

CHAVRUTA **EIRUVIN – DAF BET**

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TRACTATE EIRUVIN

Perek Mavoi Shehu Gava

MISHNAH

A closed **alleyway** is a small street surrounded by three walls of courtyards that open into it. It usually provides access to a public place from its open side, for the people who live in the houses of the courtyards. According to most of the early commentators, the Torah treats the open side as a Halachically closed entrance. The alleyway can then be regarded as a private domain. The Sages, however, treated the open side as a breach. They forbade carrying in the alleyway unless a side post or crossbeam is fixed to it. This would return the breach to the status of an entrance. The existence of a proper entrance will prevent a person from mistakenly carrying from the alleyway into the public place.

When the crossbeam, **which is** placed at the top of the opening of the alleyway, is at **a height of more than twenty *amot*¹** from the ground – **he** must **reduce** its height. Either he raises the floor, or he lowers the beam. Otherwise no one will be allowed to carry in the alleyway.

Rabbi Yehudah says: He does not need to reduce it. A crossbeam above twenty *amot* also makes the opening into an entrance.

PEREK 1 – 2A

This is all true if the opening can be Halachically classified as an entrance to begin with. If however it is too large, then it is called a breach. Here, a side post or crossbeam would not help. For their power lies in the ability to return a breach to its original status of an entrance. And here the opening never had a status of being an entrance.

Thus, when **the width** of the opening to the public place **is more than ten amot** – he must **reduce** it. Then he will be able to render the alleyway fit for carrying in, by fixing up the entrance with a side post or crossbeam.

And if it the alleyway **has a tzurat hapetach**² at its opening to the public place. This is achieved with the placing of a beam straight across two posts that have been placed at either side of the opening. Since it truly resembles an entranceway, it is Halachically regarded as such.

Therefore, **even though it** the opening of the alleyway **is wider than ten amot** – he **does not need to reduce** it.

GEMARA

We have learnt there, in the first Mishnah of Succah, the following.

The roofing (*sechach*) of **a succah that is higher than twenty amot** from its floor **is invalid**.

But Rabbi Yehudah validates it.

¹ 1 ammah: 18.7 in., 48 cm

PEREK 1 – 2A

The Gemara raises a difficulty. **Why is it** the wording **different, regarding a succah** that is higher than twenty *amot*? For **he**, the Tanna, **teaches** that it **is invalid**, rather than saying how the invalid succah can be rectified!

But whereas **regarding** the crossbeam of **an alleyway** that is higher than twenty *amot*, the Tanna of our Mishnah did not say that it was invalid. Rather, **he** only **taught a correction** – how to make it valid (by reducing the gap).

The Gemara resolves the difficulty. The term “invalid” is used only regarding something whose laws were fixed and known, without the information now presented in the Mishnah. In such a case the Mishnah will state that if the thing is not done according to the already known law, it is invalid.

Therefore, in respect to the law of a **succah** higher than twenty *amot*, its fault is known since it **is invalid by Torah law**. This means that all the laws of the succah were already fixed and known at the time of the Giving of the Torah. Hence, **he** the Tanna **taught** the law using the word “**invalid**”.

But regarding **an alleyway** – which is classified by Torah law as a valid private domain – the laws governing it are only **Rabbinic** in origin. Before this Mishnah was taught, the Rabbis had not yet informed us about the laws determining the validity of an alleyway. We did not yet know at what height the crossbeam would be valid. Therefore, it would be inappropriate to teach it using the word “invalid”.

And so the word “invalid” was not used. Rather, **he** the Tanna **taught “a correction”** – how to set aright the invalidity of the crossbeam.

² Lit. the form of an entrance.

PEREK 1 – 2A

If you wish, I could say an alternative answer. Really, regarding something that is invalid **by Torah law – he also teaches**, it is also the way of the Tanna to teach, **a correction**.

Rather, there is a different reason why the Tanna chose to state “invalid” regarding the succah that is twenty *amot* high. And he did not state the correction – that he should reduce the height. The reason is contained in the continuation of that same Mishnah, which deals with the details of the laws of **succah**. **For** the Mishnah contains **many things** i.e. laws.

There it invalidates three kinds of succah:

- a) One that is less than ten *tefachim*³ high,
- b) One that does not have three walls,
- c) One whose roofing lets through more sun than it gives shade.

And it would have been inappropriate for the Tanna to teach there how to correct a succah that is too high. For then he would have needed to state the correction for all of the other kinds of invalid succah.

And our Sages state that one should always teach his disciples in the shortest manner.

Therefore, **he was brief** with his words **and taught** using the word “**invalid**”, in order to relate to all the different requirements taught there in the Mishnah.

Whereas regarding **an alleyway, which does not have many things** i.e. laws. Rather, there is one correction – a side post or a crossbeam placed at the entrance. Thus, **he** the Tanna **taught a correction** – that when the gap is reduced, it becomes valid.

³ 1 tefach: 3.1 in., 8 cm

PEREK 1 – 2A

The Gemara now elucidates the disagreement between the first Tanna – the Sages – and Rabbi Yehudah. The issue concerns the maximum height of the opening of the alleyway.

(Two points should be noted. First, it is generally agreed that the height of the alleyway does not prevent its validation by way of a side post. Secondly, the Gemara will explain whether they also disagree regarding the width of the alleyway).

Now, we have already said that the Sages required the opening of an alleyway to have certain dimensions before it can be considered as a Halachic entrance. According to Rav, the disagreement between the Tannaim is over which entrance they had in mind to be the standard. According to Rav Nachman, they disagree regarding the height required so that the crossbeam will be apparent and recognizable.

There are two approaches stated in the Gemara according to Rav.

The first approach is: The Sages and Rabbi Yehudah disagree over which entrance mentioned in Scripture the Rabbis chose to use as their standard.

The second approach is: They disagree over whether the Rabbis learnt the standard from Scripture, or from royal entrances in general. (The latter being the largest of entrances).

The first approach:

Rav Yehudah said in the name of Rav as follows. **The Sages** (the first Tanna) **only learnt it**, that the maximum height of the opening is twenty *amot*, **from the entrance of the *Heichal*** of the Temple. That is, the entrance to the area of the Temple containing the golden Table of Showbread, the Menorah and the golden incense Altar. (The *Heichal* is the last area before entering the Holy of Holies).

PEREK 1 – 2A

But Rabbi Yehudah only learnt it from the entrance of the Hall (*Ulam*) in front of the *Heichal*, which was higher than twenty *amot*.

For we learnt in a Mishnah: The entrance of the *Heichal* – its height was twenty *amot*, and its width was ten *amot*.

And whereas the entrance **of the Hall – its height was forty *amot*, and its width was twenty *amot*.**

And the Gemara explains the reason of the Sages and Rabbi Yehudah in two ways.

