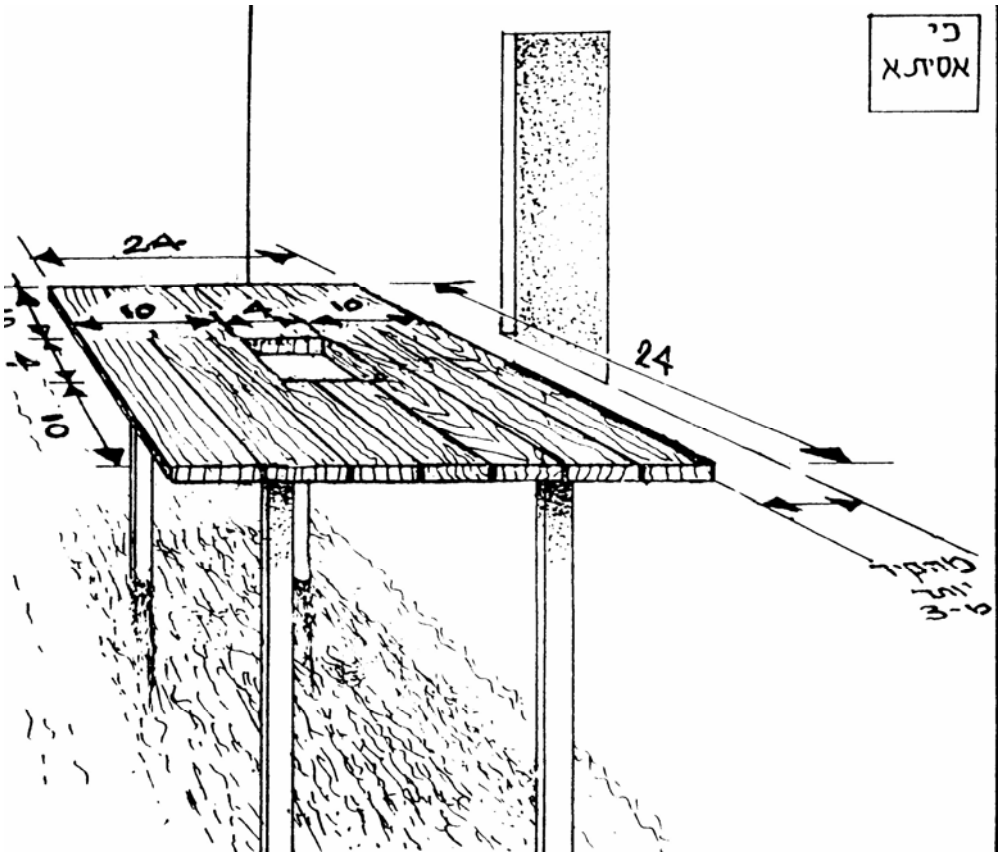
The difficulty is as follows: **How does one find it,** such a case, in which one would need the balcony to be as large as this? There, we said that one required a balcony of sufficient size in order to cut out a hole four *tefachim* square in the middle, and to apply the principle of *kof*, in order to form four 'Halachic' walls to enclose it.

The Gemara replies: We only require four *ammot* square where the balcony **was made like a mortar**. I.e. the balcony was made more than three *tefachim* away from the wall, standing upon four pillars that descend into the water below. (see illustration[16])

In this case, given that one could not rely on any walls adjacent to the balcony, one would need the balcony to be four *ammot* square, as was explained above.

Mishnah

Introduction:



16

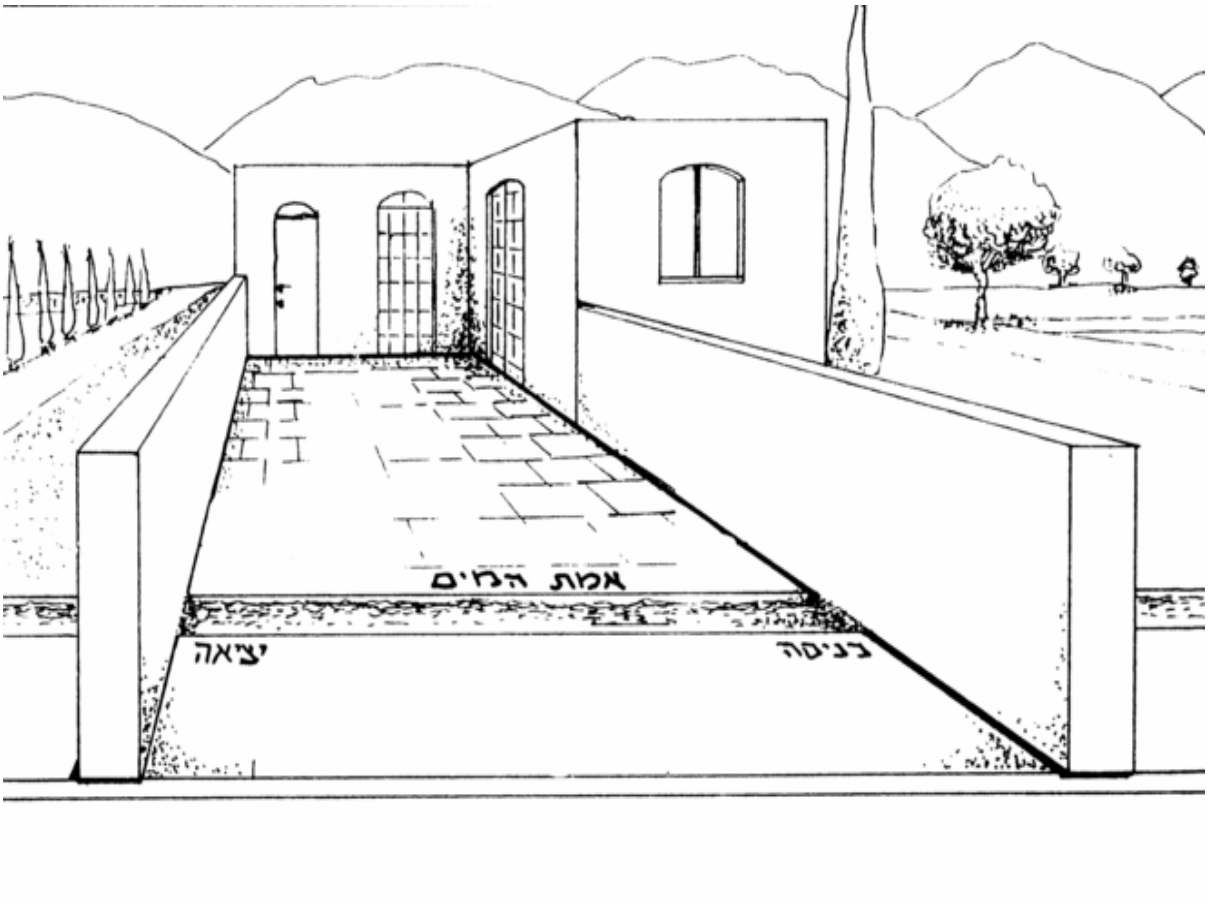
Perek 8 – 87a

When an irrigation channel (*ammat hamayim*) is at least ten *tefachim* deep and four *tefachim* wide, it has the status of a *carmelit*, like any other body of water.

And if an irrigation channel passes through one's courtyard, traversing from one side to the other through openings made under the walls, it is forbidden for one to draw water from it, as one would be transferring water from a *carmelit* to a private domain. (see illustration[17])

However if one had a pool of water in his courtyard, which did not extend beyond the boundaries of the courtyard, then one may draw water from it without the need for any modifications. This would be true even if it were considerably wide and deep, because anything within the boundaries of a private domain has the status of a private domain.[18]

17



Perek 8 – 87a

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The Mishnah states: Concerning **an irrigation channel that passed through a courtyard – one may only draw** water **from it on Shabbat if one made partitions** that were **ten *tefachim* high,** placed in the channel **at the entrance** of the channel to the courtyard, **and** placed also **at the exit** from it.

Rabbi Yehudah goes along with his view as expressed in the previous Mishnah concerning a cistern between two courtyards, and **says: The wall** of the courtyard **that** hangs **above** the irrigation channel **is judged as a partition.**

This is similar to the case above, where Rabbi Yehudah also relied on a suspended partition, even though it was not made specifically for the cistern.

Rabbi Yehudah said, in support of his position: **An incident** once took place **regarding the irrigation channel of** the town of **Evel,** which only had partitions suspended above it. There **they would draw** water **from it, according to** the ruling **of the Elders, on Shabbat.**

The Sages **said to him:** This incident is no proof to your view, because the true reason that they were permitted to draw water from the channel was **because it did not have the** sufficient **measurement.** The channel in Evel did not reach the necessary dimensions, namely ten *tefachim* depth and four *tefachim* width, in order for it to be considered a *carmelit*.

[18] *Mishnah Berurah*.

Gemara

The Rabbis taught in a Baraita: Concerning an irrigation channel, if **they made** a partition **for it at the entrance** to the courtyard **and did not make** a partition **for it at the exit.**

Or if **they made** a partition **for it at the exit, and did not make** a partition **for it at the entrance.**

Then the section of the irrigation channel within the courtyard still has the status of a *carmelit*, given that it is still connected to the water outside the courtyard.

Therefore, **one** may **only draw** water **from it on Shabbat if one made a partition for it** that was **ten *tefachim*** high, **at** both **the entrance and the exit** from the courtyard. Because in this way we are able to view the channel as if its source is in this courtyard.

Rabbi Yehudah says: The wall that is above it is judged as a partition.

Rabbi Yehudah said: An incident once took place **regarding the irrigation channel that came from Evel to Tzipori,** whose only partition was from the walls that were above the channel. **And they would draw** water **from it on Shabbat, according to** the ruling **of the Elders.**

The Rabbis **said to him:** Is there any **proof from there?**

The reason that they were permitted to draw water was **because** the channel **was not ten *tefachim* deep** or because it was not **four** *tefachim* **wide.**

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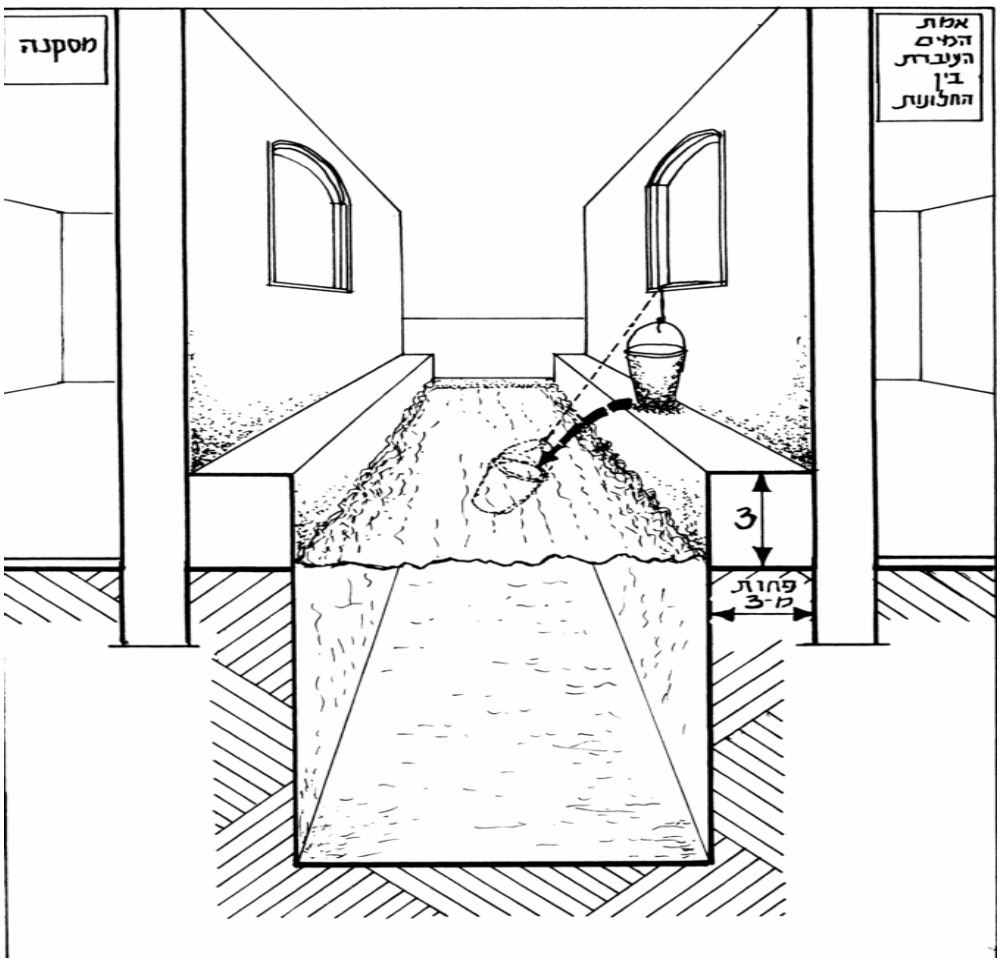
Perek 8 – 87a

It was **taught** in **another** Baraita: Concerning an **irrigation channel** that enters an alleyway or a courtyard[19] **that passes between the windows.** Meaning to say that it passes between two rows of houses, and the windows of the houses open onto the side through which the irrigation channel flows. Here the Baraita refers to a case where the residents did not make partitions in order to permit them to draw water from the channel. (see illustration[20])

If it was **less than three** *tefachim*, **one** may **lower a bucket** from the windows **and draw** water from the channel. The Gemara will explain what is meant by this shortly.

[19] Rashi



[20]

But if it was **three** *tefachim,* **one** may **not lower a bucket and draw** water.

Rabban Shimon ben Gamliel says: Less than four *tefachim,* **one** may **lower a bucket and draw** water.

Four *tefachim,* **one** may **not lower a bucket and draw** water.

The Gemara now proceeds to explain what was meant by three and four *tefachim* in the Baraita:

With what case **are we dealing? If you will say** that the amounts of three and four *tefachim* mentioned by the Baraita refer to **the irrigation channel itself.** Meaning to say that according to the first Tanna, if the width of the channel was less than three *tefachim* it would not be considered a *carmelit,* thus one would be permitted to draw water from it. But only when it had a width of more than three *tefachim* would have the status of a *carmelit,* forbidding one from drawing water. Likewise, according to Rabban Shimon ben Gamliel "four *tefachim*" would also refer to the width of the channel.

This is implausible.

For one could question: **But surely when Rav Dimi came** to Babylon from the land of Israel, **he said** in the name of **Rabbi Yochanan: There is no** such thing as a ***carmelit*** that is **less than four** *tefachim* in width.

The Gemara brings out the point: **Are you going to say that this statement** of Rabbi Yochanan **was said according to** only one view in **a disagreement of Tannaim,** namely that of Rabban Shimon ben Gamliel?

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Rather, one is forced to say that the amounts of three and four *tefachim* mentioned in the Baraita refer to **the banks** of the irrigation channel, in a case where they were three *tefachim* above the floor of the courtyard.

And the Baraita refers to a case in which one **transferred** a bucket from one's window in two stages, firstly lowering it onto the bank of the irrigation channel and then lowering it into the channel itself.

The Baraita is to be understood as follows: If the bank was "less than three" *tefachim* wide, one may "lower a bucket" onto it, and from the bank one may then lower the bucket into the irrigation channel, "and draw water". Then one may raise the bucket back up to the bank and from there back to the window of the house.

However if the bank was three *tefachim* wide, one would not be permitted to draw water, even if this were done in two stages, as above.

According to Rabban Shimon ben Gamliel, it is permitted to use this method until the banks of the irrigation channel are four *tefachim* in width.

The explanation of their disagreement is as follows: Any area that is higher than three *tefachim* but lower than ten, lying between a public and a private domain, is considered a *carmelit* if it is at least four *tefachim* wide.

However, if it is not four *tefachim* wide then it is not considered a distinct domain (here a *carmelit*) in and of itself, and is rather viewed as subsidiary to one of the two domains adjoining it. Therefore, one would be permitted to transfer items from such an area, both to the public and to the private domains. Such an area has the status of an 'exempt place' (*makom patur*).[21]

[21] See also 9b, 77a.

Perek 8 – 87a

The first Tanna holds that we only say that a *makom patur* is certainly considered subsidiary to the areas adjoining it when they are distinct domains in Torah law. Thus in a case where it was situated between a public and a private domain, a *makom patur* would always be considered subsidiary to the domains surrounding it.

However, if the *makom patur* were situated between a public domain and a *carmelit*, which is only recognized as a distinct domain in Rabbinic law, the *makom patur* would not always be considered subsidiary to the *carmelit*.

Nonetheless, the *makom patur* would always be considered subsidiary to the private domain, which is a domain in Torah law. Thus in a circumstance where the *makom patur* was considered subsidiary to the private domain, but not considered subsidiary to the *carmelit,* it would have the status of a private domain. As a result, one would be forbidden to transfer items between this '*makom patur*' and the *carmelit*.

Nonetheless, only when the *makom patur* is larger than three *tefachim* square does the first Tanna hold that it is not considered subsidiary to a Rabbinic domain. However, if the area were less than three *tefachim* wide, it would be considered subsidiary to any domain that bordered it, even a Rabbinic one.

Therefore, the banks of the irrigation channel that lie between a private domain (the courtyard) and a *carmelit* (the channel) are considered subsidiary to both of these domains, if the banks are less than three *tefachim* wide. In this circumstance one would be permitted to lower a bucket from one's window to the bank, as one would merely be transferring it from a private domain to a *makom patur*.

When one then lowered the bucket from the bank to the irrigation channel, this would only constitute a transfer from a *makom patur* to a *carmelit*, which would similarly be permitted.

However, once the banks are three *tefachim* wide, they are considered subsidiary to the private domain alone. They would thus have the status of a private domain and it would be forbidden for one to lower a bucket to the irrigation channel from there.

In contrast, Rabban Shimon ben Gamliel holds that there is no difference whether a *makom patur* is adjacent to a domain that is distinct in Torah law, or just in Rabbinic law. Therefore, he holds that any area that is less than four *tefachim* by four *tefachim* is considered a full-fledged *makom patur,* and will always be considered subsidiary to both of the domains that border it.

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The Gemara is puzzled: Even though the banks have the status of a *makom patur*, nonetheless it should be forbidden for one to lower the bucket in this way.

Surely when Rav Dimi came, he said in the name of **Rabbi Yochanan:** Concerning **a place that is not four** *tefachim* **by four** *tefachim*, giving it the status of a *makom patur*. **It is permitted for the people of the private domain and the people of the public domain, to unburden** their loads **upon it—so long as they do not exchange** items between the private and the public domains.

From here we see that one is not permitted to transfer items from one domain to another, even via a *makom patur*. Therefore we must still ask: how is one permitted to lower the bucket from a private domain to a *carmelit* via a *makom patur*?

The Gemara replies: **There,** in Rabbi Yochanan's statement, he referred to **domains** that are distinct **in Torah law.** In such a case, if one transferred between a private and a public domain, via a *makom patur*, one would have effected a 'Torah prohibition' via a *makom patur*.

Ammud Bet

However **here,** we are referring to **domains** that are only distinct **in Rabbinic law.**

Meaning to say that a *carmelit*, in this case the irrigation channel, is only considered a separate domain from the private domain in Rabbinic law. And in such a circumstance, if one transferred articles via a *makom patur,* the Rabbinic prohibition would not apply.

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The Gemara is puzzled: **Surely Rabbi Yochanan,** who forbade one to transfer between domains recognized by Torah law via a *makom patur*, **also said** that one is forbidden to transfer, via a *makom patur*, between **domains** distinct only in **Rabbinic law.**

For it was taught in a Mishnah[22]: Concerning **a wall that** stood **between two courtyards,** which belonged to two different people. And was **ten *tefachim* high and four** *tefachim* **wide.** (The same would be true even if it was narrower, but the amount of four *tefachim* was required for the end clause of the Mishnah, which spoke about the produce on top of the wall). The residents may **make two** separate ***eiruvei*** *chatzerot,* **but** they may **not make a single *eiruv*** *chatzerot* which would permit them to transfer items between the two courtyards. Given that there is a partition without any opening lying between them, it is not possible to join the two courtyards in one *eiruv*.

If **there was produce on the top** of the wall, **these** people from one courtyard may **go up** to the top of the wall **from here and eat** the produce. **And those** people from the other courtyard may **go up from here and eat** the produce. This would be true as long as they

[22] Above 76b

did not take the produce down from the wall, because if they were to do, so this would constitute a transfer of the produce from a shared domain to a privately owned one.

If the **wall** between the two courtyards **was breached, up to** a length of **ten *ammot,*** giving the breach the status of an entrance, the two courtyards may **make two** separate ***eiruvin*** if they so wish. **And if they wish, they** may **make one** mutual ***eiruv*.** This is **because it,** the breach between them, is viewed **as an entrance.**

However, if the wall was breached **above this,** i.e. to a length of more than ten *ammot,* then both of the courtyards 'forbid' each other. Meaning to say that the two courtyards are viewed as one, and in the absence of a mutual *eiruv*, they may not carry. Therefore, **they** may **make one *eiruv* but** may **not make two** separate ***eiruvin*.**

And the Gemara there stated:

Said Rav: The area of both domains, from both sides, applies to it. I.e. the top of the wall is viewed as belonging to both sides. Therefore, **one may not move upon it** produce that was there from before Shabbat, **even by a hair's breadth.**[23]

And Rabbi Yochanan said: These people can **ascend from here and eat, and those** other people can **ascend from there and eat.** They may bring produce up to the top of the wall, and eat it there. And we are not concerned that this constitutes a transfer from one domain to another.

I.e. the wall is considered a *makom patur* and is considered subsidiary to either one of the domains that border it.

[23] See 76b for a detailed explanation of Rav's view.

The Gemara there explains: **And Rabbi Yochanan,** who said that one may bring up produce, but may not lower it down, **goes according to his reasoning:**

Because when Rav Dimi came, he said in the name of **Rabbi Yochanan:** Concerning **an area that is not four** *tefachim* **by four** *tefachim* in size, **the people of the public domain and the people of the private domain are permitted to unburden** their loads **upon it, so long as they do not transfer** items between the two domains.

Thus, we have seen that according to Rabbi Yochanan it is forbidden for one to transfer items even between two courtyards separated by a wall, domains that are distinct only in Rabbinic law, via a *makom patur*.

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And the Gemara poses a difficulty: If so, how did the Baraita permit one to transfer items to a *carmelit* via a *makom patur*?

The Gemara replies: **This** statement of Rabbi Yochanan, where he said: "These people may bring up produce from here and eat it", **was said by Zeiri** in the name of Rabbi Yochanan.

However according to Rav Dimi, Rabbi Yochanan said: "There is no such thing as a *carmelit* that is less than four *tefachim* in width". According to this version of Rabbi Yochanan's view, we are able to explain the case of the Baraita, which said that one may lower his bucket and draw water from the irrigation channel. Rabbi Yochanan would hold that one would be permitted to lower the bucket in stages, by first placing it on the bank, because Rabbi Yochanan only forbids one from transferring, via a *makom patur,* between domains that are distinct in Torah law. However, according to Rav Dimi he would allow one to transfer the bucket between a private domain and a *carmelit*, given that the carmelit is only considered a distinct domain in Rabbinic law.

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The Gemara now asks: **And according to Zeiri,** who holds that Rabbi Yochanan also forbids one to transfer items in this way between Rabbinic domains—**this** Baraita, which said that one may lower a bucket to an irrigation channel, raises **a difficulty** to his view**.** How does Zeiri explain the Baraita, given that according to him, Rabbi Yochanan holds that one is even forbidden to transfer between Rabbinic domains via a *makom patur*?

The Gemara replies: **Zeiri sets it** the Baraita **up** differently. There, the Baraita differentiated between a width of three *tefachim* and one of less than three, or according to Rabban Shimon ben Gamliel, between a width of four *tefachim* and less than four. Zeiri understands that this refers **to the irrigation channel itself,** as the Gemara thought to say originally.

However, there the Gemara challenged that Rav Dimi said in the name of Rabbi Yochanan that "There is no such thing as a *carmelit* that is less than four *tefachim* in width". And therefore it asked: "Are you going to say that this statement of Rabbi Yochanan was said according to only one view in a disagreement of Tannaim?" Namely the view of Rabban Shimon, but that Rabbi Yochanan disagreed with the first Tanna.

In response to this question, Zeiri would answer, yes, this is true – **and** according to **Rav Dimi,** Rabbi Yochanan's view **does** represent one side of a **disagreement of Tannaim.**

Rabbi Yochanan's view would accord with that of Rabban Shimon ben Gamliel, however according to the first Tanna of the Baraita one could have a *carmelit* that was less than four *tefachim* square. Therefore, according to Rav Dimi, Rabbi Yochanan was ruling the Halachah in accordance with the view of Rabban Shimon ben Gamliel.[24]

[24] *Gaon Yaakov*

Perek 8 – 87B

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The Gemara questions the explanation of the Baraita that was given according to Zeiri's view, which said that the measurements there referred to the irrigation channel itself. According to this explanation, when the channel was not of sufficient width, three *tefachim* for the first Tanna and four for Rabban Shimon ben Gamliel, it would not have the status of a *carmelit*.

However, the Gemara questions this, based on a halachah concerning 'holes' that border a public domain. For example, if a wall bordered a public domain and at a height of less than ten *tefachim* there was a hole in that wall, facing the public domain. Even if that hole were larger than four *tefachim* square it would still not have the status of a *carmelit*, rather it would be viewed as part of the public domain.

The Gemara thus questions Zeiri's stance: **Let** an irrigation channel that does not reach the minimum size for a *carmelit* **be** considered **like the 'holes'** bordering **a *carmelit.*** Given that outside the town, the channel has the necessary size to be considered a *carmelit*, the section of the channel within the town should be viewed as an extension of that *carmelit*. Therefore, one should be prohibited to draw water from the channel, even if it did not reach the necessary size to be considered a *carmelit* in its own right.

The Gemara answers: **Abaye bar Avin and Rav Chanina bar Timah both said: There is no** halachah of **'holes' for a *carmelit.***

Rav Ashi said a different answer: **Even if you will say that there is** a halachah of **'holes' for a *carmelit,* these words** were said **for** a circumstance where the 'holes' were **next to** the *carmelit*. But **here** the Baraita refers to a case where the irrigation channel was **detached** from the section of the channel that had the status of a *carmelit*, by a distance of more than four *tefachim*[25].

[25] *Ritva*

Perek 8 – 87B

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Ravina said an alternative explanation of the Baraita that stated that one may lower a bucket to the irrigation channel:

The amounts of "three" and "four" that were mentioned in the Baraita do not refer, as Zeiri said, to the channel itself. And not, as Rav Dimi said, to the banks of the channel.

Rather, the Baraita refers to a case **such as where one made openings** in the partition that divided the section of the channel between the two rows of houses from the section outside this area, **at the mouth** of the irrigation channel, both at its inlet and outlet.

Meaning to say that at both the inlet and outlet of the channel, one made only partial partitions that projected from either bank of the channel, but that they did not meet in the middle.

According to the first Tanna this would permit one to draw water from the channel, so long as the gap between the partitions on either side was no greater than three *tefachim*. Because for any gap less than three *tefachim* they would apply the principle of *lavud*, and view the gap as if it were closed.

And the Rabbis, the first Tanna of this Baraita, go **according to their reasoning** elsewhere. Because in general they hold that one does not apply the principle of *lavud* for gaps greater than three *tefachim*.

And Rabban Shimon ben Gamliel goes **according to his reasoning** elsewhere, because in general he holds that we apply the principle of *lavud* up until a gap of four *tefachim*.

Perek 8 – 87B

Mishnah

Concerning **a balcony[26] that is** situated **above the water** of the sea, which has the status of a *carmelit*. **One** may **not draw** water **from it** the sea **on Shabbat,** given that this would involve transferring water from a *carmelit* to a private domain.

Unless one made a hole measuring four *tefachim* by four *tefachim* in the floor of balcony, through which to draw the water.

And **made a partition ten *tefachim* high for it,** either surrounding the hole or surrounding the balcony. If this were done, we would view the partitions as if they descended down to the water, using the principle of *gud achit mechitzah.* Thus the water below the hole would be viewed as if it were in the private domain.

Such a partition would be effective **whether** it was made **above,** on the floor of the balcony, or below. But in this case where it was made above it would have to surround the hole, in order for it to be obvious that it had been made in order to draw water. Because the partition would have the status of a 'hanging partition', and in the Mishnayot above we saw that one may rely on such a partition only when it is obvious that it was made in order to draw water.

Whether the partition was made above **or whether** it was made **below** the balcony, it is effective. If made below, it could be placed either around the hole or around the balcony, given that in either case it would be obvious that it had been made in order to draw water.

And similarly, if there were **two balconies, one higher than the other.** Whether they would touch each other if they were at the same height, or whether they would be

separated from one another by a distance of less than four *tefachim*. And the case is that some**one made** effective **partitions,** that would enable him to draw water, **for the upper** balcony. **And** he **did not make** partitions **for the lower** balcony. The Halachah is that the residents of **both** balconies **are forbidden** to draw water, even by way of the upper balcony.

Needless to say, the residents of the lower balcony are forbidden to draw water directly, given that they have not made any partitions. However, since the residents of the lower balcony are accustomed, during the week, to throw their bucket through the hole in the upper balcony and draw water through it, the upper balcony is viewed as a shared domain. Thus the residents of the upper balcony, too, are forbidden to draw water, **until** the residents of both balconies **made a** mutual ***eiruv*** *chatzeirot*.[27]

Gemara

The Mishnah stated that one may draw water from the sea that is located below a balcony, only if one first made partitions that were ten *tefachim* high.

Thus the Gemara says: **Our Mishnah,** which was taught in an unnamed way and which mentions no differing views, seems to rule that we require partitions to draw water from any sea, even the Sea of Tiberias[28]. Therefore **it is not in accordance** with the view of **Rabbi Chananya ben Akavia,** who permitted one to draw water there without partitions, as was stated on *ammud alef.*

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[26] Such a balcony is formed by placing planks upon two projections that extend from the upper wall of a house. It is more than ten *tefachim* high and of significant width, thus it has the status of a private domain. According to Rashi 84b

[27] See above 84b, 85a where this Mishnah was mentioned previously, and the explanation and illustration there.

[28] *Tosafot*, see *Gaon Yaakov*

Perek 8 – 87B

For it was taught in a Baraita there: **Chananya ben Akavia says:** Concerning **a balcony** situated above the sea, **which** measured **four *ammot* by four *ammot*.** If one **cut out** a hole **in it** measuring **four** *tefachim* **by four** *tefachim*, ensuring that a width of at least ten *tefachim* surrounded the hole from all four sides, then one would be permitted to **draw** water from the sea.

This was permitted, given that if one applied the principles of *kof* and *gud achit mechitzah*, one could view the ten *tefachim* of balcony surrounding the hole on each side as if they descended down to the sea[29].

Thus we see that Rabbi Chananya ben Akavia permits one to draw water from the sea without actual physical partitions, against the ruling of our Mishnah.

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Rabbi Yochanan said in the name of Rabbi Yosi ben Zimrah: Rabbi Chananya ben Akavia only permitted one to draw water **from the Sea of Tiberias** using this method, **because it has high banks and towns and enclosures surround it.**

As was explained on *ammud alef*, the Sea of Tiberias would not be considered a *carmelit* in Torah law, given that it was effectively enclosed. However, it still has the status of a *carmelit* in Rabbinic law, given that it is an area of more than a *beit sa'atayim* that was not set aside for residential purposes. And only in such a case would Rabbi Chananya permit one to draw water without physical partitions, relying merely on 'Halachic' partitions.

However for other bodies of water, which have the status of a proper *carmelit*, he would **not** permit one to use this method.

[29] See *ammud alef* for a full explanation.

Perek 8 – 87B

The Rabbis taught in a Baraita: **Rabbi Chananya ben Akavia permitted three things to the people of Tiberias:**

1. That they may **draw water from a balcony** located above the Sea of Tiberias **on Shabbat.**

2. **And** that they may **bury** their fruits **in chaff** of legumes, even though the chaff was moist from dew. He was not concerned that the fruits would become prepared to receive impurity by contact with the dew[30].

3. **And** that they may **dry** themselves **with a towel** on Shabbat, and we are not concerned that they might squeeze out the towel.

The Gemara explains the three cases:

1. That they may **draw water from a balcony on Shabbat – this is** the case **that we said** above.

2. **And** that they may **bury in chaff – what is it?** Meaning to say, why did he permit them to do this?

For it was taught in a Baraita: Water only prepares food to receive impurity if its owners knew that the food had become wet, i.e. the preparing took place in front of them.

Therefore, whoever **awoke early** before dawn **to bring chaff** in order to bury produce in it—

If he awoke early, before the dew evaporated, **in order that there be dew upon it, because** this was in some way to his benefit, **he has thereby** fulfilled the Torah's

requirements for effective preparing. As it is written: "**When** water **will be placed** upon seed, and [subsequently] some of their [impure] carcasses will fall upon it, it is impure to you."

And if he did not awake early for the sake of utilizing the dew, rather **in order that he should not be idle from his work, he has not** fulfilled the requirements of "**When** water **will be placed** upon seed".

Therefore Rabbi Chananya ben Akavia permitted the residents of Tiberias to bury their fruit in chaff, because the **average [resident of Tiberias...]**

[30] Produce must be prepared, by contact with one of seven liquids, before it can become impure. Dew is one of these seven.

Chavruta
Eiruvin – Daf Peh Chet

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[Therefore Rabbi Chananya ben Akavia permitted the residents of Tiberias to bury their fruit in chaff, because the **average [resident of Tiberias],** who were working people, are considered **like one who** arises early in order **not to be idle from his work.** Therefore, the dew that was upon the chaff would not prepare the fruit to receive impurity, as was explained at the end of the previous *daf*.

3. **And** they may **dry themselves with a towel** on Shabbat - **what is it?** Meaning to say, why did he permit them to do this?

The Gemara answers: **For it was taught** in a Baraita: **A person** may **dry himself with a towel** after he washes himself, **and leave it in the window** next to the bathhouse. In such case we are not concerned that he might come to squeeze out the towel.

However, he may not bring it to his house because then we would be concerned that he might inadvertently squeeze it out.

And one may **not give it to the attendants because they are suspected in this matter,** of the prohibition of squeezing.

Rabbi Shimon says: One may **even bring it in his hand, into his house.** According to Rabbi Shimon, we are not concerned that one might forget that it is Shabbat and squeeze out the towel.

Perek 8 – 88a

Rabbah bar Rav Huna said: We **only learned** in the Mishnah that one may use a 'hanging' partition for a balcony situated above the sea, in order **to draw** water. In such a case we were able to view the water below the partition as if it were in the private domain.

However, it would still be **forbidden** for one **to pour out** water, through a hole in one's balcony, into the sea. Since the water would naturally be carried outside the area that is considered a private domain, one would have caused a transfer between a private domain and a *carmelit*[1].[2]

Rav Shizvi challenged: And what is the difference **between this** case **and** that of **a ditch?** The next Mishnah will explain that one may only pour out waste into a courtyard that is less than four *ammot*[3] square if it contains a ditch capable of holding two *se'ah*[4] of water. This is due to a concern that otherwise the water would flow into the adjacent public domain.

The Gemara there will quote a Baraita that permits one to pour out water, even if the ditch was already full of water prior to Shabbat.

Thus Rav Shizvi asks: We see that the Baraita permits one to pour out water, even though it will inevitably flow into the public domain.

The Gemara replies: **Those** waters that are poured out into a courtyard are normally **soaked up,** and this is the usual intention of the one who throws them out. Therefore, if they were to flow out of the courtyard this would constitute an unintentional act (*davar sh'eino mitkaven*).

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[1] An area that cannot be classified either as a public domain or as a private one.
[2] See *Ritva*
[3] 1 ammah: 18.7 in., 48 cm
[4] *Se'ah* = 2.2 gallons or 8.3 liters.

Therefore, it would be permitted because the Rabbis only prohibited an unintentional act when it is done directly. And in the case mentioned there, one did not directly pour the water into the public domain, rather it was a secondary effect that caused it to flow there.

But **those** waters that are be poured from a balcony are **not soaked up,** and it is not possible that they would remain below the balcony.

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There are those that say an alternative version of the discussion: This is what **Rabbah bar Rav Huna** actually **said:**

Do not say that it is **drawing** water from a balcony **that is permitted,** but that **pouring** water from the balcony would be **forbidden. Rather, pouring is also permitted.**

And **Rav Shizivi** challenged him and **said:** It is **obvious!**

This is the same case as **a ditch,** which was full of water prior to Shabbat, and we learned that in such a case one may pour waste there.

And the challenge was answered: It is not obvious, because **what would one have said?** That there, one may pour out waste into a courtyard because **those** waters are normally **soaked up.** However, **those** waters that are poured from a balcony are **not soaked up,** thus one might say that one is not permitted to pour them out. Therefore, Rabbah bar Rav Huna **informs us** that here, in some respects, there is more reason to be lenient. There, one needed a ditch, given that a person would prefer if the waste did not remain where he poured it, soiling his courtyard. But here, where one is not concerned if the water flows away from the balcony or not, there is more reason to permit one to pour out the water.

Perek 8 – 88a

We learned in the Mishnah: **(And so too)** concerning **two balconies, one higher than the other,** if one made partitions for the upper balcony and did not make partitions for the lower balcony, the residents of both balconies are forbidden to draw water until they make an *eiruv* together.

Rav Huna said in the name of **Rav: We only learned** that they may not draw water **when** the two balconies are **close** to each other, with a distance of less than four *tefachim,* in the horizontal axis, separating them.

But when the balconies are **separated** from each other by an amount greater than this, the residents of the **upper** balcony **are permitted** to draw water. In such a case we do not say that the presence of the lower balcony forbids the residents of the upper balcony from drawing water.

The Gemara explains: **And Rav,** who says that the balconies must be close to each other, goes **according to his reasoning** elsewhere:[5]

For Rav said: A person does not forbid his friend from transferring items in an area that is considered shared due to the fact that he throws articles **through the air** for a distance of greater than four *tefachim*. In our case, the residents of the lower balcony drew water by throwing their bucket through the hole that was made in the upper balcony.

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Rabbah said: Rabbi Chiya said, and Rav Yosef said: **Rabbi Oshiyah said:**

[5] See 85a

Perek 8 – 88a

There is theft on Shabbat, and a ruin is returned to its owners.

One would assume that they meant to say:

1. "There is theft on Shabbat" - If there was a ruined building close to one's home, one might come to use it during the week, since its owners do not normally use such a building. In such a case he would make a limited 'acquisition' of the ruin, like of any other piece of stolen property, and it would be considered his private domain.

Therefore, he would forbid the owners of the ruin from using it on Shabbat, unless they made an *eiruv*.

However, given that it he had only made a limited acquisition, the owners would also forbid him from using the ruin.

2. "And a ruin is returned to its owners" - On the contrary, the neighboring person who started to use the ruin should not forbid the owner of the ruin, given that the prohibition of him using it on Shabbat would cause it to return to the owner's jurisdiction[6]. Therefore, the owner would not need to make an *eiruv* with the neighbor in order to use the ruin on Shabbat[7].

The Gemara is puzzled: **Surely this is a difficulty** in and of **itself.**

On the one hand **you said: There is theft on Shabbat.**

Therefore it must be that the neighbor has **acquired it,** meaning that the owner would be forbidden to use it until he made an *eiruv*.

And on the other hand you said: **A ruin is returned to its owners.**

[6] Alternatively, it is the prohibition of theft that would cause it to return to its owners.

Therefore it must be that the neighbor has **not acquired** the ruin, and he does not forbid the owners from using it.

The Gemara replies: **This is what** they meant **to say: There is a Halachah of** returning **stolen property on Shabbat.**

How it this so?

Because a ruin is returned to its owners, and is thereby no longer considered stolen property. Therefore, the owners of the ruin may use it without making an *eiruv*.

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Rabbah said: We may **challenge** that which we have just **learned,** from our Mishnah:

For it taught: **(And similarly)** concerning **two balconies, one higher than the other.** If they made a partition and hole through which to draw water via the upper balcony, but did not do the same for the lower balcony – both are forbidden to draw water until they make an *eiruv* together.

And if you say that there is a Halachah of returning **stolen property on Shabbat, why are they forbidden** to draw water?

Given that the residents of the lower balcony were unlawfully making use of the upper balcony during the week (as we said on 87b, that they would lower their bucket via the upper balcony), they should not have forbidden the residents of the upper balcony from drawing water on Shabbat.

[7] See *Gaon Yaakov*

Nonetheless, the Mishnah taught that they do indeed forbid them from drawing water, posing a difficulty to the Halachah that we have just learned, which said that an act of property theft does not cause the property to be forbidden to its true owners.

Rav Sheshet said in answer to this challenge: **Here, with what** case **are we dealing? For example where** the residents of the lower and upper balconies **made the partition** that was placed on the upper balcony **in partnership.** Thus the residents of the lower balcony would have been using it lawfully.

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The Gemara is puzzled: **If so,** why did the Mishnah say: "If the upper balcony made a partition, but the lower balcony did not, both are forbidden to draw water"? This implies that had the lower balcony made partitions, they would have been permitted to draw water.

If we say that theft forbids a property's true owners from using it on Shabbat, and our Mishnah refers to a case where the partitions were not made in partnership, this inference makes sense. For when the lower balcony made a partition, they showed their intention to abandon their 'theft' of the upper balcony, thus terminating the 'joint relationship' between the two balconies, and allowing us to view them as two entirely separate domains.

However, according to the explanation of Rav Sheshet, **also when the lower** balcony made a partition, it should forbid the upper balcony from drawing water. For the partnership in the upper balcony still exists.

The Gemara replies: **Since they made** a partition **for the lower** balcony, **they have surely revealed their intentions—**namely **that I** in the lower balcony **am not happy** to

be in partnership **with you** anymore. Therefore their partnership is terminated, and they may draw water without first making an *eiruv* with each other.

Mishnah

If there is **a courtyard that is less than four *ammot*** (square)[8], which is located next to a public domain, **one** may **not pour out** waste-water **onto it** the courtyard's surface **on Shabbat.**

The Rabbis were concerned that one might throw out all of his waste-water there. In such a case, he would have an interest in the water flowing away from his courtyard, for otherwise it would muddy the area.

If the water were to flow from the courtyard to the public domain, this would constitute a fulfillment of a person's natural intent, and therefore the Rabbis prohibited such an action. This was due to a concern that if this indirect transfer to a public domain is permitted, people might come to throw objects directly between a private and a public domain.[9]

The prohibition would be in effect **unless he made a ditch for it that holds two *se'ah*** of water. Any ditch measuring half an *ammah* square, and three fifths of an *ammah* deep, would hold two *se'ah*.[10]

In such a case, if a person were to pour out waste into his courtyard, he would not be especially interested for it to flow outside. Because even if it did not flow to the public

[8] According to Rashi's explanation of the Gemara
[9] According to Rashi on the Gemara, see *Gaon Yaakov*

domain, it would flow into the ditch, and in either case the courtyard would not be muddy.

Therefore, even if the waste were to flow outside the courtyard, this would not bear any similarity—either in intent or action—to transferring an article directly from a private to a public domain.[11] Thus, the Rabbis did not forbid such an action.

However, if the courtyard were larger than four *tefachim* square, one would be permitted to pour out water there, even without the presence of a ditch. The Gemara will explain why.

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And one would **need** for the ditch mentioned above to hold two *se'ah* **from the hole and below.**

Meaning to say, the ditch should hold two *se'ah*, without including the cover of the ditch.

Such a ditch is valid, **whether outside** the courtyard, in the public domain (as long as the opening of the ditch was inside the courtyard), or **whether inside** the courtyard itself.

But if one made it **outside, one** would **need to cover** it over with boards, in order that it would not itself have the status of a public domain. If it were covered, the ditch would have the status of a *makom patur* (exempt area), given that one had made it inaccessible to the people in the public domain.

However if one made the ditch **inside** the courtyard, **one** would **not need to cover** it with boards, given that it was situated in a private domain.

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[10] *Ramah*

Perek 8 – 88a

Rabbi Eliezer ben Yaakov says: If there is **a drain,** a channel made to carry waste from a courtyard to the public domain, **that is covered** for a distance of **four *ammot*[12] in the public domain,** then **one** may **pour out water into it,** inside the courtyard, **on Shabbat.**

The Rabbis assessed that all of the waste that a person produces in one day would be absorbed by the earthen walls of such a drain before it traveled four *ammot*. Therefore, given that the covered part of the drain is considered a *makom patur*, the waste would not flow into the public domain.

And the Sages say: Even if there was **a roof or a courtyard** that was **one hundred *ammot*** long, and a drainage channel traversed its whole length,[13] **one** may **not pour out** waste **into the opening of the drain.** This is true even though the waste would have to travel one hundred *ammot* before reaching the public domain. The Gemara will explain the reason.

But he may **pour out** his waste **onto the roof** or the courtyard, **and the water will** inevitably flow **down to the drain.**

The courtyard and the porch in front of a house **join together to** make up the **four *ammot*** square area referred to in the beginning of the Mishnah, required in order allow pouring out waste without need for a ditch. The Gemara will explain further.

If **two upper stories** of different buildings were situated **this one opposite to that one,** with a courtyard less than four *ammot* square standing between them. **And some of them,** the residents of one upper story, **made a ditch** in the courtyard next to their upper story, **and some of them** i.e. the other upper story **did not make a ditch.**

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[11] *Mishnah Berurah*
[12] According to Rashi on the Gemara, it would also have to be four *ammot* wide.
[13] *Ritva*

In this case, **those who made the ditch are permitted** to pour out waste onto the courtyard, but **those who did not make a ditch are forbidden** to do so. The Gemara will explain the reason.

Gemara

We learned in the Mishnah: If there was a courtyard that was less than four *ammot*, one may not pour out waste-water onto its surface on Shabbat.

This implies that if the courtyard measured four *ammot* square, one would be permitted to pour out waste-water there on Shabbat.

The Gemara asks: **What is the reason** that one may not pour out his waste-water into a small courtyard?

Rabbah said: Because a person normally uses two *se'ah* of water every day, and thus he would normally produce up to two *se'ah* of waste-water every day.

Therefore, **with** a courtyard **four *ammot*** in width, his intention would not be for the waste to flow out of his courtyard. On the contrary, **a person** would ordinarily **want to sprinkle** it on his courtyard, in order that it would cause the dust there to settle. Thus when he pours out the waste and it flows out of the courtyard, he would not be fulfilling his ideal intention, thus is permitted to pour it out.

Ammud Bet

However if the courtyard were **less than four** *ammot* by four *ammot*, and thus too small for any significant[14] use, one would not ordinarily sprinkle water over it. In this case, one would normally intend **to pour it out** in order that the waste would then flow out of the courtyard, into the public domain. Therefore, if the waste were to flow into the public domain, this would constitute a fulfillment of one's intention. The Rabbis thus prohibited it, due to a concern that one might come to transfer an article directly to a public domain.[15]

Thus, **if one made a ditch** that would hold the two *se'ah* waste-water that he produced daily, he is **permitted** to pour out his waste there.

And **if** he did **not** make a ditch, it is **forbidden.**

Rabbi Zeira said a different explanation**:** Given that a person produces two *se'ah* of waste-water per day, in a courtyard **four *ammot*** wide, the water would **be absorbed.** Thus it would not make the courtyard muddy. Therefore, even if the water were to flow out of the courtyard, this would not fulfill one's intention.

But if the courtyard was **less than four *ammot*** wide, two *se'ah* of waste would **not** be **absorbed.**

In such a case, one would prefer for the waste to flow into the public domain, so that it will not muddy his courtyard. Thus the Rabbis forbade one from pouring out his waste, due to a concern that one might come to transfer articles directly to a public domain.

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[14] *Ritva*

Perek 8 – 88b

The Gemara asks: **What is** the practical difference **between them,** between the explanations of Rabbah and Rabbi Zeira?

Abaye said: The practical difference will be seen in a courtyard that is **long and narrow,** longer than four *ammot* but also narrower than four *ammot*, whose total area does not exceed sixteen square *ammot.* This **is** the difference **between them.**

According to Rabbah, who holds that one needs a courtyard that is suitable for a significant use, where one would sprinkle water in order to cause the dust to settle, this courtyard would not qualify as such. A courtyard of these dimensions is not so usable, and one would not sprinkle water on it. Thus, pouring waste is forbidden without a ditch.