A) **And both of them** – the Sages and Rabbi Yehudah – **expound from one verse.**
And within the verse itself they disagree whether the measure of an opening is like the entrance to the *Heichal* or like the entrance to the Hall.

For the verse states, regarding the *shelamim* offering (*Vayikra*⁴ 3:2): **“And he shall slaughter it at the *entrance to the Ohel Mo’ed* (Tent of Appointed Meeting – the *Mishkan*, or Tabernacle, of the Wilderness)”**.

From the usage of the word “entrance” regarding the *Mishkan*, they learnt the specifications for the entrance to the *Heichal*. For the sacred vessels were placed in the *Heichal* of the Temple, just as they were placed in the *Mishkan Ohel Mo’ed*.

And even Rabbi Yehudah agrees that the *Heichal* is also called a “tent of appointed meeting”, and that its entrance is related to the “entrance” of the *Mishkan*.

Their point of disagreement is whether the Hall – an additional area which existed only in the Temple – is also included in the term *Ohel Mo’ed*. This will tell us whether the entrance to the Hall is called “an entrance”.

⁴ Leviticus

PEREK 1 – 2A

The Gemara states the disagreement.

For the Sages hold that holiness of the *Heichal* is by itself, and the holiness of the Hall is by itself. These areas are not interchangeable. All sacrificial service that must be performed the *Mishkan* or in the *Heichal* of the Temple was not valid if done in the Hall of the Temple.

So we see that, regarding the Temple, only the *Heichal* is considered an *Ohel Mo'ed*.

And therefore when it states “entrance of the *Ohel Mo'ed*” – it is regarding the entrance of the *Heichal* only that it is stated!

Whereas Rabbi Yehudah holds that the *Heichal* and the Hall together are one i.e. the same **holiness**. All sacrificial service of the *Mishkan* or the *Heichal* was fit to be done even in the Hall.

So we see that according to Rabbi Yehudah, the Hall is also called an *Ohel Mo'ed*.

And therefore when it states “the entrance of the *Ohel Mo'ed*” – it is about both of them that it is stated. Meaning, the verse refers to both the entrance of the *Heichal* and of the Hall.

B) **If you wish, I could say** an alternative answer. Only the Sages learnt the measurement of entrances from the verse “entrance of the *Ohel Mo'ed*”.

Whereas Rabbi Yehudah did not learn it from that verse at all. Even according to him, one cannot learn from the dimensions of the Hall of the Temple. It is not included in the term “entrance of the *Ohel Mo'ed*”, since **according to Rabbi Yehudah as well – the holiness of the Hall is by itself, and the holiness of the *Heichal* is by itself.**

PEREK 1 – 2A

But here in our Mishnah there is a different reason why Rabbi Yehudah said that there is no need to reduce the height of an alleyway which is more than twenty *amot*.

This is the reason of Rabbi Yehudah, why he holds that the entrance of the Hall is called an “entrance” for the purposes of being used as a standard. He learns it from a different verse. **For it is written**⁵: “**To the entrance of the Hall of the House**”.

And the reason why **the Sages** did not learn from the verse of Rabbi Yehudah is as follows.

It would have been fine **if it would have written** in Scripture “**to the entrance of the Hall**” alone, and it were not written anywhere else “Hall of the House”. Then it would be possible to learn from the verse **as you have said** – that the entrance of the Hall is termed a Halachic entrance.

But **now that it is written** “**to the entrance of the Hall of the House**”, we explain it as follows: The entrance of **the House that is open to the Hall**. This is the entrance of the *Heichal*, which is open to the Hall that is in front of it.

Now the Gemara discusses and clarifies the comparison between the entrance of the *Mishkan* and that of the *Heichal* and Hall in the Temple.

⁵ In reality, there is no such verse. However, there is a verse that states Hall of the House, or Entrance of the House. Therefore it is considered as if it were written Entrance of the Hall of the House. (*Tosafot*).

PEREK 1 – 2A

But when that verse “entrance of the Ohel Mo’ed” **was written, it was only written regarding the Mishkan.** And this presents two problems. Firstly, there was no Hall in the Mishkan, so how can we learn about the Temple’s Hall from the Mishkan? Secondly, the entrance of the Heichal was only ten amot high, whereas the law we are deriving from it states twenty amot.

The Gemara answers that indeed, it is appropriate to learn about the Temple from the Mishkan. For **we find** regarding the **Mishkan, that it is called “Temple”.** And we also find that the **Temple is called “Mishkan”.** (This will soon be shown in the Gemara).

The Gemara proves this. **For if you do not say like that** – that one can learn about the Temple from the *Mishkan* – then you will also have a difficulty with **that which was said by Rav Yehudah in the name of Shmuel.** For he said that *shelamim* offerings **that one slaughtered** in the morning, **in front of the opening of the doors of the Heichal, are invalid.**

And this he derived from *Vayikra* 3:2 which deals with *shelamim*. **For it states** there: **“and he shall slaughter it, at the entrance to the Ohel Mo’ed”.** The Torah is teaching us that it is only permitted to slaughter the *shelamim* at a certain time. This is **at the time that they** the doors of the *Heichal* **are open, and not at the time that they are locked.**

And if the Temple’s laws could not be learned from the *Mishkan*, then we would have the following difficulty. **When that** verse “and he shall slaughter...” **was written – about the Mishkan** it was **written!** If so, how can we learn from it to invalidate what was done in front of the opening of the doors of the *Heichal* in the Temple!

Rather, we must say that one can learn about the Temple from the *Mishkan*. Since **we find** in the Torah, when the **Temple** is being referred to, **that it is called Mishkan.** And we also find when the *Mishkan* is being referred to, **that it is called Temple.**

PEREK 1 – 2A

Therefore, it should also follow that we can learn about the Temple from the *Mishkan* as regards the height of the entrance.

But the Gemara is now puzzled by the statement that “the Temple is called *Mishkan*, and that the *Mishkan* is called Temple”.

It is all right to say this about the **Temple, that it is called *Mishkan*. For it is written** that Hashem gave us a promise after the *Mishkan* was set up. He said in *Vayikra* 26:11: **“I will place My *Mishkan* amongst you”**. This must be referring to the Temple that had not yet been built, and not the *Mishkan* that was already in existence.

But regarding the *Mishkan*, **that it is called “Temple” – from where** do we see that to be true?

If we say that we learn it **from that which is written** regarding the carrying of the *Mishkan*. For it states there (*Bamidbar*⁶ 10:21): **“And the Kehatim⁷ traveled, the carriers of the *mikdash*, and they set up the *Mishkan* before their coming”**. The word “*mikdash*” means “Temple”. So we see that the carriers of the *Mishkan* are called “carriers of the Temple”.

AMMUD BET

That cannot be, because the verse is not dealing at all with people carrying the Temple.

Instead, **that** verse is referring to something else. **About** the carriers of the **Holy Ark it is written**. This tells us that the Kehati family carried the Ark. And the term “*mikdash*” is used for the Ark, since it was more “*mekudash*”, i.e. holy, than all the other vessels.

⁶ Numbers

PEREK 1 – 2B

The Gemara answers. **Rather, from here**, the verses in *Shmot*⁷ (25:8–9) that deal with the *Mishkan*, one can learn that it is called “Temple”.

For it is written: **“And they shall make for Me a *mikdash*, and I shall live amongst you.** According to all that I show you, the design of the *Mishkan*...”. So we see that the *Mishkan* is called “*mikdash*” – “Temple”.

The Gemara is puzzled. **Whether according to the Sages** – who learn the height of an entrance from the *Heichal*. **Or whether according to Rabbi Yehudah** – who learns it from the Hall. Either way – **let them also learn** the maximum *width* of an entrance from the *Mishkan*, **from the entrance of the gateway of the Courtyard (*chatzer*) of the *mishkan*)!** This would validate the opening of an alleyway, even when it is more than ten *amot*.

For it is written (*Shmot* 27:18): **“The length of the Courtyard: One hundred *amot*. And its width: Fifty by fifty. And its height: Five *amot*”.**

And it is written (*op. cit.* 14): **“And fifteen *amot* of curtains – for the corner”**

And it is written (*op. cit.* 38:15): **“And for the second corner, on either side of the gate of the Courtyard – curtains, fifteen *amot*...”**

These verse show that the width of the entrance was twenty *amot*. For each corner was fifteen *amot* wide, and the whole side was fifty, thus the entrance was twenty *amot*.

⁷ One of the Levite families.

⁸ Exodus

PEREK 1 – 2B

And let us say: **just as there**, where the entrance of the Courtyard was **five** *amot* high, **with a width of twenty** *amot*. **So too here**, regarding an alleyway, the Halachic measurement of the entrance should be **five** high **with a width of twenty**. (The Gemara does not actually intend to learn the height as well. The main point is the width).

So why did our Mishnah teach: “the width is more than ten *amot* – he must reduce it”?

The Gemara answers. One cannot learn the Halachic measurement of an entrance from the entrance of the Courtyard. This is because **it is only called “the entrance of the gate of the courtyard”**. But a **general** term of “**entrance**” (without reference to a gate) – it is **not** so **called** by the Torah.

If you wish, I could say an alternative answer: **When** it was **written “Curtains fifteen** *amot* **for the corner”**, it was not relating to the *width* of the Courtyard. Therefore it was not telling us about their width measurement.

Rather, **regarding its** the Courtyard’s **height**, it was **written**. Thus it teaches us that the *height* of the curtains was fifteen *amot*.

The Gemara is puzzled by this. Did you say the **height** of the Courtyard?!

But it is written in the verse above (*Shmot* 27:18): “And (its) width fifty by fifty, **and** (its) **height five** *amot*”!. So we see that the height of the Courtyard and the curtains was only five *amot*.

And the Gemara answers. **That** measure of the height of the Courtyard – **is from** the **upper edge of the Altar**. And the Altar itself was ten *amot* high. **And above** the edge, the curtains extended up for a further five *amot*. This closed in the area so the people would not see the cohen standing on the Altar and performing the sacrificial service.

PEREK 1 – 2B

The Gemara is again puzzled. **But** can we say that **Rabbi Yehudah learns from the entrance of the Hall?** Meaning, just as the Hall measures forty high by twenty wide, so this is the Halachic measurement of every entrance?

But surely it was taught in our Mishnah: “**And when the width is more than ten *amot* – he must reduce it**”! **And Rabbi Yehudah does not disagree** with that part of the Mishnah. He did not object and say that an opening up to twenty *amot* is still called an entrance, like the Hall of the Temple.

Abaye said in answer to this: Really, Rabbi Yehudah also disagrees with the first Tanna regarding the width as well. For Rabbi Yehudah indeed learns from the width of the Hall entrance. And we clearly find that **he disagrees, in a Baraita.**

For it was taught in a Baraita: **And when the width** of the entrance of an alleyway **is more than ten *amot* – he must reduce it.** But **Rabbi Yehudah says: He does not need to reduce it.**

The Gemara raises a difficulty. **But** if that is so, **let him also disagree in our Mishnah** over the width!

The Gemara answers. **He disagrees** in our Mishnah **regarding** the measurement of the **height.** **And the same applies regarding** the measurement of the **width.** He also disagrees over that as well.

But still, one could ask: Does **Rabbi Yehudah really learn from the entrance of the Hall?**

But it was taught in a Baraita explicitly that Rabbi Yehudah validates an entrance, even if it is more than forty *amot* high:

PEREK 1 – 2B

An alleyway that is higher than twenty *amot* – he must reduce it.

But Rabbi Yehudah validates it, up to forty or fifty *amot*.

And Bar Kappara teaches that Rabbi Yehudah validates an entrance even **up to** a height of **a hundred *amot***.

If Rabbi Yehudah learns from the Hall, he should only validate an entrance up to forty *amot*.

The Gemara further explains the difficulty being raised. **It is alright according to Bar Kappara** who taught that Rabbi Yehudah validates up to a hundred. For we can say that he was merely saying **an exaggeration** (for rhetorical effect).

Since Rabbi Yehudah even validates a crossbeam that is higher than twenty or thirty *amot*, it appears to Bar Kappara as if he is going too far. Therefore, he rhetorically claims Rabbi Yehudah validates even up to a hundred *amot*. But in truth we could say that Rabbi Yehudah does not validate any more than forty *amot*, since this like the entrance of the Hall.

But according to Rabbi Yehudah as cited in the Baraita, that he validates up to forty or fifty *amot*, **what exaggeration** is being made here?

We are forced to conclude that he literally meant the numbers cited in his name.

And, if so, we have a difficulty. For **it is all right** that **he** Rabbi Yehudah **learnt** that up to **forty *amot*** is still valid. For he learnt this **from the entrance of the Hall**.

PEREK 1 – 2B

But up to **fifty** *amot* – **what is his source** to validate it? The Hall entrance is only forty *amot* high.

On the basis of this question, the Gemara rejects the explanation which Rav Yehudah said in the name of Rav. It cannot be that Rabbi Yehudah learnt his law from the entrance to the Hall.

And **Rav Chisda said** about this: **This** following **Baraita** is what **caused Rav to err** and say that Rabbi Yehudah learnt from the Hall entrance.

For it was taught: An alleyway that is higher than twenty *amot*, and therefore is **more than the entrance of the** *Heichal* – he must **reduce** it.

He Rav **thought the following**. We see in the Baraita **that the Sages learnt from the entrance to the** *Heichal* of the Temple. Therefore, it is logical that **Rabbi Yehudah** must have **learnt from the entrance to the Hall** of the Temple.