However, according to Rabbi Zeira who holds that one needs a courtyard that is capable of absorbing two *se'ah* of water, a long and narrow courtyard would qualify, given that its total area equals of a square courtyard.

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The Gemara raises a difficulty: **It was taught** in our Mishnah: **The courtyard and the porch** in front of a house **join together to** make the **four *ammot*** needed to permit one to pour out his waste without first making a ditch.

The Gemara assumes that the porch is situated at one side of the courtyard, and would combine with the courtyard to make a total area of eight *ammot* by two *ammot*, for example.[16]

[15] Rashi according to *Gaon Yaakov*
[16] Ritva, see Rashi

Thus the Gemara poses a difficulty: **It is all right for Rabbi Zeira.** Given that the area totals sixteen square *ammot*, it will absorb two *se'ah* of water. Thus **it** the Mishnah comes out **well,** i.e. we understand why a ditch is not needed.

But for Rabbah, who requires a courtyard suitable for a significant usage, this clause of the Mishnah poses **a difficulty.**

Rabbi Zeira explained our Mishnah, **according to** the understanding of **Rabbah,** as referring to **a porch that went along the entire side of the courtyard.** I.e. the porch and the courtyard combined to make a square area measuring four *ammot* by four *ammot*.

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Come and hear a proof from a Baraita that supports Rabbah's view: If there was **a courtyard that was not four *ammot* by four *ammot,* one** may **not pour out water onto it on Shabbat.** Thus we see that this Baraita required the courtyard to be four *ammot* square.

It is all right according to Rabbah; according to him the Baraita comes out **well** that the Baraita requires a square shape**.**

But for Rabbi Zeira it poses **a difficulty.**

Rabbi Zeira would **say to you: Who**se view does **this** Baraita represent? **it is the** view of the **Rabbis,** the Sages of our Mishnah.

And the first clause of our Mishnah, which was taught in an unnamed way, **is** actually the view of **Rabbi Eliezer ben Yaakov,** who was mentioned in the latter clause of the Mishnah.

In other words: Rabbi Eliezer ben Yaakov and the Sages differ, in the latter clause of the Mishnah, over whether one may pour out water into a covered drain that leads into the public domain. According to Rabbi Eliezer, it is permitted, and according to the Sages, it is forbidden.

Rabbi Eliezer ben Yaakov permits it, because he holds like Rabbi Zeira who allows one to pour out waste into a large courtyard, so long as it will be absorbed before flowing out of the courtyard. For the same reason, he permits one to pour out waste into a drain when it will be absorbed before it reaches the public domain.

However, the Sages do not agree with this approach. They only permit one to pour out water into a courtyard because one would ordinarily sprinkle water over such an area, which is the reason given by Rabbah. This reason is not applicable in the case of a drain. Therefore when one pours out water there, he has demonstrated that he intends for it to flow into the public domain. In such a case, the Sages hold that is forbidden to pour out water.

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The Gemara explains further: **And what forced Rabbi Zeira** to say that our Mishnah refers to a courtyard that is not square, bringing him **to set up** the first clause of **our Mishnah** as going **according to Rabbi Eliezer ben Yaakov?**

Let him explain our Mishnah as referring to a square courtyard, and explain the first clause as being the view of the Sages!

Rava said, explaining Rabbi Zeira's reasoning: The phrasing of **our Mishnah posed a difficulty** for Rabbi Zeira, therefore he explained it in this way.

Perek 8 – 88b

Because **what was it referring to when it taught: "A courtyard that is less than four *ammot*",** which implies that it lacks the area of four *ammot* by four *ammot* (sixteen square *ammot*)?

Let it teach: A courtyard that does not have four *ammot* (by four *ammot*)[17], which would imply that it did not contain a square measuring four *ammot* by four *ammot*, thus excluding a courtyard that was long and narrow.

Rather no, hear from this a proof that even a long and narrow courtyard does not need ditch, thus this clause of the Mishnah goes according to **Rabbi Eliezer ben Yaakov.**

The Gemara concludes: We may indeed **hear from this** a proof.

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The Gemara questions Rabbi Zeira, who established the first clause of the Mishnah as being the view of Rabbi Eliezer ben Yaakov:

And surely since the latter clause of our Mishnah, the case of the drain, is stated expressly in the name of **Rabbi Eliezer ben Yaakov,** this would imply that **the first clause** does **not** represent the view of **Rabbi Eliezer ben Yaakov.**

The Gemara replies: **All** of the Mishnah **is** the view of **Rabbi Eliezer ben Yaakov.**

And a clause has been omitted, and this is what **was** meant to have been **taught:**

If there is **a courtyard that is less than four *ammot,* one** may **not pour out water onto it on Shabbat.**

[17] The words in parentheses are removed by the *Gra*, see also Rashi.

Perek 8 – 88B

But **note that** if it did comprise an area equaling **four *ammot*** by four *ammot* (sixteen square *ammot*), even if it were not in the shape of a square courtyard, **one** may **pour out** water into the courtyard on Shabbat, given that the water would be absorbed.

Because Rabbi Eliezer ben Yaakov says: If there is **a drain that is covered** for a length of **four *ammot* in the public domain, one** may **pour out water into it on Shabbat.**

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We learned in the Mishnah: **Rabbi Eliezer ben Yaakov says:** If there is **a drain that is covered** for a length of four *ammot* in the public domain, one may pour out water into the drain on Shabbat. And the Sages say: Even if there was a roof or a courtyard that was one hundred *ammot* long, one may not pour out waste into the opening of the drain. However, he may pour out his waste onto the roof or the courtyard, and the water will inevitably flow down to the drain.

The Gemara explains: **Our Mishnah,** in which the Sages permitted one to pour out his waste-water onto a roof, even though it would flow from there into the drain, and from the drain to the public domain, **is not according to** the view of **Chananya.**

For it was taught in a Baraita: **Chananya says:** It is permitted for one to pour out waste into a courtyard, even though it will flow from there into a drain, and from the drain it will flow into the public domain.

However, in the case of a roof, **even** if the length of the **roof** were **one hundred *ammot,* one** may **not pour out** waste there. **Because a roof does not absorb** water like a courtyard does. **Rather,** it **carries** the water to the public domain, and thus onlookers would say that one was pouring out water close to the public domain, in order that it would flow away.

Perek 8 – 88b

This being the case, the Rabbis were concerned that people might say: What difference does it make if I pour the waste into a pipe or whether I throw it directly into the public domain?

It was taught in a Baraita**: In what** circumstances were **these words said,** that one may not pour out waste into a small courtyard? **In the sunny season,** when a person would not want to muddy his courtyard, preferring that the waste flow into the public domain.

But in the rainy season he may **pour out** waste into his courtyard **repeatedly, and he need not refrain** from doing so.

The Gemara explains: **What is the reason?**

Rava said: In the rainy season, when outside areas are muddy, **a person wants** i.e. does not care one way or the other if **the water is absorbed in its place,** instead of flowing to the public domain. And if the water were to flow into the public domain this would not be a fulfillment of his intention, thus he is permitted to pour out the water.

Abaye said to him: **Surely** one could challenge this, from the case of **waste**-water that is poured into a drain, **which a person** would **want** i.e. would not care one way or the other if **it was absorbed** in its place. For he is not concerned if it makes the drain muddy. **And** nonetheless our Mishnah **taught** that according to the Sages, **one** may **not pour out** waste into a drain.

Rava **said to him:**

Perek 8 – 88b

There, in the case of a courtyard in the rainy season, **what should we be concerned for?**

If one is concerned **because of the damage** that the waste would cause to **his courtyard,** and that is the reason why he would want the waste to flow into the public domain, this is not a problem. For **surely** in the rainy season **it is already damaged,** thus he is not concerned about this.

And if it is because of a decree made by the Rabbis, **lest** people **would say: "So and So's pipe is carrying water on Shabbat".** I.e. they prohibited a person from pouring out his waste-water, lest passersby who observe water coming out of the pipe's other end mistakenly think that one may throw waste directly into the public domain. This too is not a problem, because the **average pipe carries** water during rainy season whether he pours out his waste or not, thus there would be no reason for such a decree.

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Rav Nachman said: The Baraita's ruling, that during the rainy season one may repeatedly pour out his waste, does not mean that one does not require a ditch. Rather, this is what it meant to say:

In the rainy season: If there is **a ditch that holds two *se'ah*** of water, **we let him** pour **two *se'ah*** there. But if it **holds one *se'ah,* we** only **let him** pour **one *se'ah*** there.

In the sunny season: If there is **a ditch that holds two *se'ah*** of water, **we let him** pour **two *se'ah*** there. But if it only **holds one *se'ah,* we do not let him** pour **anything there.**

Thus, the only difference between the rainy and sunny season is if the ditch only holds one *se'ah*, where in the sunny season one may not pour out water at all. However in the rainy season, one would be permitted to pour out one *se'ah* of waste into such a ditch, and then pour out the same amount repeatedly.

Perek 8 – 88b

This is the meaning of the Baraita, which said: "One may pour out waste repeatedly". It teaches that one may repeatedly pour out an amount equal to the volume of the ditch.

The Gemara is puzzled: **In the sunny season also,** if there is a ditch that **holds one *se'ah*, let him** pour **one *se'ah*** there!

The Gemara replies: The Rabbis made **a decree, lest he would come to put two *se'ah*,** the total amount of waste-water that he produces, **there.**

The Gemara asks: **If so, in the rainy season** the Rabbis should **also** have **to make** such **a decree.**

The Gemara replies: **There** in the rainy season, even pouring out two *se'ah* is permitted in principle. Because **what** should **we be concerned for?**

If it is that a person would intend for the water to flow out of the courtyard **because of damage** to his courtyard—and that he might then come to throw it out directly—**surely it** the courtyard **is already damaged** due to the rain.

And **if** it is **because of a decree lest** people **would say "So and So's pipe is carrying water on Shabbat",** surely the **average pipe carries** water during rainy season anyway. Therefore, even though the Rabbis decreed that one may not pour out two *se'ah*, this was a mere stringency. Thus, there was no reason for them to prohibit pouring out one *se'ah* lest he pour out two.

Abaye said: Therefore, now that you have acknowledged that in principle there is no reason for concern, one should be permitted to pour out **even a *kor*[18] or even two *kor*,** without having to make a ditch.

[18] Approx. 250 liters.

Perek 8 – 88b

We learned in the Mishnah: **And so too,** if **two upper stories** of different buildings were situated **this one opposite to that one,** and one upper story made a ditch in the courtyard next to their attic, and the other did not make a ditch. Those that made a ditch are permitted to pour out waste into the courtyard, but those who did not make a ditch are forbidden to do so.

Rava said: One should not think that the Mishnah refers to a case where the residents of the two upper stories did not make an *eiruv* together[19], and the reason why the others may not pour out their waste is because we are concerned that they might come to transfer articles to the courtyard.

Rather, it **even** refers to a case where **they made an *eiruv*** for the courtyard. Nonetheless they would still be forbidden to pour out their waste.

Abaye said, puzzled by this explanation: If the Mishnah refers to a case where they made an *eiruv*, **what is the reason** to forbid them from pouring out their waste?

If you will say that it is **because** there is too **much water.** That the residents of the two upper stories would produce more waste than the ditch can hold—

This is not plausible.

For **surely it was taught** in a Baraita that we are not concerned for such a circumstance:

[19] The Gemara concludes, on 89a, that this is actually the case.

Perek 8 – 88b

For it was taught: **Whether I have a ditch or whether I have a** broken **pot or a** wide **furrow or a** small **boat,** so long as they hold two *se'ah* of water.

And even though they were filled with water prior to Shabbat, one may **pour out water into them on Shabbat.**

Torah law only prohibits pouring out water directly into the public domain. Thus, the Rabbis only prohibited pouring water into one's courtyard as a reminder, so that one not come to pour it out directly.

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Rather, if it was said – it was said like this:

Rava said:

Daf Peh Tet

We only learned that those who did not make a ditch are forbidden to pour out their waste when **they did not make a** mutual ***eiruv*** with those who did make a ditch.

But if **they made an *eiruv*, they are permitted** to pour out their waste.

The Gemara explains: **And if they did not make an *eiruv*, what is the reason** that they may not pour out their waste?

Rav Ashi said: Since the ditch is not close to their upper story, the Rabbis forbade them from doing so, as a **decree lest** they would want to pour out their waste directly into this ditch. And they would **come to take out some of their household utensils there.** In other words, they would carry in their hands containers of waste-water into the courtyard, in order to pour out the waste into the ditch.

Given that they had not made an *eiruv*, this would be forbidden.

However, those who made the ditch close to their upper story may pour out their waste, given that it would naturally flow into the ditch without their having to dump it straight in.

Hadran Alach Keitzad Meshatfin

We Shall Return To You,
Perek Keitzad Meshatfin

CHAVRUTA
EIRUVIN – DAF PEH TET

Translated by: *Rabbi Dov Zemmel*
Edited by*: R. Shmuel Globus*

Perek Kol Gagot

Mishnah

All roofs of houses in **the town** are considered to be **one domain,** to permit carrying from one roof to another. I.e. if Reuven had a utensil on his roof before Shabbat commenced, he can transfer it to Shimon's roof on Shabbat.

Even though each of the houses in the town is considered a separate domain, their roofs are all considered to be one domain. They are not given the same status as the houses they are part of, since they are not used frequently enough to be considered an intrinsic part of the house.

Similarly, all courtyards in the town are considered to be one domain. Courtyards are used even less frequently than roofs (their roofs were flat and generally belonged to a single-family dwelling, and served them as would a private porch or yard). Therefore, courtyards (which were shared by a number of families) certainly do not have the same status as houses, to be considered separate domains.

However, this is **providing that** one **roof is not ten** *tefachim*[1] **higher or ten** *tefachim* **lower** than the other one. For in such a case, even if the two roofs belonged to one person, he cannot transfer a utensil from one roof to the other. These are **the words of Rabbi Meir.**

Perek 9 – 89a

And the Sages say: Every one – each roof – **is a domain unto itself.** I.e. one may not carry from one roof to another, just as one may not carry from one house to another. The Gemara will explain their view.

Rabbi Shimon says: Whether they are **roofs,** or **whether** they are **courtyards, or whether** they are **enclosures (*karpeifot*)**[2] **-** they **are** all **one domain.** Certainly, one may carry from one roof to another. Furthermore, one may carry from a roof to a courtyard or an enclosure and vice versa. This view is more lenient than Rabbi Meir, who only permitted carrying from an area to another similar area (e.g. roof to roof).

Permission to carry from one roof to another (according to Rabbi Meir) or from a roof to a courtyard (according to Rabbi Shimon) applies exclusively **to utensils that when Shabbat commenced, were in them** (the roof or courtyard). **But not to utensils that when Shabbat commenced, were in the house.** Whatever was in the house when Shabbat commenced may not subsequently be transferred to another roof, courtyard or enclosure. They may only be transferred to an adjacent courtyard or alleyway, provided a valid *eiruv* and/or *shituf mevu'ot* was set up.

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[1] 1 tefach: 3.1in, 8cm.
[2] Areas enclosed for non-residential purposes. They must be no larger than *beit sataim* (c. 1380yd square, 1050m square) for then they take on a status of a *carmelit* (an area which is neither a public or private domain).

Gemara

Abaye bar Avin and Rabbi Chanina bar Avin were sitting together, and Abaye was sitting next to them:

And while Abaye bar Avin and Rabbi Chanina bar Avin **were sitting they were saying** the following, in explanation of the disagreement between Rabbi Meir and the Sages.

It is all right, the view of **the Sages.** They hold that one may not carry from one roof to another. The reason is that **they hold** the following: **Just like the residences are separate below** i.e. inside the houses, **so too the residences are separate above** i.e. on the roofs. Therefore each roof is viewed as a separate domain, and one cannot carry from one roof to another one.

But Rabbi Meir – what does he hold?

If he holds as the Sages do, **that just like the residences are separate below, so too the residences are separate above,** then **why** did he say that all the roofs in the town **are** considered to be **one domain?**

And if he holds that they are not separate residences above, **because everything which is above ten** *tefachim* **is one domain,** if so, then **even** if **a roof is ten** *tefachim* **higher or ten** *tefachim* **lower** than another roof, also in that case it should be permitted to carry from one roof to the other. So why did Rabbi Meir say in this case that it is forbidden?

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Abaye said to them, to Abaye bar Avin and Rabbi Chanina bar Avin: **Have you not heard that which Rav Yitzchak bar Avdimi said?**

He said that **Rabbi Meir would say** the following principle**: Any place where you find two domains** separated physically one from the other, even **if they are one** kind of **domain,** i.e. both are private domains. **For example: A pole in a private domain** (such as a courtyard belonging to an individual), and the pole is **ten** *tefachim* **high and four** *tefachim* **wide** (thereby having a status of an independent private domain), **it is forbidden to unload** a load **onto it,** even if one is standing in the courtyard.

This prohibition is **a** Rabbinical **decree, on account of a mound** ten *tefachim* high and four *tefachim* wide, **in a public domain.** One who would unload his load onto the mound in the public domain would be liable to bring a sin-offering for transgressing a Torah prohibition. For he has transferred an object from the public domain to a private domain. To prevent such an occurrence, the Sages decreed that one should not unload one's load onto a pole, even if the pole is located in the private domain.

Abaye brings out the point: **Here also** in our Mishnah, since one roof is separated from the other roof by a gap of ten *tefachim*, there is a prohibition to carry from one area to the other, as **a decree on account of a mound in the public domain.**

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Abaye bar Avin and Rabbi Chanina bar Avin **understood from** what Abaye said, that it would be forbidden to unload a load **even** onto **a**n inverted **mortar** used for crushing substances, **or** onto **a**n inverted **bathtub,** which are ten *tefachim* high and four *tefachim* wide, and they are in a private domain.

Said Abaye to them: It is not like you think, that it would be forbidden to unload onto them. For **the Master** (Rabbah) **said the following: Rabbi Meir only said** it was

forbidden to unload a load in a case of **a pole or the base of a mill-stone** which are in a private domain, **since** with these items, **a person designates a fixed place for them.** However, moveable items such as a mortar or bathtub, even Rabbi Meir would agree that it would be permissible to unload a load onto them in a private domain.

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The Gemara is puzzled by this answer: **But take note of** the Halachah concerning **a wall which** separates **between two courtyards, which is fixed.** Since the wall is fixed in place, it should be forbidden according to Rabbi Meir to unload something from the courtyard onto the wall.

And yet it was **said** by **Rav Yehudah: When** you analyze the matter **you will find** that you need **to say** the following, to explain **the words of Rabbi Meir** in our Mishnah: **Roofs are a domain by themselves,** and one may carry from one roof to another. **Courtyards are a domain by themselves,** and one may carry from one courtyard to another. And **enclosures are a domain by themselves.**

The Gemara makes an inference: **Is it not** true that Rav Yehudah meant to say **that** according to Rabbi Meir, **it is permissible to carry** from one courtyard to another, even **by means of** placing an object on **the wall** between the courtyards?

And this should be forbidden, on account of the case of the mound in the public domain!

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The Gemara resolves the difficulty: **Said Rav Huna bar Yehudah in the name of Rav Sheishet – No,** Rav Yehudah only permits one **to bring in and to take out** from one courtyard to another **by way of the openings** in between them. But it indeed is forbidden

to transfer **from** one courtyard to another by means of a wall between them, as a decree on account of a mound in the public domain.

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It was stated in the Mishnah: **And the Sages say, every one** of the roofs **is a domain by itself.**

It was said in a statement of Amoraim:

Rav said: Since according to the Sages, it is forbidden to carry from one roof to another, thus each roof is considered as a domain which is entirely exposed to a place which it is forbidden to carry to (i.e. the adjacent roof).

And any domain which is entirely exposed to a place which it is forbidden to carry to, acquires the status of a *carmelit*. Therefore on each roof **one can only carry on it within four *ammot,*** like in a *carmelit*.

And Shmuel said: Beneath each roof there are the walls of the houses, therefore we say "extend and raise up the partitions",[3] so that it is considered that the roof is surrounded by walls. Consequently, each roof is not considered exposed to a place forbidden to carry to. Therefore **it is permitted to carry on all of it**, on each roof in its entirety.

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The Gemara explains the disagreement between Rav and Shmuel: **Concerning partitions** of houses, **which are discernable** to someone standing on the roof, since the houses

stand separated from one another, **everyone agrees** that we say "extend and raise up the partitions", and it is permissible to carry on each roof.

When do Rav and Shmuel **disagree? Concerning partitions which are not discernible** to one standing on the roof, since the roofs are connected, thereby concealing the partitions separating the houses.

In such a case **Rav said: One may only carry on it within four *ammot,*** because the Halachah of **"the partition** is viewed as **extending upwards" was not said** with partitions like these, which are not discernable.

And Shmuel said: It is permitted to carry on all of it, because the Halachah of **"extend and raise up the partitions" was said** even for partitions which are not discernable.

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The Gemara poses a difficulty to the view of Rav:

It was taught in our Mishnah: **And the Sages say: Every one** of the roofs…

[3] *Gud asik mechitzah.* This is a Halachah given at Mount Sinai which states that walls may be viewed as extending upwards, to create valid partitions.

Perek 9 – 89B

Ammud Bet

…is a domain by itself, and therefore one cannot carry from one roof to another.

The Gemara is assuming at this point that it is only forbidden to carry from one roof to another, but on one roof, it is permitted to carry.

The Gemara therefore asks: **It** the statement of the Mishnah **is all right according to Shmuel,** who permits carrying on each roof. **It comes out well** what the Mishnah says.

But according to Rav who prohibits carrying on each roof, the Mishnah **is difficult** to understand, according to his view.

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In the study hall of Rav they said, i.e. they gave the following answer, **in the name of Rav:** The Mishnah is coming to teach that **one cannot** even **carry two *ammot* on this roof and** another **two *ammot* on that roof,** although and that is why it emphasized the prohibition on carrying between roofs**.**

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The Gemara raises a different difficulty with the view of Rav: **But note** what **Rabbi Elazar said: When we were in Babylonia, we would say** the following:

Perek 9 – 89b

The scholars that studied **in the study hall of Rav said in the name of Rav: One can only carry four *ammot*** on a roof which is open to an adjacent roof.

But those scholars who studied **in the study hall of Shmuel taught** a Baraita which said: The members of the household may **only** carry from their house to **their roof,** but not from one roof to another.

Now, **what** is the meaning of the Baraita of they may **only** carry to **their roof? Is it not** implying **that they may carry on all** of their roof? If so, this is a difficulty to the view of Rav.

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They answered: **And is** that Baraita **stronger than our Mishnah, which we set up** to be teaching that **one should not carry two *ammot* on this roof, and** another **two *ammot* on that roof? So too here,** in the Baraita, it is coming to teach that only on their roof can they carry four *ammot* – but they cannot carry **two *ammot* on this roof and** another **two *ammot* on that roof.**

Said Rav Yosef, after his illness during which he forgot part of what he had learnt. **I have not heard[4] of that teaching** of Shmuel, that he said that we say "extend and raise up the partitions" even with partitions that are not discernable.

Abaye said to him: But **you** yourself **said to us** that statement of Shmuel. **And** it was **on this** Mishnah (92a) that **you said it to us**: **A large** i.e. wide **roof** which is **next to a small**

i.e. narrow roof – concerning **the large one, it is permissible** to carry on all of it, **but** concerning **the small one it is forbidden** to carry there more than four *ammot*.

And you Rav Yosef **said to us about it** the Mishnah: **Said Rav Yehudah in the name of Shmuel:**

It was only taught that it is forbidden to carry (more than four *ammot*) on the narrow roof when **there are residents on this** narrow roof **and residents on that** wide roof, and they traverse from one roof to the other all the time.

It is then forbidden to carry on the narrow roof, **because that** partition **of the small** roof **is a partition which is stepped on,** and such a partition is not valid.

The "partition of the small roof" refers to the area connecting the two roofs. In theory, by applying the principle of "extend and raise up the partitions", one could view the wall of the house as making a partition. But since the residents walk from one roof to the other, this partition is viewed as being stepped on the whole time, and is therefore not considered a valid partition.

However, if **there are no residents on this** roof **nor on that** roof, **it would be permissible** to carry on **both** of the roofs i.e. even on the small roof. For then the walls of both houses are extended up to make partitions separating each roof from the other.

Now it must be that these houses and their roofs are adjacent, for if this were not so, how could the residents go from one roof to the other? And since they are adjacent, these partitions must not be discernable to a person standing on the roof. And yet, Rav Yosef said in the name of Shmuel that we still apply the principle of "extend and raise up the partitions". So we see that Rav Yosef himself cited this Halachah, in the name of Shmuel, even in a case of partitions which are not discernable.

[4] I.e. when Rav Yosef heard it said in the name of Shmuel, he said that he did not think that Shmuel said it.

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He Rav Yosef **said to him** Abaye: **I** did not say to you exactly what you have reported me as saying. Rather, **this is what I said to you** in the name of Shmuel:

It was only taught that there is a difference between carrying on the two roofs in the following case: That **there is a** physical **partition on this** wide roof in all directions, except in the place where it is attached to the narrow roof. And similarly **there is a** physical **partition on that** narrower roof on three sides. Only on the fourth side it is completely exposed to the wider roof.

The difference in this case is **because** we say that it is permitted to carry on **the large** roof, **on account of the side posts.** On the fourth side, there are physical partitions on either side of the narrower roof. And therefore, even the exposed part is viewed as being an entrance to the roof area, defined by the posts, and not as an exposed and breached area which makes carrying there forbidden.

But concerning **the small** roof, which has no side posts on its fourth side (since its roof is smaller), it **is completely open** to a place which is forbidden to it, and therefore it is forbidden to carry on the small roof.

However, if there would not be a partition neither on this roof **nor on that** roof, **it would be forbidden** to carry on **both of them.** I.e. if the wider roof would not have those side posts on its fourth side, carrying would be forbidden even on the wider roof.

Even though there are discernable partitions extending out on either side of the narrower roof, and we could therefore say "extend and raise up the partitions" to make partitions on this fourth side. However since they are Halachic partitions and not physical ones, the

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(*Ritva*)

exposed area between them is not considered as an entrance between the two partitions, as if would be if there were physical partitions. Rather it is viewed as an exposed area which prohibits carrying on that roof.

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Abaye then challenged Rav Yosef's explanation**: But note** that **you** had **said to us,** in the Halachah, the word **"residents"**. I.e. that the Halachah is dependent upon there being residents traversing from one roof to the other. That if there are residents traversing there, the partitions are nullified. And this conflicts with what you now explain, that the Halachah depends on whether there are physical partitions on the roof.

Rav Yosef said to Abaye: **If I said to you** the word **"residents",** then it was concerning whether the residents of the wider roof can carry on the narrower roof.

And **this is what I said to you: It was only taught** that the residents of the wider roof are permitted to carry on their roof, and are forbidden to carry on the narrower roof, in the following case: **That there is a partition fitting for dwelling** purposes **on this** wide roof **and a partition fitting for dwelling** purposes **on that** narrow roof. I.e. on both there are fixed and permanent walls.

For in this case, the residents of **the large** roof are **permitted** to carry on their roof **on account of the side posts. But the small** roof **is completely open,** thus no one can carry there, not even the residents of the large roof. This is referring to a case where no *eiruv*[5] was made to permit carrying there.

[5] The residents of both roofs can make joint ownership on an article of food and thereby symbolically combine (*me'arvim*) their ownership, so that the two roofs are viewed as owned by one person, thereby permitting carrying between the two roofs.

Perek 9 – 89b

However, if there is a partition fitting for dwelling purposes **on the large** roof, **and** a partition which is **not fitting for dwelling on the small** roof, then **the residents of the large** roof **will be permitted to** carry **even on the small** roof.

What is the reason?

Since the residents of the smaller roof **did not make a partition** fitting for dwelling, as the residents of the larger roof did, it is considered as if **they have removed themselves from here,** from the smaller roof, and relinquished this area to the residents of the larger roof. For they have shown that they are not living there.

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And this Halachah is **like that which Rav Nachman said** regarding the view of the Sages of the Mishnah, who hold that one may not carry from one roof to another:

If a person **made a permanent ladder** going up **to his roof,** and all other people did not make a ladder to their roofs, then the one who made a ladder **is permitted** to carry **on all of the roofs.** Since the other people did not make a ladder to their roofs, they have shown that they are not using the roof as part of their daily lives, and thereby they have relinquished it to this one that made a ladder to his roof.

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Said Abaye: If a person **built an upper story on top of his house, and made in front** of the upper story a **thin** (i.e. low) partition **four** *tefachim* high[6], then **he is permitted** to carry **on all of the** adjacent **roofs.** Since he has revealed his intention to use that area, whereas they have not, it is considered that they have relinquished their roofs to him to use, and they are all considered to be his domain.

[6] Tosafot explains the Gemara this way.

Perek 9 – 89B

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Said Rava: Sometimes an upper story with **the thin** partition in front of it causes that all of the roofs **will be forbidden** for him to carry there. In fact even Rabbi Meir, who normally holds that all roofs are one domain, and that one may carry from one roof to another, would agree in the following case that it would be forbidden.

What is the case?

For example, **that he made** the entrance to his upper story facing **the garden of his house**. But the upper story was completely closed in the direction of the other roofs. By making the upper story in such a way, it is considered as if he **had said** that **[he only made** this upper story in order **to guard his garden.** In this manner, it is considered as if he had shown he is not interested in using the roofs of his neighbors.]

Chavruta
Eiruvin – Daf Tzaddik

Translated by: *Rabbi Dov Zemmel*
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For example, **that he made** the entrance to his upper story facing **the garden of his house**. But the upper story was completely closed in the direction of the other roofs. By making the upper story in such a way, it is considered as if he **had said** that **[he only made** this upper story in order **to guard his garden.** In this manner, it is considered as if he had shown he is not interested in using the roofs of his neighbors.]

Here is a case where the making of a partition causes a stringency – that now he cannot carry on the roofs of his neighbors.

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The view of Rav, cited above (89a), is that roofs adjacent to each other have the status of a *carmelit*[1], and therefore one cannot carry on them more than four *ammot*[2]. **Rami bar Chama** also held like Rav, and **posed** the following **inquiry.**

Concerning carrying an object **two *ammot* on a roof and two *ammot* on a platform** which is located in a public domain adjacent to the roof. The platform is ten *tefachim*[3] high and four *tefachim* wide. **What** is the Halachah – is it permissible to do this?

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Said Rabbah: What is his inquiry?

[1] An area which cannot be classified either as a public domain or as a private one.
[2] 1 ammah: 18.7in, 48cm.

Note that the roof is a *carmelit*, and the platform is a private domain (since it is ten *tefachim* high and four *tefachim* wide). Now **was he posing an inquiry about a *carmelit* and a private domain**, if it is permissible to carry from this place to that place? But it is obvious that this is forbidden!

The Gemara therefore says: This inquiry was not posed correctly, **and Rami bar Chama, due to his sharpness,** expressed it hastily **without** sufficient **contemplation.**

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Rather this was his inquiry:

Concerning carrying an object **two *ammot* on the roof** of his house **and** a further **two *ammot*** on the adjacent roof of his friend's **porch, what** is the Halachah – is it permissible to do this?

Do we say: since neither this the roof of a house **is fitting for living** on, **nor that** the roof of a porch **is fitting for living** on, **it is all one domain?** That even though they have different owners, but since their functions are identical they are considered to be one domain.

And this case is not comparable to two roofs of two houses (where it is forbidden to carry from one to the other), for in that case both roofs have residents living directly below them, so we say: just as they are different below so they are different above.

Or perhaps we say: **since** the reason that carrying **from** one **roof to** another **roof is forbidden** is because they have different owners. So **also from a roof** of his house **to a**

[3] 1 tefach: 3.1in, 8cm.

roof of a **porch** of his friend **it will be forbidden** to carry, since they have different owners.

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Rav Bibi bar Abaye posed a similar **inquiry:** If a person carries **two *ammot* on a roof** open to his friend's roof, **and two *ammot* in a ruin** which is open to the public domain, what is the Halachah?

Both his roof and the ruin have the status of a *carmelit* since they are open to a place which it is forbidden to carry to. **What** is the Halachah – is it forbidden to carry from the roof to the ruin of his friend, just like it is forbidden from one roof to another?

Said Rav Cahana in surprise: **Is this not** the same inquiry as that **of Rami bar Chama** (cited above)?

For it seems that the question underlying the inquiry is whether we look at the roof and the ruin as one domain, since they are both not used for living purposes. Or do we view them as separate domains, since they have different owners. But if so, then this is the same inquiry posed by Rami bar Chama about a porch.

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Said Rav Bibi bar Abaye to Rav Cahana: **And did I** hear this question **from someone else** and **I am coming** and citing it in order **to argue** with you? I.e. do you think that I am just repeating the same inquiry as Rami bar Chama? Rather, my inquiry is different.

Because **a porch is not fitting to live** there, **but a ruin is fitting to live** there, if a few improvements are made. Since the ruin is potentially fitting to live there, it is not like a roof which is not fitting to live there.

Since the roof and the ruin are different on two accounts – they have different usages and different ownership – we might say that they are considered two separate domains.

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The Gemara is puzzled by this: **But since** he is holding that the ruin **is** considered **fitting to live** there, **what was his inquiry?** The ruin is different from a roof, and it should surely be forbidden to carry from a roof to a ruin!

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The Gemara answers: **He was posing the inquiry** as in the form of **"if you come to the conclusion and say…"**.

I.e. **if you come to the conclusion and say** that one may indeed carry from a roof of a house to a roof of **a porch,** since it **is not fitting to live** there, then we might still say one may not carry from a roof to **a ruin,** since the ruin **is** potentially **fitting to live** there.

Or perhaps, now at least there are no residents living **in the ruin**, so we might still say that it is no different than a porch (i.e. both are not now being used to live in). Therefore it should be permissible to carry to a ruin from a roof.

The Gemara concludes with regards to both inquiries (of Rami bar Chama and Rav Bibi) – **Let them stand** unresolved!

Perek 9 – 90a

The view of the Sages (in the Mishnah 89a) is that one may not carry from one roof to a different roof, because each roof is considered a separate domain. The Gemara (ibid) brought a disagreement among the Amoraim over how to explain this view. Rav said that the Sages held that even on one roof, it is forbidden to carry more than four *ammot*. Whereas Shmuel said that the Sages only forbade carrying from one roof to another, but on one roof there is no prohibition to carry.

Now the Gemara is going to bring two more cases where Rav and Shmuel disagree, concerning carrying on roofs. However this time, Rav permits carrying there and Shmuel prohibits carrying there.

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Rav and Shmuel disagree (1) concerning two **roofs on the same level:** I.e. there is not a difference of ten *tefachim* in the height of the roofs. **According to Rabbi Meir** who held (in the Mishnah above, 89a) that one may carry from one roof which is open to another one on a different level, the following question arises: when the roofs are on the same level, what does he hold?

And they **also** disagree (2) concerning **a single roof.** I.e. one roof is not near another roof, such that we would say it is open to that roof. And on this matter, Rav and Shmuel disagree **according to** the view of **the Sages**. They disagree whether the Sages would allow one to carry on that isolated roof.

In both these cases:

Rav said: It is permissible to carry on all of it.

And Shmuel said: One may only carry on it within four *ammot*.

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The Gemara is assuming that Rav holds it is permissible to carry there because we say "the partition (of the house) is viewed as extending upwards" from the house. Thus the roof is viewed as surrounded by partitions. Whereas Shmuel holds that since roofs generally extend horizontally beyond the houses, the partitions of the houses are not discernable to one standing on the roof. And regarding partitions which are not discernable, we do not say that they are viewed as extending upwards. But Rav holds that even these partitions can be viewed as extending upwards.

Accordingly, the Gemara is puzzled by an apparent contradiction in the view of Rav:

Here, **Rav said it is permitted to carry on all of it.** This is because we say "the partition is viewed as extending upwards" even with partitions which are not discernable. **It is difficult** to reconcile this view **of Rav**, **with** the view **of Rav** cited above – that on partitions which are not discernable, we do not say "the partition is viewed as extending upwards".

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The Gemara answers: Over **there,** where Rav said we do not say "the partition is viewed as extending upwards", **the partitions are not discernable.** But **here the partitions are discernable.** I.e. the case we are speaking of is when the roof does not extend out beyond the house.

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And Shmuel said we may only carry there **four *ammot.***

The Gemara is puzzled by this: If the cases cited here and earlier are as the Gemara has just described them, then **it is difficult** to reconcile the view **of Shmuel** cited here, **with** the view **of Shmuel** cited above. If the case cited earlier is speaking of partitions which are not discernable, and Shmuel still held that we say "the partition is viewed as extending upwards", so in the case here, which is speaking of partitions which are discernable, Shmuel should surely hold that "the partition is viewed as extending upwards"! And if so, Shmuel should permit carrying throughout the whole roof

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The Gemara answers: Over **there,** the area of the roof **is not more than *beit sa'atayim*[4]**, whereas **here it is more than *beit sa'atayim*.**

At this point the Gemara is abandoning its initial assumption that Shmuel prohibited carrying over here because we do not say "the partition is viewed as extending upwards". Rather, the Gemara is now maintaining that Shmuel agrees to Rav: here too we could say "the partition is viewed as extending upwards". However, the reason Shmuel holds that one may not carry over here is because it is speaking of an area greater than *beit sa'atayim*[5].

According to this, it is clear why Shmuel says that according to the Sages, one may carry on the roofs, but according to Rabbi Meir, one may not carry on the roofs, as will now be explained.

According to the Sages who in the Mishnah prohibit carrying from one roof to another, we say "the partition is viewed as extending upwards" from the houses, so that each roof is viewed as surrounded by partitions. And since the area enclosed by these partitions is

[4] An area of c1375 sq.yd, 1150 sq.m.

less than *beit sa'atayim*, it does not have the status of a *carmelit* and therefore one can carry there more than four *ammot*.

But according to Rabbi Meir, who holds that one may carry from one roof to another, since we do not say "the partition is viewed as extending upwards" from the houses to close off each roof, a stringency results from this apparent leniency. For we view all the roofs as one large connected area, which is greater than *beit sa'atayim*. So on each roof one is not permitted to carry more than four *ammot*, for it has the status of a *carmelit*, being part of a larger area that one may not carry in.

Shmuel, when he said (above) that it is permitted to carry on one roof, was speaking of an area less than *beit sa'atayim*, and he was speaking according to the view of the Sages, who hold that each roof is separated from the next one.

The reason Shmuel prohibits carrying when the combined area of the roofs is larger than *beit sa'atayim*, is because **these partitions** of the house **are** only **made** for living purposes **below**, i.e. for the house itself. However **they are not made** for living purposes **above.** I.e. even if we view them as extending up and thereby enclosing the roof, they are not made there for living purposes. **And** so the area **is like an enclosure larger than *beit sa'atayim* which is not enclosed** with partitions **for residential** purposes.

And every enclosure which is **larger than *beit sa'atayim*** and **which is not enclosed for residential** purposes, the Rabbis gave it a status of a *carmelit*, **and one may only carry** there **within four** *ammot* (as the Gemara stated above, 23a)**.**

Whereas in the case of a single roof, which Shmuel said it is forbidden to carry there, the case is a roof which by itself has an area larger than *beit sa'atayim*.

[5] Generally, an area surrounded by partitions has the status of a private domain, and one may carry there. However if it has an area of *beit sataim* (and it was not made for residential purposes) the Rabbis gave it a status of a *carmelit*, and one cannot carry there more than four *ammot*, as the Gemara will say further on.

Rav, however, considers the combined area of the roofs to be an area enclosed for residential purposes. Since the partitions are originating from below, and there, they are surely made for residential purposes, so too when they function above as partitions they are considered as made for residential purposes.

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It was said in a statement of Amoraim: Concerning **a ship** whose area is larger than *beit sa'atayim*:

Rav said: It is permissible to carry on all of it.

And Shmuel said: One may only carry there within four *ammot.*

Rav said: It is permissible to carry on all of it…

Ammud Bet

…because the ship **has partitions,** and these partitions are considered as though they were made for residential purposes.

But Shmuel said: One may only carry on it within four *ammot,* just like an enclosure that was not made for residential purposes. Although though the ship has partitions, but these **partitions are made to repel water** from coming into the ship, and they are not made for residential purposes.

Perek 9 – 90b

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Rav Chiya bar Yosef said to i.e. asked **Shmuel:** Concerning the ship, **is the Halachah in accordance with you, or is the Halachah in accordance with Rav?**

Shmuel **said to him: The Halachah is in accordance with Rav,** and it is therefore permitted to carry throughout the ship.

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Rav Gidel said in the name of Rav Chiya bar Yosef: But Rav agrees with Shmuel in the following case: **that if one turned** the ship **upside down, one may only carry on it within four *ammot.*** For it is now like an enclosure larger than *beit sa'atayim*, with partitions which were not made for residential purposes.

The Gemara explains the statement of Rav Gidel: **For what** purpose **did he turn** the ship **upside down? If you say** he did so in order **to live underneath it,** then why may he not carry on it? **How is this different from** the case of **a single roof,** larger than *beit sa'atayim*, which Rav said one may carry on all of it?

In that case, even though the roof was not made for living purposes, but the partitions were made for living purposes. (These partitions were of the house, and we say: "these partitions are viewed as extending upwards"). Here also, the partitions of the ship were made for living purposes.

Rather, we must say that we are dealing here with a case **that he turned** the ship **upside down** in order **to coat it with pitch.** In this case the partitions are not being used for living purposes, so it is forbidden to carry there more than four *ammot*.

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Perek 9 – 90b

Rav Ashi taught it – this discussion in which Rav Chiya bar Yosef asked Shmuel if the Halachah was like him or like Rav – **regarding** the case of **the ship**. I.e. Rav Ashi's version of the teaching accords with the way it was cited by the Gemara above.

However, **Rav Acha the son of Rava taught it regarding** the case of **a pavilion,** over which Rav and Shmuel also disagreed.

For it was said in a statement of Amoraim: **A pavilion** open on all four sides, its roof supported by four columns placed at the four corners, which is situated **in a valley** of fields (which has the status of a *carmelit*).

Rav said: It is permissible to carry throughout the pavilion.

And Shmuel said: One may only carry in it within four *ammot***.**

Rav said: It is permissible to carry throughout it because **we say *"pi tikrah yoreid vesoteim*"**, i.e. **"the edge of the roof goes down and closes"**[6] on each of the four sides. This creates a proper private domain.

And Shmuel said: One may only carry in it within four *ammot*, because **we do not say** in this case ***"pi tikrah yoreid vesoteim".*** And since the pavilion does not have any partitions, it has the status of a *carmelit*, as does the valley it is situated in.

It was on this disagreement that Rav Chiya bar Yosef asked Shmuel if the Halachah was like him or like Rav. And Shmuel replied that the Halachah is like Rav.

[6] This Halachah is part of the tradition of the Oral Torah as handed down from Mt. Sinai. It regards a partition from above as extending downward and forming a Halachic partition below.

[This disagreement applies to a pavilion in a valley. But for a pavilion which is attached to a house, even Shmuel agrees that one may carry there, for we say "*pi tikrah yoreid vesoteim"* (as the Gemara states further on, 94b).]

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The Gemara now returns to the disagreement between Rav and Shmuel over adjoining roofs (in the view of Rabbi Meir), and over a single roof (in the view of the Sages). In both cases, Rav said that one may carry throughout the roof, whereas Shmuel said that one may only carry there within four *ammot*.

The Gemara poses a difficulty: **And** according to **Rav** who was speaking **in the view of Rabbi Meir,** it will come out that one should be allowed to **carry from a roof to a courtyard!**

Yet the Gemara below states that Rabbi Meir holds the view that one may not carry from a roof to a courtyard. But as Rav explained the view of Rabbi Meir, that the roof is considered a private domain, one should be allowed to carry from a roof to a courtyard, which is also a private domain!

[According to Shmuel this is no difficulty, for Shmuel had explained that a roof, in the view of Rabbi Meir, has the status of a *carmelit*.]

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The Gemara answers: **It is** indeed permitted, in principle. But it is subject to **a** special Rabbinical **decree, for the reason** taught by **Rav Yitzchak bar Avdimi** (above, 89a).

Perek 9 – 90b

Rav prohibited carrying from one roof to another when they are ten *tefachim* different in their height. Rav Yitzchak bar Avdimi explained that this prohibition was part of a general decree, lest one should come to place a load on a mound that is ten *tefachim* high and located in the public domain. (This would constitute transferring from the public to the private domain.) Therefore, there is a decree that one may not carry in any two domains, even two private domains, which are separated in height by ten *tefachim*. This is why one may not carry from the roof to the courtyard, according to Rabbi Meir.

The Gemara further on states that in the view of the Sages, one may not carry from a roof to an enclosure (*karpeif*), even though one may carry from a roof to a courtyard. This is because a roof and an enclosure are viewed as different types of domains. A roof (or courtyard) is viewed as a private domain, whereas an enclosure is viewed as a *carmelit*. For an enclosure (*karpeif*) does not have partitions made for residential purposes. This prohibition of carrying from a roof to an enclosure applies even to a very large roof, whose area is greater than *beit sa'atayim*.

The Gemara now poses a difficulty: It is all right according to Rav who holds that roofs are always considered a private domain, even very large roofs. It makes sense that the Sages prohibit carrying from even a very large roof to an enclosure, because one would be carrying from a private domain to a *carmelit*, which is forbidden.

However, according to **Shmuel in the view of the Sages,** that the roof is not surrounded by partitions made for residential purposes, a difficulty arises. For if the roof is a single large roof, with an area more than *beit sa'atayim*, then it is a *carmelit* itself, according to Shmuel. If so, **one should be able to carry from** such **a roof to an enclosure,** since both of them have the status of a *carmelit*!

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Said Rava bar Ula: It is indeed permitted, in principle. But it is subject to **a** special Rabbinical **decree, maybe the roof will diminish** from its size of more than *beit sa'atayim*. And the owners will then alter the walls of the house to correspond to the new measurements of the roof. In this manner the roof will be considered a private domain, since it no longer has the size required to have a *carmelit* status. Yet the owners might continue to carry from the roof to the enclosure, something which is now forbidden. To prevent this, a decree was made never to allow carrying from a roof to an enclosure.

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The Gemara is puzzled by this answer: **If** you are concerned **with this** possibility, so too you should prohibit carrying **from one enclosure** larger than *beit sa'atayim* **to another enclosure** larger than *beit sa'atayim*. For there too, **maybe** one of the enclosures **will diminish,** and will no longer have the status of a *carmelit*, **and** a person **will come to carry** from one enclosure to the other!

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The Gemara dismisses this objection: Over **there** concerning an enclosure, **if it becomes diminished, the matter will be noticeable.** For its partitions are discernable. Thus people will not continue to carry there as they did before.

But **here** concerning a roof, **if it becomes diminished, the matter is not noticeable.** For its partitions are not discernable, since it is only due to the Halachic principle of "extend and raise up the partitions" that the roof is considered to have partitions. Thus in this case, there is good reason for a decree.

Perek 9 – 90b

Said Rav Yehudah: When you analyze the matter, you will conclude that **according to the words of Rabbi Meir** in the Mishnah, **roofs are a domain unto themselves!**

Even though two roofs might be owned by different people, they are still considered to be one domain. Therefore one may carry from one roof to another. The reason being that the main living place of people is their houses – thus houses of different people are regarded as separate domains. But roofs, which are not used for living in, are not viewed as separate domains just because of their different owners.

And similarly, **courtyards are a domain unto themselves.**

Chavruta
Eiruvin – Daf Tzadi Alef

Translated by: *Rabbi Dov Zemmel*
Edited by*: R. Shmuel Globus*

[And similarly, **courtyards are a domain unto themselves.]** And also **enclosures (*karpeifot*) are a domain unto themselves,** since also they are not made for living purposes.

However, one may carry only from one roof to another, or from one courtyard to another, or from one enclosure to another. But not from a roof to a courtyard or an enclosure, even if they belong to one person.

The reason one may not carry from a roof to a courtyard, is because of a decree on account of a mound in a public domain (explained on the previous *daf*). This is the reason that Rabbi Meir says, in the Mishnah, that it is forbidden to carry even from one roof to another, if they are ten *tefachim*[1] different from one another in their height.

The reason one may not carry from a courtyard to an enclosure, is like the Rabbis say (in a Baraita brought in the Gemara further on): Any two domains that have different names and are used for different purposes, one may not carry from one to the other.