But it is not really as Rav thought!

Now the Gemara goes on to the second approach that we mentioned on *ammud alef*.

Rather, **Rabbi Yehudah** – it was **from the entrance of** the palaces of **kings** that **he learnt**. And kings are accustomed to have very high entrances to their palaces.

And now, we return to that which we have said – that the Sages learn the Halachic measurement of an entrance from the *Heichal*. And the Gemara raises the following difficulty.

PEREK 1 – 2B

But regarding **the Sages** there is a problem. **If it is from the entrance of the *Heichal*** that **they learn – they should** also **require doors** at the entrance to the alleyway. For then it would be **like** the entrance of the *Heichal*, which had doors!

But, based on that, **why was it taught** in a Mishnah: **The validity of an alleyway** does not depend on having doors, according to all opinions. For **Beit Shammai say: A side post** (fixed to one of the walls at the entrance to the alleyway) **and a crossbeam** together is enough to render an alleyway fit to carry in. (See diagram 1). **And Beit Hillel say: Either a side post or a crossbeam** is enough.

Why don't we need doors as well?

The Gemara answers. **The doors of the *Heichal* – they were made merely for privacy**, to prevent people from peering into the *Heichal*. They were not Halachically required. Therefore, we cannot say an entrance is Halachically valid only if it has doors.

The Gemara raises a further difficulty: **But from now** i.e. according to what we have just said, that the measurement of an entrance is learnt from the *Heichal*, there is another problem: **a *tzurat hapetach* will not help it!** It will not change an opening that is more than ten *amot* wide into a Halachically valid entrance.

For the entrance of the *Heichal* **had a *tzurat hapetach***, and **nevertheless it was ten *amot* wide** and no more.

That being so, **why did we learn** in our Mishnah: **If it had a *tzurat hapetach*, even though it is wider than ten *amot* – he does not need to reduce it?**

The Gemara answers as follows. **Is not this reason** that we are giving **only** needed to explain the matter **according to Rav?** For he was the one who said that the entrance of the *Heichal* determines the Halachic status of an alleyway entrance.

And, since this is so, we have no difficulty.

PEREK 1 – 2B

For **Rav Yehudah** was **teaching** the Mishnah, as it is written in our text, **to Chiya, the son of Rav, in front of Rav** as follows: If it had a *tzurat hapetach*, even though it is wider than ten *amot* – **he does not need to reduce** it.

And when Rav heard how Rav Yehudah was reciting it, **he said to him: Teach him** (my son Chiya) this way – **one does need to reduce** it, even if it has a *tzurat hapetach*!

And Rav is consistent with his reasoning, that he learns the halachot of an alleyway's entrance from the entrance of the *Heichal*. This had a *tzurat hapetach* and was not wider than ten *amot*. Therefore, he does not validate an opening wider than ten *amot*, even if it has a *tzurat hapetach*.

The Gemara raises a further difficulty. **But from now**, that we learn from the entrance of the *Heichal* that a crossbeam too high is invalid, we have a problem.

CHAVRUTA

EIRUVIN – DAF GIMEL

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An *amaltra* will not help it, it will not help to validate an opening with a crossbeam more than twenty *amot* high. (An *amaltra* is a projection from a beam that draws one's attention. The Gemara will elaborate).

For the entrance of the *Heichal* of the Temple also **had an *amaltra*. And nevertheless it was only twenty *amot* high** and no more!

For so we have learnt in a Mishnah in *Middot* as follows. **Five *amaltra'ot* made of oak were on top of it**, the entrance of the *Heichal*. They were arranged **this one higher than this one, and this one higher than this one.**

And so we have a problem. Why should an *amaltra* validate a high crossbeam (as indeed it does, according to the following Gemara)?

Before answering the question, the Gemara raises a difficulty with the very validity of the question.

And regarding **that** which you asked: You said that we could prove from the entrance of the *Heichal* that an *amaltra* does not validate. For the *Heichal* was no more than twenty *amot* high, even though it had an *amaltra*.

What you did you see in this Mishnah, that constitutes a **refutation** to Rav?

Perhaps, when that Mishnah **was taught** – **that *amaltra'ot* were on the entrance** – specifically **regarding the Hall** of the Temple **it was taught**. For that is actually the subject matter of that Mishnah.

PEREK 1 – 3A

And then we could say that the *Heichal* entrance did not have *amaltra'ot*!

The Gemara rejects this. **And that** objection that you are making– **what is the difficulty** that it poses?

Surely it is easily provable that there were *amaltra'ot* even on the *Heichal* entrance.

For “**perhaps**” (that is, we surely know from an oral tradition¹) that the **form of the *Heichal* is like the form of the Hall**. Therefore, the *Heichal* entrance also had *amaltra'ot*.

Now the Gemara returns to the difficulty raised on Rav’s view—

Since there were *amaltra'ot* even on the *Heichal* entrance, whose height did not exceed twenty *amot*, we can ask:

Why did Rabbi Ilai say in the name of Rav that an *amaltra* validates an opening higher than twenty as a Halachic entrance?

For we find that Rav himself said the following two Halachot regarding the crossbeam of an alleyway.

A) A crossbeam is only valid if it is strong enough to support an *ariach* (half of a brick of three *tefachim* – see diagram 1).

Nevertheless, if the **width** of the beam **is four** *tefachim* – it is valid, **even though it is not strong** enough to support an *ariach*. (See diagram 2).

B) **And if it** the beam **has an *amaltra***, then **even** if it **is higher than twenty *amot*** – he **does not need to reduce** it. It serves to validate the opening.

¹ *Ritva*

PEREK 1 – 3A

Rav Yosef said in answer: That which **an *amaltra*** validates a high crossbeam was not said by Rav. Rather, **it is a Baraita**.

This resolves the contradiction in the statements of Rav.

And the Baraita does not pose a difficulty for Rav, either.

For who taught it?! **The author of that Baraita is not known – therefore, perhaps its text is faulty.**

Abaye said: But Rav Chama the son of Rabbah bar Avuha is the one that **taught it**, so we cannot say that its text is faulty.

And, therefore, even if that Halachah of the *amaltra* **will be** – as you say it is – **a Baraita** and not a statement of Rav, **but** nevertheless, **there is a difficulty** from that Baraita **to Rav**.

And the Gemara answers as follows. **Rav would say to you:** Since it is a Baraita, it is not a contradiction to me.

For even if you **take out my words from here**, i.e. even if I never would have made any statement regarding this matter, nevertheless, there are two **Baraitot**:

- A) That which we said above on Daf 2b: An alleyway that is higher than twenty *amot* – more than the *Heichal* entrance – he must reduce (it). This implies that the Sages learnt the Halachah from the *Heichal*.
- B) That Baraita which we have just dealt with, which validates a high crossbeam by way of an *amaltra*.