And one may not carry from a roof to an enclosure for both of the reasons mentioned above:

(1) As a decree on account of a mound in a public domain.

(2) Because they are two different domains.

[1] 1 tefach: 3.1in, 8cm.

Perek 9 – 91a

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According to the words of the Sages in our Mishnah, who prohibited carrying from one roof to another, this only applies from one roof to another. This is because the residents below are different (from one house to the next), bringing us to view the areas above as different, as explained on the previous *daf*.

However, **roofs and courtyards** are considered to be **one domain.** Therefore, one may carry from a roof to a courtyard, or from one courtyard to another one, even if they have different owners. Both of these domains are not used on a constant basis for living purposes, so they may be seen as the same sort of domain.

And concerning **enclosures, they** too **are** considered to be **one domain.** Therefore, one may carry from one enclosure to another one (even if they have separate owners). However, one may not carry from roofs or courtyards to enclosures (even if they are owned by the same person). The reason being that roofs and courtyards are used by the residents of the house, but not enclosures are not. Since they have different functions and different names, one may not carry from one to the other.

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According to the words of Rabbi Shimon, who said in the Mishnah that roofs, courtyards and enclosures are all considered one domain, one should not mistakenly think that this only allows carrying from a roof to another roof, but not from a roof to a courtyard or enclosure. Rather, his intention is that **all of them are one domain.** One may carry freely between any of these places, even though they have both different functions and different names.

Perek 9 – 91a

It was taught in a Baraita **like the view of Rav.** He had said above (89a) that according to the Sages' view, that one may not carry from one roof to another, it is also forbidden to carry more than four *ammot* on one roof. This is because it is completely exposed to an area (i.e. another roof) that one may not carry to. And the partitions of the house are not viewed as extending up and forming Halachic partitions for the roof, since these partitions are not discernable to a person standing on the roof.

And **it was taught** in another Baraita **like the view of Rav Yehudah** (as stated above), that according to Rabbi Shimon, all of the areas (roofs, courtyards and enclosures) are considered totally to be one domain.

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It was taught in a Baraita **like the view of Rav:**

All of the roofs of the town are considered to be **one domain,** as regards carrying from one to the other. **And it is forbidden to lift** something **up or to lower** something **down from the roofs to a courtyard, or from the courtyard to the roofs.** This is a decree on account of a mound in the public domain.

And concerning those **utensils which, when Shabbat commenced,** were **in a courtyard, it is permitted to carry them within the** same **courtyard.** This applies even if the residents of the courtyard did not make an *eiruv chatzeirot*[2] between themselves. Similarly it is permitted to carry these utensils to other courtyards.

[2] That the co-dwellers of a courtyard make joint ownership in an article of food and thereby symbolically combine (*me'arvim*) their ownership, as if the courtyard belongs to a single person. They do this to permit carrying from their homes into the courtyard on Shabbat.

Perek 9 – 91a

And concerning utensils which when Shabbat commenced were **on roofs, it is permitted to carry them on roofs**. I.e. to carry them from the roof they were on at the onset of Shabbat, to a different roof.

Providing that one **roof should not be ten** *tefachim* **higher** than the other roof, **or ten** *tefachim* **lower** than the other roof. These are **the words of Rabbi Meir.**

And the Sages say: Each one of the roofs **is a domain by itself,** and therefore one may not carry from one roof to the other. **And one may only carry on it**, even on one roof, **within four** *ammot.*

This Baraita supports that which Rav said, for it teaches that the Sages say one may not carry even on one roof, more than four *ammot*.

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It was taught in a Baraita like the view of Rav Yehudah:

Said Rabbi i.e. Rabbi Yehudah HaNasi: **When we were studying Torah under Rabbi Shimon in Tekoa, we would take oil** (to anoint with) **and towels** (to dry ourselves with) **from** one **roof to** another **roof, and from a roof to a courtyard, and from** one **courtyard to** another **courtyard, and from a courtyard to an enclosure, and from an enclosure to a different enclosure.** Even though each of them had different owners. We would do this **until we reached the spring in which we would wash** ourselves.

This Baraita supports Rav Yehudah, for it states clearly (in the view of Rabbi Shimon) that one may carry between all these different areas (since they are considered to be all one domain).

Perek 9 – 91a

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The Gemara now cites the remainder of the Baraita that was brought as a support for Rav Yehudah.

Said Rabbi Yehudah, to prove that all these different areas are considered to be one domain: **There was an incident at a time of danger, that we took a Torah Scroll from a courtyard to a roof, and from a roof to a courtyard, and from a courtyard to an enclosure, to read from it!**

They said to him: An incident at **a time of danger is no proof** to the Halachah pertaining not in a time of danger.

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It was stated in the Mishnah: **Rabbi Shimon says:** Whether they are **roofs** or whether they are courtyards or whether they are enclosures, they are all considered one domain.

Said Rav: The Halachah is in accordance with Rabbi Shimon, that one may carry between these different areas.

And this applies, providing **that they did not make an *eiruv*.** I.e. the residents of the courtyard did not make an *eiruv* between themselves, and are thus forbidden to carry from their houses into the courtyard.

However if **they made an *eiruv,*** even Rabbi Shimon does **not** permit carrying from one courtyard to another.

Because we make a decree in this case: **perhaps they will come to take out utensils which** at the onset of Shabbat were inside one **house,** and will bring them **into the courtyard** of a different house. Since there is an *eiruv*, it is common for people to take their household utensils into the courtyard. Therefore there is concern lest they carry these utensils to a different courtyard.

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And Shmuel said: The Halachah is in accordance with Rabbi Shimon, **whether they made an *eiruv* or whether they did not make an *eiruv*.** Shmuel holds that no such decree was made.

And so said Rabbi Yochanan: Who whispered to you, Rav, that there is such a decree[3]? In fact there is no such decree, and the Halachah follows Rabbi Shimon **whether they made an *eiruv* or whether they did not make an *eiruv*.**

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Rav Chisda challenged Shmuel and Rabbi Yochanan, who permit carrying utensils between the various areas even if the residents of the courtyard made an *eiruv*:

Note that people **will say:** Could it be that there are **two utensils in one courtyard – this one** which was in the courtyard when Shabbat commenced **is permitted** to carry to a different courtyard, **and that one** which was in the house when Shabbat commenced **is forbidden** to carry to a different courtyard?

I.e. people will have difficulty distinguishing between the different types of utensils and will come to view them as the same. If they see that it is permitted to carry out some utensils, they will say that the same applies to the other ones as well.

[3] This explanation of the Gemara is given by *Rabbeinu Shmuel* in *Tosafot*.

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The Gemara answers: **Rabbi Shimon** is going **according to his reasoning, that he did not make** such **a decree.**

For it was taught in a Mishnah (above 45b): Concerning *eiruv techumin*[4], if a person is located outside the Shabbat boundary of his town and he has not made an *eiruv*, he may only move four *ammot* (in any direction). If three people were outside their Shabbat boundary and had not made an *eiruv*, and they were side by side – e.g. A is within four *ammot* of B, who is within four *ammot* of C. Since B shares a common area with A and C, he may transfer utensils to both of them. But A and C, who do not share any common area, may not transfer utensils to one another.

Said Rabbi Shimon concerning this case**: To what** other case **is this matter comparable?**

To three courtyards which **open** up **this** one **to the next** one, i.e. A opens to B, and B opens up to C. **And** each one is **open to the public domain. And the outer ones** (A and C) **made an *eiruv* with the middle one** (B), but the two outer ones did not make an *eiruv* between themselves.

In this case, **it** the middle one **is permitted to them.** They may carry from the middle one (B) to either of the outer ones (A or C).

And they (the outer ones) **are permitted with it** (the middle one).

And the two outer ones are forbidden to carry from **one to the other.**

[4] One leaves food outside one's town or residence before Shabbat, within 2000 ammot (1 ammah = 18.7in, 48cm.), thus designating the place of the food as one's "Shabbat dwelling". This is done so that on Shabbat one may walk another 2000 ammot from where one left the food.

This is all according to Rabbi Shimon. But according to the Sages of that Mishnah, it is forbidden to carry even from the middle one to the outer ones. This is a decree, lest one come to carry between the two outer ones.

We see from that Mishnah that Rabbi Shimon was not concerned over this. **And he did not make a decree** against carrying from the outer courtyards to the middle one, **in case one might come to carry utensils of this** outer **courtyard to that** outer **courtyard.**

Therefore, **here also we do not make a decree,** according to Rabbi Shimon, **in case one might come to take out utensils from** a **house** of one courtyard **to a** different **courtyard**.

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Rav Sheishet contradicted the view of Rav, which prohibits carrying between courtyards where they made an *eiruv,* from our Mishnah:

For it was taught in the Mishnah: **Rabbi Shimon says:** There is no difference **whether it be roofs,** or **whether it be courtyards or whether it be enclosures – they are all** considered **one domain** concerning **utensils which when Shabbat commenced were in them. But** they are **not** considered one domain concerning **utensils which when Shabbat commenced were in the house.**

The Gemara brings out the point: **It is all right if you say that it** our Mishnah is referring to a case **that they made an *eiruv*.** For **that is how we may find a case of utensils that** began Shabbat in **the house,** and were afterwards taken **to the courtyard.** I.e. he took them out since there was an *eiruv*.

But if you say that the Mishnah is referring to a case that **they did not make an *eiruv*, how do you find a case of utensils** which were **in the house** when Shabbat commenced**,** and afterwards were found **in the courtyard?**

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Rav Sheishet **raised this contradiction, and he** also **answered it** himself**:**

The Mishnah is speaking of **a hat or a turban.** These are things that one may transport from a house to a courtyard even without an *eiruv*. For they may be worn as an item of clothing. Thus, one might mistakenly pick up such an item from the courtyard and carry it by hand to the neighboring courtyard.

Ammud Bet

Come and **hear** a proof for Rav's view, from a Baraita:

For it was taught: Concerning **residents of a courtyard and residents of a gallery**[5] (i.e. the residents of the upper story). In a case **that they forgot and did not make an *eiruv* between them,** then **any** mound or pole located in the courtyard, **which** is **ten *tefachim* high,** it is **for** the residents of **the gallery.** I.e. it may be used by them and not by the residents of the courtyard.

[5] Otherwise called a portico, referring to the open area in front of the upper story apartments. They went up from the courtyard to the gallery by means of a ladder, and accessed their apartments by traversing the gallery.

These mounds or poles are accessible to the residents of the gallery, and not readily accessible to the residents of the courtyard, thus they are considered part of the domain of the gallery.

However, a mound or pole which is **less than this,** less than ten *tefachim* high, is given even **to the** residents of the **courtyard.** These objects are accessible to the residents both of the courtyard and the gallery. Since they are accessible to both domains, they are forbidden to the residents of both domains in the case that no *eiruv* was made.

In what case were these **words said,** that the courtyard and the gallery are regarded as distinct domains, and one may not carry from one to the other? In the following two cases:

(1) **That these** upper story apartments **belong to many people.** I.e. there are a lot of apartments opening onto the gallery. **And** furthermore, **those** houses in the courtyard **belong to many people. And these** residents of the upper story **made an *eiruv* for themselves. And those** residents of the ground level houses made an *eiruv* **for themselves.** Because each of them have an *eiruv*, they regularly take out utensils from inside to the gallery or courtyard, respectively.

(2) **Or** that the courtyard and gallery **belonged to individuals.** I.e. each one had just one resident in it. **That** in this case, **they do not need to make an *eiruv,*** to be able to carry out utensils into the gallery or courtyard, respectively. Thus, they regularly take out utensils from inside to the gallery or courtyard, respectively.

However, if **they** – the residences of the courtyard and gallery – **belonged to many people, and** the residents of each place **forgot and did not make an *eiruv*** even between themselves, then there is no prohibition to carry from the courtyard to the gallery and vice-versa.

Because in this case, there is no concern that utensils that were inside at the onset of Shabbat might now be out in the courtyard or gallery. The only concern is that they will carry utensils between the courtyard and the gallery. But this is permitted, because **a roof, courtyard, porch and gallery are considered to all be one domain.**

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Now the Gemara shows how there is a proof for Rav's view, from this Baraita.

The reason that it is permitted to carry between the courtyard and the gallery **is because they did not make an *eiruv*.**

But if **they had made an *eiruv***, it is **not** permitted to carry between them. For there is a decree lest they come to carry, to an adjacent common domain, those utensils which were inside at the onset of Shabbat.

This is like Rav said. For he stated that the Halachah of courtyards, roofs and enclosures are all being one domain holds true only if they did not make an *eiruv* in the courtyard. But if they did make such an *eiruv*, then it is forbidden to carry from one domain to the other.

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The Gemara rejects this proof: **Who**se view **is** expressed in that Baraita? **It is** the view of **the Sages.**

The Sages (in our Mishnah) agree with Rabbi Shimon, that these different areas are all considered one domain. But they disagree with him in the case of three courtyards, one next to the other. Rabbi Shimon permitted carrying from the outer courtyards to the

middle courtyard and vice-versa. The Sages, however, prohibited this carrying, because of a decree lest they carry between the outer courtyards.

Here also, this Baraita could be following the view of the Sages, and a similar decree is responsible for the prohibition.

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It is also implied by the Baraita that it is expressing the view of the Sages, and not of Rabbi Shimon.

Because the Baraita **did not teach:** A roof, a courtyard, a porch, a gallery, ***an enclosure and an alleyway*** are all considered one domain. This is the view of Rabbi Shimon, that an enclosure is also this same type of domain, and similarly, an alleyway (as the Gemara will teach shortly).

Since it did not teach it in this manner, it may be inferred that it is the view of the Sages.

The Gemara concludes: **Hear from this** a proof that the Baraita is not following the view of Rabbi Shimon, but that of the Sages.

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Come and **hear** a proof for Rav, from a different Baraita: Concerning **five courtyards which open up, this** one **to that** one. **And** each of them **are open to an alleyway,** which has in it either a *lechi*[6] or *korah*[7] to permit carrying within the alleyway. **And all of them forgot to make an *eiruv*.**

[6] Side post placed at the entrance to the courtyard.
[7] Crossbeam placed at the entrance to the courtyard.

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Because they did not make an *eiruv*, there is no concern that they will take utensils of the house into the courtyard. Therefore, there is no concern lest they carry them to a different courtyard.

In this case, **it is forbidden to bring in or take out** utensils **from a courtyard to the alleyway,** if the utensils were in the courtyard at the onset of Shabbat.

And similarly it is forbidden to bring in or take out utensils **from the alleyway to a courtyard,** if the utensils were in the alleyway at the onset of Shabbat.

The Sages hold that an alleyway and a courtyard are not considered one domain, therefore it is forbidden to carry between the two places.

And concerning **utensils which, when Shabbat commenced, were in the courtyard – it is permitted to carry them in the courtyard** itself. And similarly it is permitted to carry them to other courtyards. Because all the courtyards are considered one domain. (The purpose of making an *eiruv* is to permit carrying between the houses and their adjoining courtyard.)

And concerning utensils which, when Shabbat commenced, were **in an alleyway – it is forbidden** to carry them even in the alleyway itself (the reason will be given further on in the Gemara).

And Rabbi Shimon permits carrying between a courtyard and an alleyway.

For Rabbi Shimon would say: The whole time that they the courtyards **belong to many** people, being that there are several houses there, **and they forgot to make an *eiruv,*** we may say the following: **A roof, and a courtyard, a porch and a gallery and an enclosure and an alleyway, are all** considered to be **one domain.** And therefore one may carry between them.

And now the Gemara brings out the proof for Rav:

The reason that Rabbi Shimon permits carrying utensils from one area to the other is **because they did not make an *eiruv*.** Therefore it is not likely to find utensils from the house in the courtyard.

But if they made an *eiruv* within the courtyard**,** Rabbi Shimon does **not** permit carrying between the different areas.

And this is indeed as Rav said.

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The Gemara rejects the proof: **What** does it mean **"they did not make an *eiruv*"? That the courtyards did not make an *eiruv* together. But the courtyard and the houses did make an *eiruv*.**

According to this explanation, Rabbi Shimon holds that even if the residents of the courtyard made an *eiruv* between themselves, it is still permitted to carry between the areas, and Rabbi Shimon did not make a decree in this case.

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The Gemara is puzzled by this explanation: **But note** that **it teaches "they did not make an *eiruv*".** This implies that there was no *eiruv* made at all, even within each courtyard!

Rather, the Baraita may be explained as follows, and still provide no proof for Rav's view: Rabbi Shimon permits carrying from a courtyard to an alleyway even if the alleyway is connected to courtyards with many people in them, and they did not make an

eiruv: And **what is** the meaning of **"they did not make an *eiruv*"? They did not make a *shituf mevu'ot*[8].** (The purpose of the *shituf mevu'ot* is to permit carrying from the houses into the alleyway.) This is permitted because Rabbi Shimon holds that a courtyard and an alleyway are considered one domain.

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And if you wish, I could say an alternative answer: The Baraita may be understood as presented originally, that they did not make an *eiruv* even within each courtyard. Yet it does not imply that if they *did* make an *eiruv* between themselves, it would be forbidden to carry between the areas.

Because we could say that **Rabbi Shimon** is speaking **according to the words of the Sages.** They are the ones who made a decree that one should not carry to different areas, even if the different areas are all considered one domain. And he was **saying to them** the following:

According to me, that it is permitted to carry from a courtyard to an alleyway, **it does not make a difference whether they made an *eiruv* or not.** For I rule even in a case of three different courtyards, each next to each other, that one may carry between the adjacent ones—since we do not make a decree in that case.

But according to you, that you rule in the case of three courtyards against carrying between them, **at least agree to me** here in this case, **where they did not make an *eiruv*, that** there is no such decree. Carrying should be permitted according to both our views, since the courtyard and the alleyway **is** really only **one domain.**

And the Sages said to him: "No – they are two different **domains."**

[8] Different courtyards connected by a common alley, can only carry into this alley if they join together ("shituf") in these alleys ("mavuot"). As with an *eiruv chatzeirot*, they make joint ownership in an article of food and thereby symbolically combine their ownership, as if the alley belongs to only one courtyard.

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The master i.e. the Tanna of the above Baraita **said: "in the alleyway it is forbidden".** The first Tanna had said that utensils which were in the alleyway when Shabbat commenced may not be moved even within the alleyway.

The Gemara is assuming at this point that when they did not make a *shituf mavu'ot,* it is forbidden to carry utensils in an alleyway, even if they were in that alleyway when Shabbat commenced. For the alleyway is then regarded as having the status of a *carmelit*[9], and one may not carry in a *carmelit* more than four *ammot*.

The Gemara poses an inquiry: **Let us say this is a proof to** what **Rabbi Zeira said in the name of Rav.**

For Rabbi Zeira said in the name of Rav: Concerning an alleyway in **which they did not make a *shituf mavu'ot* – they may only carry there four *ammot.***

*

The Gemara rejects this suggestion: **I will say** that the Baraita's text as previously presented is inaccurate. The Baraita in truth teaches: **"and *to* an alleyway it is forbidden** to carry", rather than "and *in* an alleyway it is forbidden to carry". I.e. utensils which were in a courtyard when Shabbat commenced may not be carried into the alleyway. However, utensils which were in the alleyway may indeed be carried there.

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[9] An area which cannot be classified either as a public domain or as a private one.

The Gemara is puzzled by this: But **that is** already taught in **the first clause** of the Baraita, where the first Tanna had said: "it is forbidden to bring in or take out from a courtyard to an alleyway". So why would the Tanna repeat himself in the next clause?

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The Gemara answers: The second clause is an **additional teaching** that **is necessary** to teach **it.**

Because if it had only taught the first clause, **I might have thought** the following: **When do the Sages disagree with Rabbi Shimon,** and forbid carrying from a courtyard to an alleyway? **These words are** only **where they** the residents of the courtyard **made an *eiruv*** between themselves. In this case, there is concern lest they take the house utensils all the way into the alleyway on Shabbat. Thus they made a decree not to move *any* utensils from a courtyard to an alleyway.

However where they did not make an *eiruv,* and there is no special reason to make a decree[10], I might have thought that **the Sages would agree** to the first Tanna, that one may carry utensils from a courtyard to an alleyway. For both are considered one domain.

Therefore the second clause was taught, as **it informs us** that a courtyard and an alleyway are considered two different domains, according to this Tanna. For this reason, carrying between the two is forbidden, in the absence of a *shituf mevu'ot*.

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Ravina said to Rav Ashi…

[10] Since the house utensils will most likely not be found in the courtyard, due to the lack of an *eiruv.*

Chavruta
Eiruvin – Daf Tzaddi Bet

Translated by: *Rabbi Dov Zemmel*
Edited by*: R. Shmuel Globus*

[Ravina said to Rav Ashi:] Did Rabbi Yochanan really **say this,** that it is permitted to carry from one courtyard to another, even if the residents of each one made an *eiruv* between themselves?

But note that **Rabbi Yochanan said** a general rule: **The Halachah follows** the ruling of **an unnamed Mishnah:**

And it is taught in a Mishnah: If there is **a wall which** separates **between two courtyards,** and it is **ten** *tefachim* **high and four** *tefachim* **wide,** the **two** courtyards **can make an *eiruv*** for themselves, **but they may not make one** mutual *eiruv*, to permit carrying from one courtyard to the other.

And if **there was** some **produce at the top** of the wall**, these can go up from here and eat** the produce, **and those can go up from here and eat** the produce. I.e. the residents of each courtyard can eat from the produce, by going to the top of the wall through their own courtyard.

Providing that they do not bring the produce **down below.** This is because the wall is under the jurisdiction of both courtyards, whereas each courtyard is a domain to itself. By bringing the fruits down below, he is thereby taking them into a different domain.

The difficulty that this Mishnah poses is as follows: If various courtyards are all considered one domain, why should it be forbidden to take the produce down from the wall? Surely the wall itself has the same status as a courtyard. If so, by taking the fruits down into the courtyard it is just like taking it from one courtyard to another.

Yet the Mishnah states it is forbidden, so it must be that each courtyard made an *eiruv* between its own residents, and there is indeed a decree not to carry between such courtyards. And this decree was made lest one carry to a different courtyard those objects which, when Shabbat commenced, were inside a house.

If this is so, we see that this unnamed Mishnah is not in accordance with Rabbi Yochanan. For he would hold that in this case, it is be permitted to carry from one courtyard to another.

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The Gemara rejects this: Rabbi Yochanan would explain that Mishnah in the following way:

What does the Mishnah mean when it states "providing that they do not carry the produce down **below**"?

It means **below,** in**to the houses** that are in the courtyards. The Mishnah states that this is forbidden, because one may not bring something in from a shared courtyard (i.e. the top of the wall) to a house, when the courtyards did not make a mutual *eiruv*.

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Ravina said to Rav Ashi: **But note** what **Rabbi Chiya taught** in a Baraita about this Mishnah: It is **providing that this one does not stand in his place,** the floor of the courtyard, **and eat** from this produce, **and that one is** not **standing in his place and eating** from it.

It is clear from the Baraita that one may not even take the produce down to the courtyard. If so, it is clearly not in accordance with the view of Rabbi Yochanan.

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He Rav Ashi **said to him** Ravina: **And if Rabbi** i.e. Rabbi Yehudah HaNasi **did not teach** this Mishnah as Rabbi Chiya explained it, then we can conclude Rabbi did not mean the Mishnah in this way. For otherwise, he should have written the Mishnah in a clearer way, if he meant to say as Rabbi Chiya explained[1]. If so, **where did Rabbi Chiya**, a disciple of Rabbi, **derive** this explanation? It must be a mistake.

Therefore we can say that Rabbi Yochanan would explain the Mishnah as we said above – that it is only forbidden to take the produce down into one of the houses.

It was said in a statement of Amoraim: Concerning **two courtyards, and** there is **a ruin** which is **between them.** The ruin is not exposed to the public domain, and therefore one may carry within it.

If **one** of the courtyards **made** its own ***eiruv*, and** the other **one did not make** its own ***eiruv*:**

Said Rav Huna: We give it the ruin **to** the use of **this** one **that did not make an *eiruv*.** I.e. we permit carrying between the ruin and the courtyard which did not make an *eiruv*, and vice-versa.

[1] *Ritva.*

But to the one that made an *eiruv*, no. They may not carry utensils from their courtyard to the ruin. The reason for this is a decree, **perhaps they might come to take out utensils of the house** and bring them **to the ruin.**

And Chiya bar Rav said in the name of Rav**:** We give the use of the ruin **even** to the courtyard **which made its own *eiruv*.** I.e. there is no difference between the two courtyards; both have the same Halachah as regards the ruin.

And Chiya bar Rav explained the view of Rav as follows: **And both are forbidden** to carry to the ruin. Since it is forbidden to carry to the ruin from the courtyard which made an *eiruv*, because of the above-mentioned decree, it is also forbidden to carry from the courtyard which did not make an *eiruv*. For if we would allow carrying from this courtyard, then it could lead to carrying from the other courtyard.

Chiya bar Rav now proves that this was in fact the intention of Rav: **And if you will say** that Rav really intended to say that **both** courtyards **are permitted** to carry to the ruin—then **why,** in every case of two courtyards next to each other**, do we not give** the use of **the courtyard which did not make an *eiruv* to the courtyard which made an *eiruv*?** Yet it is an established Halachah that the residents of the courtyard who made an *eiruv* between themselves may not carry to the courtyard which did not make an *eiruv*.

Just as Rav prohibits to carry in that case, because of a decree, so too Rav would hold in this case that the residents of the courtyard which made an *eiruv* may not carry to the ruin, because of the decree. Thus it is clear that Rav did not mean that both courtyards are permitted to carry. Rather, he meant that both courtyards are forbidden.

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The Gemara now rejects Chiya bar Rav's explanation of Rav:

In truth, we could say that Rav indeed meant that both courtyards are permitted to carry to the ruin.

The reason being: Over **there**, in the case of two courtyards next to one another, we are concerned lest he carry from one courtyard to the other. This is **because the utensils of houses can be guarded in the** second **courtyard** just like they can be guarded in the first. Therefore**, they** might **come to take** them **out** from the first courtyard to the second courtyard. And since it is common to take a lot of utensils from the house into the courtyard, they might come to mistakenly bring these utensils even to a different courtyard.

But **here, concerning the ruin,** it is different. **Since the utensils of the courtyard are not guarded in a ruin, they will not come to take out** utensils from the house to there. Although a few courtyard utensils might be brought to a ruin, they will not bring their house utensils to an unguarded place such as a ruin. And the primary concern is over the house utensils, i.e. those utensils that were inside the house when Shabbat commenced.

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Some say a different version of what Chiya bar Rav said.

Chiya bar Rav said in the name of Rav: We give the ruin **even to** a courtyard **which** its residents **made an *eiruv*.**

And Chiya bar Rav explained these words of Rav: **And both of them,** the residents of both courtyards, **are permitted** to carry to the ruin.

And if you will say that Rav meant that **both of them are forbidden** to carry to the ruin, **because** Rav holds that **we do not give** the use of **a courtyard that has not made an**

***eiruv* to a courtyard that has made an *eiruv*—**i.e. the proof that was cited earlier by the Gemara.

But this is not so!

Because only over **there**, concerning carrying from one courtyard to the other, did Rav make a decree and forbid the residents of both courtyards from carrying one to the other. This was **because** people **guard the utensils of a house in a courtyard.** Therefore **the Rabbis did not permit** carrying from one courtyard to the next one, **since** people might **come to take out** even household utensils to a different courtyard.

But concerning a ruin, since people **do not guard** their household utensils there, it was not necessary to make such a decree.

Mishnah

Introduction:

If two people have adjacent roofs or courtyards, and there is a fence separating between them, each person may carry utensils from his house to his own roof or courtyard. This applies even if the fence is partly breached. However, the breached section must extend less than ten *ammot*, and it must have segments of fence remaining on either side of the breach. In this manner, the breached section is considered an "entrance" through which one may enter into the next roof or courtyard, and is thus a normal part of the fence.

However, if the breached part extends ten *ammot* or more, or if there are no side-posts (i.e. remaining segments of fence), then one may not carry even to his own roof or

courtyard. This is because we view the adjacent roofs as connected, since there is not a sufficient separation between them. Therefore, one who takes a utensil out of his house into his own roof or courtyard, is in effect taking it into a domain belonging both to himself and to his neighbor. This is prohibited, as he is carrying from a private domain to a shared domain.

This Halachah holds true even according to Rabbi Meir and Rabbi Shimon (above 89a), who rule that all the roofs of the town are considered one domain. They only permitted carrying from one roof to another one, but not from a house to a roof.

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Concerning **a large** i.e. wide **roof** which is **next to a small** i.e. narrow roof, and the wider one extends out past both sides of the narrower one. Even if they are breached one to the other – i.e. there is no adequate partition between them – still **it is permitted** to take utensils out from the house to **the large** roof.

The reason it is permitted is because we apply the principle of *"gud asik mechitzta"*. I.e the walls of the house below are viewed as extending upwards. Thus at the two end segments of the wider roof, which extend beyond the narrower roof, we view the partitions of the house below as extending upwards. In this manner, the wider roof may be viewed as having a breached area with side posts on either side of it. So it is considered as a proper entrance, and there is a valid partition separating the two roofs.

But the narrower roof does not have these "side posts", thus it has a wholly breached side adjacent to the wider roof.

And therefore **it is forbidden** to take out utensils from the house to **the small** (narrow) roof.

[Concerning why we do not say that the wall of the house, which is underneath the breach, should be viewed as extending upwards and thereby closing off the breach, there is a disagreement about this (above 89b). According to Rav, it is because this wall is not discernable to those standing on the roof, thus we do not apply the principle of extending a partition upwards in this case. Shmuel, however, said the reason is because the residents regularly go from one roof to another, thereby nullifying the Halachic partition created by the principle of extending the partition upwards. Only a physical partition would retain validity in such a case.]

Similarly concerning **a large** i.e. wide **courtyard which is open to a small** i.e. narrow courtyard. The breach extends the whole length of the narrow courtyard, and the wide courtyard extends past on both sides of the narrow courtyard. **It is permitted** to take utensils out from the house to **the large** courtyard, since there are side posts on either side of the breach, created by the remaining segments of wall. (If the courtyard belongs to more than one person, though, they will need to make an *eiruv* in order to carry there.)

And **it is forbidden** to take utensils out from the house to **the small** courtyard, **because it is like the entrance of the big one.** Since the small one is completely breached to the large one, it does not have an independent status, and is therefore regarded as just a part of the wider courtyard.

Gemara

The Gemara poses an inquiry: **Why does the Tanna** of our Mishnah **teach two** cases – of a roof and a courtyard – when he could have taught just one of them, and we could have derived the other one from it?

The Gemara answers: **According to Rav**, who holds that partitions that are not discernable are not considered as extending upwards, the reason the Mishnah mentioned both cases is **to teach** about **the roof that** it must **be similar to a courtyard.**

Just as with the case of **the courtyard, the partition** i.e. the wall between them **is discernable, so too** with **the** wide **roof,** on which one may carry, it must have **a partition which is discernable.** I.e. the walls of the house must be visible to those standing on the roof. I.e. the roof must not extend out beyond the house, for in that case, the walls of the house would not be discernable from above.

And if they are not discernable, one may only carry four *ammot*. Because it is a domain without partitions, and has the status of a *carmelit.*

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According to Shmuel, who holds that even partitions that are not discernable are still viewed as extending upwards, the Mishnah mentions both cases to teach about **the roof** under discussion **that it is similar to a courtyard,** but in a way different from what was said according to Rav's view.

Just as the courtyard is one in **which many people tread there** i.e. they regularly go from one courtyard to the other, **so too the** narrow **roof,** in which one may not carry there, is speaking of one in **which many people tread there,** going from one roof to another**.** This travel is what invalidates the Halachic partition created by the upward-extending walls of the house.

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Rabbah, Rabbi Zeira and Rabbah bar Rav Chanan were sitting, and Abaye was sitting near them. And while **they were sitting they said: Hear from our Mishnah,**

which taught that the narrow courtyard is like an entrance to the wide courtyard, a proof to the following matter:

That **residents of the large** courtyard are considered as though they are **in** control of **the small** courtyard, and it is therefore considered part of the large courtyard. **But the** residents of the **small one are not** considered **in** control of **the large one.**

In what way is this true?

Concerning the halachah of *kilayim*[2], in the following case:

Someone planted **grapevines in the large** courtyard. **It is forbidden to sow** grain in **the small one,** unless there is a gap of four *ammot* between the grapevines and the entrance between them.

And if he sowed these seeds without a gap of four *ammot* from the entrance, **the seeds** i.e. the grain **are forbidden.** This is because they are considered as having been sown within the large courtyard.

Ammud Bet

However, **the grapevines** that are in the large courtyard **are permitted.** For we say that the residents of the small courtyard are not considered in control of the large one. In other words, the actions in the small courtyard do not affect the large courtyard, whereas the actions of the large courtyard indeed affect the small courtyard.

[2] This refers to the prohibition of planting mixed species (*kil'ei hakerem*) – e.g. grapevines with wheat.

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And similarly, if **grapevines** were planted **in the small** courtyard, **it is permissible to sow** grain in **the large** courtyard. Because the gap in the wall is considered a proper entrance, from the perspective of the large courtyard. Thus from this perspective, there is a valid partition separating the two courtyards. And if there is a partition, there is no prohibition of *kilayim*.

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Another application of this principle is concerning the delivering of a *get*[3].

If **a woman** was **in a large** courtyard, **and** her husband placed **the *get* in the** adjoining **small** courtyard[4], she **is divorced.** Because we view it as though she is standing also in the small courtyard, since the small courtyard is viewed as an extension of the large courtyard.

However, if **the woman was in the small** courtyard **and the *get*** was placed **in the large** courtyard, **she is not divorced.** This is because the large courtyard is not seen as an extension of the small courtyard. Thus she was not in the same courtyard that the *get* was delivered to, and the divorce does not take effect.

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Another application of this is concerning *tefillah betzibur* – prayer with a congregation.

If **the congregation** was praying **in the large** courtyard, and **the *shaliach tzibbur***[5] was praying **in a small** adjacent courtyard, **they** the congregation **fulfill their obligation** of

[3] Bill of divorce.
[4] The *get*, when placed by the husband in the wife's courtyard, effects a divorce. The Gemara here is following the view that she needs to be standing in her courtyard for the divorce to take effect.
[5] The hazzan, reciting prayers on behalf of the congregation.

the Amidah[6]. Since the small courtyard is considered an extension of the large one, it is considered as though the *shaliach tzibbur* had prayed with the congregation, in the large courtyard.

However, if **the congregation** was **in the small** courtyard, **and the *shaliach tzibbur*** was praying **in the large** courtyard, **they do not fulfill their obligation** of the Amidah. This is because the large courtyard, where the *shaliach tzibbur* is located, is not considered an extension of the small courtyard where the congregation is located.

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And similarly, if there are **nine** men praying **in a large** courtyard, **and one** man praying **in a small** courtyard, **they join together** to make up a minyan[7]. For the small courtyard is considered as an extension of the large courtyard, thus the one man is considered with the nine.

However, if **the nine** are **in the small** courtyard **and the** other **one is in the large** courtyard, **they do not join together.** This is large courtyard, where the one man is located, is not considered an extension of the small courtyard, where the majority of the congregation is located.

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[6] Also known as the *Shemoneh Esrei*. This is the central prayer of every regular prayer service.
[7] Quorum for prayer

Perek 9 – 92b

Another application of this principle is concerning the mitzvah of reciting the Shema, which may be performed only in a place that is clean of excrement:

If there was **excrement in a large** courtyard, **it is forbidden to recite the Shema** even **in the small** courtyard. The small courtyard is regarded as an extension of the large courtyard, therefore it is like he is reciting the Shema close to the excrement.

However if **the excrement is in the small** courtyard, **it is permissible to recite the Shema in the large** courtyard. This applies even if the excrement is within four *ammot* of the reciter. Because the large courtyard is not considered an extension of the small courtyard, where the excrement is, the excrement is viewed as being in a different domain.

The Gemara now returns to the case of *kilayim*. Normally, there is no prohibition of *kilayim* if there is a distance of four *ammot* between the grapevine and the seeds of grain that are sown. However, in the case of adjoining courtyards it is different. If there is a grapevine in the large courtyard, it is forbidden to sow grain in the small courtyard, even if there is a gap of four *ammot* between them.

Abaye said to them (to Rabbah, Rabbi Zeira and Rabbah bar Rav Chanan):

If this is so, then we have found a case that **a partition is making** something **forbidden!** This should not be, since a partition's function is to separate, not to join.

Because if there was no partition at all between the two courtyards, it would be sufficient to **distance four *ammot*** away from the grapevine, **and** then **sow** the grain.

However, now that there is a partition in the large courtyard **it is forbidden** to sow the grain seeds in any part of the small courtyard at all.

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Rabbi Zeira said to Abaye: And indeed, **have we not found** elsewhere the same thing, that **a partition** sometimes **makes** something **forbidden?**

But note that **it was taught** in our Mishnah: Concerning **a large courtyard that has been breached** and is now open **to a small courtyard. It is permitted** to carry in **the large** one, **and it is forbidden** to carry in **the small** one. This is **because it** the breach **is like the entrance to the large** courtyard.

But if he had made additional partitions, and by means of them, **he had leveled the side posts** of the large courtyard. I.e. he had narrowed the width of the large courtyard by constructing new walls, which put the side posts outside the new (and smaller) area of the large courtyard. By making these new partitions for **the large** courtyard, he has made it **also forbidden** to carry there. This is because the large courtyard is now fully breached to the small courtyard.

Said Abaye to Rabbi Zeira: The cases are not comparable!

Over **there,** where he made additional partitions, and excluded the side posts, **he removed the** existing **partitions** (i.e. the side posts). Therefore it is now forbidden to carry in the large courtyard.

But here, concerning *kilayim*, it is the mere **addition** of a partition that is causing a prohibition to plant there.

Perek 9 – 92b

Rava said to Abaye: Have we not found elsewhere the same thing, that the mere making of a new **partition** causes **a prohibition** to go into effect?

But note that it was said in a statement of Amoraim…

Chavruta
Eiruvin – Daf Tzaddi Gimel

Translated by: *Rabbi Dov Zemmel*
Edited by*: R. Shmuel Globus*

If a person **puts *schach*[1] on top of a pavilion which has side posts – it is valid** to be used as a succah. The square pavilion has two walls facing each other, and is open at the other two sides. The side posts, which are one *tefach*[2] wide, make up the third wall. For a succah to be valid, it is sufficient to have two complete walls, and the third wall may be just one *tefach*.

However, if he added two partitions which **leveled out its side posts** – i.e. the side posts no longer extend out from the walls of the pavilion but now appear to be part of the walls of the pavilion, then the succah **is invalid.**

We see that by adding partitions, one can invalidate the succah, thus creating a prohibition!

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Abaye said to him Rava**: According to me** (as explained further on 95a), even if he levels out the side posts, the succah **is** still **valid.** The standard pavilion had crossbeams on its roof extending all the way across the pavilion. Abaye holds that we apply the Halachic principle of *"pi tikrah yoreid vesoteim"*[3] in this case. Therefore it is considered as though the succah has four walls.

But **according to you,** Rava, who holds that this is an invalid succah – still there is no difficulty posed by this case. For the succah is invalidated by the **removal of the** existing **partitions** (i.e. the side posts), not because of the addition of partitions.

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[1] The covering used as a roof of the Succah.
[2] 1 tefach: 3.1in, 8cm.
[3] The edge of the roof is extended downwards to close off an open space.

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Rabbah bar Rav Chanan said to Abaye: And do we not find a case of **a partition** which was added and **caused a prohibition?**

But it was taught in a Baraita: **A house which was half roofed and half not roofed.** Here we say *"pi tikrah yoreid vesoteim"*, and it is considered that there is a separation between the two halves of the house.

And therefore: If there were **grapevines here,** on one half of the house, **it is permissible to sow** grain **there,** on the other half of the house. This applies even within four *ammot*[4] of the grapevines[5], because there is a partition dividing between them.

However, if he leveled out its roof i.e. the roof was extended across the whole house, **it is** now **forbidden** to sow grain in the second half of the house, if they are within four *ammot* of the grapevines.

Here we find that by adding a partition, it causes a prohibition!

*

He Abaye **said to him** Rabbah bar bar Channah**:** Over **there** it is forbidden to sow grain because of **the removal of the partitions.** I.e. by extending the roof, we no longer say *"pi tikra yoreid vesoteim"*, to separate between the two halves of the house. Therefore it becomes forbidden to sow grain in the second half of the house. But it is not because of the addition of a partition that the prohibition was caused.

[4] 1 ammah: 18.7in, 48cm.
[5] There is a Torah prohibition of planting grain with grapevines. Normally a separation of four *ammot* is required between the two species.

Perek 9 – 93a

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Rava sent a letter **to Abaye, through Rav Shmaya bar Ze'eirah: And have we not found** a case where the addition of **a partition makes** something **forbidden?**

But it was taught in a Baraita: Concerning **partitions of a vineyard, there are** those which come **to be lenient,** to make something permissible. **And** there are those which come **to be stringent.**

How do we find a case of a partition which is coming to be lenient?

In a case where **a vineyard**'s area **is planted** right up **until the base of the partition, one may sow** grain **from the base of the partition and further.** I.e. he may sow grain right on the other side of the partition, without distancing four *ammot*. **Whereas** if there would be no partition, he would have **to distance** the grain **four *ammot*** from the vineyard.

And this is the case where **the partitions of a vineyard** are coming **to be lenient.**

And **how** do we have a case of a partition which is coming **to be stringent?**

If the vineyard **was eleven *ammot* distance from the wall, one should not bring seeds** of grain **to there** i.e. to the area between the vineyard and the wall.

Because if there would not have been a partition, it would have been sufficient **to distance four *ammot*** from the vineyard, **and sow** the grain**.** But now that there is a partition, it is forbidden to sow in this area, even when distancing more than four *ammot* from the vineyard.

And this is the case where the partitions of a vineyard are coming **to be stringent.**

We see from here that the addition of a partition can indeed cause a prohibition.

*

Abaye said back **to him,** to Rava**: And according to your reasoning—**that you saw in this Baraita a contradiction to the principle that a partition does not cause a prohibition—**you should have contradicted** the principle **from a Mishnah**. For a Mishnah is a stronger source than is a Baraita.

For it was taught in a Mishnah: Concerning **the empty area of a vineyard:**

Beit Shammai say: If there is a space of **twenty four *ammot*** after the vineyard, then one may sow grain in that place.

Beit Hillel say: It is sufficient if there is a space of **sixteen *ammot.***

And concerning **the sides of the vineyard:**

Beit Shammai say: If there is a space of **sixteen *ammot*** between the vineyard and the fence, one may sow grain in that place.

And Beit Hillel say: It is sufficient if there is a space of **twelve *ammot.***

The Mishnah goes on to explain: **What is the empty area of the vineyard?**

It is a vineyard which has been planted from all four sides, but **its middle part has been left fallow.**

Perek 9 – 93a

Beit Hillel say: **If there is not there** a space of **sixteen *ammot,* one should not bring grain seeds** to sow **there.** I.e. from the point where one part of the vineyard ends, to the point where another part begins, there needs to be a gap of sixteen *ammot*. This gap is comprised of two parts:

(1) An area of four *ammot* adjacent to each of the opposite grapevines. This area is needed to work the grapevines and is considered part of each grapevine. (This is the first eight *ammot*.)

(2) A further eight *ammot* is required to sow the grain. To be considered an independent entity from the vineyard, it needs to have its own importance – and less than four *ammot* is not considered important. However, the area needs to be eight *ammot* wide, so each half of this "grain area" can be viewed as independent of the grapevines on either side of it.

But if there is there sixteen *ammot,* he gives it, the vineyard on both of its sides, the four *ammot* **necessary to work it,** i.e. eight *ammot* altogether. **And** he **sows** grain in **the remainder** i.e. in the other eight *ammot*.

And Beit Shammai says that for a field to be considered separate from its surrounding area, it needs to be eight *ammot* wide. Therefore the total area between the grapevines needs to be twenty four *ammot*: four *ammot* next to each grapevine to work that grapevine (eight *ammot* in total), and a further eight *ammot* away from each grapevine (i.e. another sixteen *ammot*).

What is the sides of the vineyard?

It is the open space **between the vineyard and the fence** which surrounds it.

Beit Hillel say: **That if there is not** a **twelve *ammot*** space there, **one should not bring there** grain **seeds.** This is made up of four *ammot* next to the grapevine, needed to work there. A further four *ammot* are needed as space next to the fence (as the Gemara will explain later on). And another four *ammot* for the field itself (to sow the grain in), for the minimum size of an independent field is four *ammot*.

But **if there is** a **twelve *ammot*** space there, **we give him** four *ammot* in order **to work** the grapevine. **And** he may **sow** grain **in the remainder** of this space.

Abaye is asking Rava why he did not raise a contradiction from this Mishnah. For here also, we see that the existence of a fence creates a prohibition, i.e. the need to distance further from the grapevines, in order to sow grain.

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Rather, this case of *kilayim* does not contradict the principle that a partition does not cause a prohibition. Because over **there,** in the case of *kilayim,* **the reason** for the stringency **is not** because of the fence, **but** for a different reason: **Because all four *ammot* next to the vineyard** are for doing **the work of the vineyard.** And the four *ammot* space **next to the fence** cannot be included in the area of sowing the grain, for the following reason: **Since one cannot sow** in these four *ammot* (for this would weaken the fence) people **relinquish its ownership** i.e. they do not treat this space as valuable property. Therefore this space, too, cannot be included in the area needed to sow the grain.

And concerning the area **between them,** i.e. between the two sets of four *ammot* he cannot use to sow the seeds – **if there is four** *ammot* in this area, **they are** considered **significant,** and are not nullified to the area around them. **And if** there are **not** four *ammot* there, **they are not significant**, and they are nullified to the area around them.

Abaye has thus shown that it is not the addition of the partition that caused the prohibition, rather a different reason.

Said Rav Yehudah, regarding the following case**:** Three travelers made for themselves **three enclosures (*karpeifot*),** this one **next to the other,** in a line. These enclosures had fences which were made up of either vertical or horizontal strips. The Halachah is that if fences are not made of both vertical and horizontal strips, they are considered an inferior partition. Within such partitions, carrying is restricted.

And the two outer ones, which were made wider than the middle one, **have side posts. And the middle one does not have side posts.** I.e. the middle one is completely exposed at both of its ends to the outer enclosures. But the outer enclosures have side posts on either side of the entrance to the middle enclosure.

And there is **one person in this** one, **and** there is **one person in this** one, **and** there is **one person in this** one. I.e. each one is dwelling in the enclosure by himself.

In this case, the three of them are **considered to be like a caravan[6], and we give to them** within the middle enclosure as much space as they require to take care of **all of their needs.** We view the two people of the outer enclosures as though they were living in the middle enclosure, and therefore they may make this enclosure as large as they like. The outer two enclosures can only be made the size of *beit sa'ataim*[7].

[6] If an individual (or two) makes an enclosure with these inferior partitions, he is permitted to make an enclosure of "beit sa'ataim" (5000 ammot sq). However when three people do this, they are considered a 'caravan', a group of people, and no restrictions were put on them in this matter.
[7] 5000 ammot sq.

Perek 9 – 93a

But if the middle enclosure was wider than the outer two, and thus it **had side posts. And the outer two** enclosures **did not have side posts. And** there is **one person in this** one, **and** there is **one person in this** one, **and** there is **one person in this** one.

Since in this case we cannot view them all as living in the middle one, we have to limit the size of all three of the enclosures. Therefore, **we only give to them six *beit se'ah*.** I.e. each one of the enclosures can be made up to the size of two *beit se'ah* (i.e. *beit sa'ataim*).

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They the scholars of the study hall **posed an inquiry:** In the case where the middle enclosure is wider than the other two, and thus it has side posts, and the outer ones do not have side posts. And there is **one** person **in this** outer enclosure, **and one** person **in this** other outer enclosure, **but** there are ***two*** people **in the middle** one. **What is** the Halachah?

Perhaps we say: **If they would go out to here, there would be three.** I.e. if the two in the middle enclosure would go to one of the outer ones, there would be three people in that enclosure. And similarly, **if they would go out to here** (the other outer one), **there would be three.** And under normal circumstances, they will enter and exit through one of the two. Therefore we may view the situation such that in each of the outer ones, there is already a caravan residing there, and both outer ones are permitted to be made as large as they wish.

Or perhaps we are not so lenient as to view it as though the two middle residents have left and gone out to both the outer enclosures. Rather, we view it as though **one** of the two in the middle enclosure **went out to here, and one went out to here.** I.e. the two middle residents went to the outer ones, but one person to this enclosure, and one to that. Therefore, since each enclosure has only two people living there, they may only make the enclosure the size of *beit sa'ataim*.

Perek 9 – 93a

*

And if you come to the conclusion to say that we view it that **one goes out to here, and one goes out to here,** then the following inquiry may be posed**:**

If there were **two** people **in this** one (a narrower outer enclosure), **and two** people **in this** one (a narrower outer enclosure), **and one** person **in the middle** wider enclosure. **What is** the Halachah?

Perhaps we say: **Here, surely** we view it that both outer enclosures, or at least one of them, has three people living there. Because **whether he goes out to here** (this outer enclosure) **there will be three, or whether he goes out to there** (the other outer enclosure), **three** people **will be** living there.

Or perhaps we do not view it that he went to either of the two outer courtyards, because it is uncertain which way he will go. **We could say he will go out to here, or we could say he will go out to there.** Thus he is considered to be in neither of the enclosures.

The Gemara concludes that **the Halachah** is as follows: In every **inquiry** that was posed, we follow **the lenient** side.

Perek 9 – 93B

Introduction:

If two courtyards have a partition between them ten *tefachim* high, the residents of each courtyard may make an *eiruv*[8] for their own courtyard to permit carrying there. But they may not make a mutual *eiruv* to permit carrying from one courtyard to the other.

Similarly, if the ground of one courtyard is ten *tefachim* higher than the ground of the adjacent courtyard, each courtyard makes separate *eiruvin*, and may not make a mutual *eiruv*.

The courtyard which is higher up is referred to as a *'gidud'*, a raised area.

Said Rav Chisda…

Ammud Bet

…If two adjacent courtyards were separated by **a *gidud*** which is **five** *tefachim* high, i.e. the ground of one of these two courtyards is five *tefachim* higher than the ground of the other one. **And** on top of this higher courtyard there is **a partition** which is **five** *tefachim* high. In this case, **they** the two units of five *tefachim* **do not join together** to create a partition of ten *tefachim* separating the two courtyards.

There is no separation **until there will be either** ten *tefachim* **completely** made up of **a *gidud* or completely** made up of **a partition.**

[8] *Eiruv chatzeirot* – that the co-dwellers of a courtyard make joint ownership in an article of food and thereby symbolically combine (*me'arvim*) their ownership, as if the courtyard belongs to a single person. They do this to permit carrying from their homes into the courtyard on Shabbat.

Perek 9 – 93B

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They contradicted Rav Chisda, from a Baraita:

Two courtyards, in which the ground of **this** one was **higher than** the ground of **that** one. **And the upper one was higher than the lower one, ten *tefachim.***

Or there is in the upper one **a *gidud* of five** *tefachim* **and a partition of five** *tefachim*.

In both these cases, the residents of the courtyard **may make two** separate ***eiruvin,* but they may not make one** mutual ***eiruv***.

If the partition was **less than this, they may make one** mutual ***eiruv***, **but they may not make two** separate *eiruvin* to permit carrying in the separate courtyards. Since there is no partition ten *tefachim* high separating them, we view it as one large courtyard.

This Baraita contradicts the view of Rav Chisda, for it states that a *gidud* of five *tefachim* and a partition of five *tefachim* indeed join together.

*

Said Rava: Rav Chisda agrees that we can join a *gidud* and a partition, **in** respect to **the lower** courtyard. In respect to the lower courtyard, we consider the two courtyards to be separated by a partition. This is so **because one sees** from below **the outward appearance of** a partition **ten** *tefachim* high. It does not appear from below as two separate partitions.

However, when this combined partition is viewed from the upper courtyard, it does not seem like one partition of ten *tefachim*. Therefore, in respect to the upper courtyard, it does not have a status of a ten *tefachim* partition to separate the two courtyards.

According to this, the Halachah of the two courtyards is as follows:

The residents of the lower one may make an *eiruv* for themselves, and then they may carry there.

However, the upper courtyard may not make an *eiruv* amongst themselves to permit carrying there, since they are considered exposed to the lower courtyard.

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The Gemara is puzzled by this answer of Rava, since it is clear from the Baraita that even in respect to the upper courtyard, we join the *gidud* to the partition.

If it is **so,** like Rav Chisda said, that only in respect to the lower courtyard it is considered a valid partition, then the Tanna of the Baraita should have taught the Baraita in the following way:

The residents of **the lower** courtyard **should make two**[9]***eiruvin***. I.e. they should make their own *eiruv*, separate from the residents of the upper courtyard. **And they may not make one** mutual ***eiruv*** with the residents of the upper courtyard.

However, the residents of the **upper** courtyard **may make neither one** mutual ***eiruv*** with the residents of the lower courtyard, **nor two** separate ***eiruvin*** (i.e. their own *eiruv*).

Thus the Baraita presents a difficulty to Rav Chisda.

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Perek 9 – 93B

Said Rabbah bar Rav Ula: The Tanna of the Baraita was teaching the following:

If there is a *gidud* of five *tefachim* at the entrance of the upper courtyard, and a partition which is five *tefachim* high, then each courtyard may make its own *eiruv*, but they may not make a mutual *eiruv*.

The case is that the width of the partition is less than the width of the *gidud*. And it is only ten *ammot* long, which is the size of an entrance.

And the Tanna is dealing with a case **for example** that on either side of the entrance **to the upper one there were side posts** which were ten *tefachim* high, and which extended lengthwise **until ten *ammot*** (the same length as the entrance).

According to this, it is not difficult why the residents of the upper courtyard may make their own *eiruv*. Because even if we do not consider the *gidud* and the partition as a valid ten *tefachim* partition (as Rav Chisda holds), there is still another valid partition. Namely, the one made up of the side posts which are ten *tefachim* high.

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The Gemara is puzzled by this answer: **If so,** that the only place of the partition was at the entrance to the courtyard, **I will say to you the latter part** of the Baraita.

For it teaches: Or if there is in the entrance of the upper courtyard, a *gidud* of five *tefachim* and a partition of five *tefachim*, they can make two separate *eiruvin*, but not one common *eiruv*. **Less than this** – i.e. if the combined height of the *gidud* and the partition is less than ten *tefachim* – **they can make one** combined ***eiruv* but not two** separate **e*iruvin*.** Because in this case there is no valid partition of ten *tefachim* separating them.

[9] Even though it is called "two" they are only making one. It is called "two" since usually when the

But according to what you said, why should they not make separate *eiruvin* in this case?

Surely **if they want** to make **one** mutual *eiruv* – **let them make** that ***eiruv,*** since the side posts which are ten *tefachim* high separate between the two courtyards.

And **if they want to make two** separate ***eiruvin,* let them make** two ***eiruvin.***

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Said Rabbah the son of Rava: The Baraita is dealing with the following case. **For example, that the lower** courtyard **is completely exposed to the upper** one.

I.e. the lower courtyard is narrower than the upper one, and the partition which is on top of the *gidud* extends across the whole width of the lower courtyard.

Therefore, if the partition is not high enough to complete the ten *tefachim* needed for it to be a valid partition, the lower one is viewed as being completely exposed, i.e. breached, to the upper one. Whereas the upper one is separated from the lower one because of the side posts – i.e. they form a partition separating the upper courtyard from the lower one.

Consequently, if the partition and the *gidud* together make up a total of ten *tefachim*, then the residents of both courtyards can make separate *eiruvin* – since they are both separated from each other by a valid partition. The lower courtyard has this combined partition to separate it from the courtyard above. And the courtyard above has the partition formed by the side posts to separate it from the courtyard below.

They may not make one mutual *eiruv*, since the courtyard below has a completely valid partition separating it from the upper courtyard.

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courtyards cannot join together in a common *eiruv* they make "two" separate *Eiruvin*.

However, if the partition and the *gidud* do not make up together a total of ten *tefachim*, then the lower courtyard is completely exposed, i.e. breached, to the upper one, and therefore its residents may not make an *eiruv* amongst themselves.

But they can make one mutual *eiruv*, for the following reason. The lower courtyard has no partition to separate it from the upper courtyard, so they are seen as one large courtyard. And even from the perspective of the upper courtyard, since the partition has an opening, they can make an *eiruv* together, if they wish.

However they are not permitted to make two separate *eiruvin*. I.e. the lower courtyard may not make its own *eiruv,* since it is completely exposed to the upper courtyard.

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The Gemara is puzzled by this answer, for it does not seem to fully answer the question.

The Baraita, by teaching that they may not make two separate *eiruvin*, when the combined partition is not ten *tefachim* high, implies that even the upper courtyard may not make its own *eiruv*.

If so – that the partition of five *tefachim* was only at the entrance of the courtyard – the Tanna should have taught the Baraita in the following way:

The residents of **the lower** courtyard, which is completely exposed to the upper courtyard, **can make one** mutual ***eiruv*** together with the residents of the upper courtyard. **But they may not make two** *eiruvin*. I.e. they may not make their own private *eiruv*.

However the residents of **the upper** courtyard **– if they want** to make **two** *eiruvin*, **they may make** these two ***eiruvin*** i.e. their own *eiruv*. Since this upper courtyard is separated from the lower one with a valid partition, its residents can make their own *eiruv*.

Or **if they want, they may make one** mutual ***eiruv***.

So why did the Tanna of the Baraita teach that even the residents of the upper courtyard may not make an *eiruv* for themselves?

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The Gemara answers: **Yes, it is indeed so** – if they want, the residents of the upper courtyard may make their own *eiruv*.

And when was it taught that **less than this** i.e. when the combined partition is less than ten *tefachim* **they should make one *eiruv* but not two** separate ***eiruvin***, this was just **regarding the** members of the **lower** courtyard. But the members of the upper courtyard may make their own *eiruv* if they want.

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Mereimar expounded: A *gidud* which is five *tefachim* high and a partition which is five *tefachim* high indeed combine to produce the requisite ten *tefachim* height of a valid partition. And this applies to both the upper and lower courtyards.

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Ravina came across Rav Acha the son of Rava. Ravina asked him the following:

Perek 9 – 93B

Did the Master Ameimar **say something regarding** a *gidud* of **five** *tefachim* high combining with **a partition** which is five *tefachim* high?

He Rav Acha **said to him** Ravina**: No!** Ameimar said nothing about this question.

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The Gemara concludes: **And the Halachah** is as follows: **A *gidud*** which is five *tefachim* high, and a partition which is **five** *tefachim* high – they indeed combine to form a valid ten *tefachim* partition.

Rav Hoshiya posed an **inquiry,** regarding the following case**:** There are two courtyards, separated by a wall, that each one made its own *eiruv*. The wall collapses on Shabbat, and it is now considered as though the courtyard has new residents in it, for the two courtyards are now viewed as one big courtyard. Thus, the courtyard **has** new **residents** that **came to it on Shabbat.**

What is the Halachah – **do they make it forbidden** for the other residents of the courtyard to carry there?

Do we say this case is comparable to two courtyards that are adjacent to each other, and have no separation between them? In such a case, the members of both courtyards may not carry in their respective courtyards. So too here, perhaps we say that none of the residents may carry in the courtyard.

Or perhaps we say: At the onset of Shabbat they were permitted to carry there. And this does not change when the new residents come to the courtyard.

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Said Rav Chanina: Come and **hear** a proof from our Mishnah:

A large courtyard which is breached and is now open **to a small courtyard –** in **the large one** it **is permitted** to carry, **and** in **the small one** it is **forbidden** to carry, **because it is** considered **like the entrance of the large one.**

The Gemara assumes that the Mishnah is speaking even when it became breached on Shabbat itself. For the Mishnah is taught in a general way, presumably applying to all cases. And even so, the Mishnah teaches that it is forbidden to carry in the smaller courtyard, on account of the residents of the large courtyard who have now "joined" the small courtyard. Although the residents of the small courtyard could carry there when Shabbat commenced, once the new residents "came" on Shabbat it became forbidden to them.

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Said Rabbah: I could say that the Mishnah is speaking only in a case that **it was breached while it was still daytime,** i.e. before Shabbat began.

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Abaye said to him Rabbah**: The Master should not have said, "I *could* say**" the Mishnah is speaking in this case. For this expression implies that it might so, but is not definitely so.

Rather, the Master should have said **it is *definitely*** speaking of a case that **it was breached while it was still daytime.**

Perek 9 – 93B

For note what you, Rabbah, once **said** yourself on a related subject**,** showing that new residents who come to a courtyard on Shabbat make it forbidden for all the residents to carry there.

For Rabbah said: **I asked Rav Huna, and he asked Rav Yehudah,** the following inquiry:

If the residents of two adjacent courtyards **made a** mutual ***eiruv,*** **based on the entrance** in the partition which separated them. I.e. they were able to go from one to the other through this entrance. **And** on Shabbat this **entrance became blocked.** Or **they made an *eiruv* based on a window** (which is like an entrance between two courtyards) **and** on Shabbat **the window was blocked off.**

What is the Halachah? Is it still permitted for the residents of one courtyard to carry on Shabbat into the other courtyard, through small holes that remain? These holes do not have the status of an entrance or window, since they are less than four sq. *tefachim.*

Perhaps we say: It was permissible to carry at the start of Shabbat, and this permission extends throughout Shabbat. Or perhaps not?

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And he said to me: Concerning **Shabbat,** the rule is: **since it was permissible** at one time, **it is permissible** the rest of Shabbat!

So too concerning the new residents in the courtyard who "came" on Shabbat, they will not make it forbidden for the other residents to carry in the courtyard, since the other residents were permitted to carry at the onset of Shabbat.

Perek 9 – 93b

Introduction:

(1) Concerning two courtyards, in which the residents did not make their own *eiruvin*, it is permitted to carry utensils from one courtyard to the other, because the courtyards are considered one domain. It makes no difference that when Shabbat began the utensils were in one courtyard, and now on Shabbat they are being taken to a different courtyard. These are called "courtyard utensils".

However, if the utensils were inside the house when Shabbat began, and on Shabbat they were taken into the courtyard of that house, these utensils may *not* be taken now to a different courtyard. These are called "house utensils".

(2) If the residents of each courtyard *did* make an *eiruv* for their own courtyard, there is a disagreement whether it is permitted to carry courtyard utensils from one courtyard to another.

According to Rav it is forbidden. This is because house utensils are commonly taken out to the courtyard of that house during the course of Shabbat, due to the existence of the *eiruv*. Since these utensils might then be taken to a different courtyard, which would be forbidden, the Rabbis made a decree not to carry *any* utensils from one courtyard to another. This decree was made specifically for a courtyard in which the residents made their own *eiruv*, because in this situation it is common to take out utensils from the house into the courtyard.

Perek 9 – 93B

According to Shmuel it is permissible to carry courtyard utensils to a different courtyard on Shabbat, although the residents of the courtyards made their own *eiruv*. This is because Shmuel holds that no special decree was made in this case.

(3) Concerning a wall which separates between two courtyards: In this case, the residents of each courtyard make an *eiruv* for their own courtyards, but not a mutual *eiruv* including both courtyards. What if the wall fell down right before Shabbat?

According to Rav, who holds that it is forbidden to carry even courtyard utensils from one courtyard to another, each courtyard is considered a domain which is completely exposed to an area to which is forbidden to carry. Each courtyard is therefore like a *carmelit*[10], and one may not carry more than four *ammot* there.

But according to Shmuel, who holds that courtyard utensils may be taken to a different courtyard on Shabbat, the courtyards are not like a *carmelit*, and one may carry throughout each courtyard.

*

It was said in a statement of Amoraim:

A wall that separated **between two courtyards.** And the residents of each courtyard made an *eiruv* amongst themselves, but not a mutual *eiruv*. And the wall **fell down** on Shabbat.

Rav said: Even though it was permitted to carry any utensils throughout all the courtyard at the onset of Shabbat, but now that the wall fell down, **you can only carry within it**

[10] An area which cannot be classified either as a public domain or as a private one.

(that courtyard) **four *ammot.*** This applies even to courtyard utensils, since the courtyard has now become like a *carmelit.* (see introduction, above)

This is because Rav does not hold of the principle that whatever was permitted at the onset of Shabbat, is also permitted for the rest of Shabbat.

*

And Shmuel said:

Chavruta
Eiruvin – Daf Tzaddi Daled

Translated by: *Rabbi Dov Zemmel*
Edited by*: R. Shmuel Globus*

[Concerning a wall which had separated between two courtyards, and it fell down on Shabbat. And the members of each courtyard had made an *eiruv*[1] before Shabbat. Rav said that one may only carry four *ammot*[2] in his courtyard.

And Shmuel said:] **This** person who is in one of the courtyards, **may carry** the utensils **until the base of the partition.** I.e. until the place where there had been a partition, before it fell down. **And** also **that** person, in the other courtyard, **may carry until the base of the partition.** I.e. the residents of each courtyard may carry throughout their courtyard, just like they when the wall was still standing.

This is because Shmuel, unlike Rav, holds of the principle that whatever was permitted at the onset of Shabbat, is also permitted for the rest of Shabbat.

[This only refers to utensils that when Shabbat began, were in the house. However utensils which were in the courtyard when Shabbat began, may be taken even to a different courtyard, according to Shmuel.]

*

And this view **of Rav was not said expressly. Rather it was said based on a deduction** from the following incident.

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[1] *Eiruvei Chatzeirot* – that the co-dwellers of a courtyard make joint ownership in an article of food and thereby symbolically combine (*me'arvim)* their ownership, as if the courtyard belongs to a single person. They do this to permit carrying from their homes into the courtyard on Shabbat.
[2] 1 ammah: 18.7 in.,48 cm

Perek 9 – 94a

For Rav and Shmuel were sitting on Shabbat **in a certain courtyard.** In this courtyard they had made an *eiruv*, but they had not made a mutual *eiruv* with the adjacent courtyard. **The wall** which had been **between** these two courtyards fell down.

Shmuel said to those people that were with them: **Take a cloak and spread it** between the two courtyards, to be a partition between them.

Rav turned his face away, thereby showing his disapproval, for he held that one may not carry a garment more than four *ammot* in the courtyard.

Shmuel said to those people: **If Abba[3] objects** to my suggestion**, take his sash and tie down** the partition **with it.**

From this incident, it was deduced that Rav holds that it is forbidden to carry more than four *ammot* in the courtyard after the wall has collapsed.

*

The Gemara is puzzled by this incident: **And why did Shmuel** need to do **that?** I.e. why did he need to make a new partition?

Note that **he said: This** one **may carry until the base of the partition, and that** one **may carry until the base of the partition.** It seems according to Shmuel that no actual partition is required, to be able to carry there.

The Gemara explains: **Shmuel made** the partition merely **for** the sake **of privacy.**

*

[3] This was Rav's real name. He was called Rav as a title of respect.

The Gemara is puzzled over another matter: **But** why did **Rav** just turn his face away? **If he held that it was forbidden** to carry there, **he should have said it to him** Shmuel expressly.

The Gemara answers: **It was the place of Shmuel.** So Rav did not want to state his opinion contrary to Shmuel.

The Gemara asks: **If so, what is the reason that** Rav **turned his face** away?
Since Shmuel was the Rabbi of that place, Rav should not have shown any sign of disagreement.

The Gemara answers: So **that** people **should not say** that Rav **holds like Shmuel does,** leading to a misleading example for those who follow Rav's view**.**

Mishnah

Concerning **a courtyard which** was enclosed with partitions on all four sides. And one side **became breached to the** adjacent **public domain.** This breach extended either along the complete side of the courtyard, or at least the width of ten *ammot*.

One who takes an object **from within** the courtyard, and **brings it into a private domain**. Or one who takes an object **from a private domain** and brings it **into** the courtyard. **He is liable**[4] for transgressing a Torah prohibition. These are **the words of Rabbi Eliezer.**

[4] I.e. obligated to bring a sin offering.

And the Sages say: One who takes **from within** the courtyard, and brings it **into the public domain,** or into a private domain. **Or** he takes it from a **public** or private **domain** and brings it **into** the courtyard. Even though it is forbidden to do this, **he is exempt** from a Torah prohibition, **because it** the courtyard **is a *carmelit*.**

Gemara

The Gemara is assuming that the reason of Rabbi Eliezer, that the courtyard which has been breached to the public domain is considered like the public domain—although it still has three partitions intact—is because since the public constantly make use of this area. Thus it is viewed as though it is part of the public domain. It is comparable to the holes in a wall of a public domain: since they are accessible to the public, these holes have the status of the public domain, although they lack the parameters required to be a public domain in their own right.

Nevertheless, the Gemara is puzzled by his view: **But** how could **Rabbi Eliezer** consider this courtyard like a public domain?

Just **because** the courtyard **is open** on a single side **to the public domain, is it** considered **a public domain?** Since this courtyard is not designated to be used by the public, how does it have the status of a public domain?

*

The Gemara answers: **Yes,** this courtyard is indeed given over to be used by the public.

And **Rabbi Eliezer** here is following **his reasoning** which he expressed elsewhere.

Perek 9 – 94a

For it was taught in a Baraita: **Rabbi Yehudah says in the name of Rabbi Eliezer:** If **the public chose a path for themselves,** even though it does not properly belong to them, **whatever they chose, they have chosen.** I.e. they may continue to use it.

*

The Gemara is puzzled by this: **Is it really so?** How could the public be allowed to appropriate the use of a path that does not rightfully belong to them?

But **note that which Rav Gidel said in the name of Rav** in explaining this Baraita:

And this is true only in a case **that they had lost** use of their **path in** the north or south of **that field.** Only in this case do we say that when they choose a new path, to replace the old one, whichever one they choose will belong to them.

In light of Rav Gidel's qualification, how could Rabbi Eliezer (in our Mishnah) rule that the courtyard becomes like the public domain?

*

And if you will say that **here also** in our Mishnah, we are dealing with **a case that the public had lost their path in that courtyard.** E.g. after the wall had fallen down, it was forgotten how far the public domain extended. And in such a case they are given the right to choose a path there to go through. Accordingly, Rabbi Eliezer would not be saying that all of the courtyard is like a public domain, rather just the place where the courtyard meets the public domain.

However, this explanation is not plausible.

For **note that which Rabbi Chanina said: The** whole **disagreement** in the Mishnah, between Rabbi Eliezer and the Sages, is only within the courtyard **until the place** where **the partition** (that fell down) used to be. But even the Sages agree that the place of the partition has the status of a public domain.

Accordingly, Rabbi Eliezer holds that even the area *within* the courtyard has the status of a public domain. And clearly, this area was never part of the public domain. So the question still stands, why did Rabbi Eliezer in our Mishnah consider the courtyard to have the status of a public domain?

*****

The Gemara answers: **Say** that Rabbi Chanina meant the following: **The disagreement** between Rabbi Eliezer and the Sages is specifically ***on*** **the place of the partition.** The public claim that this area was part of the public domain. Rabbi Eliezer holds that in a case of doubt, we say that if the public already chose it, we consider it now to be part of the public domain. And the Sages hold that it is not part of the public domain, until proven so.

According to this, Rabbi Eliezer never meant that the whole courtyard is considered like the public domain.

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And if you wish. I could say an alternative answer**: They are differing over the sides of a public domain.**

For Rabbi Eliezer held the view**: The sides of a public domain are** considered to be **like the public domain.**

And the Sages held the view**: The sides of a public domain are not** considered to be **like the public domain.**

And this disagreement applies to our Mishnah as follows: The place on which the partition stood was not used by the public on a constant basis. Rather, sometimes they would walk through there. Therefore, this place is like the sides of a public domain, which the public use occasionally. And the disagreement is whether the sides of a public domain have the status of a public domain, or not.

*

The Gemara poses a difficulty: **But** if so, **let them disagree in** the standard case of **the sides of a public domain**, e.g. where there are poles erected next to the public domain, to prevent the wagons passing through the public domain from doing damage to the adjacent courtyards. Why did they choose this unusual case, of the wall which fell down, to bring out their disagreement?

*

The Gemara answers: **If they would have differed in** a case of **the sides of a public domain, we might have said** the following: **When do the Sages disagree with Rabbi Eliezer? These words** are **where there are buffers** on the side of the public domain. Because these poles (or stones) hinder the public from going there, the Sages hold that this area is not considered part of the public domain.

However, in a case **where there are no buffers** – like in our Mishnah – **I might say that they** the Sages **agree to him** to Rabbi Eliezer**,** and consider it a public domain.

Therefore this case was chosen by our Mishnah, for **it informs us** that the Sages disagree with Rabbi Eliezer in all cases.

*

The Gemara is puzzled by both of these answers. For it comes out according to both of them that the whole disagreement in the Mishnah is over the place where the partition was: whether it is considered like the public domain. However, there is no disagreement over the rest of the courtyard.

But note that the Mishnah **states "from within it".** This implies that the disagreement concerned the whole courtyard, and not just the place where the partition had been standing!

*

The Gemara answers: **Since the Sages said** the term **"from within it", he** Rabbi Eliezer **also said "from within it".** However, he did not mean to imply that the whole courtyard has the status of a public domain. Rather, he meant that only in the place of the partition, it is considered a public domain.

*

But according to this, there is a difficulty with what **the Sages** said. For note that **Rabbi Eliezer** had **said** that **the sides of a public domain** (the place where the partition had been) has the status of a public domain. And if this is so, how could it be that **they responded to him** by speaking of "One who throws a utensil **from *within*** the courtyard is exempt (by Torah law), but it is still forbidden to do it"?

Rabbi Eliezer had not mentioned the inside of the courtyard. So why did the Sages respond by mentioning it?

*

The Gemara answers: **This** is what **the Sages were saying to Rabbi Eliezer:**

Do you not admit to us in the following cases?

1. **Where he carries from inside it,** the courtyard, **to the public domain.**

2. **Or** he carries **from the public domain to inside it.**

Do you not agree **that he is exempt, because it is a *carmelit*?** And if so, **the sides** of the public domain (i.e. the place where the partition was) should **also not be different.** They, too, should be viewed as a *carmelit*.

And Rabbi Eliezer held that there is a difference: Over **there,** within the courtyard, **the public do not tread there.** Thus it is not viewed as a public domain. Whereas **here** in the place of the partition, **the public tread there.** Thus it is considered like the public domain.

Mishnah

A courtyard that, during the course of Shabbat, **became breached to the public domain**, **from two of its sides.**

And similarly, a house that became breached from two of its sides.

And similarly, an alleyway that its crossbeam or side post was removed during Shabbat[5].

In all these cases, **they are permitted** to carry there **for that Shabbat.** This is because we say that since it was permitted at the onset of Shabbat, it is permitted for the rest of Shabbat. **However, they are forbidden** to carry there **in the future** i.e. on the next Shabbat. These are **the words of Rabbi Yehudah.**

Rabbi Yosi says: If they are permitted to carry there **for that Shabbat**, they are permitted **for the future** Shabbat. **And if they are forbidden for the future** Shabbat, **they are forbidden for that Shabbat!**

I.e. Rabbi Yosi holds that carrying is forbidden. Since it is forbidden to carry there on future Shabbatot, it is also forbidden to carry there on this Shabbat.

Gemara

With what exact case **are we dealing** in the Mishnah, regarding the courtyard that became breached?

If you say that the breach is **ten** *ammot* wide, the Mishnah does not make sense. For **what is the difference** between a breach **on one side,** which does not make it forbidden,

[5] It is forbidden to carry in an alleyway on Shabbat unless a crossbeam was placed at the entrance of the alleyway before Shabbat started, or a side post was placed at its entrance.

and a breach on two sides, which does make it forbidden? Just as with a breach on one side, **we say it is** just **an opening**, and is considered an acceptable part of the wall, so too we should say when it is breached **on two sides.** Here we should **also** say that **it is** just **an opening.**

Rather, perhaps the Mishnah is speaking in a case where the breach is **more than ten** *ammot* wide.

But this would still be difficult. Because **if so, even** if it is breached **on** just **one side,** it should **also** be forbidden to carry there. So why does the Mishnah teach a case of being breached on two sides?

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Said Rava: In truth, the Mishnah is speaking of a breach which is **ten** *ammot* wide.

Ammud Bet

And here we are dealing **for example** where **it was breached at a corner.** I.e. it was really just one breach, but it was on two sides, next to one another.

And even though the breach is not more than ten *ammot* wide, it is not considered as just an entrance to the courtyard. **Because people do not make an entrance at a corner**.

This is the case of "two sides" that forbids carrying in the courtyard.

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Perek 9 – 94B

It was stated in the Mishnah: **And similarly** concerning **a house which is breached on two sides,** it is permitted to carry in it on that Shabbat, but it is forbidden on the future Shabbat.

The Gemara is assuming that the breach the Mishnah is speaking of is more than ten *ammot* wide. Therefore the Gemara is puzzled:

What is the difference if the house is breached **from** just **one side,** or two sides? Just like when it is breached from one side, one may carry in the house, **because we say *"pi tikrah yoreid vesoteim",*** i.e. "the edge of the roof is lowered and closes off" the breached area[6].

So too when the house **is breached on two sides,** it **also** should not be forbidden to carry there. Because also in this case **we should say *pi tikrah yoreid vesoteim***.

*

They said in the House of Rav in the name of Rav: Our Mishnah is speaking **for example** where **it was breached in the corner** of the wall. Although the breach is no wider than ten *ammot,* it may not be considered as just an entrance since it was made in the corner. For people do not make their entrances at the corner of a house.

And the Mishnah is speaking in a case that **its roof is sloped.** In this case, since it has no edge, **we may not say *pi tikrah yoreid vesoteim***.

*

[6] This is a Halachah that was transmitted to Moses at Mt. Sinai. It enables a partition above to be considered valid below.

Perek 9 – 94B

But Shmuel said: It is not necessary to explain the first case of the Mishnah to be speaking in a case of a breach less than ten *ammot*, which was in the corner of the courtyard.

Rather, the Mishnah may be speaking of a breach which was **even more than ten** *ammot* wide.

And **if so,** even a breach **on one side also** makes the courtyard forbidden to carry there. And the Mishnah which speaks of a breach on two sides, is only because of the next case, of a house. There it must speak of a breach on both sides – for if it was breached on just one side, even if it was more than ten *ammot*, it would still not make the house forbidden to carry in.

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The Gemara is puzzled by this answer: **But the** case of the **house is itself difficult** to understand. Why is a breach of one side different from a breach of two sides?

What is the difference when the house is breached **on one side? W**e say it is permitted, **because we say *pi tikrah yoreid vesoteim***.

If so, when the house is breached **on two sides, also** there**, let us say *pi tikrah yoreid vesoteim***.

*

And furthermore, does Shmuel really hold of this principle of *pi tikrah yoreid vesoteim*?

But note what **was said** above (90b) in a statement of Amoraim:

Perek 9 – 94b

Concerning **a pavilion** which is located **in a valley** (which is a *carmelit*):

Rav said: It is permitted to carry in all of this pavilion, because we say *pi tikrah yoreid vesoteim*.

And Shmuel said: We may only carry there four *ammot,* like the rest of the valley which is a *carmelit*.

It is clear from here that Shmuel does not hold of the principle of *pi tikrah yoreid vesoteim*.

*

The Gemara answers: **This is not difficult!**

When do we say that Shmuel **does not hold of** the principle of *pi tikrah yoreid vesoteim*? That is **in** a case when we need to close off all **four** sides. **But** if **in** only **three** sides, then even Shmuel **holds** of it.

*

However, the first question is **nevertheless** still **difficult.** I.e. why do we not say *pi tikrah yoreid vesoteim* in the case of our Mishnah, where there is a breach on two sides.

And we may not answer this question by saying that Shmuel would explain the Mishnah to be speaking that the roof is on a slope. For if so, then even a breach on one side should make it forbidden.

*

Perek 9 – 94B

The Gemara answers: Shmuel could say to you: Just **like the House of Rav said in the name of Rav** that the Mishnah is speaking **in a case where the house was breached** in the corner and **its roof was** made **on a slant.** They gave this explanation even though it means explaining the Mishnah in a very limited case.

Here also, Shmuel could say that we may explain the Mishnah in a very specific case, **for example** that the wall and the roof **was breached in the corner, and its roof was sloped**.

I.e. the breach was not a straight uniform breach, but it was jagged, resembling a staircase (as illustrated in the commentary of Rashi). The breach went inside four *tefachim*, then extended in a straight line five *ammot*. It then indented a further five and a bit *ammot,* and finally extended once more in a straight line a further four *tefachim*.

In order to say *pi tikrah yoreid vesoteim*, this needs to be done in four places:

(1) On the eastern side of the house – the breach of five *ammot*.
(2) On the southern side of the house – the breach of four *tefachim*.
(3) On the northern side of the house – the breach of five and a bit *ammot*.
(4) On the western side of the house – the breach of four *tefachim*.

And since we do not say *pi tikrah yoreid vesoteim* when it needs to be done in four places (as the Gemara stated earlier), therefore one may carry only four *ammot* in this case.

*

Shmuel did not say like Rav, i.e. he did not explain the Mishnah like Rav (that the roof was sloped and therefore we do not say *pi tikrah yoreid vesoteim*) because **it does not**

teach in the Mishnah that the roof **was sloped.** Rather it was taught generally about a house, implying that the house is like a standard house which has a straight roof.

And Rav did not say like Shmuel, i.e. he did not explain the Mishnah to be speaking of a breach with four corners. **Because if this was correct,** the house **would be** just like **a pavilion.**

And in this respect, **Rav** is going **according to his reasoning** that he said elsewhere. **For he said** concerning **a pavilion** that **it is permitted to carry in all of it,** because we say *pi tikrah yoreid vesoteim* even on four sides.

For it was said in a statement of Amoraim: That according to Rav we say *pi tikrah yoreid vesoteim* even on four sides.

A pavilion which is located **in a valley:**

Rav said: It is permitted to carry in all of the pavilion.

And Shmuel said: One may only carry there four *ammot.*

Rav said that **it is permitted to carry in all of it** because **we say *pi tikrah yoreid vesoteim***.

And Shmuel said: that it is **only** permitted to carry there **four *ammot,*** because **we do not say *pi tikrah yoreid vesoteim*** on four sides.

In a case where the sides of the pavilion are no more than **ten** *ammot*, **everyone agrees** that it is permitted to carry in all of the pavilion. Because in this case the openings are just considered as a normal gap in a wall.

Perek 9 – 94B

When do they disagree? In a case that the openings are **more than ten** *ammot* wide. In this case, since we need to close off these openings to validate the partition, there is a disagreement if we apply the principle of *pi tikrah yoreid vesoteim* when there are four sides that need to be closed off.

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And some say: In a case that the sides of the pavilion are **more then ten** *ammot*, **everyone agrees** that is forbidden to carry there more than four *ammot.*

When do they disagree? In a case where the openings are **ten** *ammot* wide (or less).

*

The Gemara poses a difficulty: **But note that** which **Rav Yehudah said:**

Chavruta
Eiruvin – Daf Tzaddi Heh

Translated by: *Chavruta staff of scholars*
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[**But note that** which **Rav Yehudah said:**] **A beam four** *tefachim* wide which is placed on four poles – this beam **permits** carrying **in a ruin** which is open to a public domain. I.e. it is permitted to carry in the area directly underneath the beam. Because we say *pi tikrah yoreid vesoteim*[1]*,* "the edge of the roof extends downward and closes off" the space under the beam.

And Rav Nachman added to this, **in the name of Rabbah bar Avuha: A beam** which is **four** *tefachim* wide **permits** drawing **water.**

This refers to a case of a well which is located in between two courtyards. The residents of both courtyards cannot draw the water, unless a partition is made inside the well, to divide it between the two courtyards. If they place a beam above the well, in the middle, we say *pi tikrah yoreid vesoteim*. I.e. the edges of this beam are viewed as extending downward to make a partition in the well. Then the residents of the courtyard can draw water from there.

*

Whose view **is this?** I.e. whose view did Rav Yehudah base himself on, when he said that we apply *pi tikrah yoreid vesoteim* even on four sides?

*

According to that first **version** (at the end of the previous *daf*)*,* **which said** that **they** (Rav and Shmuel) **do not disagree in** a case of gaps which are **ten** *ammot* wide**,** we could

[1] This is a Halachah transmitted to Moses at Mt. Sinai. It enables a partition above to be considered valid

say that this case of a ruin is speaking **in a case** that the spaces in the ruin are only **ten** *ammot* wide. And according to this, Rav Yehudah would be following the **words of everyone.**

According to that second **version, which said** that **they disagree in** a case where the spaces are **ten** *ammot*, we must say that the case of a ruin was stated only **according to** the view of **Rav.** But according to Shmuel, we could not use the beam to permit carrying in the ruin, for Shmuel holds we do not say *pi tikrah yoreid vesoteim* in a case of four corners.

*

Let us say that Abaye and Rava are disagreeing in the disagreement of Rav and Shmuel:

For it was said in a statement of Amoraim: **One who places *sechach*[2] on top of a pavilion that has posts** placed along each of its four sides. Between each post there is a gap of less than three *tefachim*. The pavilion **is fitting** to be used as a succah, because we view each side to be closed, since we apply the principle of *lavud*[3].

However **if it does not have** these **posts**, i.e. it is completely open on all four sides, there is a disagreement between Abaye and Rava.

Abaye said: It is valid to be used as a succah.

Rava said: It is invalid.

Abaye said it is valid because **he said** also in this case **we say *pi tikrah yoreid vesoteim*.**

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below.

[2] Material which is valid to be used as the roof on top of the succah.

And Rava said it is invalid because **we do not say *pi tikrah yoreid vesoteim*** in this case.

Let us say that Abaye holds **like Rav,** and **Rava** holds **like Shmuel.**

The Gemara is assuming at this point that Rava rules that the pavilion cannot be used for a succah, because he holds that we apply the principle of *pi tikrah yoreid vesoteim* only on one or two sides—but not on all four sides of a pavilion.

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The Gemara rejects this approach: **According to Shmuel, everyone agrees.** I.e. indeed it is true that only Rav can hold like Shmuel, and Abaye cannot hold like Shmuel.

When do they (Abaye and Rava**) disagree?** It is **according to Rav.** I.e. Rava could also be holding like Rav.

Abaye holds **like Rav**, that we apply the principle of *pi tikrah yoreid vesoteim* even when we need to do this on all four sides of the pavilion.

And Rava would say: **Rav only said over there** (concerning the pavilion in the valley discussed on the previous *daf*) that it was permitted to carry **because those partitions** (the beams which make up the roof of the pavilion) **were made for the pavilion.** And therefore we can use them to apply *pi tikrah yoreid vesoteim*.

But here, concerning using this pavilion as a succah, **where these partitions** (the beams above) **were not made for the** sake of this area becoming a **succah,** rather they were made for the standard use of this area as a pavilion. Here, even Rav would say **no,** we do not apply *pi tikrah yoreid vesoteim*.

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[3] This is a Halachah that considers a gap of less than three *tefachim* to be non-existent, and it is as if the

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It was stated in the Mishnah: **Rabbi Yosi says: If they are permitted** to carry in them[4] for this Shabbat, they are permitted to carry there in the future Shabbat. And if they are forbidden to carry in them on the future Shabbat, they are forbidden for this Shabbat.

They posed an inquiry: Is **Rabbi Yosi** coming **to forbid** carrying there on the next Shabbat, **or to permit** carrying on this Shabbat?

Said Rav Sheishet: To forbid!

And so said Rabbi Yochanan: To forbid!

It was also taught in a Baraita **like this: Said Rabbi Yosi: Just like they are forbidden in the future** Shabbat, **so they are forbidden for this Shabbat.**

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It was said in a statement of Amoraim:

Rabbi Chiya bar Ashi said in the name of Rav: The Halachah is in accordance with Rabbi Yosi.

Shmuel said: The Halachah is in accordance with Rabbi Yehudah. I.e. it is permitted to carry there on that Shabbat, and it is forbidden to carry there on a future Shabbat.

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space was completely closed.

[4] Referring to a private domain that became breached on two of its sides to a public domain, during the course of Shabbat.

Perek 9 – 95a

The Gemara is puzzled by this: **And did Shmuel** really **say this,** that the Halachah is like Rabbi Yehudah?

But it was taught in a Mishnah: We do not make an *eiruv*[5] for a person without his consent.

Said Rabbi Yehudah: In what case **were these words said?** Concerning *eiruvei techumin*[6].

But with *eiruvei chatzeirot,* you may make an *eiruv* with or without his consent. Because one may confer advantage upon a person even **not in his presence,** i.e. without his express knowledge and consent. **But one may only confer disadvantage upon a person** when **in his presence,** i.e. with his express knowledge and consent**.** And *eiruvei techumin* can be a disadvantage for a person, since he is now unable to go to a place he might have wanted to go to.[7]

And Rav Yehudah said in the name of Shmuel, concerning this Mishnah: **The Halachah is in accordance with Rabbi Yehudah. And not just this, but any place that it teaches** the view of **Rabbi Yehudah, the Halachah is in accordance with him.**

And Rav China from Baghdad said to Rav Yehudah: Did Shmuel really **say** that the Halachah is like Rabbi Yehudah **even regarding an alleyway whose crossbeam or side post have been removed** (one of the cases in our Mishnah)?

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[5] *Eiruv Chatzeirot* – that the co-dwellers of a courtyard make joint ownership in an article of food and thereby symbolically combine (*me'arvim*) their ownership, as if the courtyard belongs to a single person. They do this to permit carrying from their homes into the courtyard on Shabbat.

[6] One leaves food outside one's town or residence before Shabbat, within 2000 ammot, designating the place of the food as one's "Shabbat dwelling". This is done so that on Shabbat, one may walk another 2000 ammot from where one left the food.

[7] Without the *eiruv techumin* being made specially for him, he would have followed the Shabbat boundary of his town, which extends equally in all directions.

And he Rav Yehudah **said to him: Concerning *eiruvin,*** I said to you in the name of Shmuel that the Halachah is like Rabbi Yehudah. **But not concerning partitions!** And the function of the crossbeam and side post is to create a partition.

So we see that Shmuel does not hold that the Halachah is like Rabbi Yehudah in our Mishnah.

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Said Rav Anan: This matter of Shmuel i.e. what he meant **was personally explained to me**.

Here in our Mishnah**, where it** the alleyway lacking the crossbeam or side post **is breached to a *carmelit,*** Shmuel holds that it is permissible to carry on that Shabbat, in accordance with Rabbi Yehudah's view in the Mishnah.

There, where it was said: "But not concerning partitions", **it is breached to a public domain.** In such a case, Shmuel did not allow carrying even for that Shabbat.

Mishnah

One who builds an upper story on top of two houses which are on opposite sides of the public domain, we apply *pi tikrah yoreid vesoteim*. Therefore, the area of the public domain directly underneath the upper story has four partitions surrounding it: two from the houses, and two from the partitions of the roof that "descended" below.

And similarly, with **bridges which open up** to a public domain i.e. they are open at both ends to the public domain underneath. The bridges on two sides are supported by walls and on two sides are open. Here also, we apply *pi tikrah yoreid vesoteim* on the two open sides, to form partitions. This encloses the public domain which is under the bridges.

In both these cases, **you may carry underneath them** (the upper story and the bridge) **on Shabbat.** These are **the words of Rabbi Yehudah.**

And the Sages prohibit carrying underneath them on Shabbat.

And Rabbi Yehudah said another statement: **You can make an *eiruv*** (either *eiruv chatzeirot* or *shituf mevu'ot*[8]) **to an alleyway which is open at both ends** to a public domain.

And the Sages forbid making such an *eiruv*. For they hold that a place needs to have at least three partitions to be considered a private domain.

Gemara

Said Rabbah: Do not say that the reason of Rabbi Yehudah, who permits carrying under the upper story or the bridge, **is because he holds** that **two partitions** make a place into a private domain **according to Torah law.**

[8] This works similarly to an *eiruv chatzeirot*. In this case the members of different courtyard join together so that the alleyway becomes under the ownership of a single courtyard. This permits the different courtyards to carry into the alleyway on Shabbat.

Rather, the reason why he permits carrying there is **because he holds** that we say ***pi tikrah yoreid vesoteim***. I.e. the upper story or the bridge is viewed as extending down and closing off the two open sides. In this way, there are really four partitions there, and this is why Rabbi Yehudah permitted carrying there.

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Abaye contradicted Rabbah, from a Baraita that also cites Rabbi Yehudah's ruling to permit carrying under the upper story or bridge.

The Baraita goes on to say: And **Rabbi Yehudah said** even **more than this:** Even where the public domain is open to the sky, so we obviously cannot apply *pi tikrah yoreid vesoteim*, still Rabbi Yehudah permitted carrying there.

For example, **someone who had two houses** facing one another **on two sides of the public domain.** This area in between the houses is a private domain, on account of the two partitions of the two houses on the two sides of the public domain. However, in order to carry in that area, the Sages decreed that one needs to make some form of amendment there, since it is open to the public domain.

Therefore **he makes a side post here** – on one side of the wall of the house – **and a side post there** – on the other side of the wall of the house.

Or, he places **a crossbeam** going across from one house to the other house, **here** on one side of the houses. **And a**nother **crossbeam there,** on the other side of the houses. Thus, the area where the two houses face each other is now enclosed by two crossbeams at each end of that area.

And with one of these amendments, **he can carry in the middle** – in the space between the two houses.

Perek 9 – 95a

They the Sages **said to him** Rabbi Yehudah**:** Two partitions do not make an area into a private domain. Only if there are *three* partitions is it considered a private domain. Therefore, **you cannot rectify a public domain in this manner**, just by placing a side post or crossbeam there.

Thus we see that according to Rabbi Yehudah, an area with just two partitions is considered a private domain. This contradicts Rabbah's explanation of Rabbi Yehudah's view.

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He Rabbah **said to him** Abaye**: From that** Baraita that you cited, **yes** there is a proof to your claim that according to Rabbi Yehudah, two partitions make an area into a private domain, by Torah law.

But what I meant to say was as follows: **From that** i.e. our Mishnah, **one cannot derive** that Rabbi Yehudah holds such a view. Because we could interpret our Mishnah as saying that he permits carrying there only because there really are four partitions present – after we apply *pi tikrah yoreid vesoteim*.

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Said Rav Ashi: It is also implied like this in **our Mishnah.**

I.e. that the reason of Rabbi Yehudah in our Mishnah is as Rabbah said

From that which is taught there: **"And furthermore, Rabbi Yehudah said** that **we can make an *eiruv* in an alleyway which is open at both of its ends. And the Sages forbid** making an *eiruv* in this case."

It is all right if you say that the reason of Rabbi Yehudah in the first part of the Mishnah is **because he held** that we apply ***pi tikrah yoreid vesoteim***. And **that is why it teaches** in the second part of the Mishnah: **"and furthermore,** Rabbi Yehudah said…" I.e. the first clause teaches that we permit carrying on account of *pi tikrah yoreid vesoteim*. Then the latter clause teaches a further step: that we permit carrying even if there are only two partitions, and even if it is an area for which we cannot apply *pi tikrah yoreid vesoteim*.

But if you say that the reason of Rabbi Yehudah in the first clause of the Mishnah is because **he held** that **it is a Torah law** that an area with **two partitions** is considered a private domain, and that is also his reason in the latter clause of the Mishnah, then a problem arises: **What** is meant by **"and furthermore"?** This phrase implies a different teaching and reason from the preceding.

Rather, **hear from this** a proof that the reason of Rabbi Yehudah in the first clause of the Mishnah is like Rabbah said: *pi tikrah yoreid vesoteim*.

Hadran Alach Kol Gagot

We Will Return to You, Perek Kol Gagot

Perek HaMotzei Tefillin

Mishnah

One who finds tefillin on Shabbat in a field where they are lying in disrespect, **brings them** into a house or town, **by pairs,** as follows**.**

He puts on one pair, on his head and his arm as he wears them during the week, and he enters the town that way, and takes them off. Then he goes back and brings the others, pair after pair.

By wearing them, it is not considered that he is carrying them from the public domain to the private domain.

But wearing more than one pair at a time is considered carrying, and is forbidden.

Rabban Gamliel says: Even **two by two** at a time is permitted. The Gemara will explain.

In what circumstances does this apply, that he is permitted—and obligated—to bring them into the town? **In a case of** finding **old** tefillin. With them, one can recognize from

the way the straps are tied that they are definitely tefillin, and thus it is forbidden to leave them in a disrespectful state.