PEREK 1 – 3A

Do they the two Baraitot **not contradict each other?**

The first Baraita is a proof for my position that we learn from the *Heichal*.

But the other Baraita shows that we do not learn from the *Heichal*. For if we would learn from it, the *amaltra* would not help.

Rather, what can you say to resolve the contradictory Baraitot?

That **it is** a dispute of **Tannaim!**

The Tanna of the first Baraita holds that we learn from the *Heichal* entrance, and, in truth, an *amaltra* will not validate an opening.

Whereas the second Baraita, which holds that an *amaltra* does validate an opening, disagrees. It maintains that a crossbeam higher than twenty *amot* is invalid for a different reason, not because of its dissimilarity to the *Heichal*. (This new reason will be discussed in the Gemara).

This being so, I also hold that the Baraita of the *amaltra* is not a difficulty for me.

For **according to me as well – it is** a dispute of **Tannaim**.

And I hold like the Tanna of the first Baraita. And in truth, an *amaltra* does not validate a crossbeam more than twenty *amot*.

Rav Nachman bar Yitzchak said: Without this statement of **Rav**, that the Tanna of the first Baraita holds that the Sages learn from the *Heichal* entrance (thus conflicting with the second Baraita), I would have said that **the Baraitot do not contradict each other**.

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For one could say that the invalidity of an overly high opening is not because of the *Heichal* entrance.

Rather, **according to the Sages**, who invalidate **a beam** higher than twenty *amot*, **what is the reason** that it is invalid?

It is **because** there is a need for **a visual reminder**. And a crossbeam higher than twenty *amot* cannot be easily seen. We require that people can see it and know that a correction has been made to the alleyway. Then they will not come to confuse an alleyway with a public domain.

And that which it the Baraita **teaches**: “An alleyway that is higher than twenty *amot* – **more than the entrance of the *Heichal*** – he must reduce (it)”, this does not imply, as Rav had said, that the invalidity of the height is because of the *Heichal*.

Rather, the Tanna of the Baraita mentioned the *Heichal* **merely** as **a memory aid**. Saying that the height of the beam is like the height of the *Heichal* ensures that the orally recited text of the Baraita will not become mixed up or corrupted.

Now the contradiction between Baraitot has been solved. For even the Tanna of the first Baraita holds that an *amaltra* validates the crossbeam. This is because the *amaltra* draws the eye to the crossbeam – even when it is higher than twenty *amot*.

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Now the Gemara raises the following difficulty. **But** let us look at the position of **Rav Nachman bar Yitzchak**. He holds that the disagreement of the Sages and Rabbi Yehudah (who validates a crossbeam higher than twenty) concerns whether a crossbeam higher than twenty *amot* constitutes a visual reminder.

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This is reasonable, if he does not hold that a parallel disagreement between the Sages and Rabbi Yehudah in *Succah* 2b is like **that which Rabbah said**. Over there, the subject is not an alleyway but a succah, and the Sages invalidate a succah whose roofing is higher than twenty *amot*, while Rabbi Yehudah validates it. (The view of Rabbah regarding this disagreement will shortly be dealt with in the Gemara).

However, if he Rav Nachman bar Yitzchak **holds like that** statement of **Rabbah** in *Succah*, then there will be a problem with his position in our Gemara. (This will shortly be explained).

For Rabbah said the following. A succah whose roofing (*s'chach*) is higher than twenty *amot* is invalid, according to the Sages, because of the verses in *Vayikra*² 23:42–3. There **it says**: “You shall live in succot seven days. Every citizen in Israel shall live in succot. **In order that your generations should know that I caused** the Children of Israel **to live in succot** when I took them out of the land of Egypt...”. According to Rashi this is understood as meaning: Make a succah – meaning the roofing of the succah – in a way that is *known* and apparent to all!

Rabbah continues to say: From this it follows that **up to twenty amot, a person knows** (i.e. is attentive of the fact) **that he is living in a succah**, and so it is valid. If it is **higher than twenty amot, a person does not know that** he is living in a succah, **because the eye does not catch it**. Therefore the succah is invalid according to the Sages.

The Gemara now explains the difficulty with the position of Rav Nachman bar Yitzchak, if he would hold like Rabbah.

So we see that regarding a succah they, the Sages and Rabbi Yehudah, **also disagree over “a visual reminder”**. And Rav Nachman bar Yitzchak said above that they already

² Leviticus

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stated a disagreement over “a visual reminder” in the case of an alleyway beam higher than twenty *amot*.

But, if the same reason is involved, **why did they** the Sages and Rabbi Yehudah **disagree in two** cases – the succah and the alleyway?

The Gemara answers the difficulty.

Really, Rav Nachman bar Yitzchak could hold like Rabbah, and we could say that it is necessary to state a disagreement in both cases (the succah and the alleyway).

For if it would have taught us only regarding the succah, I would have said the following. That it is specifically **regarding this** – the case of succah – **that Rabbi Yehudah said** that there is a “visual reminder” even above twenty. **Since** a succah is **made for living** in – and so a person will sit and spend time in it. Thus, **the eye catches it**” (his eye is drawn to the roofing).

But regarding **an alleyway, which is made for walking** in – a person does not spend a lot of time there. Consequently, **I would say** that **he** Rabbi Yehudah **agrees with the Sages**, that a crossbeam higher than twenty is not easily seen.

And, on the other hand, **if it had taught us** their disagreement only **regarding this** case of an alleyway, then I would have said the following. That it is specifically **regarding this** case of the alleyway, which is made for walking in, **that the Sages said** that a high crossbeam does not constitute a visual reminder.

But regarding this case of succah, which is made for living in, **I would say** that **they** the Sages **agree with Rabbi Yehudah** that there can be a visual reminder higher than twenty.

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For this reason **it is necessary** to teach us their disagreement both in the case of a succah and an alleyway.

* * *

The Gemara now explains a term previously used. **What is an *amaltra*?**

The Amoraim disagree about this.

Rav Chama, the son of Rabbah bar Avuha, said: Designs resembling **birds' nests**, similar to those that were above the Hall entrance. If they were made around the crossbeam, then it validates an above-twenty-*amot*-high entrance to an alleyway.

When Rav Dimi arrived in Bavel³ from the land of Israel, **he said** the following. **They say in the West** (the land of Israel) that *amaltra'ot* are **long poles of cedar**, patterned with drawings. People who pass by tend to look at these impressive and interesting poles, even when they are more than twenty *amot* high.

The one Rav Dimi who says that *amaltra'ot* are **long poles of cedar**, all the more so they would hold that designs of **birds' nests** validate a high crossbeam. Since they are even more astounding, they attract the eye.

But according to **the one Rav Chama who says** that *amaltra'ot* are **birds' nests** – he would hold that only birds' nest designs validate a beam that is so high. **But long poles of cedar are not** valid.