But with new ones, he is **exempt** from bringing them in. For one cannot recognize from the way the straps are tied that they are tefillin. Perhaps they are an amulet, and do not have the sanctity of tefillin. Thus, one may not be lenient regarding the laws of Shabbat for them.

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Now the Mishnah discusses a new case:

He found them arranged in **sets,** piles of tefillin which are tied together in pairs, **Or,** the tefillin were arranged in **bundles,** i.e. tied together in one pile. And due to the great number, he cannot bring all of them by pairs before Shabbat ends. In this case he is not permitted to bring them in on Shabbat, because anyway he will have to continue to bring them in after Shabbat departs.

Rather, he **waits with them until nightfall,** and guards them until dark, **and brings them in** all together.

Perek 10 – 95B

Ammud Bet

And when in danger, when he fears bandits will attack him, **he covers them** with a garment, and **walks away.**

Rabbi Shimon says: He should carry them less than four *ammot,* **and** afterwards **he gives them to his friend, and his friend** gives them **to his friend,** and each one carries them less than four *ammot,* **until he reaches the outer courtyard** where the town begins, which is a secure place in which the tefillin may be deposited.

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And similarly, regarding **his son** who is born outside the town on Shabbat. He should **give him** the baby **to his friend, and his friend to his friend, and** each one carries him less than four *ammot.* **Even one hundred** people may carry the baby, until he brings him into the town.

Rabbi Yehudah says: A person may give a barrel filled with water **to his friend, and his friend to his friend,** and in this way, they may carry it **even past the Shabbat boundary.**

They said to him to Rabbi Yehudah: **This** barrel **may not go farther than the legs of its owner** are permitted to go. I.e. it is forbidden to carry it beyond the Shabbat boundary, where the barrel's owner is forbidden to walk. The Gemara will explain.

Gemara

The Gemara questions the view of the first Tanna: Only **one pair, yes,** he is allowed to bring in at one time—but **more** than one pair, he may **not?**

Shall we say, according to this, that **the Mishnah is teaching an unnamed statement** that **is not in accordance with Rabbi Meir?** For the view of the first Tanna, which was expressed without a name, seems not to accord with Rabbi Meir's view.

Yet, there is a general rule that an unnamed statement in a Mishnah is the view of Rabbi Meir.

For if it would be in accordance with Rabbi Meir, did he Rabbi Meir **not say** that if a fire broke out in someone's courtyard, he **wears whatever he can wear, and wraps himself in whatever he can wrap himself,** even many layers of clothes, and takes them out to another courtyard. Whereas the first Tanna in our Mishnah permits wearing only *one* pair of tefillin to save them, not many.

And as proof that Rabbi Meir rules that one may put on multiple layers of clothing, note that **it is taught in a Mishnah** in tractate Shabbat (*daf* 120A), regarding a fire that broke out in a courtyard: **And to there,** to the next courtyard, **he may take out every usable vessel** that he needs for that Shabbat. **And he wears whatever he can wear, and wraps himself in whatever he can wrap himself.**

The Gemara asks: **And that unnamed statement** in the Mishnah of Shabbat, **from where** do we know **that it is** definitely expressing **Rabbi Meir's view?** If one of the unnamed statements is perforce not according to Rabbi Meir, who is to say which one it is? (*Ritva*)

The answer is **that** the following Baraita **teaches about it,** about this Mishnah: He **wears clothes and takes out** the clothes to another courtyard, and **takes off** the clothes there, and goes back **and wears** more clothes, and takes them out, and **takes off** the clothes, **even the entire day.** These are the **words of Rabbi Meir.**

Thus, it is clear from the Baraita that this is the view of Rabbi Meir.

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The Gemara now explains that the first Tanna of our Mishnah could indeed be in accordance with Rabbi Meir, in spite of the apparent contradiction from the Mishnah and Baraita of Shabbat.

Said Rava: You may say our Mishnah agrees **even** with **Rabbi Meir,** and there is no contradiction.

There, regarding wearing multiple layers of clothing, **the Sages equated this with the manner his clothes are worn during the week.** I.e. they permitted him to dress like he dresses during the week, as the Gemara will explain.

And here also with tefillin, **the Sages equated them with a manner** which is **similar** to **wearing** them **during the week.**

Now Rava explains: **There** multiple layers are permitted**, for during the week,** one normally **wears as many** layers of clothes **as he wants.** Therefore, **regarding saving** his property from fire on Shabbat, **the Sages also permitted him** to take out as many clothes as he wants, by wearing them.

But **here,** multiple pairs of tefillin are forbidden**. For during the week also,** he wears **one pair** of tefillin. **Yes,** this is normal practice. But **more** than one pair, **no,** it is not

normal practice to wear. Therefore **regarding saving** them from disgrace **also, one pair, yes,** he may wear. But **more, no.**

The first Tanna of our Mishnah holds that the mitzvah of wearing tefillin applies even on Shabbat. Even without needing to save them, one would wear tefillin. Therefore this Tanna permits wearing them on Shabbat in order to save them, but only one pair at a time, as is normal.

It is taught in the Mishnah: Even **two by two** at a time is permitted.

The Gemara asks: **What** view **does he** Rabban Gamliel **hold,** regarding the times when the mitzvah of tefillin apply**?**

If he holds that Shabbat is a time for wearing **tefillin,** and he only permits saving them by wearing them in the proper manner, then **one pair, yes,** it should be permitted. But **more** than one pair, **no.** If so, why does he permit two pairs at a time?

And if he holds that Shabbat is not a time for wearing **tefillin, and in order to save** them, the Sages allowed wearing them nonetheless. For they are not considered a burden when worn on the head and arm, but rather a **manner of dress,** since they are considered an ornament for a person. Thus **the Sages permitted him** to wear them.

If so, bringing in **even more** than one pair at a time **also** should be permitted.

The Gemara answers: **In truth,** Rabban Gamliel **holds that** Shabbat **is not a time for tefillin.**

Perek 10 – 95B

And when the Sages permitted wearing them on Shabbat **as regards saving** them, by bringing them in **a manner of dress,** this is permitted only by wearing them **on the place** that is appropriate to wear **tefillin,** since there is only one valid place on the head to wear them, as the Gemara will explain.

And regarding the laws of Shabbat, if they are not worn in the proper place they are considered a burden and are forbidden to be brought in this way.

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The Gemara raises a difficulty: **One pair, yes,** it should be permitted. But **more** than one pair, **no.** Why does he permit two pairs at a time, if there is not enough room on the head for more than one to be worn validly?

The Gemara answers: **Said Rav Shmuel bar Rav Yitzchak: There is room on the head to place on it two tefillin** in a valid way**.**

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The Gemara raises a difficulty: **This is reasonable** for tefillin worn **on the head.** But regarding tefillin worn **on the arm, what is there to say** that can explain the permission to wear two pairs**?**

The Gemara answers: **Like Rav Huna** said**.**

For said Rav Huna: Sometimes a person comes from the field and his bundle is on his head, and to facilitate carrying the bundle in that way, he **removes** the tefillin **from his head, and ties it on his arm** to make room on his head.

Thus we see that there is room on his arm for two tefillin.

Perek 10 – 95B

The Gemara raises a difficulty: **I would say that Rav Huna said** what he did about tying the head-tefillin on his arm, only in order **that he will not treat them in a disrespectful manner,** i.e. to avoid placing his bundle on them.

But to infer from his statement that there is extra room on the arm that is **suitable** mitzvah-wise for wearing an additional tefillin, **who says** that he meant such a thing?

The Gemara answers: **Rather,** it is **like what Rav Shmuel bar Rav Yitzchak said** regarding the head-tefillin:

There is room on the head that is suitable to place on it two tefillin.

Here also, regarding tefillin of the arm, we say: **There is room on the arm that is suitable to place on it two tefillin.**

It was taught in the House of Menashe: "And you should tie them for a **sign on your arm" – this** refers to **the bicep,** the hump on the forearm, which is between the elbow and the shoulder.

"And they should be tefillin **between your eyes**" – **this** refers to **the skull.**

The Gemara asks: **Where** on the skull?

They said in the House of Rabbi Yannai: The place where the brain of a baby is soft.

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Perek 10 – 95B

The Gemara now explains the disagreement between the first Tanna and Rabban Gamliel, in our Mishnah:

Let us say they are differing over what **Rav Shmuel bar Rav Yitzchak** said, that there is room on the head to place two tefillin.

That the first Tanna does not agree with Rav Shmuel bar Rav Yitzchak, and rather holds that there is only room on the head and arm for one pair of tefillin. Therefore it is forbidden to bring into the town more than one pair.

And Rabban Gamliel agrees with Rav Shmuel bar Rav Yitzchak, that there is room on the head and arm for two tefillin.

The Gemara rejects this: **No, everybody agrees with Rav Shmuel bar Rav Yitzchak.**

And here, they are differing over whether Shabbat is considered **a time for** the mitzvah of **tefillin.**

That the first Tanna holds the view**: Shabbat is a time for tefillin.** That being so, the prohibition of "*bal tosif*", adding on to a mitzvah, is applicable. Thus it is forbidden to wear two pairs of tefillin because of "*bal tosif*". Furthermore, this Tanna holds that the tefillin are *not* viewed as an ornament. Thus, only by fulfilling with them the mitzvah of tefillin would they allowed to be worn in the public domain on Shabbat.

And Rabban Gamliel holds the view**: Shabbat is not a time for tefillin.** But even without a mitzvah, they may be worn in the public domain, since according to Rabban Gamliel, they are considered an ornament. (Also, there is no prohibition of *bal tosif*.) And it is permitted to bring in two pairs, because both are considered ornaments.

Perek 10 – 95B

And if you wish, I could **say** an alternative answer: **Everyone** agrees that **Shabbat is a time for tefillin,** and that tefillin are not an ornament.

And they are differing over mitzvot need to be done with express **intention** to fulfill them.

The first Tanna holds the view**:** Every mitzvah, in order to fulfill one's obligation, **needs intention.** I.e. one must have in mind that with this action, one is thereby fulfilling one's obligation in the mitzvah.

Therefore he cannot bring in two pairs at one time. Because if he intends to wear them for the mitzvah, he transgresses the prohibition of *bal tosif*. And if he does not intend to fulfill the mitzvah, he does not fulfill the mitzvah with either pair, and both are forbidden to carry on Shabbat.

And Rabban Gamliel holds the view**:** Mitzvot **do not need** to be done with the **intention** to fulfill the mitzvah. I.e. even without having in mind that this act is to fulfill one's obligation, one nevertheless has fulfilled it.

Therefore, he may bring in two pairs as long as he has no intention to fulfill with them a mitzvah.

With one pair he will fulfill his obligation to wear tefillin, even without express intention to do so. But he does not transgress the prohibition of *bal tosif* by wearing the second pair, since this prohibition applies only when one expressly intends to add to the mitzvah.

Chavruta
Eiruvin – Daf Tzaddi Vav

Translated by: *Rabbi Reuven Bloom*
Edited by*: R. Shmuel Globus*

And if you wish, I could say an alternative explanation of the disagreement between the first Tanna and Rabban Gamliel: **That everyone agrees that to fulfill** a mitzvah, one **does *not* need** to have in mind the **intention** to fulfill the mitzvah. **And here they are disagreeing if one transgresses "*bal tosif*",** the prohibition of adding on to a mitzvah, by wearing two pairs.

The first Tanna holds the view**:** Just as fulfilling a mitzvah does not require intention, so too **transgressing *bal tosif* does not need intention.** Therefore he cannot bring in two pairs, because even without intending to fulfill a mitzvah with them, he transgresses *bal tosif*.

Rabban Gamliel holds the view**:** Even though fulfilling a mitzvah does not require intention, but **to transgress *bal tosif* requires intention.** And as long as he does not intend to fulfill a mitzvah, he does not transgress *bal tosif*—and he may bring in two pairs at a time.

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And if you wish, I could say an alternative explanation: **If we would hold that Shabbat is a time for** fulfilling the mitzvah of **tefillin,** then we would say **that everyone** agrees that **neither to transgress** *bal tosif* **needs intention, nor to fulfill** a mitzvah **needs intention.**

But we will rather hold the following: **Here** everyone agrees Shabbat is *not* a time for tefillin.

And they are differing over transgressing *bal tosif* **when it is not its time** for the mitzvah.

That the first Tanna holds the view**:** Even when it is not the time for the mitzvah, one **does not need intention** to transgress *bal tosif*. Therefore, even when he wears two pairs of tefillin not at the time for the mitzvah, he has committed a transgression of *bal tosif*.

Therefore he may not wear two pairs at a time into the town, even without intending to fulfill a mitzvah.

And Rabban Gamliel holds the view**: To transgress** *bal tosif* **when it is not its time** for the mitzvah, it **needs intention**. Since now is not the time for the mitzvah and he does not wear them with intention to fulfill a mitzvah, there is no mitzvah and certainly no addition to a mitzvah.

Thus he may bring in two pairs on Shabbat, which is not a time for the mitzvah of tefillin. For as long as he has no intention to, he does not transgress *bal tosif*.

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The Gemara raises a difficulty: **If so, according to Rabbi Meir** (who is the first Tanna), **one pair also** he **cannot** bring in. Because the very act of wearing tefillin is itself adding to the mitzvah, since Shabbat is not a time for tefillin!

And further, if this reasoning is correct, then one who sleeps on **Shmini** Atzeret **in a succah**[1] **should be whipped** for transgressing the Torah prohibition of *bal tosif,* even if he did not thereby intend to fulfill a mitzvah.

[1] The mitzvah of dwelling in a succah applies only during the seven days of the festival of Succot, not on the following Yom Tov of Shmini Atzeret.

Outside of the land of Israel, one dwells in a succah on the day that is assumed to be Shmini Atzeret, because it might actually still be Succot. Yet according to the above reasoning, this practice would be forbidden due to.

Thus we must say that according to all views, *bal tosif* requires intention when it is not a time for the mitzvah.

The Gemara concludes: **Rather, the** more plausible **explanation is as we originally taught.** They are differing over whether Shabbat is a time for wearing tefillin.

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And the Gemara asks: **And who did you hear that says Shabbat is a time for tefillin?**

The Gemara answers: **Rabbi Akiva.**

For it is taught in a Baraita: It is written, in a Torah passage mentioning the mitzvah of tefillin**: "And you shall guard this 'ordinance' in its season, 'from days to days'** [i.e. from year to year]**"**.

This verse is understood as referring to the mitzvah of tefillin, as follows: **"Days" – and not nights,** i.e. nights are not the time for tefillin.

"From days" implies some days, **and not all days –** this **excludes Shabbat and Tom Tov,** that they also are not a time for tefillin. These are the **words of Rabbi Yosi Hagelili.**

Rabbi Akiva says: This verse containing the word **"ordinance"** does not refer to the mitzvah of tefillin at all. Rather, it **was only mentioned regarding the subject of**

Pesach, which the Torah spoke about previously. Thus, "From days to days" means that the festival of Pesach should be kept from year to year.

It emerges that according to Rabbi Akiva, there is no verse to exclude wearing tefillin at night and on Shabbat. Thus, he is the Tanna who holds that Shabbat is a time for tefillin.

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The Gemara questions this: **But** how, then, are we to understand **this** statement **which is taught in a Mishnah** in the tractate *Keritot*? For it is taught there: **The Pesach** offering **and circumcision are positive commandments.** Thus, someone who accidentally fails to bring his Pesach offering is not liable to bring a sin offering (*korban chatat*), although that is the usual offering for someone who accidentally commits a sin bearing the punishment of *kareit,* spiritual excision. For this offering only applies to negative commandments.

Let us say this Mishnah **is not like Rabbi Akiva.**

For if the Mishnah would be **Rabbi Akiva, since he explains it** the verse of "and you shall guard this ordinance" as speaking **about bringing a Pesach** offering, then **there is also a** negative **prohibition** involved with not bringing a Pesach offering. Because the phrase "you shall guard" implies a prohibition, **as in that** statement **of Rabbi Avin in the name of Rabbi Ilai:**

For said Rabbi Avin said Rabbi Ilai: Wherever it is stated in the Torah **"guard", "lest"** or **"do not"**, **it is a prohibition** i.e. a negative commandment**.**

If so, according to Rabbi Akiva, too, failing to bring a Pesach offering should make one liable to bring a sin offering!

The Gemara dismisses this: **You can even say** the Mishnah is according to **Rabbi Akiva.**

Because **"guard"** implies a negative commandment only when mentioned in connection **with a prohibition,** i.e. when the Torah warns *not* to do something.

But **"guard"** when mentioned in connection **with a positive commandment,** as in the case of the Pesach offering, it refers to a **positive commandment.**

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The Gemara now questions the original assumption: **And does Rabbi Akiva** really **hold that Shabbat is a time for wearing tefillin?**

And is it not taught in a Baraita, that **Rabbi Akiva says** rhetorically**: Could it be that a person may put on tefillin on Shabbat and Yom Tov?**

But **Scripture says: "It should be for you a sign on your hand".**

This implies specifically **someone who needs a sign,** such as during the week, when a person needs a sign to show that he follows G-d's Torah. (*Rashi*)

This **excludes these** days of Shabbat and Yom Tov from the mitzvah of tefillin, because **they themselves are a sign** of the covenant between the Holy One and Israel. As it is written concerning Shabbat: "Because it is a sign between Me and you."

Thus Rabbi Akiva holds that Shabbat is not a time for tefillin. If so, who is the Tanna who holds that Shabbat is indeed a time for tefillin?

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The Gemara answers: **Rather, it is this** following **Tanna.**

For teaches in a Baraita: One who is awake at night, and thus is not concerned lest he pass wind in his sleep with his tefillin on, the following law applies: If **he wants to, he removes** the tefillin, if **he wants to, he wears them.** And he does not transgress *bal tosif,* because the night is a time for tefillin. The Sages decreed against wearing tefillin at night merely because one might pass wind while sleeping.

Thus, someone awake at night may wear tefillin. These are the **words of Rabbi Natan.**

Yonatan Hakitoni says: There is no wearing of tefillin at night, because night is not a time for tefillin.

The Gemara brings out the point: **Since** we see that **night, according to the first Tanna, is a time for tefillin,** he must interpret the above-mentioned verse, "from days to days", as referring to the Pesach offering—and not to tefillin.

It emerges that according to the first Tanna, **Shabbat is also a time for tefillin!**

The Gemara dismisses this: **Perhaps** the first Tanna **holds** that **night is a time for tefillin,** because "from days to days" is indeed referring to the Pesach offering. Nevertheless, he holds that **Shabbat is not a time for tefillin.** For he derives this exclusion from "for a sign on your hand", excluding Shabbat which itself is a sign.

For note that we already **heard** about the view of **Rabbi Akiva, who said: Night is a time for tefillin,** yet he still holds that **Shabbat is not a time for tefillin,** as we explained above.

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The Gemara answers: **Rather, it is this** following **Tanna.**

For it is taught in a Baraita: Michal the daughter of Kushi (i.e. King Shaul[2]) **wore tefillin, and the Sages did not protest her** practice**.**

And since the Sages did not protest Michal's wearing tefillin, **it follows that they hold** that tefillin **is a positive commandment that is not dependent on time,** and women are therefore obligated to fulfill it. Because if women were exempt, they would be forbidden to wear tefillin, since they would be adding on to the Torah.

It emerges that this Tanna considers both night and Shabbat as a time for tefillin, thus there never is a time when one is exempt from the mitzvah, and this mitzvah is not dependent on time. For if Shabbat were not a time for tefillin, women would be exempt from it.

The Gemara dismisses this: **And perhaps** this Tanna, who said that the Sages did not protest…

Ammud Bet

…holds like Rabbi Yosi, who said later on: **Women placing their hands on their sacrifice is optional.**

[2] Saul

Even though women are not *obligated* to place their hands on their sacrifice, still, they have *permission* to do so, if they want.

So too with tefillin: women are exempt from wearing them, but they are permitted to do so.

For if you do not say this, the following problem arises: **The wife of Yonah**[3] the prophet **would make the pilgrimage** to Jerusalem **for any of the three Festivals, and the Sages did not protest her** practice**.**

Is there anyone who says that the mitzvah to make the pilgrimage on the **festivals is not a mitzvah dependent on time,** and that women are obligated? Surely, it is a mitzvah dependent on time and women are exempt from it.

Rather, he the Tanna of the Baraita **holds** that women are exempt from making the pilgrimage, yet they have **permission** to do so.

Here also, with tefillin, even though they are exempt, they have **permission** to wear them.

So we cannot prove that this Tanna holds that Shabbat is a time for tefillin.

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The Gemara answers: **Rather, it is this** following **Tanna.**

For it is taught in a Baraita: One who finds tefillin, brings them in pair by pair.

Both the man or the woman who found them.

[3] Jonah

Both new ones or old ones, we bring them in by pairs. These are the **words of Rabbi Meir.**

Rabbi Yehudah forbids in a case of bringing in **new** pairs of tefillin, perhaps they are only amulets, and we may not be lenient regarding the laws of Shabbat. **And he permits in the case of old ones.**

And the Gemara infers from this: **This far** Rabbi Meir and Rabbi Yehudah **are differing,** i.e. they are differing **only about new and old** tefillin.

But about women, they do not differ; both hold that women can bring them in pair by pair.

Hear from this a proof that tefillin **is a positive commandment which is not dependent on time. And every mitzvah which is not dependent on time, women are obligated.**

Because if women were exempt from the mitzvah of tefillin, then the tefillin would be a burden for them and not an ornament, and they would be forbidden to bring them in.

It must be that tefillin is a positive mitzvah that is not dependent on time, thus Shabbat is a time for tefillin.

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The Gemara questions this conclusion: **And perhaps he** (Rabbi Meir and Rabbi Yehudah) **holds like Rabbi Yosi, for he** Rabbi Yosi **said that women placing their hands** on their sacrifice **is optional.** And thus they are permitted to wear tefillin as an optional fulfillment of the mitzvah, making it into an ornament for them.

The Gemara answers: **You should not think** this to be true.

Rabbi Meir does not hold like Rabbi Yosi, and Rabbi Yehudah does not hold like Rabbi Yosi, that women placing their hands on the sacrifice is optional.

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Rabbi Meir does not hold like Rabbi Yosi, for it is taught in a Mishnah in the tractate Rosh Hashanah:

We **do not prevent children from blowing** a shofar on Rosh Hashanah, because they need to be taught about the mitzvah.

The Gemara infers: **This implies** that regarding **women,** we indeed **prevent** them from blowing a shofar.

Since women are exempt from the mitzvah of shofar, for them to blow a shofar appears as if they are adding to the mitzvot. And so too **with all the other mitzvot that women are exempt from:** women are forbidden to fulfill them due to *bal tosif*.

And an unnamed statement taught **in a Mishnah is** assumed to be **Rabbi Meir**'s view**.**

So we see that Rabbi Meir does not agree with Rabbi Yosi, that women are allowed to place their hands on their sacrifices.

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And Rabbi Yehudah does not hold like Rabbi Yosi, for it is taught as follows **in a Baraita** in *Torat Cohanim*[4]:

[4] *Torat Cohanim* – also called the *Sifra*.

Perek 10 – 96B

It is written in the Torah portion of *Vayikra*[5]: "**Speak to the Children of Israel:** When a person from you offers a sacrifice"[6]. And later it is written: "**And he will place** his hand on the head of the burnt sacrifice."[7]

The juxtaposition of these verses teaches that the **sons of Israel place their hands, and the daughters of Israel do not place their hands.**

Rabbi Yosi and Rabbi Shimon say: Even though they are exempt, nevertheless, **women placing their hands** on their sacrifices **is optional.**

And an unnamed statement in ***Sifra*, who**se view **does it** express? **It is Rabbi Yehudah**'s view**!**

So we see that Rabbi Yehudah differs with Rabbi Yosi.

Said Rabbi Elazar: One who finds *techelet*[8] in the marketplace, if he found the wool in the form of "**tongues",** wool which has been combed and dyed and stretched out in the shape of a tongue, it is **invalid** for making tzitzit.

But if he finds the wool made into **strings,** they are **valid** to be used for tzitzit.

[5] Leviticus
[6] ibid 1:2.
[7] ibid 1:4.
[8] Wool dyed with the dark bluish blood of the *chilazon,* a certain sea creature. This type of dyed wool is needed for the mitzvah of tzitzit.

The Gemara raises a difficulty: **For what reason are "tongues"** of dyed wool **different,** that they are invalid? **Because one could say was dyed with the intention of** making from it **a cloak,** not for the mitzvah of tzitzit. And to be valid, the wool must be dyed with the intention of being used for tzitzit.

If so, **also** with **threads, let us say that** same reasoning**,** that **they** the threads **were spun with the intention of a cloak,** and not for the mitzvah of tzitzit.

The Gemara answers: Here we are speaking of **twined** threads. He found thick threads made of several strands. Certainly they were made for tzitzit, because usually, twined threads are not used for weaving.

The Gemara questions this: With **twined** threads **also, let us say** that **the reason** the strands **were doubled** over **was for the hem of a cloak,** because twined threads are used for the hem of a garment. So how can we be certain that they were made for the mitzvah of tzitzit?

The Gemara answers: Here we are speaking **about** threads which **are cut** to the size appropriate for making tzitzit**. For to that extent, a person will not trouble himself** to cut them and then retie them, just in order to weave a garment from them. Without a doubt, they were intended to be used for tzitzit.

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Said Rava, challenging the above conclusion**: Does a person trouble himself to make an amulet like a type of tefillin** i.e. in the shape of tefillin? Nevertheless we see that the Mishnah is concerned about this possibility.

For it is taught in the Mishnah in the beginning of the *perek*: **In what circumstances does this apply,** that he is permitted—and obligated—to bring them into the town? **In a**

case of finding **old** tefillin. With them, one can recognize from the way the straps are tied that they are definitely tefillin, and thus it is forbidden to leave them in a disrespectful state.

But with new ones, he is **exempt** from bringing them in. For one cannot recognize from the way the straps are tied that they are tefillin. Perhaps they are an amulet, and do not have the sanctity of tefillin.

Here also, we should be concerned lest someone troubled himself to twine and cut threads as if for strings of tzitzit, although he actually intended to weave a garment with them.

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Said Rabbi Zeira to Ahavah his son: Go out and teach to them—to the Sages who challenged Rabbi Elazar for validating dyed strings found in the marketplace—the following Baraita, which supports his view:

One who finds *techelet* in the marketplace, "tongues" are invalid. Cut strings are valid. Because a person does not trouble himself to cut strings in this way unless he intends to use them for tzitzit.

Said Rava: Because Ahavah the son of Rabbi Zeira taught this, therefore **he has jewelry hanging from it?** Do we have to accept his opinion just because of a heretofore unknown Baraita?

However, it is taught in a Mishnah just the opposite: **In what circumstances does this apply?** In a case of finding **old pairs.** But **new ones,** he is **exempt.** Thus we see that a person does trouble himself to this extent.

Rather, said Rava: Troubling oneself to such an extent **and not troubling** oneself – **it is a disagreement between the Tannaim.**

For it is taught in a Baraita: One who finds tefillin, brings them in pair by pair, both the man who found them **and the woman** who found them, **both new and old.** These are the **words of Rabbi Meir.**

Chavruta
Eiruvin – Daf Tzaddi Zayin

Translated by: *Rabbi Reuven Bloom*
Edited by*: R. Shmuel Globus*

For it is taught in a Baraita: One who finds tefillin, brings them in pair by pair, both the man who found them **and the woman** who found them, **both new and old**. These are the **words of Rabbi Meir.**

Rabbi Yehudah forbids bringing in **new ones, and permits** bringing in **old ones.**

It follows that one **Master,** Rabbi Yehudah, **holds** the view**: A person troubles himself** to make an amulet in the form of tefillin, therefore it is forbidden to bring in new ones.

And the other **Master,** Rabbi Meir, **holds** the view**: A person does not trouble himself** to such an extent**.** Therefore Rabbi Meir permits bringing in even new ones because without a doubt they are tefillin and not an amulet.

Thus the Baraita does not contradict Rabbi Elazar, because he holds like Rabbi Yehudah.

And now that we take into consideration what **the father of Shmuel bar Rav Yitzchak teaches,** a different answer may be given. He teaches**: These are** considered **old** tefillin: **whatever has with them straps, and are tied,** i.e. they are tied with the knot that is special to tefillin.

And new ones are those that **have with them straps, but are not tied** with such a knot.

And new tefillin are forbidden to bring in *not* because we suspect that they are an amulet, rather because it is forbidden to tie them on Shabbat. For tefillin require a permanent knot, and wearing tefillin that are untied is not the normal manner of dress.

If so, it is possible to say **that according to everyone, a person does not trouble himself** to such an extent**,** agreeing with Rabbi Elazar.

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And the Gemara questions Shmuel Bar Rav Yitzchak: Even though he cannot tie a knot on the tefillin on Shabbat, nevertheless, **let him fasten them with a loop!** He should fasten them with a loop, which is permitted to make on Shabbat, and bring them in.

The Gemara answers: **Said Rav Chisda: This indicates that a loop is invalid for tefillin.** I.e. Halachah requires that they must be tied with a proper knot, therefore tying them with a loop is not considered the normal manner of dress.

Abaye said: Rabbi Yehudah, who forbids new ones, is going **according to his reasoning, for he said: A loop is a proper knot,** and one is liable for tying it on Shabbat, therefore he cannot fasten the tefillin with a loop.

The Gemara questions Abaye: You say that **the reason** a loop is forbidden **is that a loop is a proper knot?** This implies that if **this was not so,** he could indeed **fasten them with a loop.**

However, said Rav Yehudah son of Shmuel Bar Shilat in the name of Rav: The **knot of tefillin is a halachah that was given to Moshe on Mount Sinai.** I.e. it was told to Moshe on Sinai exactly how to tie the knot.

[On the head tefillin the knot is made in the shape of a "daled", and a "shin" protrudes from the box itself. And on the arm tefillin is tied a knot in the shape of a "yud". Together they spell G-d's Name "Shadd-ai".]

Said Rav Nachman: And their ornaments, i.e. these knots in the shape of Hebrew letters, should be **on the outside** of the tefillin where they can be seen.

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Returning to the previous subject: Since the form of the knots were said to Moshe on Sinai, it is impossible to fasten the tefillin with loops. So how could Abaye say that tefillin could be fastened with a loop, if not that Rabbi Yehudah forbids making a loop on Shabbat?

The Gemara answers: **That he fastens them with loops, similar to their** form of **tying.** He makes loops in the shape of the letters.

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Said Rav Chisda said Rav: One who buys many pairs of **tefillin from someone who is not an expert,** in order to sell them, **he should check two** tefillin **of the arm, and one of the head. Or, two** tefillin **of the head** and one of the arm. And this is sufficient.

For if three of the tefillin that he bought are found to be valid, the person who sold them is judged as an expert, and one is now permitted to buy tefillin from him without checking them.

The Gemara raises a difficulty: **What**ever way **you wish** to look at it, we have a difficulty.

If he bought all the sets of tefillin **from one person,** and the seller also bought them from one person, **either check three** tefillot **of the arm or three** tefillot **of the head**. In this way we may establish their reliability. Why does he need to check both of the arm and of the head?

And **if he bought** the sets of tefillin **from two** or **three people,** what does it help to check only three of them? **Every single one** i.e. each tefillin **needs checking,** for perhaps he bought them from a different seller.

The Gemara answers: **In truth, he bought from one person.** But he cannot establish the seller's reliability by only checking those of the arm or of the head, because **he** the vendor **needs to be an expert** i.e. he must prove his reliability both **for** tefillin **of the arm** and **of the head.**

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The Gemara raises a difficulty: **Is this so? Did not Rabbah bar Shmuel teach: "With tefillin,** you must **check three of** the **arm and of** the **head"?**

And **is this not** what he meant? **Either three of** the **arm, or three of** the **head.** He does not need to be proven an expert in both of them, unlike what Rav Chisda said in Rav's name.

The Gemara answers: **No,** that is not what he meant. Rather: Check **three** tefillin, some **of them of** the **arm** and some **of them of** the **head.**

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The Gemara further questions what Rav Chisda said in the name of Rav, that he needs to check three tefillin:

Did not Rav Cahana teach: "With tefillin, check two of the **arm and of** the **head"?** He only needs to check two.

The Gemara answers: **Who is it** whose view is expressed in this Baraita? **It is Rabbi**'s i.e. Rabbi Yehudah HaNasi. **For he said** that for every *chazakah,* every Halachic presumption, **two times establishes a presumption.**

The Gemara raises a difficulty: **If** the Baraita **is Rabbi**'s view**, I will say** to you **the latter clause** of the Baraita: **And so with the second group, and so with the third group.**

The Gemara assumes that he means: if there are piles of tefillin tied together, he checks two tefillin from the first pile, to establish that all of the pile is valid. **And so** he checks two tefillin **of the second group** i.e. pile**,** and establishes its reliability, **and so the third group,** and from now on, all the sets have their validity established.

And if it the Baraita **is Rabbi**'s view, **does he hold that** the **third** group needs checking? According to him, after two groups, the validity of all the groups is established, because he holds that two times establishes a Halachic presumption.

The Gemara answers: **Rabbi agrees regarding** a case of **many** separate **groups** that the validity of one does not establish the validity of another, because normally a person **buys from two** or **three people,** each group from a different person. And each group must be checked by itself.

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The Gemara raises a further difficulty: **If so**, that he buys from many people, **even** the **fourth** pile **also, and even** the **fifth** pile **also** needs checking.

Why, then, does the Baraita teach: "and so the third group"?

The Gemara answers: **Yes, it is indeed so** that he must check all of the piles.

And this which he taught, "the third", it is **to rule out** the validity of **its** having established an all-encompassing **presumption** that would apply to all the piles. Thus he ruled to check the third pile, even though according to him, twice establishes a presumption.

And **in truth, even** the **fourth and fifth** piles **also** need checking.

The Mishnah stated: **He found them in groups or bundles.**

The Gemara asks: **What are groups and what are bundles?**

Said Rav Yehudah said Rav: Groups and bundles are the same thing. Both are bundles of tefillin.

And the difference between them is:

Groups means **in pairs,** many pairs of arm and head tefillin, tied together and piled up.

While **bundles** means **a lot wrapped together,** the arm and head tefillin are not tied in pairs, instead all the tefillin are tied to each other in one big pile.

Perek 10 – 97a

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It is taught in the Mishnah: If he found them in groups or bundles, **he waits with them until nightfall, and** only then **brings them in.**

The Gemara is puzzled: **And why? Bring them in by pairs,** until he brings in all of them.

The Gemara answers: **Said Rav Yitzchak son of Yehudah: This was explained to me by Abba: Any** case **where if he brings them in by pairs, and he** can **finish before sunset**, i.e. he can bring them all in before Shabbat begins to depart, **he** indeed **should bring them in by pairs.**

And if he is **not** able to bring all of them in before sunset, only then **he waits with them until nightfall, and** then **brings them in.** Since he must trouble himself with them until Shabbat departs, it is preferable to wait, and to take all of them together.

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It is taught in the Mishnah: **And when in danger, he covers them** with a garment, and **walks away.**

The Gemara raises a difficulty: **But it is taught in a Baraita: And in** time of **danger, he carries them less than four *ammot*** at a time. Whenever he approaches the distance of four *ammot* he pauses, and then continues. This way he does not transfer them a distance of four *ammot* at one time, and thereby avoids transgressing the Torah prohibition.

Said Rav: It is not a difficulty.

This is a case of danger from gentiles. Our Mishnah is talking about when the gentiles decreed against wearing tefillin. Therefore, he covers them up so they will not lie in disrespect, and walks away. Because if he would carry them, maybe the gentiles will catch him and put him to death.

That is a case of danger from bandits. The Baraita is talking about when he is afraid of gentile bandits**.** If he is afraid to wait with them until nightfall because bandits might attack him, he carries all of them together by walking in intervals of less than four *ammot.* But he does not cover them and leave them there, because the bandits might treat the tefillin with disrespect.

Ammud Bet

Abaye said to him to Rav: **How have you set up the Mishnah – in a case of danger from gentiles** who decreed against wearing tefillin?

If so, **I will say** to you **the latter clause** of the Mishnah**. Rabbi Shimon says:** He should carry them less than four *ammot,* **and** afterwards **he gives them to his friend, and his friend** gives them **to his friend,** and each one carries them less than four *ammot***.**

It is not plausible that the case is one of danger of being seen. For **all the more so, the matter will be publicized,** if a lot of people are involved.

The Gemara answers: The Mishnah **is missing** a phrase, **and this is what it is** really **teaching:**

In what circumstance does this ruling **apply,** that he covers the tefillin and walks away? **In a case of danger of gentiles** who decreed against wearing tefillin**. But in a case of danger of bandits, he carries them less than four *ammot***, just like the Baraita teaches. And over this point, Rabbi Shimon differs—as will be explained.

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It is taught in the Mishnah: **Rabbi Shimon says:** He should carry them less than four *ammot,* **and** afterwards **he gives them to his friend**… until he reaches the outer courtyard where the town begins, which is a secure place in which the tefillin may be deposited.

The Gemara asks: **What are they** the first Tanna[1] and Rabbi Shimon **differing over?**

One **Master,** the first Tanna, **holds** the view**:** Bringing them in **less than four *ammot*** at a time **is better. Because if you say to give them to his friend and his friend to his friend, it widely publicizes** the desecration **of Shabbat.** And this could cause people to become negligent in keeping Shabbat.

And the other **Master,** Rabbi Shimon, **holds** the view**: Giving to his friend is better. For if you say to carry them less than four *ammot*** at a time, **sometimes he will forget** i.e. he will not pay attention to what he is doing, **and he will come to carry them four *ammot* in a public domain.**

[1] According to the Gemara's explanation that the Mishnah is missing a phrase.

Perek 10 – 97B

It is taught in the Mishnah: **And similarly,** regarding **his son** who is born outside the town on Shabbat.

The Gemara is puzzled: **His son? What is he doing there** in the field, that he needs to bring him into the town?

The Gemara answers: **The House of Menashe taught:** The Mishnah is discussing **a case of his mother giving birth to him in the field.**

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The Mishnah went on to state, regarding the case of carrying in the baby: Even one hundred people may carry the baby, until he brings him into the town.

And what new point **is "even one hundred"** coming to teach?

That even though it is hard on him, the baby, to be carried from **arm** to arm so many times, **even so, this is better** than one person carrying him less than four *ammot* at a time.

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It is taught in the Mishnah: **Rabbi Yehudah says: A person may give a barrel** filled with water **to his friend,** and his friend to his friend, and in this way, they may carry it even past the Shabbat boundary.

The Gemara raises a difficulty: **And does Rabbi Yehudah not agree with this** following ruling, from a Mishnah in tractate *Beitzah*?

For it was taught there: **The animal and the vessels are like the legs of the owner.**

One who borrows an animal or a vessel from his friend on Yom Tov, he may only take them to the end of the boundary where the owner himself is allowed to walk. (For example, if the owner placed an *eiruv techumin*[2] on the north side of the town, he loses the ability to walk two thousand *ammah* on the south side. The borrower can then only take the animal or vessel as far as the owner is able to walk.)

This being so, how could Rabbi Yehudah say that they may carry the barrel even outside the Shabbat boundary?

The Gemara answers: **Said Reish Lakish in the name of Levi** the **Elder: Here,** in our Mishnah, **with what** case **are we dealing? Of pouring it** the water **from** his **barrel to** his friend's **barrel.** Because of this, the second person can carry the barrel wherever he wants to, even past the Shabbat boundary of the first person. And so he pours the water into his friend's barrel.

For **Rabbi Yehudah** goes **according to his own rationale, that he said: Water has no substance.** Thus it is not bound to a specific Shabbat residency, like a barrel is.

For it is taught in a Mishnah (*Beitzah* 37A)**:** A woman who borrows from her friend, on Yom Tov, spices for her pot, or water and salt for her dough, she may only carry the pot or the dough as far as both of them are allowed to walk. This because both of them have a share in the dish and the dough.

Rabbi Yehudah exempts in the case of water, i.e. the water does not have a specific Shabbat residency, **because it has no substance.**

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[2] *Eiruv techumin* – that one leaves food outside one's town or residence before Shabbat, within 2000 *ammot*, thus designating the place of the food as one's "Shabbat dwelling". This is done so that on Shabbot, one may walk another 2000 *ammot* from where one left the food.

The Mishnah went on to say: They the Sages said to him to Rabbi Yehudah: This barrel may not go farther than the legs of its owner are permitted to go. I.e. it is forbidden to carry it beyond the Shabbat boundary, where the barrel's owner is forbidden to walk.

This implies that according to Rabbi Yehudah, the barrel may indeed be carried farther than the legs of its owner. This presents a difficulty to the above explanation of Rabbi Yehudah.

The Gemara answers: **And what is** the meaning of **"This** barrel **may not go farther than the legs of its owner** are permitted to go"?

That which is *in* this barrel, i.e. the water, **may not go farther than the legs of the owner.** Because according to the Sages, the water indeed has a specific Shabbat residency.

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The Gemara raises a difficulty: **I will say** to you **that you have heard that Rabbi Yehudah holds** that water has no substance, **when it is absorbed in the dough.** But when **it is on its own, did you** really **hear that he holds** this view**?**

The contrary seems true: **Now** when it is **in** the cooked food in **a pot,** we see that **Rabbi Yehudah said that** the water **is not nullified.** And when the water **is on its own,** standing by itself, will you maintain that **it is nullified?**

For it is taught in a Baraita: Rabbi Yehudah says: Water and salt are nullified when mixed **in dough,** because they are not recognizable there, thus we follow the Shabbat boundary of the dough's owner, not that of the water and salt's owner.

However, the water **is not nullified** when it is **in** the cooked food in a **pot.** This is **because of its sauce,** i.e. the water in the sauce is recognized by itself.

Rather, said Rava to explain Rabbi Yehudah's view**: Here, we are dealing with a case of a barrel that acquired a Shabbat residency, and water that did not acquire a Shabbat residency.**

For the water was drawn from the well today, on Shabbat, and anyone can carry it according to his own Shabbat boundary.

Rabbi Yehudah holds that one may also carry the barrel according to his own Shabbat boundary, because **the barrel is nullified in relation to the water.** I.e. the barrel is subsidiary to the water, and follows whatever rules apply to the water.

As it is taught in a Mishnah in tractate *Shabbat*: **One who brings out** a person **who is alive,** from a private domain to a public domain, while he is **on a bed:** since he is not liable for bringing out the person, because we say "the living carry themselves", thus he **is not liable even for** bringing out **the bed.** This is **because the bed is subsidiary to him.**

Similarly, **one who brings out food** that is **less than the amount** for which one is liable, **in a vessel,** he **is not liable even for** bringing out **the vessel. Because the vessel is subsidiary** to the food. And for the food he is not liable because it is less than the minimum amount.

And the Sages disagree: they hold that the barrel is subsidiary only regarding the prohibition of transferring objects from the private to the public domain (and vice versa). But it is not subsidiary regarding the prohibition of bringing an object beyond its Shabbat boundary.

Therefore, the barrel cannot be taken past the Shabbat boundary of the original owner.

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Rav Yosef contradicted this**,** from a Baraita: **Rabbi Yehudah says: In a case of a caravan,** i.e. a group of people encamped together in a certain place over Shabbat, and they are without water: **a person may give** a barrel of water **to his friend, and his friend to his friend,** even bringing it outside the Shabbat boundary.

It is implied that specifically **in a case of a caravan, yes,** Rabbi Yehudah permits this**.** Only because of the special situation does Rabbi Yehudah permit carrying the barrel outside the Shabbat boundary.

But when it **is not in a case of a caravan, no,** it is not permitted.

Rather, said Rav Yosef to explain Rabbi Yehudah's view in the Mishnah**: When the Mishnah teaches, also it is teaching about a case of a caravan,** and only this is what Rabbi Yehudah permits.

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Abaye disagreed with Rav Yosef, and **said:** Rabbi Yehudah states two halachot:

1. **In a case of a caravan,** it is permitted **even** to bring out **a barrel that acquired a Shabbat residency, and water that acquired a Shabbat residency,** i.e. the water was drawn before Shabbat. Even though they are like the legs of the original owners, nevertheless they can be carried outside of the Shabbat boundary. This is the halachah of the Baraita.

2. When it is **not in a case of a caravan,** only in a case of **a barrel that acquired a Shabbat residency, and water that did *not* acquire a Shabbat residency** is it permitted to bring out the barrel**.** As was explained before, Rabbi Yehudah holds that the barrel is subsidiary to the water. And this is the halachah mentioned in our Mishnah.

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Rav Ashi disagreed with both above views, and **said: Here we are dealing with a barrel which is ownerless, and we are dealing with water which is ownerless.** And an ownerless object has no Shabbat residency. Therefore Rabbi Yehudah holds that the barrel and water can be carried anywhere.

And who are the unnamed Sages referred to in the phrase **"they said to him",** who differ with Rabbi Yehudah?

It is Rabbi Yochanan Ben Nuri. For he said: Ownerless objects acquire a Shabbat residency where they are, and they cannot be taken past the Shabbat boundary that they had before Shabbat.

And what is the meaning of **"This** barrel **may not go farther than the legs of its owner** are permitted to go"? This is problematic, since as presently explained, the barrel and water have no owners at all!

It means as follows: **Do not carry them further than vessels that have owners,** because they acquire a Shabbat residency as if they have owners.

Mishnah

Someone **was reading in a scroll,** while sitting **on the threshold,** i.e. the doorstep before the entrance to his house. And while reading, **the scroll rolled from his hand** onto the public domain, with one end remaining in his hand. The Halachah is that **he may** and should **roll it** back **to himself.**

This is because it did not fall out of his hand completely.

Someone **was reading** in a scroll, while sitting **on top of the roof, and the scroll rolled out of his hand** to the public domain. If it is still **before** the bottom end of the scroll **reaches within ten *tefachim*** of the ground, at which point it is considered to have entered the public domain, **he may** and should **roll it to himself.**

However, **from when it reaches** the lower **ten *tefachim,* he should turn it over on the** side of the **writing,** i.e. with the writing facing the wall, so it will not lie exposed, in a disrespectful state. And he leaves it that way until Shabbat ends.

Rabbi Yehudah says: Even if it the scroll **is removed from the ground** i.e. above the ground **only the width of a thread, he may** and should **roll it to himself.**

Rabbi Shimon says: Even if the scroll is already **on the ground itself, he may** and should **roll it** to himself, **because you do not have anything** which is forbidden only **because of a Rabbinic Shabbat prohibition—**as in this case, where the scroll did not fall completely from his hand, and returning it is only forbidden by a Rabbinical decree—**which stands before** the disgrace of **holy writings.**

The Rabbinical decree is set aside in order that holy writings should not be treated disrespectfully.

Gemara

The Gemara asks: **What is the case of this threshold?**

If we say it is **a threshold** which is a **private domain,** for example the doorstep is ten *tefachim* high and four *tefachim* wide, **and before it is a public domain,** then we will come to the following conclusion: even though one end fell on the ground of the public domain, he is permitted to roll it back to himself in the private domain. Since the other end is in his hand, the scroll is not considered resting in the public domain.

And we do not decree, lest the entire scroll **will fall** onto the public domain **and he will come to carry** it into the private domain—even though he would commit a Torah transgression if he were to do so.

Chavruta

Eiruvin – Daf Tzaddi Chet

Translated by: *Chavruta staff of scholars*
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Whose view does this first clause of our Mishnah follow? **It is** following the view of **Rabbi Shimon. For he said** in the latter clause of the Mishnah: **You do not have anything** that is forbidden only **because of a Rabbinic Shabbat prohibition, that stands before** the disgrace of **holy writings.** Since the first clause of the Mishnah follows his view, it permits the person sitting on the threshold of his house, i.e. on the doorstep, to roll back to himself the end of the scroll which rolled into the public domain.

But **let us consider the latter** i.e. middle **clause: Rabbi Yehudah says: Even if it** the scroll **is removed from the ground** i.e. above the ground **only the width of a thread, he may** and should **roll it to himself.**

Clearly, Rabbi Yehudah would not agree with the first clause of the Mishnah, which permits him to roll back the scroll even though the loose end is fully resting on the ground of the public domain.

The latter clause, in turn, reads: **Rabbi Shimon says: Even** if the scroll is already **on the ground itself, he may** and should **roll it** to himself.

If we accept that the first clause of the Mishnah follows the view of Rabbi Shimon, we must make a stretched interpretation of the Mishnah as a whole: that the **first and latter** clauses of the Mishnah follow the view of **Rabbi Shimon,** and the **middle** clause follows the view of **Rabbi Yehudah.**

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Said Rav Yehudah: Yes! The **first and latter** clauses follow the view of **Rabbi Shimon,** and the **middle** clause follows the view of **Rabbi Yehudah.**

Rabbah said: It is not necessary to make this forced interpretation. **Here** in the first clause**, we are discussing a threshold** that the public **walks upon.** Although it is a private domain, the general public walks there, and if he is not permitted to retrieve the scroll, it will be trampled upon. **Because** of concern lest a **disgrace** occur to the **holy writings, they permitted** him to retrieve it in such a case, even according to Rabbi Yehudah. Whereas in the latter clause, where it is hanging from the roof, there is no concern that the scroll might be trampled upon. Therefore, Rabbi Yehudah does not permit him to retrieve it if it is touching the ground.

Abaye contradicted him, from a Baraita: If he was reading in a scroll while sitting upon the threshold, and one end of the scroll rolled into the neighboring public domain, if it rolled only to a point **within four *ammot***[1] of the private domain, **he may roll it towards himself.** But, if it reaches a point **outside four** *ammot* of the private domain, **he may** only **turn it on its writing.**

And if you say that this Baraita **is discussing a threshold** that the public **walks upon, what difference does it make** if the free end of the scroll is **within four *ammot* or outside four *ammot*?** The Sages should permit him to retrieve the free end, which entails only a Rabbinic prohibition, in order to prevent the scroll from being trampled.

Rather, Abaye said a different interpretation of the Mishnah**: Here,** in the Mishnah and the Baraita, **we are discussing a threshold** that is a ***karmelit***[2]**.** The threshold is elevated less than ten *tefachim*[3] off of ground level, and it has an area of at least four by four *tefachim*. **And a public domain passes in front of it**. Therefore, if the free end of the scroll is **within four *ammot*** of the near edge of the public domain, so **that** even **if** the entire scroll **fell** there **and he brought it** back onto the threshold, he **would not be liable**

[1] 1 ammah: 18.7 in., 48 cm
[2] An area in which carrying is forbidden by Rabbinic law.
[3] 1 tefach: 3.1 in., 8 cm

to offer a **sin-offering** for a Torah transgression**,** the **Rabbis permitted him** to retrieve it. And this holds true even according to Rabbi Yehudah.

But if the free end of the scroll is **outside of four *ammot*** of the near edge of the public domain, so **that if** the entire scroll fell there and **he brought it** back to the threshold, he would **be liable** to offer a **sin-offering, the Rabbis did not permit him** to retrieve it.

Rabbi Shimon, on the other hand, permits retrieving it irregardless, since he holds that Rabbinic decrees were not enacted in cases where the honor of holy writings is at stake.

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The Gemara questions this: **If so,** when it is **within four *ammot*** of the near edge of the public domain **we should also decree** that he may not retrieve the free end of the scroll, **lest** on another occasion it fall completely out of his hand and he **bring it in from the public domain to the private domain.** Although the threshold itself is a *karmelit*, if he would carry the entire scroll from the public domain through the threshold into the private domain inside his house, he will have violated a Torah prohibition and be liable to bring a sin-offering.

And if you say that **since** the threshold, which is a ***karmelit,* intervenes** between the public domain and the private domain, **that is not true.**

For did not Rava say the following? **One who transports an object** from the **beginning of four** *ammot* to a point **at the end of four** *ammot* within a public domain, **and transported it upon himself** i.e. while carrying it above his head, **is liable** for transgressing a Torah prohibition. This is true even though the airspace above his head is an exempt place. For the object did not actually come to rest in an exempt place, but merely passed through it, thus he is still liable when it ultimately comes to rest in the public domain.

Similarly, even though the threshold stands between the public domain and the private domain, since the scroll did not rest there while traveling between the two, but merely passed over it, he should still be liable for a Torah prohibition.

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The Gemara answers: **Here** in the Mishnah, **what** case are **we dealing** with? We are dealing **with a long threshold** i.e. a threshold of unusually great width. Since it is so wide, **while** he is crossing it **he will remember** that taking an object from the public domain directly to the private domain is prohibited by Torah law, and he will stop for a moment on the threshold.

Or **if you wish, I could say** that the Mishnah is **in truth** discussing **a threshold that is not** particularly **long.** Nevertheless, there is no need to be concerned lest he bring in the scroll in a way that Torah law prohibits, since people **usually study holy writings, and** when he begins to study **he will stop.** Therefore, even if the threshold is small, he will presumably stop in order to study before he gets to the private domain.

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The Gemara asks: Why are **we** not **concerned lest he study them** i.e. what is written in the scroll **in the public domain, and** then **take them directly into the private domain** without stopping again**?** Then he would indeed become liable.

The Gemara answers that he will not be liable even if he fails to stop: **Who**se view is expressed in our Mishnah? **It is Ben Azzai**'s view**, who said: Walking is like standing.** Since with every step a man takes, he rests briefly on that foot and then travels on, even if he walks directly from the public domain through the threshold into the private domain,

without stopping in between, it is considered as though he stopped momentarily in the threshold, thus he is not liable.

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The Gemara asks: **And** why are we not concerned **lest he throw** the scroll from the public domain into the private domain, thereby becoming liable even according to Ben Azzai? **For Rabbi Yochanan said: Ben Azzai agrees with** the Sages that someone who **throws** an object from a public to a private domain, over a *karmelit,* is liable.

The Gemara answers: **Said Rav Acha ben Ahavah: This says** i.e. this implies that **we do not throw holy writings.** Thus there is no reason to suspect that he will take this unusual action, which is forbidden even on weekdays.

c c õ d d

It was stated in the Mishnah: If he **was reading** a scroll while he was **on top of a roof…**

The Gemara asks: **Is it permitted** to turn holy writings face down? **But it was taught** in a Baraita: Regarding **writers of** Torah **scrolls, tefillin, and mezuzot, they** the Sages **did not permit them to turn the parchment face down** when they take a break from writing. **Rather,** he must **spread out a cloth upon it.**

The Gemara answers: **There,** it is **possible** to spread a cloth upon the holy writings, and it is therefore forbidden to turn them on their face. But **here,** it is **not possible. And if** he will **not turn** them **over, there will be greater disgrace of the holy writings,** and it is therefore permitted to turn them over on their face.

c c õ d d

It was stated in the Mishnah: If the free end of the scroll came within ten *tefachim*[4] of the ground, he must **turn it over on the writing.**

The Gemara asks: Why is it forbidden to roll the scroll up? **It did not come to rest** on the ground, and there should be no decree against rolling it up lest he come to do so in a case where he had actually let go of it. For even if he had let go of it, so long as the free end did not come to rest on the ground it would still be permitted under Torah law for him to catch it and roll it up.

The Gemara answers: **Said Rava,** the Mishnah is referring to a case of a **slanted wall.** Since the wall slants outwards, the scroll is not hanging free, but is rather resting upon the wall itself. Therefore, if it is within ten *tefachim* of the ground, it would indeed be forbidden by Torah law to roll it up again if he had let go of his end. For the free end would then be considered to have come to rest within the public domain.

Said Abaye to him: In what case **have you set up the Mishnah? In** the case of a **slanted wall? Consider the latter clause,** which states: **Rabbi Yehudah says: Even if it is only separated from the ground by the width of a thread, he may roll it up towards himself.**

Why may he do this? According to the present interpretation of the Mishnah, **it has come to rest** in the public domain, for all intents and purposes.

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[4] 1 tefach: 3.1 in., 8 cm

The Gemara answers: **A clause has been omitted** from the Mishnah, **and this is what** it should have **taught: When does this** ruling **apply,** that the free end of the scroll being within ten *tefachim* of the ground forbids him to roll it up? **In** the case of a **slanted wall.**

But…

Ammud Bet

…in the case of a **non-slanted wall,** so long as the free end of the scroll is **higher than three** *tefachim* above the ground, he may **roll it up towards himself.** However, if the free end of the scroll came **lower than three** *tefachim* off the ground, he must **turn it over on the writing.** He may not roll it up, because it is considered to have come to rest on the ground. Thus there is a Rabbinic decree against rolling it up, lest he do so even when he actually let go of his end altogether.

Then the Mishnah continues as before: **Rabbi Yehudah says: Even if it is only separated from the ground** by the width of a thread, he may roll it up. Rabbi Yehudah holds that for the Rabbinic decree to apply, **we need** it to actually come to full **rest on something,** not merely to come within three *tefachim* of the ground.

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The Gemara raises a difficulty: **But about that** statement **that Rava said:** If someone throws an object several *ammot*[5] into a public domain, and before it hits the ground it gets burnt up or devoured by an animal, he is exempt from bringing a sin-offering. This

[5] 1 ammah: 18.7 in., 48 cm

is even true if it was destroyed while **within three** *tefachim* of the ground. This is true **according to the Rabbis,** who hold that being within the airspace of a public domain is *not* equivalent to actually coming to rest in the public domain. They differ with Rabbi Akiva, who holds that being in the airspace is equivalent to resting on the ground.

Thus according to the view of the Rabbis who differ with Rabbi Akiva, in order for the thrower to be liable, the object **needs to** actually **come to** a full **rest** in the public domain.

Shall we say that when **Rava said his teaching** about the object being destroyed before it reaches the ground**,** that this teaching is subject to a **Tannaic** disagreement**?**

For Rava's statement accords with only one view in our Mishnah: Rabbi Yehudah's. According to the first Tanna in the Mishnah, once the object is within three *tefachim* of the ground, the Rabbinical decree applies. He may not roll it back up. This is lest he come to roll it up even after having lost his grip on the entire scroll—which would constitute a Torah transgression. Whereas according to Rava, even if the whole scroll actually falls from his hand and he retrieves it, there is no Torah transgression unless it actually hit the ground before he retrieved it. This would accord with Rabbi Yehudah's view.

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The Gemara answers that Rava's teaching is not subject to a Tannaic disagreement. **Rather,** the **whole** of our Mishnah reflects the view of **Rabbi Yehudah:**

A clause has been omitted from our Mishnah, **and this is what it** meant to **teach: In what** case does this **ruling apply,** that it is forbidden to roll up the scroll if the free end came within ten *tefachim* of the ground? **In** the case of a **slanted wall. But in** the case

of a **straight wall, even** if the free end is hanging **less than three *tefachim*** from the ground **he may roll it up towards himself. For Rabbi Yehudah says: Even if it is only separated from the ground by the width of a thread, he may roll it up towards himself.**

Why is this? Because for the Rabbinical decree to apply, **we need** it to come to full **rest on something.**

According to this interpretation of the Mishnah, there is no Tanna whose view is excluded in Rava's teaching.

Mishnah

A flat **projection** from the wall of a building, at least four *tefachim* wide and ten *tefachim* high, **in front of a window—**people inside the house **may place** things **upon it and take** things **from it on Shabbat.**

Gemara

The Gemara asks: **Where does this projection go out to?** Over what type of domain does it project?

If you say that it projects into a public domain, why should it be permitted to place items upon it? We should **be concerned lest** the item **fall** into the public domain, **and** someone **come to bring it** into the house, thereby violating a Torah prohibition.

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Rather, perhaps you will suggest **that** it **projects into** another **private domain?**

If so, it is **obvious** that one may place items upon the projection, and take them from it. There is no need for the Mishnah to teach us this.

Said Abaye: In truth, the case is **that** the projection **projects into a public domain.**

And what is the meaning of the phrase **"may place** things **upon it" that is taught** in the Mishnah? It is referring only to **fragile utensils.** Since the utensils are fragile, if they do fall, they will certainly break upon the ground. Therefore, there is no concern that someone may inadvertently violate Shabbat by bringing them back inside.

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This was also taught in a Baraita: **A projection in front of a window, which projects into a public domain—**people in the house may **place bowls, cups, jars, and bottles upon it.** Since these are generally made of earthenware, they are fragile. **And one may use the entire wall.** If the projection extended along the entire wall, people in the house may place things anywhere on the projection, even at some distance from the window,

until the bottom ten *tefachim*. I.e. this rule applies only if the projection is at least ten *tefachim* off the ground.

The Baraita continues: **And if there is another projection below it,** and the lower projection is also at least ten *tefachim* off the ground, **one may use** also **it.** the entire lower projection. **But one may only use the top one** in the area directly **opposite the window.** The reason shall be explained below.

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The Gemara asks: **This** upper **projection—how is it** set up?

If it does not have four by four *tefachim* in surface area, **it is an exempt place, and he may not even use** the area directly **opposite his window.**

Although one may transfer things to and from an exempt place, this is not permitted on a constant basis. Since the place is quite small, most things will eventually fall off of it, and it looks as though he intends, indirectly, to transfer the things from his house to the public domain, where they likely will fall.

And if there are four by four *tefachim* in the upper projection, he should be allowed **to use** the projection **along the entire** length of the **wall.**

The Gemara answers: **Said Abaye:** What case is the Baraita discussing? The **lower** projection **has four** by four *tefachim*, and for this reason, he is permitted to use its entire length. The **upper** projection, on the other hand, **does not have four** by four *tefachim*,

but the window completes it i.e. the usable surface area **to four** by four *tefachim*. Therefore, he may only **use** the area directly **opposite the window.** He may use that area, **because it is the** "**hole" of the window,** i.e. an extension of the window**.** However, the portion of the projection **that** is on **this side and that side** of the window is **forbidden** for use on a constant basis, since items placed there are likely to fall off.

Mishnah

A man may stand in a private domain, such as inside a house or on a roof, **and move** things that are **in** the adjacent **public domain.** We are not concerned that he will forget himself and bring the objects to where he is standing, in the private domain.

Likewise, **he may stand in a public domain and move** things **within** an adjacent **private domain.**

The first ruling is only **on condition** that he be careful **not to move something more than four *ammot*.**

A man may not stand in a private domain and urinate into the adjacent **public domain,** nor may he stand **in the public domain and urinate into** the adjacent **private domain,** because that would be transferring the urine from one to the other.

And likewise, he may not spit from one to the other.

Rabbi Yehudah says: Even when the spittle is collected in his mouth and he is ready to spit it out, **he may not walk four *ammot*** in a public domain, **until he** first **spits** it out. Since he feels a need to expel the saliva, Rabbi Yehudah holds that it is now considered a burden that he is carrying.

Gemara

Rav Chinena the son of Shalmaya taught our Mishnah **to Chiya the son of Rav, in the presence of Rav.** He taught it with the following text: **A man must *not* stand in a private domain and move** things in an adjacent **public domain.**

He Rav **said to him** Rav Chinena**:** Have you **abandoned the** view of the **Rabbis and acted in accordance with** the view of **Rabbi Meir?**

We shall see in a Mishnah later (101a) that the Rabbis and Rabbi Meir disagree whether we forbid a person to do this, by Rabbinic decree. Rabbi Meir holds that it is forbidden, while the Rabbis hold that it is permitted.

The Gemara will now explain why, in fact, Rav Chinena did this.

Chavruta
Eiruvin – Daf Tzaditet

Translated by: *Chavruta staff of scholars*
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He Rav Chinena **held that since the latter clause,** i.e. the Mishnah on *daf* 101a, begins with the view of **Rabbi Meir, the first clause** i.e. our Mishnah is **also** the view of **Rabbi Meir.**

But **it is not so.**

Rather, the **latter clause** is indeed the view of **Rabbi Meir,** but the **first clause** is the view of the **Rabbis** who disagree with him**.**

c c õ d d

It was stated in the Mishnah: **On condition** that he be careful **not to move something more than** four *ammot*.

The Gemara infers from the Mishnah's condition that **if he did move it** that distance, he is **liable to bring a sin offering** for having transgressed a Torah prohibition. And this is so, even though he carried the object through the air at a height of more than ten *tefachim*, which is considered to be an exempt place, *makom patur*.

This shows that the prohibition of transferring within a public domain entails picking up an object within a public domain and then setting it down at a site more than four *ammot* distant, irregardless of whether it was carried through the public domain or through an exempt place.

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Let us say that this **supports Rava**'s view**. For Rava said: Someone who transfers an object** in a public domain **from the beginning of four** *ammot* **to the end of four** *ammot* i.e. he moved it a distance of four *ammot*, **and he transferred it "upon himself"** i.e. while holding it over his head, higher than ten *tefachim* off the ground, he is **liable** for transgressing a Torah prohibition, even though the object actually moved through an exempt place.

The Gemara dismisses this: **Is it taught** in the Mishnah that **if he took a**n object **out, he is liable** to bring a **sin-offering? Perhaps if he took** it **out** he is **exempt, but** the action is nevertheless **forbidden** by Rabbinic decree

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There are those **that say:** From the Mishnah we learn that transferring an object through the airspace above a public domain is **exempt** from Torah liability, **but forbidden** by Rabbinic decree.

Let us say that the Mishnah **is a refutation of Rava**'s view**. For Rava said: Someone who transfers an object** in a public domain **from the beginning of four** *ammot* **to the end of four** *ammot* i.e. he moved it a distance of four *ammot*, **and he transferred it "upon himself"** i.e. while holding it over his head, higher than ten *tefachim* off the ground, he is **liable** even though the object actually moved through an exempt place.

The Gemara dismisses this: **Is it taught** in the Mishnah that **one who takes** an object **out is exempt** from bringing a sin-offering, but **forbidden** to do so by Rabbinic decree? **Perhaps if he took** it out he would be **liable** to bring a **sin-offering!**

It was stated in the Mishnah: **A man may not stand in a private domain** and urinate into the adjacent public domain.

Said Rav Yosef: If he **urinated and spat** from a private domain into a public domain, he is **liable to bring a sin-offering.**

The Gemara questions this: Why should he be liable? In order to be liable for the Torah transgression of transferring an object from the private to the public domain, **we need** him to have **picked it up and set it down,** and it must be picked up **from upon a place** of **four** by four *tefachim*. **And** that condition is **not** present in this case, since the orifices from which these liquids are exuded do not have an area that great.

The Gemara answers: **His thought equates it** to a **place** with the requisite dimensions. I.e. the size of four by four *tefachim* is only so that it will be considered a significant place, and here, he grants significance to the place through his intention. Since he feels a need to spit or to urinate, the expulsion of spittle or urine has the same significance as would moving something from a surface of four by four *tefachim*.

For if you would not say so, that his desire to expel the spittle or urine grants significance, how would you understand **that** statement **which Rava said?** For he said**:** If a man **threw** an object four *ammot* in a public domain **and it landed in the mouth of a dog or in the mouth of a furnace** so that it was destroyed before actually coming to rest, he is **liable** to bring a **sin-offering.**

Why should the man be liable? **We require it to come to rest on a place of four** by four *tefachim,* **and** that condition is **not** present. The dog's mouth does not have such dimensions, and in the case of the furnace, the object never came to rest at all.

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Rather, we are forced to conclude that **his thought** i.e. his intention that the object land in the dog's mouth or in the furnace **equates it** to a **place** with the requisite dimensions. Since he intended the object to go to that place, he has elevated its status to one of significance.

Here, too, his thought equates it to a **place** with the requisite dimensions.

c c õ d d

Rava posed an inquiry: A man **that is** standing **in a private domain, and the tip of** his **male organ is in a public domain, what** is the halachah? If he urinates into the public domain, is he liable?

On the one hand, perhaps **we follow the removal.** I.e. we regard the place from which the urine was removed as decisive. And the urine is removed from within his body, which is in the private domain. If so, he should be liable.

Or on the other hand, perhaps **we follow the exit.** I.e. we regard the place from which the urine leaves his body as decisive. And the urine leaves from the tip of his male organ, which is in the public domain. If so, he should not be liable.

The Gemara concludes: **Let it stand** as an unresolved question.

c c õ d d

It was stated in the Mishnah: **And likewise, he may not spit** from one domain to the other domain. **Rabbi Yehudah says:** Even when the spittle is collected in his mouth and he is ready to spit it out, he may not walk four *ammot* in a public domain, until he first spits it out. Since he feels a need to expel the saliva, Rabbi Yehudah holds that it is now considered a burden that he is carrying.

The Gemara questions this: Does Rabbi Yehudah hold that one may not walk with a quantity of spittle in his mouth, **even though he has not rolled it?** Once he rolled it in his mouth, it is rightfully regarded as being disattached from him, and simply a thing that he is carrying. But before that point, it should be regarded as being simply a growth of his body, and no more forbidden to carry in a public domain than are his ten fingers attached to his hands.

But it was taught in a Mishnah: **He was eating a cake of pressed figs**, in this case figs that had been set aside to be *terumah*. And he was eating it **with dirty hands** i.e. he had not washed his hands according to Halachah, prior to eating, in which case by Rabbinic decree his hands are considered to be impure. **And he inserted his hand into his mouth to remove a twig** or a rock, so that his impure hand touched a fig. In this case, **Rabbi Meir considers** the fig **to be impure.** Even though the fig had never before come into contact with water or another liquid which is capable of preparing it to receive impurity, the spittle in his mouth prepares it to become impure—and his hand imparts the actual impurity to it.

And Rabbi Yosi considers it **to be pure.** Even though it has contacted the spittle in his mouth, the spittle is not considered a liquid in its own right until it has left his mouth. Thus, the fig is not yet prepared to receive impurity.

Rabbi Yehudah says: If **he rolled it** within his mouth, then the fig becomes **impure** when he touches it with his hand. But if **he did not roll it** within his mouth, then the fig remains **pure** even after he touches it, for the spittle it is not yet considered a "liquid."

We see that according to Rabbi Yehudah, the spittle only acquires the status of a "liquid" when he rolls it within his mouth. If so, how can our Mishnah state categorically that Rabbi Yehudah forbids him to walk in a public domain with spittle collected in his mouth, implying even if he has not rolled it?

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The Gemara answers: **Said Rabbi Yochanan: The approach** of Rabbi Yehudah to this halachah was **reversed.** I.e. Rabbi Yehudah changed his mind.

Reish Lakish said: In truth, it was not reversed. With regular spittle, Rabbi Yehudah holds that it is considered a liquid only after he rolls it within his mouth. **But here** in our Mishnah, **with what** case **are we dealing? With his phlegm.** This substance is considered a separate object, and not a part of him, even before he rolls it within his mouth.

*

The Gemara questions this: **But it was taught** in a Baraita: **Rabbi Yehudah says: His phlegm and a disattached** substance, he may not walk four *ammot* in a public domain.

Why not say that "his phlegm" and "a disattached substance" are two separate items, and the second refers to **"spittle, and it became disattached?"** If so, then we learn from this Baraita that even with spittle, Rabbi Yehudah considers it to be a separate substance as soon as it is merely disattached from him, i.e. before he rolls it within his mouth.

The Gemara answers: **No,** both terms refer to one thing. Rabbi Yehudah meant to say: **"His phlegm** which became **disattached."**

*

The Gemara again questions the statement of Resh Lakish: **But it was taught** in a Baraita that **Rabbi Yehudah says: His phlegm and** it became **disattached, and likewise his spittle that** became **disattached, he may not walk four *ammot*** in a public domain **until he** first **spits** it out. This Baraita expressly lists each item, showing that Rabbi Yehudah considers spittle to be a separate substance even before he rolls it within his mouth.

The Gemara concludes: **Rather, the** more **correct** answer is **as we answered originally:** Rabbi Yehudah changed his mind. This is as Rabbi Yochanan had earlier said.

c c õ d d

Said Reish Lakish: If someone coughed out **phlegm in front of his master, he is liable for death** at the hands of Heaven. **For it says** in a verse: **"All** those that **hate Me, love death." Do not read "**those that **hate Me..." Rather,** read the verse as though it said "those that **cause** others to **hate Me..."** This includes someone who, through his actions, degrades the honor of G-d and His Torah—in this case, by doing a disgusting act in the presence of a Sage. For such behavior brings people to disregard and "hate" Hashem and His Torah, may Heaven protect us.

The Gemara questions this: **But he was compelled.** I.e. since the cough was involuntary, why should he be held guilty and liable for punishment?

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The Gemara answers: He coughed up **phlegm, and** then intentionally **spat** it out. Of this case, **we were speaking.** I.e. he should have moved a distance away from his master and spat the phlegm out into a cloth, rather than spitting it out in his presence.

Mishnah

A man may not stand in a private domain and drink by bending forward, putting his head **in a** neighboring **public domain**, drinking from a cup found there.

Likewise, he must not stand **in a public domain and drink** from a cup found **in a private domain.**

Unless he fulfills the following condition: **he inserted his head and the majority of his body into the place that he is drinking** from.

And likewise with a grape-press. The Gemara will explain what this is telling us.

Gemara

The Gemara is puzzled: Does the **first** clause reflect the view of the **Rabbis, and** the **latter** clause reflect the view of **Rabbi Meir?**

Since the previous Mishnah permitted him to stand in one domain and move things found in a neighboring domain, without concern lest he forget himself and bring the object into the domain in which he is standing, it apparently reflects the view of the Rabbis in the Mishnah on *daf* 101a. Whereas our Mishnah forbids him to drink from a cup in one

domain while the majority of his body is in another domain, apparently following the view of Rabbi Meir in the Mishnah on *daf* 101a.

*

The Gemara answers: **Said Rav Yosef: Concerning objects that he needs,** even the Rabbis who differ with Rabbi Meir agree that he must not stand in one domain and move them around in another domain. For we are concerned lest he forget himself and bring them into the domain where he is standing.

And therefore our Mishnah is **the words of everyone** i.e. it is not subject to the disagreement between Rabbi Meir and the Rabbis. It states a halachah that both Rabbi Meir and the Rabbis agree on.

c c õ d d

They the scholars of the study hall **posed an inquiry: What** is the halachah with respect to a ***karmelit*****?** I.e. is it permitted for him to stand in a *karmelit*, and drink from a cup found in a private domain or in a public domain?

Said Abaye: It is the same thing. Just as it is forbidden to stand in a private domain and drink from a cup found in a public domain, and vice versa, so it is forbidden to stand in a *karmelit* and drink from a cup found in one of these domains.

Said Rava, in disagreement with Abaye**: It itself,** transferring to and from a *karmelit*, **is** only **a** Rabbinic **decree. And shall we go and make a decree to** protect another **decree?**

*

Said Abaye: From where did I say it? What was my source that it is forbidden? **From** the statement **that was taught** in our Mishnah:

Ammud Bet

"And likewise in a grape-press."

Abaye assumes that this is referring to a grape-press that is a *karmelit* (for example, it has walls ten *tefachim* high or is a pit ten *tefachim* deep). Thus the Mishnah is here teaching us the additional point that it is forbidden to drink even from a *karmelit* while standing in a private domain or a public domain.[1]

*

And Rava said: This phrase of our Mishnah is discussing ***ma'aser*[2]**.

And likewise, said Rav Sheshet: "And likewise in a grape-press" is discussing ***ma'aser*.**

*

[1] Were the grape-press a private domain, and the Mishnah were merely teaching us that one may not stand in a public domain and drink from a private domain, it would be redundant, as that was already taught in the earlier clause.

[2] Agricultural tithe of one tenth, given to a Levite

Perek 10 – 99B

Introduction:

The Torah obligation of separating *trumah*[3] and *maaser* exists only with produce that has past through the entire harvesting process and been properly collected and heaped up, ready for storage or transport. However, the Sages forbade us to eat even incompletely harvested produce, in the course of a proper meal. Rabbinic law permits to eat or drink such produce only as a light refreshment. The coming Mishnah will teach us that wine in the grape-press, before being drained into the storage pit, is not regarded as fully harvested. Therefore one may drink from it before tithing, provided that one does so only as a light refreshment.

In order to be regarded as a light refreshment, the drinking must meet two qualifications.

1) It must be drunk directly above the grape-press, not taken to another location.

2) It must be possible to pour the remaining wine in the cup back into the press.

*

For it was taught in a Mishnah, showing that "likewise in a grape-press" refers to a case of *ma'aser*:

One may drink wine above the grape-press while the rest of the wine is still in it before being drained into the storage pit. This holds true **whether** he diluted the wine he wishes to drink **with hot** water, **or whether** he diluted the wine **with cold** water[4]. **And** what he drinks is **exempt** from tithes. These are the **words of Rabbi Meir.**

[3] A small agricultural tithe, given to a Cohen

[4] In Talmudic times, pure wine was too strong for normal drinking purposes, and it was common practice to dilute it with water.

Rabbi Eliezer ben Tzadok holds that it is obligated in tithes, and may not be consumed before tithing it, once he diluted it with water. For after diluting, it is no longer considered a light refreshment, in his view.

And the Sages say: For hot water it is **obligated** to be tithed. **But for cold** water it is **exempt, since he can** still **return the leftover** wine in his cup to the grape-press.

In light of this Mishnah, we may say that our Mishnah follows the view of Rabbi Meir. It teaches that a man may not stand outside a grape-press, and lean over it in order to drink from the wine in the grape-press, unless he tithes it first. This is due to concern lest he forget himself and remove the wine from the area of the wine-press, before drinking it. For then, drinking it would not be regarded as a light refreshment. Thus, he may drink from the grape-press only if he leans over it with his head and the majority of his body.

Mishnah

A man may catch rainwater falling **from the gutter** placed along the length of the roof, even though he is catching it at a height of **within ten *tefachim*** of the ground, and he is standing in the public domain. However, it is forbidden to put his mouth or a utensil right up next to the gutter in order to catch the rainwater, for reasons that will be explained in the Gemara.

But if the rainwater is pouring **from the** drain**pipe** that extends at least three *tefachim* beyond the edge of the roof, **he may drink it in any way,** even by pressing his mouth or his utensil right up to the pipe.

Gemara

The Gemara draws an inference from the Mishnah: A man **may catch** rainwater falling from the gutter. That, **yes. But to connect** his mouth or utensil to the gutter and receive the water directly, **no,** he may not do this**. What is the reason?**

Said Rav Nachman: Here, we are discussing a gutter that extends **less than three** *tefachim* from the **roof. For anything less than three** *tefachim* from the **roof is considered like the roof.** Thus he would be transferring the water from the private domain of the roof, to the public domain in which he is standing.

But the drainpipe, which extends at least three *tefachim* from the roof, is not considered a mere extension of the roof, and it is therefore permitted to drink or catch rainwater directly from it.

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This was also taught in a Baraita: **A man may stand in a private domain,** such as his roof, **and raise his hand above ten *tefachim,*** towards the next roof over, to a location **less than three** *tefachim* **from** that **roof, and catch** rainwater falling from that second roof. This is **provided that he not attach** his mouth or utensil to the wall, within the three *tefachim* near the other roof, in order to catch rainwater. For that would be transferring the rainwater from his neighbor's private domain to his, without having made a mutual *eiruv*.[5]

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[5] Although Rabbi Shimon ruled on *daf* 89a that all roofs are considered as a single domain, the Baraita is speaking of a case where he wishes to bring the water inside his house. This would be forbidden according to all views.

It was taught in another Baraita: A man **may not stand in a private domain and raise his hand above ten *tefachim* to** a spot **within three** *tefachim* of a neighboring **roof and attach** his mouth or utensil**. But** he may **catch and drink** the rainwater.

c c õ d d

It was stated in the Mishnah: But if the rainwater is pouring **from the** drain**pipe** that extends at least three *tefachim* beyond the edge of the roof, **he may drink it in any way,** even by pressing his mouth or his utensil right up to the pipe.

It was taught in another Mishnah: **If the pipe** is **four** *tefachim* by four *tefachim* wide, it is **forbidden** to drink directly from it, **because** in that case the pipe itself is a *karmelit*, and **he is transferring from one domain,** the *karmelit*, **to another domain.**

Our Mishnah, which permits drinking directly from the pipe, must be referring to a pipe that is less than four *tefachim* by four *tefachim*.

Mishnah

A water-**cistern** which is **in a public domain,** and the cistern itself constitutes a private domain since it is at least ten *tefachim* deep, **and** it is surrounded by **its dirt heap**[6]**,** which is at least **ten** *tefachim* **tall.**

In such a case, if there is a **window above it** i.e. there is a house adjacent to the cistern that has a window directly above it, people may **fill** buckets **from it** the cistern **on Shabbat,** through the window.

Likewise, **a garbage heap in a public domain,** which is **ten *tefachim* tall,** so that the garbage heap itself constitutes a private domain, and there is a **window above it** as described above**,** people may **pour** waste-**water into it** the garbage heap **on Shabbat.**

In both cases, since the transferring is between two private domains, it is permitted.

Gemara

The Gemara raises a difficulty: **To what** case **are we referring** in this Mishnah?

If you say that the Mishnah is dealing **with** a case where the house is **adjacent** to the cistern or the garbage heap, within four *tefachim*, **why** does the cistern need a **dirt heap ten** *tefachim* tall around it? The cistern is a private domain even without that, as it is ten *tefachim* deep.

[6] I.e. the dirt that was removed in the process of digging the cistern.

For if the space between the two was less than four *tefachim*, it would constitute an exempt place, and it is permitted to carry from one private domain to another through an exempt place.

*

The Gemara answers: **Said Rav Huna: Here, with what** case **are we dealing? With** a case where the cistern or the heap is **four** *tefachim* **distant from the wall** of the house. Thus, the area between the two is regarded as part of the surrounding public domain. **And** the **reason** that one may draw water is **that there is a dirt heap ten** *tefachim* high. By virtue of this, he is bringing the bucket and the water over an exempt place, not over a public domain. This is because the airspace of a public domain is regarded as an exempt place, starting from ten *tefachim* above the ground.

Thus, if there were **not a dirt heap ten** *tefachim* high, he would be **moving** water **from** the cistern which is a **private domain, to** his house which is another **private domain, through** the airspace of a **public domain**. And this is forbidden.

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And Rabbi Yochanan said: You could even say that our Mishnah is discussing a case where the dirt heap of the cistern is **close by** the wall of the building, within four *tefachim* of it.

And even if the dirt heap were not ten *tefachim* tall, it is still would be permitted to fill a bucket with water, through the window. According to this, when the Mishnah said: "and it is surrounded by its dirt heap, which is at least ten *tefachim* tall," it meant that from the top of the dirt heap to the bottom of the cistern is at least ten *tefachim*, not the height of the dirt heap alone.

And this is what the Mishnah **is informing us: That a cistern and its dirt heap combine** to create a height of **ten** *tefachim*. Therefore, it is permitted to carry water from the cistern through the window, since both the cistern and the house are private domains, and they are separated by an exempt place.

c c õ d d

It was stated in the Mishnah: Likewise, **a garbage heap in a public domain.**

The Gemara is puzzled: **And** why **are we not concerned lest** part of the garbage heap **be removed,** leaving the remainder at a height of less than ten *tefachim*? If that were to occur, it is likely that the residents of the house, already habituated to pouring out their waste-water onto the garbage heap, will continue doing so. But now, they will be inadvertently violating Shabbat.

But did not **Ravin the son of Rav Ada say** in the name of **Rabbi Yitzchak** the following**? It once happened** that there was a certain dead-end **alleyway** that had a **sea,** which is certainly at least ten *tefachim* deep, **on one side. And a garbage heap,** at least ten *tefachim* high, **on the other.** These served as the alleyway's partitions. **The question came before Rabbi** i.e. Rabbi Yehudah HaNasi, for a ruling on whether it is permitted to carry in the alleyway. **And he did not say either** that it is **forbidden, or** that is **permitted**.

He did not say that it is **permitted** to carry within it, **for we are concerned lest** part of **the garbage heap be taken** away, **and** lest **the sea throw up alluvial sand**, thereby raising the height of the section immediately bordering the alleyway to within ten *tefachim* of the alleyway itself.

He did not say that it is **forbidden** to carry within it, **because** at this point **there are** valid **partitions,** i.e. the sea and the garbage heap.

In any event, we see that Rabbi was concerned lest part of the garbage heap be removed, which contradicts our Mishnah.

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The Gemara answers: This is **not a difficulty.**

This statement of Rabbi deals with a garbage heap **of an individual** i.e. it is individually owned, where there is concern that he might remove part of it.

That statement of our Mishnah deals with a garbage heap **of the public** i.e. it is publicly owned, which will not ordinarily be removed.

Mishnah

A tree standing in a public domain, **that shelters the** surrounding **land.** I.e. its branches spread out and bend down towards the ground, closing in the adjacent area. **If its foliage is not higher than three *tefachim*** off the ground, **one may carry beneath it,** within the area sheltered by its branches.

This is because we apply the principle of *lavud*, that if two items are within three *tefachim* of each other, they are Halachically regarded as being joined. Therefore, if the tips of the tree branches are within three *tefachim* of the ground, it is as though they actually reach the ground, and form the partitions of a private domain.

If **its roots were** at least **three *tefachim* above the ground, he may not sit upon them.** Since the uncovered roots rise three *tefachim* above the ground, they are regarded as "trees" in their own right, and it is forbidden to sit upon them.

But if they are not so high, they are regarded as part of the ground, and it is permitted to sit upon them.

Gemara

Introduction:

In the second chapter we learned that an area surrounded by partitions, but that is not designated for residential purposes, may be carried within only if it is smaller than a *beit sa'atayim*[7]. If it is larger than that, it is forbidden by Rabbinic law to carry an object four *ammot* within it.

Said Rav Huna the son of Rav Yehoshua: We may not carry within it i.e. within the area surrounded by the branches of the tree, if it is **greater than a *beit sa'atayim*,** and even if the tree was planted in order to provide shade.

Why is this? It should be considered an area designated for residential purposes, and it should be permitted to carry within it, even if the area is greater than that.

[7] An area of 5000 square *ammot*.

Chavruta
Eiruvin – Daf Kuf

Translated by: *Chavruta staff of scholars*
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Because it the area surrounded by the branches of the tree **is a dwelling place whose use is for "air" –** that is, not for permanent dwelling, but merely to watch over fields.

And every dwelling place whose use is for "air," one may not carry in it, if it is **more than *beit sa'atayim*[1]** in size. This is because it is not designated for residential purposes.

c c õ d d

The Gemara now discusses in what cases one is not allowed to use a tree on Shabbat.

Our Mishnah says: If **its roots were** at least **three *tefachim*[2] above the ground, he may not sit upon them.** Since the uncovered roots rise three *tefachim* above the ground, they are regarded as "trees" in their own right, and it is forbidden to sit upon them. But if they are not so high, they are regarded as part of the ground, and it is permitted to sit upon them.

It was said in a statement of Amoraim**: Tree roots that** grow over three *tefachim* high, and then **come** (bend) down **from above three** *tefachim* **to within** (below) **three** *tefachim*.

Rabbah said: It is permitted to use them by sitting on them or placing things on them.

Rav Sheshet said: It is forbidden to use them.

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[1] An area of 5000 square *ammot*.
[2] 1 tefach: 3.1 in., 8 cm

The Gemara explains their disagreement:

Rabbah said: It is permitted to use them because every thing that is **less than three** *tefachim* **from the earth, is** like **the earth.**

Rav Sheshet said: It is forbidden to use them, for since they derive from the source[3] **of** the roots above three *tefachim,* which are **forbidden** before bending downward, they are **forbidden.**

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The Gemara discusses various kinds of roots and trees.

Those roots that grow upwards in the shape of a **pointed rock.** I.e. it grows upward and then bends down so that is has the shape of a pointed rock. These have three forms.

Those little roots **that go** out from **the top** of the big roots, and are completely above three *tefachim,* **are forbidden** to use according to everyone.

Those small roots that **that go** out from **the bottom** of the big roots below three *tefachim*, **are permitted** according to everyone.

Small roots that grow **sideways** from the big roots above three *tefachim,* and then bend down to below three *tefachim,* their permissibility depends on **the** above **disagreement of Rabbah and Rav Sheshet.**

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[3] lit: "strength"

And so a tree growing out of a narrow water **channel** and touching its two walls. If the top of this tree is more than three *tefachim* from the bottom of the channel, but less than three *tefachim* from ground level, Rabbah permits using the tree.

But Rav Sheshet maintains we measure from the bottom of the channel, from which it is growing.

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And so a tree growing **in a corner** of two walls, which touches the walls on three sides[4], and only one side is revealed. Rabbah holds that we measure the tree from the top of the wall, and Rav Sheshet holds that we measure it from the ground—for the same reason as before.

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Abaye had a certain tree that went up in the hole in the ceiling that served as a **chimney,** and grew less than three *tefachim* above the roof.

He came before Rav Yosef, and he Rav Yosef **permitted it to him.**

Said Rav Acha bar Tachalifa to Abaye: **He who permitted you** to use the tree**, permitted** it to **you according to Rabbah**'s view**.** But Rav Sheshet would say that the part of the tree above is coming from the part of the tree inside the house, which is higher than three *tefachim* from the floor of the house.

The Gemara questions this: It is **obvious** that is only permitted according to Rabbah! Why does this need to be mentioned?

[4] Rashi. The Rosh objects that the corner only covers the tree on two sides.

The Gemara answers: **You may have said that even according to Rav Sheshet, the house is** considered **as if it is full** of earth, **and that one may use** the tree where it is **less than three** *tefachim* **above the roof.**

So he Rav Acha bar Tachalifa **informs us** that this is not so.

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The Gemara challenges Rabbah, from our Mishnah:

It is taught in the Mishnah: If **its roots were** at least **three *tefachim* above the ground, he may not sit upon them.**

What is it, this case under discussion?

If they the roots **do not bend down again** below three *tefachim,* it is **obvious** that this is forbidden. For the Mishnah in Tractate *Beitzah* tells us clearly that one may not use a tree on Shabbat.

But no, the case must be as follows: **Even though it** the root **again bends down** to a height of less than three *tefachim,* it is forbidden to use it on Shabbat. And this contradicts Rabbah.

The Gemara answers: **No,** the Mishnah need not be interpreted this way. **In truth, they** the roots **do not bend down again.**

And it the Mishnah's seemingly superfluous phrase **is informing us** that the root is forbidden **even if one side** of the root is level with the earth, while the other three sides are not. And Rabbah's leniency in the above case of the channel is on condition that at least two sides of the tree are less than three *tefachim* above ground level.

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The Gemara cites a Baraita that supports what it just said.

The Rabbis taught in a Baraita**: If the roots of a tree are three *tefachim* from the earth, or if there is a space** in the earth **beneath them** of **three *tefachim*, even if one side** of the root **is level with the earth, one may not sit on them.** And this prohibition applies even to the side that is level with the earth.

Because one may not climb a tree, and one may not hang from a tree, and one may not lean on a tree, on Shabbat.

And one may not climb a tree while it is still day and sit there the whole day on Shabbat, even though one is not doing any act on Shabbat.

This applies **both** to **a tree and both** to **any animal.** The reason that one may not use an animal is because one may break off a branch to hit it with.

But regarding **a cistern, a walled cistern, a reservoir and a fence: one may climb and go up, climb and go down, and even if they are a hundred *ammah*** high or low. For the reason one may not use trees and animals is not because of excessive effort, rather because one might break off a branch.

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The Gemara now discusses when one may climb down from a tree.

It was taught in one Baraita: **If one climbed** a tree, **it is permitted to come down** on Shabbat. (#1)

And it was taught in one other Baraita: **It is forbidden to come down.** (#2)

And this the apparent contradiction is **not a difficulty.**

Here (#1), the case is that one climbed up **while it was still day. Here** (#2), the case is that he climbed up **after it became dark,** and the Sages penalize him by not allowing him to come down.

*****

And if you wish, I will say an alternative answer: Both **here and here,** the case is that the person climbed up **after it became dark.**

And it is not a difficulty.

Here (#1), it was **by mistake.**

Here (#2), **it was on purpose,** and he is penalized. Thus he may not climb down on Shabbat.

*

And if you wish, I will say an alternative answer: Both **here and here,** it was **by mistake.**

And here, they the two Baraitot **are differing over** whether **they** the Sages **penalize** a transgression done **by mistake, because of** the concern that it will lead to doing the same thing **on purpose.**

One **master** (#1) **holds** the view**: We** do **penalize,** and the person who climbed up by mistake may not climb down.

And the other **master** (#2) **holds** the view**: We do not penalize** in such a case**.**

*

Said Rav Huna the son of Rav Yehoshua: The disagreement between the two above Baraitot whether one can climb down from a tree on Shabbat, **is** in fact also **like** a disagreement between the following **Tannaim.**

This disagreement of the two Baraitot above is based on the following fundamental question: Is it better to continue doing a passive transgression by sitting in the tree, or to avoid the passive transgression by doing an active transgression of climbing down.

The Gemara will present another case whether this issue comes up.

The Mishnah says in Tractate *Zevachim*: The blood of those sacrifices **that is** meant to be **put** on the Altar **with** only **one** act of **placing**[5], **that** this blood **got mixed**[6] with the blood of another sacrifice[7] that is also **put** on the Altar **with one** act of **placing—**

The Halachah is as follows: **They** the mixed bloods **should be put** on the Altar **with one placing.**

And if the blood of those sacrifices that requires **four** acts of **placings**[8] got mixed **with** the blood of a different sacrifice whose blood requires **four placings** on the Altar[9]—

[5] For example, the firstborn animal (*bechor*)
[6] Either in one container, or if two containers got mixed up.
[7] For example, with the blood of another firstborn animal
[8] For example, the sin offering whose blood is placed by the finger on the four corners of the Altar
[9] For example, with the blood of another sin offering

The Halachah is as follows: **They,** the mixed bloods, **should be put** on the Altar **with four placings.**

If the blood of **four placings** got mixed with the blood of **one placing**[10]**—**

Rabbi Eliezer says: It should be put with four placings, even though regarding the blood of one placing, this will transgress the prohibition of "*bal tosif*" ("do not add to the mitzvot").

Rabbi Eliezer thus holds that the positive mitzvah of putting the blood at four places on the Altar supersedes the prohibition of "*bal tosif*."

Rabbi Yehoshua disagrees and **says: It should be put with** only **one placing,** because ultimately, even sacrifices that require four placings will be considered valid when the blood is placed only once. He holds that doing a mitzvah in a minimally acceptable manner is better than transgressing "*bal tosif*."

Said Rabbi Eliezer to him, to Rabbi Yehoshua: **But** by putting less blood for the sin offering, **he transgresses *bal tigra,* "Do not diminish** [from the mitzvot]**"!**

Said Rabbi Yehoshua to him, to Rabbi Eliezer: **But** by putting more blood for the firstborn, **he transgresses *bal tosif,* "Do not add"!**

Rabbi Eliezer said to him in reply: **It,** "do not add," **is only said when it** (the blood that one puts too many times) **is by itself.** But here it is mixed with blood that should be put on the Altar four times.

[10] For example, the blood of a sin offering with the blood of a firstborn

And Rabbi Yehoshua also said to Rabbi Eliezer, as a further argument: **When you put** blood on the Altar four times, **you** both **transgressed "Do not add", and you** also **did a direct action** that is forbidden**.**

But **when you do not put** four times, acting in accordance with my approach, granted that **you transgressed "Do not diminish". But** at least **you did not do a direct action** that is forbidden**!**

*****

Rav Huna now compares this to the case of climbing down from a tree on Shabbat:

According to Rabbi Eliezer, who says there, concerning the sacrifices, that one should **go and do** the mitzvah of placing the blood four times, and this is better than refraining from action, **here too** he will say the same. He will maintain that it is better that **he** do a mitzvah and **descend** from the tree, so as to stop using the tree by remaining in it.

But **according to Rabbi Yehoshua, who says there,** concerning the sacrifices, that **to sit and do nothing is better,** i.e. is preferable to transgress by default than it is to do a direct action that is forbidden, **here too** he will say the same. He will maintain that the person in the tree should do nothing, and **not descend,** in order to not to sin through a direct action.

*

The Gemara rejects this comparison:

Perhaps it is not so that the cases may be compared.

This far, Rabbi Eliezer does not say there. He only maintains **that to go and do** something **is better** in the case of the sacrifices **because** there, **he is doing a mitzvah** of putting the blood of the sin offering on the Altar four times, as commanded in the Torah.

But here with the tree, **where he is not doing a mitzvah** by the act of climbing down from the tree, rather he is just ceasing to do the transgression of sitting in it, **indeed he should not descend.** This is because one should not avoid one sin by doing another.

Or also, one can reject the comparison as follows: **This far, Rabbi Yehoshua does not say there.** He only maintains that **to sit and do nothing is better…**

Ammud Bet

…in the case of the sacrifices **because** there, **he is not doing a**n active **prohibition** by failing to put blood on the Altar four times. Rather,. his transgression of "Do not diminish" is a mere matter of inaction.