The Gemara asks the following. **And the one who says** those *amaltra'ot* are **long poles of cedar** – **what is the reason** that the *amaltra* validates the beam?

³ Babylon

PEREK 1 – 3A

If it is because its length is so great, thus attracting people's attention to it and thereby also to the crossbeam with it—

But surely there is the case of a more than twenty high **succah** – **whose** roofing's **length is great, and** nevertheless **the Sages** (in Succah 2b) **said that** it **does not** validate! And their reasoning is, as we said above, that the roofing is not so evident to the one living in such a succah.

Therefore, why are long poles of cedar valid, when succah roofing is not?

The Gemara answers. **Rather**, the reason why a long pole of cedar validates the crossbeam is **because it is impressive** and therefore **the word of it gets around**. Therefore, people will look at it and consequently see the crossbeam.

* * *

The height of the crossbeam at the entrance to the alleyway is equal to that of the *s'chach*⁴ of the succah – twenty *amot*.

The Sages instituted the crossbeam, whereas the *s'chach* is part of the mitzvah of succah mandated by the Torah. The Gemara now deliberates the equating of their halachot.

Two subjects are discussed in the next topic.

The first is: What is the halachah if part of the crossbeam or *s'chach* is above twenty *amot*, and part is below twenty?

The second is: Does the invalidity of the above-twenty crossbeam or *s'chach* refer to the space between it and the floor? Or are we speaking of the height of the object itself? For

⁴ roofing

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if it were situated exactly above a space of twenty *amot*, then it is only valid in the second instance.

The topic is complex, with various approaches. And the Rishonim⁵ themselves disagree about the nature of the issues raised in the Gemara.

The Rishonim do not openly state what is wrong with a crossbeam located partially above twenty *amot*. But we could assume that the crossbeam is treated as one whole unit. So if part of the unit is located above twenty *amot*, this creates a defect in the section that is below twenty *amot*.

The Gemara is therefore in doubt:

- A) In the case that **part of the crossbeam** of the alleyway was located **within twenty *amot*. And the other part of the beam** was located at a height **above twenty**. (See Diagram 1).
- B) And similarly if it occurred that **part of the *s'chach*** of the succah was located **within twenty *amot*. And part of the *s'chach*** was located **above twenty**. (See Diagram 2).

Rabbah said: Regarding the crossbeam of an alleyway – it is valid. The alleyway is made fit to carry in by way of this beam.

But if a similar case **regarding the *s'chach* of a succah – it the *s'chach* is invalid.**

The Gemara raises the following difficulty. **What is different regarding an alleyway in that it is valid**, despite the fact that part of it is above twenty *amot*? It must be **that we say “make it thin”**. Meaning, we look at that part of the width of the beam that extends

⁵ Early commentators on the Gemara

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above twenty as having been removed. Thus, it is treated as a thin beam located within twenty *amot*.

However, if that is so, what about **a succah** whose *s'chach* is partially located higher than twenty *amot*? **Let us also say** about that part of the *s'chach*, **“make it thin”** and validate it!

The Gemara answers. We cannot say “make it thin” regarding the *s'chach*. For **if you were “to make it thin”** at the place that is higher than twenty, then it would be as if that *s'chach* does not exist. For the succah **would become** a case of **“its sun is greater than its shade”**, i.e. it provides insufficient shade, which is invalid.

The Gemara is not satisfied with this answer.

According to this, **here** regarding the crossbeam **also**, you should invalidate it. For **if you were “to make it thin”** at the place that is higher than twenty, then **it** that part of the beam **will become “a beam that can be taken by the wind”** which is invalid. And we require the beam to be strong enough to support an ariach.

Rather, what is the reason that Rabbah validated a beam that is treated as partially thin, even though this could be “taken by the wind”?

You must say that **they** – the undersides of the section of the beams that are less than twenty high – **become as** if they are made of **skewers of metal** that cannot be moved by the wind.

The beam is valid since we do not really take off the part of the beam that is above twenty. Rather, we just “look at it” as if we have taken it off.

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This being so, **here also** regarding a succah, we could say that we are not concerned with our “looking at” the too-high *s’chach* as if it was removed. For, in truth, we do not actually remove the *s’chach* – we just treat it as if it were removed.

It follows, that **you must say**, it **becomes** as if “**its shade is greater than its sun**”, which is valid.

So why does Rabbah say that the succah is not valid?

The Gemara proposes two answers.

Rava from Parzakya said the following in reply. We are concerned that he may, without thinking, take away the *s’chach* located lower than twenty *amot*. This will leave only the *s’chach* that is higher than twenty, which, by itself, is certainly invalid. For it will insufficiently thick to provide proper shade.

And the difference between the case of a succah and an alleyway is as follows.

A succah, which is made for an individual, is different. For if he takes away the *s’chach* that is lower than twenty, **he will not be aware** of the consequences of his action. Therefore, a succah whose *s’chach* is partially located higher than twenty *amot* is invalid, out of concern that he will take away some of the valid *s’chach*.

An alleyway, however, **which is made for the general public**, will not have this problem. For **they** the passersby there **will remind each other**. Probably someone will be attentive and point out to others when the beam becomes invalid, and they will rectify it.

Ravina said a different answer to the question on Rabbah’s ruling.

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A **succah**, whose *s'chach* is partially higher than twenty *amot*, is invalid according to Rabbah because it is a mitzvah of the Torah. Therefore, the Sages were stringent about it and were concerned that it may become invalid.

But regarding an alleyway – its obligation to have a crossbeam is only Rabbinic. Therefore, the Sages were not stringent about it and were not concerned that it might become invalid.

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Rav Adda bar Matna taught that teaching of Rabbah the reverse way, as follows.

Rabbah said: Regarding the beam of an alleyway, only part of which is below twenty – it is invalid.

Regarding the *s'chach* of a **succah** that is only partially located below twenty – it is valid.

And this is the question of the Gemara. **What is different regarding a succah in that it is valid?** It must be **that we say “make it thin”**. This being so, **regarding an alleyway, also, let us say “make it thin”!**

Perhaps you will say that the case of succah is different, and cannot say about the beam “make it thin”. For **if you were to “make it thin”, it will become a beam “that can be taken by the wind”** which is invalid.

But if that were so, **here, also**, regarding a succah, you would have to say it is invalid. For **if you were to “make it thin”, it will become a case of “its sun is greater than its shade”**.

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Rather, what is the reason that the succah is valid? **You must say** that it is because **it** the succah **becomes** as if “**its shade is greater than its sun**”, i.e. it is valid.

Consequently, **here also** a beam should be valid. For, by the same reasoning, **you must say** that **they become like skewers of metal**.