But here with the tree, **where he is doing a**n active **prohibition** by continuing to use the tree (by sitting in it), **indeed he should descend,** even according to Rabbi Yehoshua.[11]

c c õ d d

The Gemara now discusses which kinds of trees are forbidden to use on Shabbat.

[11] And even though climbing down is also using the tree, it is better to transgress once and be over with it, than to sit in the tree and transgress the whole day.

It was taught in one Baraita: One may not use or climb up **either a live** (lit. moist) **tree or a dried-out tree.**

And it was taught in another Baraita: When is it said that one may not use a tree? **Concerning a live** tree.

But concerning a dried-out tree, it is **permitted** (see footnote 11).

Said Rav Yehudah: This, the contradiction between the two Baraitot, is **not a difficulty.**

Here where even a dead tree is forbidden, is **when its trunk replaces itself** i.e. it regrows into a tree**.** Therefore the tree is not considered dead.

Here where a dead tree is permitted is **when its trunk does not replace itself**.

The Gemara asks in surprise: **And if its trunk regrows, do you call it dried-out** and dead? When the Baraita says "dried-out" it cannot be referring to such a case.

Therefore the Gemara gives another resolution to the contradiction.

*

But it is **not a difficulty**: **Here** it is **in summer,** when other trees have leaves and we can see that this tree is dead.

Here in the other Baraita, it is **in winter,** when no trees have leaves and people won't realize that the person is climbing a dead tree.

The Gemara challenges this answer: **But in summer** too, the person will do a different prohibition when he climbs the dead tree, because **fruit** still surviving from last year **will fall!** (see footnote)[12]

The Gemara answers: The case is **that there are no fruits.**

The Gemara raises another problem: **But he removes branches** when he climbs the dead tree!

The Gemara answers: We are dealing with **a stump** that has no branches.

*

The Gemara contradicts what we just said, from an incident that once took place:

This is **not so. But Rav came to Aspatia and forbade** to climb **a stump.**

The Gemara answers: **Rav found an** unguarded **valley** of fields, **and fenced it** with **a fence.** With this metaphor, the Gemara is saying that Rav found that the people there were ignorant (unguarded). Thus he ruled more strictly than Halachah requires (fenced it with a fence), so that they should not come to be overly lenient and climb live trees as well.

c c õ d d

[12] Even though there is no prohibition to pick fruit from a dead tree, the Sages decreed against it because of the prohibition of picking fruit off a live tree. Only concerning climbing, which is itself a decree, the Sages were lenient regarding a dead tree.

After discussing the prohibition of using trees, the Gemara now discusses walking through grass.

Said Rami bar Abba said Rav Asi: A person is forbidden to walk on grass on Shabbat because he might uproot it.

For it says: "He who hurries with his legs, sins." This implies that is possible to sin merely through walking.

*

It was taught in one Baraita: It is permitted to walk on grass on Shabbat.

And it was taught in another Baraita: It is forbidden.

And it, the contradiction, **is not a difficulty:**

Here it is dealing **with moist ones** i.e. live grass. And **here, with dry ones** i.e. dry grass, which is considered as if it was already uprooted.

*

And if you wish, I will say an alternative answer:

Here and here we are dealing with **moist ones.**

And it is not a difficulty.

Here, during summer, when one's walking makes seeds fall from the grass, it is forbidden.

And **here, during winter,** when there are no seeds, it is permitted.[13]

**

And if you wish, I will say an alternative answer:

Here and here, we are dealing **with summer. And it is not a difficulty.**

Here where it is permitted, it is **that he is wearing shoes.**

Here where it is forbidden, it is **that he is not wearing shoes,** and the grass gets plucked between his toes.

*

And if you wish, I will say an alternative answer:

Here and here, it is **that he is wearing shoes. And it is not a difficulty.**

Here where it is forbidden, it is **that it** the shoe **has a fold** underneath that catches the grass.

Here where it is permitted, it is **that it does not have a fold.**

**

And if you wish, I will say an alternative answer:

Here and here, it is **that it has a fold.**

Here where it is forbidden, it is **that it** the grass **has a long strand** and gets plucked easily.

Here where it is permitted, it is **that it does not have a long strand.**

*

The Gemara concludes:

And nowadays that we rule in accordance with Rabbi Shimon, who holds that something unintentional (*davar she'ein mitkavein*) **is permitted, all of these** above cases **are permitted,** because a person has no intent to uproot the grass.

c c õ d d

The Gemara mentions another lesson derived from a verse quoted in the previous discussion:

And said Rami bar Chama said Rav Asi: It is forbidden for a man to force his wife to do **a matter of mitzvah** i.e. cohabitation.

Because it says: "He who hurries with his legs sins" (see footnote).[14]

[13] And according to this answer, we are not concerned that a person might uproot the grass itself by mistake.
[14] Rashi: The Gemara understands that "legs" refers to cohabitation, because it says concerning Sisera who cohabitated with Yael: "Between her legs he bowed, he fell, he lay."

And said Rabbi Yehoshua ben Levi: Whoever forces his wife to do **a matter of mitzvah will have children who** do not act **properly.**

Said Rav Ika bar Chinena: What is the verse that this last teaching is derived from?

Because at the beginning of the verse of "He who hurries with his legs sins," it says: **"Also** (cohabitation done) **without consent** (of the wife results in) **a not good soul."**

*

It was also taught so in a Baraita: "Also without consent a not good soul," this refers to **someone who forces his wife to** do **a matter of mitzvah.**

"And he who hurries with his legs sins," this is someone who cohabitates and repeats the act**.**

The Gemara raises a difficulty:

This is not so. But Rava said: Someone who wants to make all his offspring to be male, should cohabitate and repeat the act. Since the woman's desire is aroused from the first time, she "produces seed" (*mazra'at*) before the husband in the second time. And when the woman "produces seed" first, she has a boy.

So why does the Baraita say that repeating is a wrongdoing?

The Gemara answers: This is **not a difficulty.**

Here where repeating is recommended, it is when the person repeats the act **with** the **consent** of his wife.

And **here** where it is denigrated, it is when it is **without consent.**

c c õ d d

Regarding the subject of cohabitation, the Gemara adds the following:

Said Rabbi Shmuel bar Nachmani said Rabbi Yochanan: Every woman who requests her husband to do **a matter of mitzvah** (cohabitation)**, will have children that never were there the likes of, even in the generation of Moshe**[15]**.**

Regarding the generation of Moshe it is written: "Take for you wise and understanding men, who are known to your tribes." And it is written afterwards, describing what Moshe actually did**, "And I took the heads of your tribes, wise and known men." Whereas** regarding the quality of **"understanding", he** Moshe **did not find** men who had it**.**

Whereas concerning Leah it is written: "And Leah went out to meet him, her husband Yaakov[16]**, and said: Come to me because I have hired you,"** and requested that he cohabitate with her.

And it is written: "And from the sons of Yissachar (who came from Leah), there are **knowers of *understanding,* concerning** (calculating) **times** (of the festivals), **to know what Israel should do. Their heads are two-hundred, and all their brothers** (are directed) **by their mouths."**

Thus we see that Leah's descendants had the quality of understanding, unlike the generation of Moshe that did not have it.

[15] Moses

The Gemara contradicts the above statement:

This is **not so. But Rav Yitzchak bar Avdimi said: Chavah** (Eve) **was cursed with ten curses** after her sin**.** (This is derived from the various phrases of the coming verse, which will be broken up and interpreted.) **Because it is written: "To the woman, He said: 'I will greatly multiply'"—this refers to** the suffering caused her by **two**[17] **drops of blood. One, the blood of menstruation, and** the other **one, the blood of virginity.**

3) **"Your misery" – this is the pain of raising children.**

4) **"And your pregnancy" – this is the pain of pregnancy.**

5) **"You will give birth to children in misery" – as its** simple **meaning,** i.e. the pain of childbirth**.**

6) **"And your yearning shall be for your husband" –** this **teaches that the woman yearns for her husband** to have cohabitation with her **when he goes out to the road** on a journey.

7) **"And he will rule over you" –** This **teaches that the woman may** only **request** cohabitation **in** her **heart,** i.e. she may not verbalize her request, **and the man may request** cohabitation even **with** his **mouth. And this is a good,** modest **quality in women,** that they do not verbalize this request.

So how could Rabbi Yochanan say that a woman requesting verbally for cohabitation results in children who have such positive qualities as understanding?

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[16] Jacob
[17] The word is doubled in Hebrew (*harbah arbeh*), thus it corresponds to two curses.

The Gemara answers: **When we say** that she has understanding children, this is **when she does endearing things in front of him,** the husband. I.e. she shows him more affection than usual**,** as did Leah, who asked Yaakov to come into her tent. But a wife should not request explicitly.

*

The Gemara raises a difficulty: **These** curses listed above **are** only **seven,** and not ten!

The Gemara answers: **When Rav Dimi came, he said** another three:

1) **She is enwrapped like a mourner** because she has to cover her hair in public.

2) **She is cut off from every man.**

3) **And she is locked in jail** because "*Kol kevudah bat melech penimah*, all the honor of a daughter of a king (is to be) within (the house)."

*

The Gemara inquires: **What is** the meaning of **"cut off from every man?"**

If you say because seclusion (*yichud*) with men **is forbidden to her,** but **seclusion is forbidden to him,** a man, **too.** Thus, this cannot be the meaning.

The Gemara answers: **Rather,** it means **that she is forbidden to** have **two** husbands at once. Whereas in Biblical and Talmudic times, the prohibition on a man taking two wives was not yet in effect.

*

In the Baraita were taught three different curses:

1) **She grows hair like Lilit,** the female archdemon.

2) **And she sits and urinates, as does an animal.**

3) **And she is made into a cushion for a husband,** during cohabitation.

*

And the other one, Rav Dimi, why does he not list these curses mentioned in the above Baraita?

These things **are a praise to her** (see footnote).[18]

Because Rav Dimi said: What is the meaning of **that which is written: "He teaches us from the beasts of the land, and makes us wise from the birds of the heaven?"**

It means as follows: **"He teaches us from beasts:" This is the female donkey that crouches down and urinates,** and teaches us how to do this modestly.

"**And He makes us wise from the birds of heaven:" This is the cock, that acts endearingly** to its mate by spreading its wings as a sign of pacification, **and afterwards cohabitates.**

*

[18] Her way of urination is more modest and not an effort. Also, it is not difficult to be underneath the husband during cohabitation, and the husband's effort is more. (*Rashi*)

Said Rabbi Yochanan: If the Torah had not been given, we would have learned modesty from the cat, which relieves itself discreetly and covers up afterwards.

And we would have learned the prohibition of **theft from the ant,** since each ant collects for itself, and does not take from its fellow.

And we would have learned the prohibition of **illicit relationships from the dove,** which has one mate.

*

A Baraita says: We learn **civilized conduct** (*derech eretz*) **from the cock, which acts endearingly and afterwards cohabitates.**

And what does it do to **act endearingly to her?**

Said Rav Yehudah said Rav: This is what it says to her when it spreads its wings: **I will buy you a long garment that will reach for you until your feet.**

After this, after cohabitation, it bends its neck down and **says to her: You may cut off the comb of this cock** (i.e. you may cut off my prided comb), **if he** (i.e. if I) **has** money **and doesn't buy** the promised garment **for you** (see footnote).[19]

Concerning hair, it is either included in that she has to be covered like a mourner (Maharsha), or not considered a curse since it is attractive (*Yaavetz*).

[19] The Torat Chayim explains that the cock certainly doesn't have this intent. The Gemara means that the chicken seems to be doing this, in order to inspire us to have this behavior.

Chavruta

Eiruvin – Daf Kuf Alef

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Mishnah

Introduction:

Shutting the regular door of a house is not regarded as an act of "building". It does not constitute a forbidden form of work, nor does it even look like one. It is thus permitted. But using something that is not obviously a door to shut a house looks similar to the act of "building", and is forbidden in certain situations.

*

Regarding **the** flimsy **door of the storage area**[1] (a backyard space that is not used all the time). This door has no hinges and simply stands in its frame.

And regarding **the** tied-together bundles of **thorn branches** that are used to fill **in a gap** in a fence or wall**,** which are sometimes removed to allow entry.

And regarding **reed mats** used as a door.

Because all of these are not fixed in place, **one may not close with them** on Shabbat, because it looks like an act of building (*boneh*), which is one of the thirty-nine forms of work that are forbidden by Torah law.

This holds true, **unless they are** both tied in the doorways and slightly **raised from the earth** and do not drag. In this case, they are obviously being used as doors.

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[1] Heb: *muktzeh*

Gemara

They the scholars of the study hall **posed a contradiction** to our Mishnah, **from a Baraita** that states: **A door that drags** on the ground, **and a mat that is dragged, and a plow handle that is dragged. If they are tied and hanging** in the entrance, **one may close with them** on Shabbat, **and this need not be said** that one may close with them **on Yom Tov.**

Thus, it is enough if they are tied in place, even if they drag. This contradicts the Mishnah that says they must not drag.

The Gemara answers: **Said Abaye:** The Baraita is speaking of a case **when they,** these various impromptu "doors," **have a hinge,** although they are not presently hanging from it. So it is obvious that they are doors. But the doors in the Mishnah have no hinge at all.

Rava said another answer: The Baraita is speaking of a case that **they,** these "doors," once **had a hinge,** even if it is no longer there. Still, it is recognizable that there once was a hinge, and this makes it obvious that they are serving as doors.

*

They contradicted Abaye and Rava, from another Baraita that says:

A door that is dragged, and a basket that is dragged, and a plow handle that is dragged, if they have a hinge[2] and they are raised from the ground even a hairsbreadth, one may close with them.

[2] This is according to the text of Rabbeinu Chananel

And if not, one may not close with them.

This contradicts Abaye and Rava, because we see that even if the door *has* a hinge, it must still be raised from the earth!

*

Abaye answers according to his rationale, and Rava answers according to his rationale.

Abaye answers according to his rationale, that the Baraita must be read as follows:

If they have a hinge, *or* they are raised from the earth, one may close with them.

Rava answers according to his rationale, that the Baraita reads as follows**:**

When they *had* a hinge, *or* they are raised from the earth, one may close with them.

*

The Rabbis taught in a Baraita**: Bundles of thorns and bundles** of some other substance, **that one prepared** to use them to close **a gap in** the wall of **a courtyard: when they are tied and hanging, one may close with them on Shabbat, and this need not be said** that one may close with them **on Yom Tov.**

*

Rabbi Chiya taught: An abnormal door that is dragged on the earth, **one may not shut with it** even if it has a hinge. This is unlike a normal door, which one may shut even if it drags on the earth.

The Gemara explains: **What is an abnormal door?**

Some say: Of one plank, whereas normal doors are made of at least two planks. Therefore if one uses this abnormal door, it looks as if one is "building."

And some say: That it has no bars joining its planks together like a normal door, but only nails.

c c õ d d

The Gemara now discusses how to arrange things on Shabbat without transgressing the prohibition of "building."

Said Rav Yehudah: Regarding **a fire** that one makes by piling up wood on Yom Tov, **from top to bottom.** I.e. if one holds the top wood and places the bottom wood underneath, it is **permitted,** because this is not a normal way of building.

But **from bottom to top,** placing wood on four sides and wood on top, like a roof, is **forbidden** because this is a normal way of building.

And similarly regarding **an egg.** It may not be placed on the firewood or grill, to be fried on Yom Tov. Rather, the egg should be held in the air and they should be placed underneath.

And similarly regarding **a pot.** If one puts a pot on two clay barrels, with a fire between them, one should first hold the pot in the air and then place the barrels underneath it.

And similarly regarding **a bed.** One should first stretch out the leather used as a "mattress" and then put the sides underneath it, that support it.

And similarly regarding **a barrel.** When arranging barrels in a wine-cellar, the top ones should be held in place first.

c c õ d d

Because the Mishnah discussed thorn bushes, the Gemara repeats the following story:

A certain Sadducee[3] said to Rabbi Yehoshua ben Chananya: You are a **thorn, because is written of you Jews: "The good of them are like a thorn** (*chedek*)**."**

He, Rabbi Yehoshua, **said to him: Fool! Lower** your eyes **to** take a look at **the end of the verse. For it is written** there**: "The upright is** one who **shields** people **like a succah.**

But what does "**the good of them are like a thorn"** mean?

Just as thorns protect by filling in **the gap** in a wall, **so the good among us protect us.**

Another matter (i.e. interpretation): **"The good of them are like a *chedek,*" that they grind the wicked finely** (*hadeik*) **for Gehinnom.**

[3] Tzeduki

Because it says: "Rise up and thresh, O daughter of Zion, for I will make your horns iron, and I will make your hooves copper, and you will grind many nations."

Mishnah

A person may not stand in the private domain and take a key lying in the public domain, **and open** with it a door that is **in the public domain,** even if he does not move the key four *ammot.* The Sages decreed against this, lest he bring the key to himself in the private domain.

Similarly, a person may not stand **in the public domain** and take a key that is on the roof of his shop which is a private domain, **and open the lock** which is considered to be **in the private domain** since it is over ten *tefachim* above the ground. This too is a decree of the Sages, lest he bring the key down to less than ten *tefachim*, into the public domain.

This holds true **unless he made a partition ten *tefachim* high,** blocking off the place where he is standing from the surrounding public domain. Then, he is standing in a private domain himself, and opening a lock which is a private domain. (As the Gemara will later explain, the lock has certain dimensions which grant it the status of a private domain.)

This is **the words of Rabbi Meir.** He disagrees with the Mishnah above (98b), that says that a person may stand in the private domain and carry (less than four *ammot*) in the public domain, and vice versa. According to that Mishnah, there is no decree lest he make an error.

They the Sages **said to him** Rabbi Meir: **There is an incident** that disproves your view: **in the market of butchers that was in Jerusalem, they used to lock** their shops on Shabbat, if the lock was ten *tefachim* from the ground. **And** they then **put the key** for safekeeping **in the window**sill **above the door,** even though they were standing in the public domain.

Rabbi Yosi says: It was a market of wool dealers (see footnote)**.**[4]

Gemara

The Gemara raises a difficulty with the Sages' disproof of Rabbi Meir, in our Mishnah:

And in stating his view in the Mishnah, which disagrees with **the Rabbis, Rabbi Meir** had **said** that there is a Rabbinical decree in the case of **the public domain. And they** the Sages **replied** with a disproof from **a** case of a mere ***karmelit***[5]**,** which is quite different. Because with a *karmelit,* the Halachah is more lenient. (As the Gemara will soon prove, the whole of Jerusalem—including the market of butchers—was merely a *karmelit.*)

How could this disprove Rabbi Meir's view, which spoke of a decree involving the public domain?

For said Rabbah bar bar Chanah said Rabbi Yochanan: Jerusalem, if not that its doors of the city's gates **are closed at night, one would be liable for** carrying in it

[4] He agrees with the Sages Halachically, and only differs over the exact report, i.e. what kind of market it was.
[5] A place where it is rabbinically forbidden to carry.

because of it being **a public domain,** since its streets go all the way through the city, from gate to gate, and it has 600,000 people in it.

But in fact, the gates are locked at night. Thus it is regarded by Torah law[6] as one big courtyard. even by day. This is because it is not similar to the encampment of the Israelites in the Wilderness, from where the Shabbat laws are derived. For in the Wilderness, the road through was never closed.

The Gemara answers: **Said Rav Papa: Here,** in the statement of Rabbi Yochanan, it is speaking of **before they made breaches** in Jerusalem's walls**.**

But **here,** in our Mishnah, it is speaking **of after they made breaches** in Jerusalem's walls. Thus, there was always access to the streets day and night, and it was indeed a proper public domain.

*

Rava said another answer, in defense of the Sages' disproof of Rabbi Meir**:** As the Gemara objected, Jerusalem is indeed a *karmelit,* and cannot be brought as proof about a decree pertaining to the public domain.

And the end of the Mishnah, where the Sages speak of the market in Jerusalem, **is in connection with the gates of a garden,** which is a *karmelit.* And there, too, Rabbi Meir forbids moving a key.

And this is the missing words **that Rabbi Meir said** in the Mishnah:

[6] Rabbinically, an *eiruv* is required to permit carrying in the whole town.

And similarly, a person should not stand in the private domain and open a door with a key **in a *karmelit,*** (for example a garden)**.** Nor should he stand **in a *karmelit* and open** a door with a key **in the private domain.**

Ammud Bet

This holds true **unless he make a partition** of **ten *tefachim*** in the *karmelit,* so that the area next to the door becomes a private domain—

This is **the words of Rabbi Meir.**

They the Sages **said to him** Rabbi Meir: **They** the Sages **said to him** Rabbi Meir: **There is an incident** that disproves your view: **in the market of butchers that was in Jerusalem,** which was a *karmelit***, they used to lock** their shops on Shabbat, if the lock was ten *tefachim* from the ground. **And** they then **put the key** for safekeeping **in the window**sill **above the door,** even though they were standing in a *karmelit*.

Rabbi Yosi says: It was a market of wool dealers.

c c õ d d

The Rabbis taught in a Baraita**:** Regarding **the entrances of the gates of a garden** (this garden is a *karmelit,* and it is next to a public domain)**. When they** the entrances **have a gatehouse inside** the garden, **one may open and shut** the gates with a key **from within.**

If the gatehouse is **outside,** in the public domain**, he may open and shut** the gates **from outside.**

If the gatehouse is **here** on this side of the garden entrance, **and** also **here** on the other side of the entrance, he may **open and shut** the garden gate both **here and here.** Since the gatehouse is a private domain, there is no problem of carrying the key inside it.

If **they,** the garden and the public domain outside the garden, **do not have a gatehouse, neither here** on this side **nor here** on the other side**, it is forbidden** to open with a key, both **here and here.** This is because the lock is usually above ten *tefachim* high and considered in a private domain. Thus the Sages made a decree, lest the person take the key from the lock, and transfer it to the garden or the public domain where he is standing.

And similarly, shops that open to the public domain. The threshold of these shops is four *tefachim* wide but less than ten *tefachim* high, and therefore has the status of a *karmelit.*

When the lock is below ten *tefachim* and is thus within the *karmelit* of the threshold, **one may bring a key on the Eve of Shabbat, and put it on the threshold.**

And the next day, on Shabbat, **one may open and shut** the door, **and** then **return it** the key **to the threshold.** This is because all the while, one is carrying within the *karmelit.*

And when the lock is above ten *tefachim* and has the status of a private domain, **one should bring the key on the Eve of Shabbat and put it on the lock** (but not on the threshold, which is a *karmelit*)**. And the next day, one may open and shut** the door, **and** then **put it** the key **back** on the lock. **These are the words of Rabbi Meir.**

And the Sages say: Even when the key is above ten *tefachim,* one may bring the key on the Eve of Shabbat and put it on the threshold, and the next day one may open

and shut with the key. This is because the Sages hold that the lock is not a private domain, but rather a *makom patur,* an exempt place.[7]

Or, one may replace the key **on a window**sill **above the lock,** if it is less than four *tefachim* wide. For then it, too, has the status of a *makom patur,* and one is moving the key from one *makom patur* to another.

But **if the window**sill **has** an area of **four** *tefachim* **by four** *tefachim,* which makes it a private domain, it is **forbidden** to put the key there. This is **because it is like taking out from** one **domain to** another **domain,** since one is taking the key that was originally on the threshold (a *karmelit*) and moving it to the windowsill (a private domain).

The Sages forbid this, even though he is doing this via the lock, which is a *makom patur*.

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The Gemara raises a difficulty: **From** the fact **that it** the Baraita **said: "And similarly, shops** that are open to the public domain," thus comparing shops to a garden. And a garden is a *karmelit*. **This means that we are dealing with a threshold** which is a ***karmelit.***

But if so, a difficulty arises: **This lock, how is it** formed?

If it does not have four *tefachim* by four tefachim in area (projecting from the door), **it is a *makom patur*** even if it is above ten *tefachim*. Why, then, does Rabbi Meir forbid carrying the key from the threshold to the lock, when the lock is above ten *tefachim*? One is permitted to carry from a *karmelit* to a *makom patur*.

And if it indeed **has** an area of **four** *tefachim* by four *tefachim*, it is a private domain.

[7] A place where one is allowed to carry on Shabbat, and which does not have the status of a private domain.

And **in such** a case, **would the Sages say: Even when the lock is above ten *tefachim,* one may bring the key on the Eve of Shabbat and put it in the threshold, and the next day one may open and shut** with the key?

But they would not permit this, since **he is carrying from a *karmelit* to the private domain.**

The Gemara answers: **Said Abaye: In truth,** the case is **that** there is **not** an area of **four** *tefachim* by four *tefachim*, **in the thickness** of the lock.

But it, the door, **has** enough room **in it to carve out and complete it—**the area of the lock sticking out the door—**to** the size **of four** by four *tefachim*.

And this is what they, Rabbi Meir and the Sages, **are differing** over:

That Rabbi Meir holds the view: **We** imaginarily **carve out** from the door, **to complete** the four by four area of the lock, turning it into a private domain.

And the Sages hold the view**: We do not** imaginarily **carve out to complete** the door. Thus the lock is a *makom patur*.

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Said Rav Bivi bar Abaye: We may **hear from this Baraita three things!**

1) **Hear from it,** from Rabbi Meir's view, **that we** imaginarily **carve out to complete.**

2) **And hear from it that Rabbi Meir reverted from** his earlier ruling, regarding the **gates of a garden.**

In the beginning of the Baraita, Rabbi Meir forbade someone to stand in one domain and carry in another, because he might bring the key to himself. And this applies even when this would involve only a rabbinical prohibition, e.g. from the public domain to a *karmelit*.

But at the end of the Baraita, Rabbi Meir says: "And when the lock is above ten *tefachim*", and has the status of a private domain, "one should bring the key on the Eve of Shabbat and put it on the lock" (but one may not put it on the threshold, which is a *karmelit*). "And the next day one may open and shut" the door, "and put it (the key) back" on the lock.

In other words, he allows someone to stand on a threshold, which is a *karmelit*, and open a lock, which is a private domain.

3) **And hear from this, from the** statement of the **Rabbis,** i.e. the Sages, who forbid one to put the key on a windowsill which is four by four *tefachim*, **that it** the Halachah **is like Rav Dimi** said**.**

Because when Rav Dimi came, he said in the name of **Rabbi Yochanan: A place that does not have four by four** *tefachim*, it is **permitted for both the people of the public domain and the people of the private domain to adjust** loads by placing them **on it.** This is because it is permitted to carry to a *makom patur*, from both the public and the private domains.

But only if they do not exchange the object from a private domain to a public domain or vice versa, via the *makom patur*. This is a Rabbinic decree, lest they do so without first resting the object in the *makom patur*.

This last ruling reported by Rav Dimi, "only if they do not exchange", accords with the ruling of the Sages in the Baraita. They forbade moving a key from the threshold to the windowsill, even though on the way, one used the key to open the lock—which is a *makom patur*.

Mishnah

Introduction:

If one uses a piece of wood to bolt a door shut, it looks like "building" because one is adding something to the door. Therefore the bolt must be already connected to the door in some way, and/or the bolt must be an implement that one would not normally make into part of the door.

Regarding **a door bolt** that slides into a hole in the threshold and holds the door shut, **that has at its end a knob** suitable for pounding pepper, and by virtue of this has the status of an implement.

Rabbi Eliezer nevertheless **forbids** using it to lock a door on Shabbat, unless it is tied to and hanging from the door. Because otherwise it looks as if one is "building" when one shuts the door with it.

And Rabbi Yosi permits it, because the fact that it is an implement saves it from looking like an act of building.

Said Rabbi Eliezer in proof of his view**: There is an incident involving a synagogue in Tiberias, that they were conducting themselves leniently concerning it,** to bolt a door

with a bar that has such a knob. **Until Rabban Gamliel and the elders came and forbade them.**

Whereas **Rabbi Yosi says** that the opposite happened: **They conducted themselves stringently concerning it, and Rabban Gamliel and the elders came and permitted them** to use it**.**

Gemara

The Gemara explains the disagreement between Rabbi Eliezer and Rabbi Yosi:

In a case that the bolt is connected to the door with a rope so strong that **it can be lifted with its connecting rope,** and the rope doesn't break, **they all concur** that one may shut the door with it. This is because it is obviously meant for bolting the door, and doesn't look like an act of building.

They differ when…

Chavruta

Eiruvin – Daf Kuf Bet

Translated by: *Chavruta staff of scholars*
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[They differ when] it the door bolt **cannot be carried by its rope,** because the rope is so thin that it would snap.

That one **master,** Rabbi Yosi, **holds** the view**: Because it has a** useable **knob at its end, it has the status of a utensil** and it does not seem that one is making it a permanent part of the building. Therefore it does not look like an act of "building."

And the other **master**, Rabbi Eliezer, **holds** the view**: Because it cannot be carried by its rope, no,** the bolt may not be used. For it is considered as if it is not tied at all, thus it does not look like it is really part of the door. Therefore, bolting the door with it will look like "building."

c c õ d d

The coming Mishnah continues discussing door bolts that shut the door by sliding into a hole in the threshold.

It also introduces a new concept, that generally the Sages did not decree that a *shevut* (Rabbinic Shabbat restriction) should apply to what is done in the Temple. Therefore there are things that are permitted in the Temple and forbidden everywhere else. The *Mishnayot* give more examples of this, until the end of the chapter.

Mishnah

A door **bolt**[1] that is connected to the door with such a long rope that it is not hanging in the air but **dragging** on the ground, and thus does not look as if it is attached, although it actually is. Therefore it using will look as if one is doing an act of building. The Halachah is: **we shut with it** only **in the *Mikdash*[2],** where the Sages did not decree any *shevut.*

But we do not shut with it **in the "*medinah*"[3],** i.e. in any area outside the *Mikdash*.

And that door bolt **which is lying on the earth** and not connected with any rope at all, **is forbidden** both **here and here,** i.e. even in the *Mikdash,* because to use it is a true act of building, which is one of the forms of work forbidden on Shabbat by Torah law.

Rabbi Yehudah disagrees and **says:** Even **that which is lying** on the ground and not connected to the door **is permitted in the *Mikdash.*** Since it is designated to use as a door bolt, its prohibition is only Rabbinic, and a *shevut* is permitted in the *Mikdash*.

And that which is connected with a rope but **dragging** on the ground, is permitted even in **the *medinah.***

[1] Rashi says that the bolt here has no knob.
[2] Temple
[3] Lit: "state"

Gemara

The Rabbis taught in a Baraita**: What is the** kind of **bolt,** discussed in the Mishnah, **that drags** on the earth and **that one may close** with **in the *Mikdash,* but not in the *medinah*?**

Whatever is tied and hanging in the air, **but one end** of it **reaches the earth.** This is regarded as dragging on the earth, and is only permitted in the *Mikdash*.

Rabbi Yehudah says: This is permitted even **in the *medinah*!**

But what is the kind of **bolt that we may close** with **in the *Mikdash* but not in the *medinah,*** according to Rabbi Yehudah**?**

Whatever is not tied and not hanging on the door at all. **And** when **one removes it** from the hole in the threshold to open the door, **one puts it in a corner.**

Said Rav Yehudah said Shmuel: The Halachah is in accordance with Rabbi Yehudah in the case of a door bolt that is attached by a rope but **dragging** on the ground. It is permitted to use it even outside the *Mikdash*. (See footnote).[4]

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Said Rava: And that is true only **if it,** the bolt, **is tied to the door** itself. But if the rope is attached to the doorpost or to a bar used to shut the door, it is not obviously recognizable as being for the door.

The Gemara objects: This is **not so. But Rabbi Tavla came to Mechuza and saw a** door bolt **that was hanging from the bar of a door, and he said nothing to them** when they used it to shut the door on Shabbat.

The Gemara answers: **That was** a case **where it,** the bolt, **could be carried by its rope** that attached it, i.e. it was a strong rope. Then it is obvious that the bolt is meant for the door.

And Rava's condition that it be tied to the door was where the rope was so weak that it will break if one tries to lift the bolt with it.

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Rav Avya came to Nahardea. He saw a person who was tying a bolt to a door **with grass.**

He said to him: **This** bolt, **do not close** with it! Because grass is not considered an attachment at all.

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Until now the Gemara was discussing a case where the bolt holds the door shut by being placed in a hole in the threshold.

Rabbi Zeira posed an inquiry: What is the Halachah **if it,** the hole for the bolt, **penetrates** all the way through the threshold and pierces the ground as well?

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[4] Rashi points out, however, that we do not rule in accordance with his view that in the *Mikdash,* one may even use a door bar that is not tied to the door at all. For this would be an act of "building" that is forbidden by the Torah.

Said Rav Yosef: What is he, Rabbi Zeira, **asking**? The answer is obvious. **Did he not hear what was taught in a Baraita?** For it was taught**: If it,** the bolt, **broke off** its rope connecting it to the door, it is **forbidden** to use it on Shabbat. **If it,** the hole, **penetrates** to the ground, it is **permitted.**

And Rabbi Yehudah said: If it, the hole, **penetrates,** then on the contrary, the case is viewed more stringently: **Even if it,** the bolt, **did not break off** its rope**,** it is **forbidden!**

And said Rav Yehudah said Shmuel: The Halachah is in accordance with Rabbi Yehudah concerning when it **penetrates,** that it is forbidden.

And what is the reason that it is forbidden?

Said Abaye: Because when the bar penetrates the earth **it looks like building**.

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Rav Nechumi bar Zecharya posed an inquiry to Abaye: If a person made a handle for it, the bolt, making it like a hammer, does this make it more lenient? Perhaps we say that one can close with it even if it is not attached to the door. For its status as a utensil saves it from looking like building.

Abaye said to him: Did you say i.e. did you ask about **a hammer** with which one grinds wheat and spices? That is certainly permitted to bolt the door with, because a person does not nullify such a thing to the door and leave it there permanently. Therefore it does not look like an act of "building."

It was also **said** in a statement of Amoraim**: Said Rabbi bar Ada: If one made a handle for it,** it is **permitted.**

c c õ d d

There was a certain beam in the house of Rav Pedat that could only **be lifted by ten people, and they put it against the door** at night to lock it.

And he, Rav Pedat, **said nothing to them** in objection, because **he said: It has the status of a utensil** despite its weight, since it can be sat on. Therefore it is not *muktzeh* and may be carried.

c c õ d d

There was a stone **pestle in the house of Mar Shmuel that** was so big that it **held a half *kur*.**

Mar Shmuel permitted putting it against the door to lock the door, because **he said: It has the status of a utensil** and is not *muktzeh*.

c c õ d d

The Gemara now discusses other laws of "building."

Rami bar Yechezkel sent a message **to Rav Amram: Master, tell us some of those beautiful statements that you told us in the name of Rav Asi concerning the hoops of a boat.** A boat in those days often had hoops about half an *ammah* apart from each other, fixed at the sides of the boat and reaching over the deck. A cloth was spread over the hoops, to keep off sun or rain.

He, Rav Amram, **sent to him** the following message in return: **This is what Rav Asi said:**

These hoops of a boat, when they are a *tefach* wide, which grants the hoop itself the status of a "tent", i.e. a type of roofing—

Or also, even **if they do not have a *tefach*** in width**,** but **there is not three** *tefachim* **between them.** In this case we apply the principle of *lavud* (viewing it as if they are joined). Thus it is considered as if they are all connected together. and constitutes a tent.

In both these cases, **the next day,** on Shabbat, **one may bring a mat and spread** it **over them,** the hoops.

What is the reason it is permitted?

Because it is merely **adding to a temporary tent** (see footnote)[5]**,** because the hoops already have the status of a tent, **and that is all right.**

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There were certain rams that belonged to Rav Huna, which needed shade by day and air at night. Therefore they would spread mats over them by day and remove the mats at night.

He, Rav Huna, **came before Rav** to ask what to do on Shabbat.

He, Rav, **told him:** On Friday afternoon, **go roll up the mat, but leave in it a *tefach*** unrolled, so that will have the status of a tent. **And the next day,** on Shabbat, **unroll it, and** it will be permitted. **Because it will be adding to a temporary tent, and that is all right.**

c c õ d d

Said Rav in the name of Rabbi Chiya: Regarding **a curtain** that is spread in front of an open entrance, for the sake of privacy. **It is permitted to spread it and permitted to remove it on Shabbat,** because the curtain is not permanently there, and is constantly hanged and taken down. Therefore it is no different than opening and shutting a door.

c c õ d d

The bed canopy of bridegrooms, which rises up from each side of the bed and meets in the middle above the bed, **it is permitted to remove it and set it up on Shabbat,** because it has no roof and therefore does not have the status of a tent.

Said Rav Sheshet the son of Rav Idi: We only say that it is permitted **when** the two sides meet at the top, thus **its roof does not have a *tefach*** in width**.**

[5] A temporary tent itself is only forbidden Rabbinically, and if one merely adds to the temporary tent, the Rabbis permit it.

But if the two sides do not extend all the way up, and there is a horizontal roof to the canopy, **and its roof has a *tefach*** in width**, it is forbidden.**

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And when its roof does not have a *tefach*, too, we only say that it is permitted when the sides are so steep **that there is not a *tefach*** in width when the width of the canopy is measured **less than three *tefachim* close to the roof.**

But if there **is a *tefach*** in width, **within less than three *tefachim* close to the roof,** it is forbidden to spread or remove the canopy. This is because the principle of *lavud* dictates that a gap of three *tefachim* is viewed as closed and solid. Thus it is considered as if there is a roof one *tefach* wide.

See illustration: The upside down V represents the top of the canopy which is a *tefach* wide less than three *tefachim* from the top:

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And when there is not a *tefach* in width **less than three *tefachim* close to the roof, we also only say** that it is permitted **when…**

Ammud Bet

…its slope does not include a *tefach*. In other words, the whole canopy is not more than two *tefachim* wide (see footnote)[6], so that the slope of each side does not lean over more than a *tefach*.

But if its slope has a *tefach*, this itself constitutes a tent. This is because **the slopes of tents are like tents.** If the roof of a tent covers a *tefach* in area, it is considered a tent even though the tent is sloping at a sharp angle.

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And said Rav Sheisha the son of Rav Idi: A *saina*, a felt hat with a very wide brim, **is permitted** to wear on Shabbat.

The Gemara objects: **But it was taught in a Baraita:** It is **forbidden!**

The Gemara answers: This is **not a difficulty.**

Here, where it is forbidden, is **that it,** its brim, **has a *tefach*** in width. Thus, wearing it is like making a tent.

Here, where it is permitted, is **that it does not have a *tefach*** in width**.**

The Gemara objects to this answer: **But now** according to you, **if someone extended his tallit a *tefach*** in front of his head, **here too, will it be forbidden** because of making a tent?

[6] Rashi is puzzled by the fact that such a narrow bed is impractical. He explains that the bed is wide, but that is has a series of tent like projections covering it horizontally like this: VVVVV. The ones in the middle do not come all the way down to the bed.

Therefore the Gemara gives another answer: **Rather, it is not a difficulty** for a different reason: wearing a hat never constitutes making a tent.

Here where Rav Sheisha said it is permitted **is when it is tied** on one's head with a string.

Here where it is forbidden, **is when it is not tied,** and could fall off, and then one may end up carrying it four *ammot* in the public domain.

Mishnah

One may put back the bottom hinge (see footnote)[7] of a cupboard door, **in the *Mikdash.*** For as long as the top hinge is in place, it is easy to replace the bottom hinge. Therefore it is only forbidden Rabbinically, and the Rabbis did not forbid any *shevut* (Rabbinic Shabbat prohibitions) in the *Mikdash*.

But not in the *medinah,* i.e. outside the *Mikdash*, where *shevut* prohibitions are in force. There, the Rabbis forbid it because one might put the hinge in place firmly with a hammer so that it can't come out again. And that would transgress the Torah prohibition

[7] The hinge was a projection that came vertically out the top or bottom of the door, and fitted into a corresponding hole in the top or bottom of the cupboard.

of *makeh bepatish* (giving the final hammer blow to complete the manufacture of a utensil).

And to replace **the top** hinge **is forbidden** both **here and here,** i.e. even in the *Mikdash*. This is because without the top hinge, the door falls out completely. Thus replacing it is a true act of building, and Torah prohibitions are forbidden even in the *Mikdash*.

Rabbi Yehudah says: Even replacing **the top one** is permitted **in the *Mikdash,*** since even this is only a Rabbinical prohibition. This is because the forbidden work of "building" does not apply to freestanding utensils, rather to structures connected to the earth.

And the bottom is permitted even **in the *medinah,*** because there is no concern that he might hammer it in firmly.

Gemara

The Rabbis taught in a Baraita**:** Regarding **the** bottom **door-hinge of a wagon-box, box or cupboard, in the *Mikdash:* One may replace** it, if this is necessary for the Temple service.[8]

In the *medinah*, one may only **push** the hinge back in, when it had begun to partly come out. Otherwise it is forbidden.

[8] For example if the box contains salt, frankincense or incense needed for the Temple service, and one cannot get to them without repairing the hinge.

But **the top** hinge, both **here and here one may not replace** it because it is a true act of building.

And replacing a bottom hinge is forbidden in the *medinah* because of **a decree lest one might hit it firmly** in place when one replaces it. **And if one hit** it in this way, **one is liable to** bring **a sin offering** for having transgressed a Torah prohibition**.**

And regarding the hinge **of** the door of **a cistern, above-ground cistern, and balcony, one may not replace** even the lower hinge. **And if one did replace** it**, one is liable** to bring **a sin offering.** Because when something is connected to the ground, the slightest act of building is a Torah transgression.

Mishnah

One may replace a bandage that has medicinal dressing on it, **in the *Mikdash*.**

If a Cohen removed the bandage so that it should not be a *chatzitzah* (interposition) when he does sacrificial service,[9] he may replace it afterwards, because otherwise he may not want to do the service at all.[10]

But this is **not** permitted **in the *medinah,*** i.e. outside the *Mikdash.*

[9] Nothing may interpose between his hands and the offerings he handles, nor between his skin and the priestly garments he wears, nor between the soles of his feet and the floor of the Temple courtyard.
[10] The Gemara, *Beitzah* 11b, says that this is one of three things where the Sages permitted "their end because of their beginning," i.e. they permitted a later action so as to facilitate an earlier action.

And a non-Cohen may not replace such a bandage even in the *Mikdash*, because he might smooth the medicinal cream on the bandage, which is forbidden by Torah law as a sub-category of the form of work called *memachek* (scraping something smooth).

If on Shabbat, a person wants to put on such a bandage **in the first place**, both **here and here** it is **forbidden.** Here, we do not apply the rule that there are no *shevut* prohibitions in the *Mikdash*. Because unlike the case where the Cohen took it off to do sacrificial service, in this case he wants to put it on purely for his personal benefit.

Gemara

The Rabbis taught in a Baraita**: A bandage that came off** by itself **from on a wound, one may return it on Shabbat** even in the *medinah*, because it is an unusual occurrence, which the Sages did not decree against.

Rabbi Yehudah says: If it fell off completely one may not replace it. Only if **it slipped downwards, one may push it upwards,** back on the wound. And if it slipped **upwards, one may push it downwards.**

And one may expose a bit of the wound under **the bandage, and clean the opening of the wound, and again expose a bit** of another part of the wound under **the bandage, and clean the opening of the wound,** so long as one does not remove the bandage completely.

But the bandage itself, one may not clean it. This is **because one smoothes out** (*memarei'ach*) the medicinal cream in the process, and that is forbidden as a sub-category of *memachek* (scraping skins smooth).

And if one smoothes it **out, one is liable** to bring **a sin offering.**

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Said Rav Yehudah said Shmuel: The Halachah is in accordance with Rabbi Yehudah, that one may not replace a bandage, even if it fell by itself.

Said Rav Chisda: We only taught that the first Tanna permits replacing a bandage that fell by itself, **if it came off** and fell **on a utensil** such as a cushion.

But it came off and fell **on the earth, everyone concurs that it is forbidden** to replace it, because it is like putting it on for the first time.

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Said Mar bar Rav Ashi: I was standing in front of my **father, and his** bandage **fell on a cushion** that was under his head, **and he replaced it.**

And I said to him: Does the Master not hold like that which Rav Chisda said? For he said the disagreement is only if the bandage **came off onto a utensil. But if it came off onto the earth** everyone concurs it is **forbidden.**

It emerges that according to Rabbi Yehudah, replacing a bandage is forbidden even when it merely fell on a utensil. **And Shmuel said** that **the Halachah is in accordance with Rabbi Yehudah!**

So how could you replace the bandage?

He, my father, **said to me: I did not hear** that statement of Rav Chisda. **In other words, I do not hold** of it!

Instead, I hold that the disagreement is when the bandage fell on the ground. But if it fell on a utensil, it is considered as if it slipped upwards or downwards on the person's body. And everyone, including Rabbi Yehudah, concurs that one may replace it. Therefore I replaced my bandage when it fell on my pillow.

Mishnah

One may re**tie a harp-string** that broke on Shabbat, **in the *Mikdash,*** even with a knot that is forbidden by Torah law. For this Tanna holds that *machshirei mitzvah* (acts required in preparation to fulfilling a mitzvah) that could not be done before Shabbat, may be done on Shabbat. In this case, the mitzvah involved is the Levite's musical accompaniment to the sacrificial service, which is a Torah-ordained mitzvah.

But this is **not** permitted **in the *medinah*.**

And if on Shabbat one wants to tie the harp-string **in the first place**, both **here and here** it is **forbidden,** i.e. even in the *Mikdash*. This is because one could have tied it before Shabbat.

Gemara

And they the scholars of the study hall **posed a contradiction** to our Mishnah, from a Baraita that says: **A harp-string that broke** in the *Mikdash*, **one would not tie it** with a proper knot**, rather** one would **make it** i.e. tie it **in a bow,** which is permitted on Shabbat.

This contradicts our Mishnah, which says that one may tie a proper knot.

The Gemara answers: This is **not a difficulty!**

(Resolution #1): **Here** in the Baraita, it is the view of **the Rabbis** who disagree with Rabbi Eliezer**.**

And here in the Mishnah, it **is** the view of **Rabbi Eliezer.**

According to Rabbi Eliezer, who said that **things needed to fulfill a mitzvah**[11] **supersede the Shabbat, one may tie it,** the harp string.

Just as one may make preparations for a *brit milah* even if they involve Shabbat desecration, so may one fix the harp that is needed for the sacrificial service.

But **according to the Rabbis, who say** that things needed to fulfill a mitzvah **do not supersede Shabbat, one must make it,** i.e. tie the harp string, **in a bow.**

[11] For example, Rabbi Eliezer holds that not only is the circumcision itself permitted on Shabbat, but also anything necessary for the circumcision, such as bringing a knife through the public domain.

The Gemara raises a difficulty: **If** the Mishnah is the view of **Rabbi Eliezer,** then **even in the first place,** one **also** should be allowed to tie a knot in the harp-string—and not only if the string broke on Shabbat.

Because concerning circumcision, he even allows things that could have been done before Shabbat, such as cutting wood to make coals in order to forge a knife. So why does the Mishnah only allow one to tie a string that broke on Shabbat?

*

Therefore the Gemara now gives a totally new answer to the contradiction between the Mishnah and Baraita:

Rather, this is **not a difficulty.**

(Resolution #2): **This,** our Mishnah, is the view of **Rabbi Yehudah,** who holds that tying a bow is just as forbidden as tying a proper knot. Therefore he allows even tying a knot.

And that, the Baraita, is the view of **the Rabbis** who disagree with Rabbi Yehudah, and hold that tying a bow on Shabbat is permitted. Therefore, one should tie a bow in the harp-string, and not a proper knot.

The Gemara objects that this answer is no better than resolution #1.

But Rabbi Yehudah, who you explain the Mishnah according to, **goes like who**se view, when he allows tying a harp-string on Shabbat?

Chavruta
Eiruvin – Daf Kuf Gimel

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[But Rabbi Yehudah, whom you explain the Mishnah according to, **goes like who**se view, when he allows tying a harp-string on Shabbat?]

If he is saying his ruling **in accordance with Rabbi Eliezer,** who holds that *machshirei mitzvah* (acts required in preparation to fulfilling a mitzvah) supersede Shabbat—

Then **even in the first place, too,** he should allow one to fix a harp string on Shabbat. Why does the Mishnah allow it only if the string broke on Shabbat?

*

Rather, it the contradiction between the Mishnah and Baraita, **is not a difficulty.**

(Resolution 3): **Here,** in the Baraita, it **is Rabbi Shimon**'s view, who holds that *machshirei mitzvah* do not supersede Shabbat at all. Thus one may only make a bow if the harp-string broke.

Here, in the Mishnah, it **is the Rabbis**' view. They hold, like Rabbi Eliezer, that *machshirei mitzvah* indeed supersede Shabbat. Thus one may tie a knot if the harp-string broke on Shabbat. However, unlike Rabbi Eliezer, they hold that this applies only to *machshirei mitzvah* that could *not* be done before Shabbat. Therefore they do not allow tying a knot, if the string broke before Shabbat.

*

The Gemara now cites a Baraita showing that Rabbi Shimon indeed holds that one should tie a bow. The Baraita also brings a third view of how to fix a broken harp-string on Shabbat.

Because it was taught in a Baraita: A Levite whose harp-string broke on Shabbat, he **may tie it.**

Rabbi Shimon says: He should tie it in a bow.

The Gemara now brings a third view as to what should be done:

Rabbi Shimon ben Elazar says: But if one merely ties a knot or bow, then **it** the harp **will not make** proper **sound. Rather, one should unwrap** the harp string **from below** the harp**, and wrap it above** the harp**,** thus making a new string.

Or unwrap from above, and wrap below.

Even though this is a Torah prohibition, it is permitted—just as the first Tanna permits a knot. The first Tanna, however, prohibits this procedure because a person might end up putting a completely new string in a harp, if this was permitted.

*

Now the Gemara presents a fourth resolution to the contradiction between the Mishnah that says that one may tie the string properly, and the Baraita that says one should make only a bow:

And if you wish, I will say an alternative answer**: This and that,** the Mishnah and the Baraita, are the view of **the Rabbis** mentioned in resolution 3, who hold that one may do *machshirei mitzvah* only if it was *not* possible to do so before Shabbat. And they have

another limitation: they allow it only if there is no way to achieve the desired result other than by doing the act of work.

And therefore the contradiction is **not a difficulty.**

Here, in the Mishnah, the string broke **in the middle,** where making a bow would ruin the quality of the sound. Therefore one may tie it with a proper knot on Shabbat.

Here, in the Baraita, the string broke **at one end** where it does not have to be so well tied, and a bow will not adversely affect the sound. Therefore one should make a bow, and avoid performing an act of work on Shabbat.

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Fifth resolution:

And if you wish, I will say an alternative answer**: Here and here,** the string broke **in the middle.** And the disagreement between the Mishnah and Baraita is that of the Rabbis and Rabbi Shimon, as mentioned in resolution #3.

But now we say that Rabbi Shimon actually agrees with the Rabbis, that according to Torah law, one may fix the string with a proper knot. This is because he agrees that *machshirei mitzvah* supersede Shabbat.

And the case is that **here and here,** the string broke **in the middle.**

But one **master,** Rabbi Shimon, **holds** the view**: We decree** Rabbinically not to tie a knot in the middle, lest one tie a knot also when the string breaks at one end—in which case only a bow is allowed.

And the other **master,** the Rabbis, **hold** the view**: We do not decree** such a thing.

Mishnah

One may cut off a wart from the lamb to be offered as the daily sacrifice **in the *Mikdash*** on Shabbat, since the presence of the wart invalidates the animal as a sacrifice. This cutting is permitted because the offering of the daily sacrifice supersedes Shabbat. One must do this with one's hand (which is a *shinui* – unusual way of doing it – and is thus forbidden only Rabbinically).

But even cutting it off with one's hand is **not** permitted **in the *medinah,*** i.e. anywhere outside the Temple.

And if with a utensil such as a knife, which would be a Torah prohibition, then both **here and here,** in the Temple or outside, it is **forbidden.**

Gemara

They the scholars of the study hall **posed a contradiction to it—**to our Mishnah which allows cutting a wart from a sacrifice—from the following Mishnah in Tractate *Pesachim*:

If the Eve of Pesach (which is the time of the Pesach offering) falls on Shabbat, the Halachah is as follows: **Carrying it** the animal to be sacrificed, **and bringing it from**

outside the Shabbat boundary, and cutting off its wart, do not supersede Shabbat. This is in spite of the fact that the actual slaughter of the animal does supersede Shabbat.

Rabbi Eliezer disagrees and **says: They supersede** Shabbat.

We see that the first Tanna of our Mishnah, whose view is expressed without a name[1], disagrees with the first Tanna of the Mishnah in *Pesachim*, whose view is also expressed without a name.

The Gemara answers:

Rabbi Elazar and Rabbi Yosi b'Rabbi Chanina gave differing answers.

One of them **says: Here and here,** in both sources, it is dealing with a **moist** wart.

And it is not a difficulty.

Here in our Mishnah, it allows one to cut it off **with one's hand.**

Whereas **here** in the Mishnah of Pesachim, it forbids cutting it off with **a utensil.**[2]

And the other **one of them said: Here and here** the wart is being removed **by hand.**

And it is not a difficulty.

Here, in *Pesachim*, we are dealing **with a moist wart,** which is Rabbinically forbidden to cut off even with one's hand.

[1] And thus presumed to be Rabbi Meir's view.

Here, in our Mishnah, we are dealing **with a dry wart** which is completely permitted to cut off.

*

The Gemara now asks why the two views give different answers:

And according to the one who said that this one is cut off **with the hand,** and **that one is** cut off **with a utensil, why doesn't he** instead **say that this one** is dealing **with a moist** wart, and **that one** is dealing **with a dry** wart?

The Gemara answers: **He would tell you: A dry** wart **is permitted** to cut off **even with a utensil,** yet our Mishnah says it must be removed by hand only.

Why is a dry wart permitted even with a utensil?

Because it is crumbling away anyway and is not counted as being cut off.[3]

*

The Gemara inquires: **And the** other **one, who says that this** is dealing **with a moist** wart, and **that** is dealing **with a dry** wart, **why did he not** instead **say** that **this one is** cut off **with the hand and that one** is cut off **with a utensil?**

The Gemara answers: **He would tell you: With a utensil,** the Mishnah in *Pesachim* would not need to tell us that it is forbidden. Because **it is already taught in** our **Mishnah: "If with a utensil, here and here is forbidden."**

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[2] And Rabbi Eliezer, who permits even a knife, holds that *machshirei mitzvah* supersede a mitzvah even when the preparation could have been done before Shabbat, like here where the wart could have been removed before Shabbat.

[3] The second view holds that it nevertheless forbidden rabbinically because its removal "fixes" (*metaken*) the sacrifice.

Therefore the Mishnah in *Pesachim* must be adding a new case in which it is forbidden to cut it off by hand.

And the other view will reply: **That which the Mishnah teaches there** the same thing another time, it is **because it wants** to bring out **the disagreement of Rabbi Eliezer and the Rabbis** in that case**,** and point out that Rabbi Eliezer allows one to cut the wart even with a utensil.

*

And the other view will counter: If so, I will give another reason why I must explain the Mishnah and Baraita as I do.

Because **the Mishnah** in *Pesachim* **teaches** a case of wart cutting which is **similar to carrying it** the Pesach sacrifice **on one's shoulder,**[4] **and** similar to **bringing it from outside the Shabbat boundary.**[5] Just as these two are Rabbinical, so the case of cutting a wart is only Rabbinical. Therefore it must be dealing with a case that one removes the wart by hand.

And the other view counters that on the contrary, the other two cases in *Pesachim* involve Torah prohibitions.

Concerning **"carrying it on his shoulder,"** it is reasonable to say that **it,** the Mishnah, **is not in accordance with Rabbi Natan, who said** that **the live being carries itself.** Rather, it is in accordance with the Rabbis who disagree with him.

[4] Even if one carries the animal from a private to public domain, it does not transgress a Torah prohibition. For there is a principle stating that a live animal or person "carries" himself.
[5] This view assumes that the concept of *techumin* is Rabbinical.

And concerning **"bringing it from outside the Shabbat boundary,"** it is reasonable to say that the Mishnah is **in accordance with Rabbi Akiva, who said: *Techumin*** (the Shabbat boundary of 2,000 *ammah*) **are from the Torah.**

*

Rav Yosef contradicted the claim that the Mishnah in *Pesachim* is dealing with Torah prohibitions, from the continuation of that same Mishnah:

Said Rabbi Eliezer, I can prove through a ***kal vachomer***[6] that carrying the animal, bringing it from outside the Shabbat boundary, and cutting off its wart supersede Shabbat:

Because **if slaughtering, which is a** Torah **form of work,** yet **supersedes Shabbat—**

These which are only forbidden **because of a *shevut*** (Rabbinic Shabbat prohibition), **is it not logical that they** also **should supersede the Shabbat?**

This proves that the Mishnah in *Pesachim* is only dealing with Rabbinic prohibitions, and thus contradicts the view that it is dealing with cutting of a wart with a knife.

*

Therefore Rav Yosef gives a third answer to the contradiction between our Mishnah and that of *Pesachim*:[7]

[6] A fortiori reasoning

[7] He gives a third answer because the Gemara found objections to the previous two answers as follows: One cannot say that either source is speaking about a dry wart because if so it should be permitted to remove even with a utensil, as the Gemara objected earlier. And one cannot say that the Mishnah in *Pesachim* is speaking about removing the wart with a utensil, because that would be a Torah transgression and we proved that the Mishnah there is only dealing with rabbinic transgressions.

Rather, said Rav Yosef: This and that, both sources, are when a moist wart was cut off **by hand.**

However, only our Mishnah allows removing the wart, This is **because they,** the Rabbis, **permitted** transgressing **a *shevut* in the *Mikdash,*** where the daily sacrifices are checked for warts.

But in *Pesachim* it is dealing with the Pesach sacrifice, which is checked for warts at home. Therefore one may not remove the warts even by hand, **because they did not permit** transgressing **a *shevut*** even **for** the purposes of **the *Mikdash,*** when it is done **in the *medinah*** i.e. outside the *Mikdash*.

*

Abaye sat and said that above **teaching** of Rav Yosef, that a *shevut* of the *Mikdash* is not permitted if it is done outside the *Mikdash*.

Rav Safra contradicted Abaye, from the following Mishnah:

If someone was reading Torah writings **in a scroll,** while sitting **on a threshold** of a house which is a private domain, **and the scroll rolled from his hand** to the public domain, **he may roll** it up **towards him.**

This will not transgress the Torah prohibition of carrying from domain to domain, because one end of the scroll always remained in his hand. And the Rabbinic prohibition involved is waived, to prevent disgrace to the Torah writings.

Yet here, that it is a case comparable to "***Mikdash*"** (protecting holy writings from disgrace can be compared to service in the Temple), that is done **in the *medinah,*** since it

is taking place outside the *Mikdash*. **And we do not decree** against this **lest it fall** completely out his hands **and he come to carry** from the public to the private domain.

In short, we see that a *shevut* connected with the *Mikdash* is permitted even in the *medinah*.

The Gemara answers: **Did we not set up** the case earlier as one **with a threshold** that is only a ***karmelit,***[8] **and a public domain is passing in front of it?**

Therefore, because it the end of the scroll **is joined to his hand, there is not even a *shevut.*** Because even if the scroll fell completely into the street he would only transgress a *shevut* if he brought it back. Therefore the Rabbis make no decree at all if it still partially in his hand.

In short, this case does not show that there is no *shevut* of the *Mikdash* even in the *medinah*.

*

He Rav Safra **contradicted** Abaye, from another Baraita:

When the Eve of Pesach falls on Friday, then after the Pesach sacrifice is slaughtered and its blood thrown on the Altar, **they lower the** meat of the **Pesach** sacrifice **into the oven before dark,** in order to roast it. And then the meat roasts on Shabbat. This is in spite of the fact that is Rabbinically forbidden to put raw meat into an oven just before Shabbat, because one might stoke the coals on Shabbat to speed up the roasting.

[8] A place where it is rabbinically forbidden to carry.

But here, that it is a *shevut* of the *Mikdash* being done **in the *medinah*,** since each person is roasting the meat in his home, **and** we see that **they do not decree** against it **lest he stoke the coals?**

He Abaye **kept silent** and had no answer.

*

When he Abaye **came before Rav Yosef, he** Abaye **said to him** Rav Yosef: **This is what Rav Safra said to me** to disprove your claim that a *shevut* of the *Mikdash* is not permitted in the *medinah*.

He Rav Yosef **said to him** Abaye: **Why didn't you answer him** that the case of the Pesach sacrifice is different, because **the members of the group** who joined with one another to do the mitzvah of eating from the Pesach sacrifice **are** assumed to be **zealous** people, and will not end up stoking the coals. For there is a rule that people are zealous when they are dealing with sacrifices.

And Abaye, who did not give that answer, holds that **we say** that **kohanim are zealous**, because we presume that kohanim are taught the laws properly.

But we do not say that the people of a group roasting a Pesach sacrifice **are zealous,** because this is done by everyone and they do necessarily know the laws.

*

Now that we have disproved Rav Yosef's answer (which was the third answer) to the contradiction between our Mishnah and the Mishnah in *Pesachim*, the Gemara brings a fourth answer:

Rava said: Both sources are speaking of removing a moist wart with one's hand (see footnote). And **it,** our Mishnah, **is** the view of **Rabbi Eliezer, who** disagreed with the Rabbis in *Pesachim* and **said:** ***Machshirei mitzvah*** **supersede the Shabbat** regarding a Torah transgression, and even if the work could have been done before Shabbat.

But if so, why does our Mishnah say that one may not use a utensil?

Because Rabbi Eliezer agrees that we should alter the act of work **wherever possible** so that it will be only Rabbinic. Therefore one should remove the wart by hand.

Ammud Bet

The Gemara inquires: **What is it?** Where do we see that Rabbi Eliezer agrees that one should alter the act of work, if possible?

The Gemara explains: **Because it was taught in a Baraita: If a wart grew on a Cohen** and this wart invalidates him from Temple service, **his fellow** Cohen **may cut it off with his teeth.**

The Gemara deduces from this: **With his teeth, yes,** it is permitted to cut it off this way**. But with a utensil, no,** it is forbidden.

The Gemara also deduces: **His fellow** Cohen may bite it off. In this way, **yes,** it is permitted.

But to bite it off **himself, no,** it is forbidden.

*

The Gemara now proves that this Baraita is the view of Rabbi Elazar:

Introduction:

In tractate *Shabbat* (94b), Rabbi Eliezer holds that trimming one's own nails on Shabbat (with one's teeth or hands) is a Torah transgression, because a person can do this efficiently, and it is only Rabbinical when someone else removes them with his teeth or hands.

The Rabbis, however, hold that it is always Rabbinical, even if a person removes them himself with his teeth or hands.

Thus the Gemara deduces:

Whose is the view in the Baraita?

If you say it is the **Rabbis** who disagree with Rabbi Eliezer and hold that *machshirei mitzvah* do not supersede Shabbat, and that is why the wart must be removed by the teeth, to avoid work forbidden by the Torah—

But that cannot be. Since here it is **in the Temple,** it should be permitted even by himself. This is **because the Rabbis say that generally,** removing one's own nails (or warts) by hand **is** only **Rabbinical.** And **here** we are speaking of a Cohen in the Temple. So **what** is the difference **to me** if **he** does it himself, **what** is the difference **to me** if **his fellow** Cohen does it?

But no, the Baraita must be the view of **Rabbi Eliezer, who generally says** that someone who bites off his own nails (or warts) **is liable for a sin offering** since it is a Torah transgression**.**

And therefore, **here** we see the following: **even though *machshirei mitzvah* supersede the Shabbat** according to Rabbi Eliezer, **we change** the act to make it only Rabbinical, **as much as we can.** Thus he must find another Cohen to bite off the wart for him.

*

The Gemara rejects this proof.

No, it is not necessary to understand the Baraita that way.

In truth, it the Baraita **is in accordance with the Rabbis.**

And if it the wart **grew on his stomach, indeed** he could bite it off himself.

But **here, with what are we dealing? For example that the bite** i.e. the wart **grew on his back or his elbow,** in a place **that he cannot remove it** himself. Therefore his fellow Cohen bites it off.

But Rabbi Eliezer could well hold that in a case of *machshirei mitzvah*, one does not have to do the work in an unusual fashion.

*

The Gemara challenges this:

And if it the Baraita **is** the view of **the Rabbis, let him take it** the wart **from him** the other Cohen **with** his **hand.**

Because then the Baraita would tell us two new things.

1) That the Rabbis only allow Rabbinical forms of work, not Torah forms of work, to be done in the *Mikdash,* even to fulfill a mitzvah.

And 2) it would **solve** a question the Gemara had about the view **of Rabbi Elazar** regarding this**.**

Because Rabbi Elazar said: The disagreement of Rabbi Eliezer and the Sages in Shabbat 94b, about whether someone who removes his own nails is liable, is only if he removes his nails **with** his **hand. But** if he removes them **with a utensil, everyone agrees** that he is **liable** to bring a sin offering, because that it is certainly a sub-category of shearing wool.

Therefore, why does the Baraita only mention that one may bite the wart off with one's teeth?

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The Gemara counters: **And according to your reasoning,** that you argue that the Baraita is **according to Rabbi Eliezer,** one can **also** ask the same question: **let him take it** the wart **from him with** his **hand.**

The Gemara answers: **How** can you say **this?** This question cannot be posed to both approaches.

It is all right if you say that the Baraita is like **Rabbi Eliezer.** Just as he says that in a situation of *machshirei mitzvah,* one should preferably do a Rabbinic transgression rather than a Torah one, **this** too **is why he decrees** not to use one's **hand. Because** the hand is more similar to **a utensil.**

In other words, just as it is preferable to do a Rabbinic transgression rather than a Torah one, so is it better to remove the wart with one's mouth**,** rather than use one's hand which is more similar to using a utensil.

But if you say that it the Baraita **is** like **the Rabbis, let him remove it from him with his hand.**[9]

The Gemara concludes: **And nothing further** need be said. This Baraita is indeed a proof that according to Rabbi Eliezer, we try to make as great a *shinui* as possible from the normal—and Torah-forbidden—form of the work.

Mishnah

A Cohen whose finger was injured on Shabbat, he **may wind a** blade of **grass on it** if he is in **the *Mikdash*.** Even though the grass has healing power, and it is Rabbinically forbidden to heal on Shabbat, it is permitted. This is because it is unsightly to do the sacrificial service with a wound on one's hand.

[9] *Tosafot* explain that according to Rabbi Eliezer that one may do Torah work in a case of *machshirei mitzvah* when there is no alternative, there is reason to be strict when there are alternatives and allow only the alternatives that are least similar to the Torah transgression, so that people do not be lenient and do the Torah transgression. But according to the Rabbis, a Torah transgression is *never* permitted. Therefore there is no reason to consider whether the rabbinical transgression is similar to the Torah transgression or not.

But he may not wind grass on a wound **in the *medinah*** i.e. outside the *Mikdash*, because the Sages forbade healing on Shabbat, lest one come to grind medicants.

And if his intent when he winds on the grass is **to draw blood,** both **here and here** it **is forbidden,** because this is not necessary for the service in the *Beit Mikdash*.

Gemara

Said Rav Yehudah the son of Rabbi Chiya: They only taught that a Cohen may wrap something on his injury and still do his service, when he uses **grass,** which is not considered a garment.

But a small ornamental sash would be forbidden to wrap on, because a Cohen may not wear **"additional garments"** when doing the Temple service. (View #1)

And Rabbi Yochanan said: They only said that "additional garments" invalidate the service if they are worn **on the place** fitting to wear the ministering **garments** of Cohanim.

But when it is **not in the place of** these **garments,** like here where he wears the sash on his finger, it **would not be "additional garments."** (View #2)

*

The Gemara raises a difficulty: **And derive it,** the prohibition to put a blade of grass or a sash on one's finger, **because of intervention.** The Torah requires that nothing intervene between the Cohen's hand and the offerings that he handles.

The Gemara resolves the difficulty: The case is that the injury is **on** his **left** hand, whereas the service is performed with the right hand. **Or also,** it could be **on** his **right** hand, **but not in a place** where he does service, for example, on a part of his finger that he does not hold things with.

*

And Rabbi Yochanan's view (#2), that a garment when not worn in the place of the Cohen's ministering garments is not considered an "additional garment" (a rule which seems to apply even if the garment is larger than three by three *tefachim*), **differs with that** statement of **Rava.**

For said Rava, said Rav Chisda: In the place of the ministering **garments, even one thread intervenes.** Although a single thread is not considered a garment, it intervenes between his ministering garments and his skin. And the Torah writes: "And pants of linen shall be *on his flesh*", with nothing intervening. This applies to all the priestly garments.

And when worn **not in the place of** the ministering **garments,** a cloth of **three by three** fingerbreadths **intervenes** (see footnote)[10]**, less that three by three does not intervene** because it is not considered a garment. (View #3)

This differs with Rabbi Yochanan (view #2), who holds that in a place of the body where ministering garments are not worn, there is no prohibition of "additional garments" at all.

*

The Gemara inquires:

He, Rava, **certainly disagrees with Rabbi Yochanan,** as we said.

Do we say that he, Rava, also **disagrees with Rabbi Yehudah the son of Rabbi Chiya** (view #1)? He had said that the Cohen may not wear a small ornamental sash anywhere on his body, even though it is smaller than three by three fingerbreadths.

The Gemara concludes: Rava does not disagree with Rabbi Yehudah the son of Rabbi Chiya. This is because **a small ornamental sash is different, since it is significant** despite its size**.** Therefore even Rava will agree that less than three by three fingerbreadths is forbidden.

*

Some people say a different version of **this** above discussion, as follows:

Said Rav Yehudah the son of Rabbi Chiya: They only taught that a Cohen may wrap something around his finger, regarding **grass.**

But a small ornamental sash intervenes (see footnote that this is exactly the same as view #1 above).[11]

And Rabbi Yochanan said: They only said that something is **an intervention if it is less than three by three** fingerbreadths, **when it is in the place** where the Cohen wears his **ministering garments.** Then, it intervenes.

But if it is **not in the place of** the ministering **garments…**

---

[10] The Gemara's expression "intervenes" is used loosely here, and actually means that it is considered an "additional garment". The Gemara uses the word "intervenes" only because this word was used before.
[11] Rav Yehudah the son of Rabbi Chiya is saying the same as he said in the first version, that a small ornamental sash may not be worn, even not in the place of the ministering garments. His loose use of the word "intervenes" here (unlike before, when he spoke about it being "additional garments") is because Rabbi Yochanan afterwards speaks about garments that intervene.

Chavruta
Eiruvin – Daf Kuf Daled

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[**And Rabbi Yochanan said: They only said** that something is **an intervention** even **if it is less than three by three** fingerbreadths, **when it is in the place** where the Cohen wears his **ministering garments.** Then, it intervenes.

But if it is **not in the place of** the ministering **garments],** then a garment of **three by three** fingerbreadths **will intervene** (see footnote),[1] and **less than three** by three **will not intervene.**

And this new version of Rabbi Yochanan's statement is different than the original version, where he seemed to say that no garment of any size will invalidate, when it is in places on the Cohen's body where ministering garments are not worn, and this new version of Rabbi Yochanan's statement **is** exactly **the same as that** statement of **Rava said Rav Chisda.**

(Incidentally, only Rabbi Yochanan's view changes in this second version).

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(The following is a restatement of a point discussed earlier, in the first version of Rabbi Yochanan's statement).

The Gemara suggests: **Let us say** that **it,** Rava's statement in the name of Rav Chisda, **differs with that** statement **of Rav Yehudah the son of Rabbi Chiya,** who rules that even a small ornamental sash invalidates the sacrificial service of a Cohen, because it

[1] The expression "intervene" here is used loosely, because it is referring to places on the body where the ministering garments are not worn. In truth, Rabbi Yochanan is speaking of cases when such a garment will

constitutes "additional garments", which is forbidden for the Cohen to wear when serving in the Temple. (Whereas on *daf* 103b, Rava had said in the name of Rav Chisda that a garment, when worn *not* on the part of the body where ministering garments are worn, must be three by three fingerbreadths in order to invalidate the Cohen's service. The example was a small ornamental sash, wrapped around the Cohen's finger.)

The Gemara responds: No, there is no disagreement. **A small ornamental sash is different, since it is significant** despite its size**.** Therefore even Rava will agree that less than three by three fingerbreadths is forbidden.

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The Gemara raises a difficulty:

And according to Rabbi Yochanan who rules that anything less than three by three, including a small ornamental sash, which is significant, is not considered "additional garments". Thus **when it** our Mishnah **informs us** that the Cohen may wrap a blade of **grass** on his injured finger, **let it** rather **inform us** the full extent of the ruling, that he may put on even a **small ornamental sash,** and it will not be considered "additional clothes".

The Gemara resolves the difficulty: **It is informing us something** else **by the way: that grass heals,** and nevertheless the Cohen may use it on Shabbat in the Temple.[2]

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be considered an "additional garment" over and above the ones the Cohen must wear. Wearing an additional garment invalidates the sacrificial service.

[2] And because Tractate *Eiruvin* deals with halachot of Shabbat, the Tanna prefers to tell us a new law regarding Shabbat rather than a new law regarding the laws of priestly clothing.

Mishnah

One may crush salt onto the Altar **ramp** on Shabbat, **so that they,** the cohanim, **do not slip** when walking up this steep ramp leading to the top of the Altar. But one may not crush salt and put it on the ground, outside the Temple.

And one may fill water from the Golah Well and the Great Well that were in the Temple courtyard, **with** use of **a pulley, on Shabbat.** But not outside the Temple.

And it is also permitted to take water from **the Cold Well on Yom Tov,** even outside the Temple.

Gemara

Rav Ika from Prashyunia posed a contradiction from another Mishnah, **to Rava:**

It is taught in our **Mishnah: One may crush salt onto the** Altar **ramp** on Shabbat **so that they,** the cohanim, **do not slip** on it.

And they posed a contradiction from a Baraita that says: **A courtyard that was damaged by rainwater, one may bring straw and spread it in it.**

Why is this different than spreading salt, which is permitted only in the Temple?

The Gemara answers: **Straw is different because one does not nullify it there,** rather uses it afterwards for something else. But salt gets dirty and is not reused to feed animals

or to make mortar. Therefore its use is like an act of "building", because it fills holes in the earth's surface.

c c õ d d

Said Rav Acha the son of Rava to Rav Ashi: This salt that one puts on the Altar ramp, **how is it** done?

If one nullifies it there on the ramp, **one is adding stones** to the Altar and this is forbidden even during the week, [**because it is written** that King David said to his son Shlomo[3]**: "Everything** concerning the Temple's structure and shape **was given** to me **in writing, from the hand of Hashem on me I was made wise."** This teaches that nothing may be added or subtracted from the shape and structure of the Temple.**]**

And if he does not nullify it there on the ramp, **it will be an intervention** between the ramp and the Cohanim's feet, which invalidates their service.

The Gemara answers: They do not nullify the salt to the ramp; they use it afterwards to salt the skins flayed from the sacrifices (salting prepares the hide for use as leather).[4] Nevertheless, the fact that it is an intervention does not invalidate the service. This is because salt is only put there **during the taking of limbs** of sacrifices **to the ramp**, **which is not a** sacrificial **service.**

The Gemara objects: **But it is written: "And the Cohen shall *take* everything and burn it on the Altar."**

[3] Solomon
[4] These skins were treated as the private property of the Cohanim, and were not offered up in any way.

And the master said: This word "take" **refers to taking the limbs to the ramp,** and it must be done by a Cohen. This shows that it is part of the sacrificial service.

Therefore the Gemara gives another answer:

Rather, we could **say** that salt is put on the ramp **during the taking of wood to the pyre** on the Altar, which is not part of the sacrificial service.

c c õ d d

Rava taught: A courtyard that was spoilt by rainwater, one may bring straw and spread it in it.

Rav Papa said to Rava: **But it was taught in a Baraita: When he spreads** straw, **he may not spread** as he spreads on a weekday. He may **not** bring the straw **with a basket, and not with a big basket, but with the bottom of a box** whose sides have broken off. So why didn't you mention this restriction?

Afterwards, Rava set up a scholar to teach **concerning it,** this issue, **and he taught: The words that I said in front of you** before **are a mistake on my part!**

Rather, this is what they said in the name of Rabbi Eliezer: When he spreads straw, **he may not spread** as he spreads on a weekday. He may **not** bring the straw **with a basket, and not with a big basket, but with the bottom of a box.**

c c õ d d

The Gemara now discusses what kind of noise one may not make on Shabbat.

Our Mishnah says: **One may fill water from the Golah Well** even though one uses a pulley.

Ula came to the house of Rav Menashe.

A certain man came on Shabbat **and knocked on the door** with his fist.

He, Ula, **said: Who is this** person? **May he himself be desecrated, because he desecrates the Shabbat** by making noise on the door.

Rava said to him, Ula: **They** the Sages **only forbade** making **the noise of music** that is melodious.

Abaye contradicted Rava, **from a Baraita: One may transfer** wine from one barrel to another **with a siphon** (*diyufi*).[5]

And one may make liquid drip from a *mi'arak*[6] for a sick person.

The Gemara infers from this: One can make this non-musical noise **for a sick person, yes. For a healthy person, no,** one may not make the noise**.**

How is it, the case?

Is it **not that he,** the sick person, **is asleep, and one wants to wake** him? And for this purpose, one does not need a melodious noise. Thus we see that normally, it is forbidden to make even a non-melodious noise.

[5] This siphon is made of two hollow reeds joined at an angle to make a V shaped pipe.

The Gemara answers Abaye's contradiction: **No,** the case is different: **he,** the sick person, **is awake. And one wants that he should sleep.** And the case is **that it,** the *mi'arak*, **makes like the noise of** melodious **humming.**

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He contradicted him, Rava, **from** another **Baraita:**

It was taught in a Baraita: Someone guarding his fruit from birds and his gourds from wild animals may guard normally on Shabbat.

And so long as he does not clap hands, and not hit his hands on his chest, and not dance the way one does on a weekday.

The Gemara inquires: **What is the reason** these things are forbidden?

Is it **not because it makes a noise? And** we see from here that **every making of noise is forbidden,** even if it is unmusical, and this contradicts Rava.

The Gemara answers: **Said Rav Acha bar Yaakov:** The reason is not because these things make noise, rather it is **a decree** because if he does these things, **maybe he will take a stone** and throw it at the animals and birds, thus transferring the stone from a courtyard to the public domain.

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[6] The *mi'arak* is a metal cup that is narrow at the top and has many holes in its base. After filling it with liquid, one prevents the liquid from dripping out by placing a finger on the small hole at the top. When one removes one's finger, the liquid drips out the hole at the bottom, with a noise.

The Gemara contradicts Rava from yet another source.

But there is **that** statement **which Rav Yehudah said in the name of Rav: Women who play with nuts,** it is **forbidden** on Shabbat.

What is the reason?

Is it **not because it makes a noise** when the nuts hit each other**? And** we see from here that **every making of noise is forbidden.**

The Gemara answers: **No,** it is forbidden for a different reason: **maybe they,** the women, **will smooth out holes** in the ground to roll the nuts easier, and this is a sub-category of the forbidden work of building.

Because if you do not say this, then a difficulty arises with **that** statement **which Rav Yehudah says: Women who play with apples,** it is **forbidden** on Shabbat. **There, what making** of **noise is there?**

Rather, you have to say the reason is that **perhaps one will come to smooth out holes.**

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The Gemara brings another contradiction to Rava: **It is taught in** our **Mishnah:**

And one may fill water from the Golah Well and the Great Well that were in the Temple courtyard, **with a pulley, on Shabbat,** but not outside the Temple.

The Gemara infers from this: **In the Temple yes,** but **in the *medinah*** i.e. outside the Temple, **no,** this is forbidden.

And **what is the reason** one may not fill from a well with a pulley outside the Temple?

Is it **not because one is making a noise and it is forbidden** even though it is not melodious?

The Gemara answers: **No,** there is a different reason why it is forbidden: it is **a decree** because **maybe,** since the use of a pulley makes drawing water relatively effortless, **one will fill** water from the well also **for one's garden and ruin,** and watering plants is forbidden as a sub-category of the work of planting.

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Ameimar permitted people **to fill** water from a well **with a pulley, in Mechuza.**

He said: What is the reason the Rabbis decreed not to fill water with a pulley?

Because **maybe one will fill for one's garden and ruin.**

But **here** in Mechuza **there is no garden and no ruin,** to water.

Ammud Bet

When he saw that they were soaking flax in pools of water, **he forbade them** from drawing water with a pulley, because they might use the water for this purpose, which is forbidden because of *lishah* (kneading – see *Shulchan Aruch Orach Chaim* 340:12).

c c õ d d

Our Mishnah says: **And** it is also permitted to take water from **the Cold Well on Yom Tov,** even outside the Temple.

The Gemara explains: **Why is** it called **the Cold Well, *Be'er Hakar*?**

Said Shmuel: A well that they read out (*hikru*) things (proofs) **concerning it, and permitted it.**

The people who came from Babylon after seventy years encamped at this place and had no other drinking water. So the prophets with them brought proofs that in time of emergency one can permit a *shevut* (Rabbinic Shabbat prohibition), and permitted to use the well.

They contradicted this, from a Baraita: **They did not permit all cold wells, but only this one.**

And if you say that it is called *Be'er Hakar* **because they read out things concerning it, what** does it mean: "**this** cold well **only?"** This is the only well with this name.

Rather, said Rav Nachman bar Yitzchak: *Be'er kar* of our Mishnah means **a spring of living waters** (*be'er mayim Chayim*), and the word *kar* comes from *mekor* – a "source" of spring water.

As it says: As a spring is a source (*kehakir*) **for its (**ever-flowing) **water,** so her evil wells up."

And the Baraita is saying that only this particular spring was permitted with a pulley.

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Regarding the above-mentioned statement **itself,** the Baraita says**: They did not permit all cold wells** that have pulleys on Yom Tov**, but only this one.**

And when the people of the Babylonian **exile came up, they encamped next to it, and the prophets among them,** Chagai, Zechariah, and Malachi, **permitted them** to use it.

And actually, **it was not the prophets among them** who permitted it, **but** it was **a custom of their fathers that they had,** according to which this well was permitted. And this is compared to be being permitted by prophets, because: "If they [the Jewish people] are not prophets, they are the sons of prophets". (*Ya'avetz*)

Mishnah

If **a** dead ***sheretz***[7] **is found in the Temple, a Cohen removes it with his sash,** even though the *sheretz* is *muktzeh*. This is permitted because there is no *shevut* (Rabbinic Shabbat restriction) in the Temple.

Even though the sash becomes impure,[8] this is preferable to waiting until a wooden tongs[9] may be brought, which does not contract impurity. This is **so as not to delay,** and thereby retain **the impurity** inside the Temple. These are **the words of Rabbi Yochanan ben Beroka.**

[7] One of the six species of crawling creatures that impart impurity.
[8] The Cohen does not become impure because a *sheretz* cannot impart impurity through carrying but only through touching. Furthermore, the sash does not make the Cohen impure, because it is first degree impurity, and only *av hatum'ah*, principle impurity, can make a person impure.
[9] The rule is that wooden utensils that are without hollowed-out areas do not become impure.

Rabbi Yehudah says: It is better to take it out **with a tongs of wood in order to not increase impurity** by making the sash impure as well.

From where does one remove it? From the *heichal* (sanctuary), **and from the *ulam*** (hall leading into the sanctuary) **and from between the *ulam* and the Altar.** But from other places in the courtyard we do not remove it, because of the prohibition of *muktzeh*. These are **the words of Rabbi Shimon ben Nanas.**

Rabbi Akiva says: Every place in the Temple **that an** impure **person is liable for excision (*kareit*) for his intentional sin** of entering to there when he is impure**, and** liable for **a sin offering for his unintentional sin** of entering to there when he is impure**: from there we remove it,** the *sheretz***.** This excludes the side rooms of the courtyard.

And all other places, where one does *not* have to remove the *sheretz* from**, one places over it a copper pot,** until after Shabbat.

Rabbi Shimon says a statement in connection with two totally different halachot, which the Gemara will explain:

A place that the Sages gave you permission, they gave you something that is **of your own. Because they only permitted** it **to you, due to** it merely being **a *shevut*** (rabbinical Shabbat prohibition).

Gemara

Said Rav Tavi bar Kisna said Shmuel: Someone who brings a utensil that is **impure from** contact with **a *sheretz* into the Temple,** he **is liable** for excision or for a sin offering, depending on whether it was intentional or not, for defiling the Temple.

But if he brings in **a *sheretz* itself,** he is **exempt.**

What is the reason?

Because **the verse says** concerning the prohibition of impurity in the Temple: **"From** [impure] **male and female, you shall send out** [of the Temple]**."** From there we learn that it is only forbidden to bring in the Temple something **that has** the ability to attain **purity** through immersion **in a *mikveh*[10]** after it becomes impure, as is the case with a male or female person.

This **excludes a *sheretz,* which does not have** the ability to attain **purity** through immersion in a *mikveh*.

The Gemara suggests: **Let us say that he is supported** in his view by the Baraita that says:

"From [impure] **male and female, you shall send out** [of the Temple]**."** This **excludes an** impure **clay utensil,** that it does not have to be sent out**. These are the words of Rabbi Yosi Hagelili.**

The Gemara infers: **What is the reason** that he excludes a clay utensil?

[10] Purifying pool

Is it **not because it does not have** the ability to attain **purity** through immersion **in a *mikveh*?** For the Torah writes that an impure clay utensil must be smashed, rather than immersed. This is in accordance with Shmuel's view.

The Gemara rejects this. **No,** there is a different reason why a clay utensil is excluded. It is because we only include something similar to a man or woman, **who** can **become an *av hatum'ah*** (principle impurity, as opposed to a mere first grade impurity).[11]

This **excludes clay utensils, which cannot become *av hatum'ah.***

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Let us say that Shmuel's ruling about not being liable for bringing a *sheretz* into the Temple is **like** one side of a disagreement between **Tannaim.**

Because it says in our Mishnah:

If **a** dead ***sheretz* is found in the Temple, a Cohen removes it with his sash, so as not to delay,** and thereby retain **the impurity** inside the Temple. These are **the words of Rabbi Yochanan ben Beroka.**

Rabbi Yehudah says: It is better to take it out **with a tongs of wood, in order to not increase impurity** by making also the sash impure.

Are they not differing over this point?

That the one who says to "not delay" holds that **someone who brings a *sheretz* into the Temple is liable,** and therefore we must get it out as fast as possible.

[11] All utensils except clay utensils can contract principle impurity by being trod on or sat on by a *zav*, or touched by a corpse. A clay utensil is not considered fit to be trod on by a *zav* because it would have to be

And the one who says to "not increase" holds that **someone who brings a *sheretz* into the Temple is exempt.** Therefore it is better to delay removing the *sheretz,* which is not a Torah prohibition, rather than to make a sash impure. This is because the presence of the impure sash in the Temple would be a Torah prohibition.

The Gemara rejects this explanation of our Mishnah: **No, everyone** holds that bringing a *sheretz* inside the Temple makes one **liable.**

And here they are differing over this point**:**

One **master,** Rabbi Yehudah, **holds** the view**: To delay** the removal of **impurity is better** than to increase impurity by making a sash impure as well.

And the other **master,** Rabbi Yochanan ben Berokah, **holds** the view**: To increase impurity is better** than to delay removing it.

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Rather, let us say that Shmuel's ruling **is like** one side of **this** other disagreement **of the Tannaim.**

Because it is taught in our **Mishnah: From where does one remove it...**

Are they not differing over this point?

That the one who says that **from the courtyard, one does not** remove it on Shabbat, he **holds** that **someone who brings a *sheretz* into the Temple is exempt.** Therefore we do not allow him to remove it on Shabbat, because it is *muktzeh*. We only allow him to

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smashed, and it cannot become impure by being touched by a corpse because the rule in Parashat Chukat is

remove it from the *heichal*, *ulam*, and between the *ulam* and the Altar, because of the honor of the Shechinah (Divine presence) that rests in those places.

And the one who says that we remove it **from the whole courtyard,** he **holds** that someone who brings in a *sheretz* is **liable.** Therefore the Sages relaxed the prohibition of *muktzeh* in the whole courtyard.

that only something that can be purified in a *mikveh* can become impure by being touched by a corpse.

Chavruta
Eiruvin – Daf Kuf Heh

Translated by: *Chavruta staff of scholars*
Edited by*: R. Shmuel Globus*

[**Are they not differing over this** point?

That the one who says that **from the courtyard, one does not** remove it on Shabbat, he **holds** that **someone who brings a *sheretz* into the Temple is exempt.** Therefore we do not allow him to remove it on Shabbat, because it is *muktzeh*. We only allow him to remove it from the *heichal*, *ulam*, and between the *ulam* and the Altar, because of the honor of the Shechinah (Divine presence) that rests in those places.

And the one who says that we remove it **from the whole courtyard,** he **holds** that someone who brings in a *sheretz* is **liable.** Therefore the Sages relaxed the prohibition of *muktzeh* in the whole courtyard.]

The Gemara rejects this.

Said Rabbi Yochanan: The various views in our Mishnah are not differing over whether bringing a *sheretz*[1] into the Temple is liable.

Rather, their disagreement is based on how to explicate a certain verse: **They both learn out** their differing views from **one** and the same **verse.**

Because it says in *Divrei Hayamim*[2]: **"And the Cohanim came to the inside of the House of Hashem, to purify. And they took out all the impurity they found from the sanctuary of Hashem, to the courtyard of the House of Hashem. And the Levites received** [the impure objects from the Cohanim], **to take out to the Kidron River."**

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[1] One of the six species of crawling creatures that impart impurity.

One **master,** Ben Nanas, **holds** that we see **that because they** made a delay and **changed** from one to another **in the courtyard** in order to remove the impurity from there **with Levites,** to avoid the sin of making Cohanim impure, this proves that **there is no**[3] prohibition for impurity to be **in the courtyard.**

Therefore, we do not relax the prohibition of *muktzeh* to remove impurity from the Temple Courtyard on Shabbat.

And the other **master,** Rabbi Akiva, **holds** that the reason they changed from Cohanim to Levites is not because having impurity in the Courtyard is less severe.

Rather, the reason is that **until** the place **where it was impossible** to take out impurity **with Levites,** because Levites can never enter the sanctuary, and even Cohanim may only enter there when doing Temple service, it is preferable that **Cohanim take** it **out.**

But **now** that the impurity is in the Courtyard, **that it is possible** to take it out **with Levites, we do not make Cohanim impure any further.**

But if there is a *sheretz* in the courtyard on Shabbat, there is no choice but to take it out, even though it is *muktzeh*.

c c õ d d

[2] The Book of Chronicles
[3] Albeit it is undesirable to have impurity in the courtyard, but it is less serious than rendering the Cohanim impure. Thus it was removed by Levites instead.

Perek 10 – 105a

The Gemara now discusses which people may enter the Sanctuary.

The Rabbis taught in a Baraita**: Everyone may enter the *heichal*** (sanctuary) **to build, to repair, and to take out impurity.**

But it is a mitzvah to do this **with Cohanim,** i.e. this is the preferable procedure**.**

If there are no Cohanim there, Levites may enter.

If there are no Levites there, regular Jews may enter.

And these or those, whoever goes in, if they are **pure yes,** they may go in. But if they are **impure, no,** they may not go in.

And if there is no pure person available, no one may go in at all.

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Said Rav Huna: Rav Cahana, who is a Cohen, disagrees with the above Baraita and **gives precedence** (lit. helps) to **Cohanim.**

For Rav Cahana taught: Because it says concerning Cohanim who have a blemish**: "Only** (*ach*) **to the Curtain** (that divides off the Holy of Holies) **they shall not enter,** and to the Altar they shall not approach."

I might have said that **Cohanim with blemishes may not enter between the Hall (*Ulam*)** of the Sanctuary **and the Altar,** even in order **to make gold sheets** to guild the inside of the Holy of Holies.

So that one should not think this, **the verse says, "*Only*"** (*ach*).

This word implies that a certain case is excluded from the law stated in this verse. Thus it teaches that to do construction or repair work, a Cohen with a blemish may enter.

But it is a mitzvah to do this **with unblemished** Cohanim. I.e. that is the preferred procedure.

And **if there are no unblemished** Cohanim, **blemished ones may enter.**

Similarly, **it is a mitzvah with pure** Cohanim, i.e. this is the preferred procedure.

But **if there are no pure ones, impure ones may enter.**

These and those, whether blemished or unblemished, pure or impure, if they are **Cohanim, yes,** they may enter. But if they are **regular Jews, no,** they may not enter.

And this disagrees with the previous Baraita, which ruled that a regular Jew who is pure may be used, but not a Cohen who is impure.

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They the scholars of the study hall **posed an inquiry,** according to Rav Cahana's view: If there were only two Cohanim available—one **impure and** the other one pure but **blemished—which of them should enter?**

Rav Chiya bar Ashi said in the name of **Rav:** The **impure one should enter, because he is permitted as regards public** sacrificial **service.** For if there are no pure Cohanim, an impure Cohen may offer public sacrifices. But a blemished Cohen cannot.

Rabbi Elazar says: A blemished Cohen should enter, because he is permitted as regards eating all **sacrifices** whose meat is given to Cohanim for their personal consumption**,** whereas an impure Cohen is not allowed to partake of sacrificial meat.

c c õ d d

The Gemara now explains the last two lines of our Mishnah, which speak about a topic totally unrelated to what came before in this Mishnah.

The Mishnah says: **Rabbi Shimon says**:

"The place where the Sages gave you permission, they gave you of your own. Because they did not permit you, except because it is only a *shevut*" (rabbinical Shabbat prohibition).

The Gemara inquires: **Rabbi Shimon, to what is** he **referring?**

The Gemara explains: **He is referring to** a case over **there** earlier in Eiruvin**, for it was taught in the Mishnah** (52b): **Someone who was outside the Shabbat boundary** (2000 *ammot* around a town) **when it became dark, even if** he is **only one *ammah*** outside, **he may not enter** the town.

Rabbi Shimon disagrees and **says: Even** if he is **fifteen *ammah*** outside the Shabbat boundary, **he may enter** the town.

Because the measurers of the Shabbat boundary **are not exact with the measurements, on account of people who err** and might go outside the Shabbat boundary[4], and regard the Shabbat boundary as being less than it really is. Therefore someone who is not more than fifteen *ammot* outside the Shabbat boundary when Shabbat begins, may enter the town.

That the first Tanna of that Mishnah says **one may not enter** at all, **and Rabbi Shimon said to him, one may enter.**

And here in our Mishnah, he explains the reason: Because **they gave you of your own.** Those fifteen *ammot* are actually "yours" because they are really within the Shabbat boundary.

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[4] Another explanation: Because of people who might err on Shabbat and go slightly outside the boundary and come back.

The Gemara's explanation of the next, and final, line of Rabbi Shimon's statement sheds light on why Rabbi Shimon discussed Shabbat boundaries here, and not earlier in the tractate.

"Because they did not permit you, except because it is only **a *shevut.*"**

The Gemara inquires: **What is he referring to?**

The Gemara explains: **He is referring to** the case over **there** (the Baraita on 103a), **for the first Tanna** had **said** that if a Levite's harp-string broke, **he may tie it.**

And Rabbi Shimon said to him there, that **he may tie it** only **in a bow.**

And here, Rabbi Shimon is explaining why he is lenient concerning someone who was a short distance beyond the Shabbat boundary, and stringent concerning a harp-string, that it may be tied only in a bow.

He explains that **the Rabbis** only **allowed him,** the Levite, to tie **a bow, which cannot lead to** a Torah-forbidden form of work and **being liable for a sin offering,** since it is permitted to tie a bow on Shabbat.

But **the Rabbis did not allow him** to do proper **knotting** even in the Temple, because that is something **which can lead to being liable for a sin offering** if done outside the Temple.

Thus he says in our Mishnah: **The place where the Sages gave you permission** concerning Shabbat boundaries**, they gave you of your own.** I.e. it is not really a special leniency; rather it is judged as completely permitted.

But in the case of the harp-string, even though it is permitted to tie it according to Halachah, since anything necessary[5] for the daily sacrifice supersedes Shabbat, it is nevertheless forbidden.

Because they did not permit you to do things in the Temple except something that is only forbidden because of a *shevut*. But they did not permit the Torah transgression of tying a proper knot, because a person might err and end up tying a knot outside the Temple.

Hadran Alach Hamotzei Tefillin
Uslika Lah Masechet Eiruvin

We Will Return to You
Perek Hamotzei Tefillin,
And Tractate Eiruvin is Completed

[5] I.e. *machshirei mitzvah*