Rava from Parzakya said the following in reply. **A succah, which is** usually made **for an individual**, is different, since on him alone rests the responsibility to validate the succah. Therefore, we are not concerned that he will remove the *s’chach* that is lower than twenty *amot*, thus invalidating the succah. For surely **he will take it upon himself** to be careful **and remember** that such an action invalidates the succah, and he will rectify it.

An alleyway, however, **which is made for the general public** is problematic. People will not be bothered to investigate if it has become invalid, for **each one relies on the other**. **Therefore they will not be attentive**.

This is like **that** common expression which **people** are accustomed to **say**: **A pot** of food **that is** the property of two or more **parties** – **is neither hot, nor cold**. Neither one will heat or cool the pot, since each one relies on the other to do so. (The matter “falls between the chairs”).

Ravina said a different answer. The obligation to sit in **a succah is from the Torah**. Since the requirement is stringent, a person will see to it immediately that the succah is halachically sound. Therefore, its halachah **does not require strengthening**. There is no need to make an enactment on account of a possibility that one may come to remove *s’chach* situated lower than twenty *amot*.

The obligation to affix a crossbeam to **an alleyway**, however, **is only Rabbinic**. Therefore, its halachah **does require strengthening**, by making an enactment. People

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will not be so quick as to rectify the rotten underside of the crossbeam, even though that this results in the beam lying higher than twenty *amot*.

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The Gemara asks the following. **What was said about it?** What was the Halachic conclusion regarding the cases of part of a beam and part of *s'chach* situated below twenty?

Rabbah bar Rav Ulah said: This case and that case — each one is invalid.

Rava said: This and that — each one is valid.

AMMUD BET

And it is only due to the “**space of the succah**”, which is higher than twenty *amot*, that **it** the Mishnah **teaches** that the succah is invalid. The succah is valid as long as the space is not higher than twenty – even though the *s'chach* itself is not within the twenty.

Similarly, regarding the “**space of the alleyway**” that is higher than twenty, **it teaches** that the alleyway is invalid.

Rav Pappa said to Rava: It a Halachah has been taught in a Baraita, that supports you – that the matter depends on the height of the space.

For it was taught: **An alleyway that is higher than twenty *amot* – more than the entrance of the Heichal – one must reduce it.**

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And the Heichal itself – the space of its entrance is twenty *amot*.

Rav Shimi bar Rav Ashi raised a difficulty to Rav Pappa regarding the claim that the Mishnah invalidating a height more than twenty is dealing with the “space of the alleyway”.

For it states in a Baraita: If one came to rectify an alleyway whose entrance was more than twenty *amot* – **how does he do it?**

He places a crossbeam from the edge of twenty and below.

This implies that the beam should be within the twenty *amot*.

But if it were true that the invalidity of the alleyway in the Mishnah refers to the “space of the alleyway”, then the beam of this Baraita would not have to enter the space at all.

The Gemara answers: **Say** that the Baraita means as follows. He places the beam at the edge of twenty **and upwards**. Then the beam would not be situated within twenty *amot*.

This puzzles the Gemara. **But** the Baraita **taught** “from the edge of twenty **and below**”!
Thus implying that the thickness of the beam should be within twenty!

The Gemara answers that in truth, a space of twenty at the alleyway’s entrance is valid.
The Tanna of the Baraita intended the following.

- A) One places the beam from the edge of the space of twenty and upwards.
This will be enough to ensure that the space does not exceed twenty.
- B) What if one wants to reduce the space of the entrance greatly, and place the beam “below”, close to the floor of the alleyway? Then the minimum

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height of the beam is from the edge of ten *tefachim* from the floor and higher. This ensures there is a minimum space of ten *tefachim*.

And **this is what he** the Tanna of the Baraita **is teaching us**. The Sages fixed a minimum height of ten *tefachim* at the entrance of an alleyway. This height **that is below** is related to the space of the entrance, rather than to the place occupied by the beam. In this sense it **is like that of the above** height.

Just as above, it is **the space** underneath the beam that is relevant and it must be only up to **twenty**, and not more. **So too below**, **the space** underneath the beam is the relevant factor and it must be at least **ten** *tefachim*, and not less.

This teaches us that if part of the beam is within the ten, it is invalid, since the space is the determining factor.

Our Sages mention measurements in terms of *amot* (cubits) in many places. This measure could mean five *tefachim*, or it could mean six *tefachim*. In all places we use the more stringent measure. The Gemara will now clarify what exactly this measure is in respect to our Mishnah.

Abaye said the following **in the name of Rav Nachman**.

Regarding the “*amah of the succah*” – the *amah* measurement used by the Sages in regard to succah. **And** similarly regarding the “*amah of the alleyway*”. In both cases, the Sages calculated it **with an amah of five** *tefachim*.

But regarding the “*amah of kilayim*”⁶, they calculated it **with an amah of six** *tefachim*.

From the statement of Rav Nachman we can derive that we use the more stringent measure of *amah* in each case.

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Thus, the maximum height of the succah and the alleyway is the smaller measure of five *tefachim* per *amah*. This results in a more stringent height disqualification. Whereas the minimum distance required between different seeds is calculated using the larger measure of six *tefachim* per *amah*.

The Gemara explains. “**The *amah* of an alleyway**” is calculated “**with an *amah* of five**”. **For what halachah** does this statement of Rav Nachman pertain?

A) **For its** (the alleyway’s) **height**. That it should not exceed twenty small *amot* (of five *tefachim*);

B) **And for the breach of an alleyway**. It is forbidden to carry in an alleyway that has a breach in one of its walls greater than ten *amot*. This is calculated using the smaller measure of five *tefachim* per *amah*.

The Gemara raises a difficulty: How could Rav Nachman state his halachah in such a general fashion, as if the five *tefachim* measure of the *amah* applies in all measurements of the alleyway?

For we know that the Sages were lenient regarding an alleyway, in that they permitted carrying in it when it had a side post or crossbeam. (Whereas a courtyard requires a strip of four *tefachim*).

But if so, **there is** a measure of the **length of an alleyway**, which must be at least **four** *amot*. (If its length is less than this, then it cannot be rectified by a side post or crossbeam. Rather it then assumes the more stringent halachah of a courtyard, requiring a strip of four).

And the problem is **that this results in a leniency**. For an alleyway is validated by way of a side post or crossbeam, and we defined it as an alleyway using the smaller measure of five *tefachim* per *amah*.

⁶ The prohibition of sowing different seeds together

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The Gemara answers as follows. Rav Nachman holds **like the one who says** (in a dispute between Amoraim later) that the minimum length of an alleyway is **four tefachim** (not four *amot*).

And if you wish, I could say: Rav Nachman could also hold like the one who says that the minimum length of an alleyway is **four amot**. And, in truth, we do use the more stringent measure of six *tefachim* per *amah* for the minimum length of the alleyway.

And Rav Nachman did not intend his statement (that the *amah* of an alleyway is five *tefachim*) to be taken so generally. Rather, it was only in respect to **the majority of** the halachot of the alleyway that are measured with *amot* that **he was speaking** about.

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The Gemara further elucidates Rav Nachman's statement. That which he said that the "***amah of a succah***" is calculated with an "***amah of five***". **For what halachah** does this pertain?

A) For its (the succah's) **height**. That it should not exceed twenty small *amot* (of five *tefachim*).

B) And for a concave wall.

The term "a concave wall" will now be explained.

Let us consider the following case: Invalid *s'chach* is placed at the top of the succah walls, extending less than four *amot* into the succah. The center part of the roof is covered with valid *s'chach*.

In such a scenario the succah is valid, enabling one to sit under the valid *s'chach*.

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This is because we do not regard the invalid *s'chach* as separating between the valid *s'chach* and the walls of the succah.

Rather, we treat the invalid *s'chach* as part of the wall itself. It is viewed as if the wall became concave until it meets the valid *s'chach*.

If, however, the invalid *s'chach* extends further than four *amot* from the succah walls, the succah is invalid. Thus, more than four *amot* is the measurement of a halachic separation.

Rav Nachman calculates the *amah* of a “concave wall” using the measure of five *tefachim*.

The invalidity of the height and concave wall are calculated using the five *tefachim* measure, in order to generate a stringency in their respective halachot.

The Gemara now asks the following. How could Rav Nachman state his halachah that “the *amah* of a succah is five (*tefachim*)” in such a general fashion?

But there is a measure of **the minimum length of the succah**, which is **four *amot***. **That**, using the five *tefachim* measure, **results in a leniency!**

For so it was taught – that the minimum length of a succah is four *amot* – in the following Baraita.

Rabbi i.e. Rabbi Yehudah HaNasi **says: I say** that **any succah that does not have** a measurement of **four *amot* by four *amot* is invalid**.

And the Gemara answers as follows. Rav Nachman holds **like the Sages who say** that the length of a succah is not measured in terms of *amot*. Rather, it is measured in respect to

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one who can sit in it. This means that the succah is valid **even if it only contains his head, and most of him** i.e. most of his body, **and his table**. (This is calculated to be seven by seven *tefachim*).

And if you wish, I could say an alternative answer: **In truth, it** the view of Rav Nachman **is** like that of **Rabbi**. And the length of the succah is calculated using an *amah* of six *tefachim*.

And Rav Nachman did not intend his statement (that the *amah* of a succah is five *tefachim*) to be taken so generally. Rather it was only in respect to **the majority of** the halachot of the succah that are measured by *amot* that **he was speaking** about.

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There are two prohibitions regarding sowing different seeds together. The first is that it is forbidden to sow two different species of seeds close together. The second is that it is forbidden to sow non-grape-seeds anywhere in a place that is halachically called a vineyard, even if they are not close together.

The four *amot* around a vine is generally designated as the space needed for working on the vine, providing passage for animals and wagons when harvesting and ploughing. This area is therefore termed part of the vineyard.

Similarly, it is forbidden to sow different seeds in the area between the vines and the fence of a vineyard. (The “area around the vineyard”)

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The Gemara now further elucidates Rav Nachman's statement. That which he said that the "*amah of kilayim* is calculated **with an amah of six tefachim**". **For what halachah** does this pertain?

A) For the measure of the clearing of a vineyard. This is the space within the vineyard that is clear of vines. One may sow seeds there, since it is not treated in halachah as part of the vineyard;

B) And for the area around the vineyard.

For we have learned in the following Mishnah, regarding the measure of **the clearing of the vineyard:**

Beit Shammai say: It is only treated as a separate area from the rest of the vineyard if its width is at least **twenty-four amot**. If it is smaller than this, it would be treated as part of the vineyard, and it would be forbidden to sow seeds there.

Beit Hillel say: Even if the width of the clearing is only **sixteen amot**, it is permitted to sow seeds there.

This means that the seeds have to be distanced four *amot* (the area needed to work the vine) on all sides from the vines. This results in a total of eight. Then there must be a place to sow of eight *amot*. This is because Beit Hillel requires four *amot* for an area to be considered a separate field – less than this will result in it being nullified to the adjacent vines (and their work area). Since there are vines on either side of the clearing, another total of eight is required. Thus a sum of sixteen *amot* are required.

And the measure of the area around the vineyard:

Beit Shammai say: If there is **sixteen amot** between the vines and the fence, then it is a halachically separate area from the vineyard. Thus it is permitted to sow there.

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But Beit Hillel say: Twelve *amot* is sufficient.

The Mishnah continues. **What is the “clearing of the field”?**

A vineyard that has no vines planted in its center. That is, vines on all four sides surround it. (Actually, even if vines bound the clearing on only two sides).

According to Beit Hillel: If **there is not** a space **there** in the clearing of **sixteen** *amot* long and wide – **one may not bring seeds there** to sow.

But if **there was** a space **there** of **sixteen** *amot* – then **one** must **give to it** (the vineyard), **enough area for its work** i.e. four *amot* on each side. **And then he may seed the remaining** area of eight *amot*, as explained above.

Beit Shammai requires eight *amot* for an area to be considered a separate field. With vines on both sides of the clearing, this results in a need for a sixteen-*amot* space. Add to this the need for two work areas of four *amot* each – we arrive at a total of twenty-four⁷.

The Mishnah continues. **And what is the “area around the vineyard”?**

Between the vineyard and the fence.

And Beit Hillel holds that if **there is not** a space **there of twelve** *amot* then **one may not bring seeds there** at all.

Four *amot* are needed to work the vine and are considered part of the vineyard. And four *amot* are needed on the other side, next to the wall. Since it is common for people to walk there, the owner of the field will not plant there. Therefore it cannot help to make up an

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area that can be considered as a field by itself. And four *amot* is the minimum requirement in the middle to be considered as a separate field.

Therefore, if **there was** a space **there of twelve** *amot* – **then one must give to it** (the vineyard), **enough** area **for its work** i.e. four *amot*. **And then he may seed the remaining** area.

And Beit Shammai requires sixteen *amot*: Four *amot* for the vine, four for the wall and eight in the middle (as explained above)⁴.

*

All the above measurements of an *amah* were based on six *tefachim*, as Rav Nachman had stated. This results in a stringency regarding the above halachot of *kilayim*, in that the distances involved are all greater.

And the Gemara asks the following. How could Rav Nachman state his halachah that “the *amah* of *kilayim* is six *tefachim*” in such a general fashion, if the intent was to be stringent?

But surely there is the case of “**continuous ones**” (to be explained shortly), whose measure is **four** *amot*? **That**, using the six *tefachim* measure, **results in a leniency!**

For we have learnt in the following Mishnah. Regarding **a vineyard that is planted** in continuous rows, with insufficient space between them to work the vines. If the distance between the rows is **less than four** *amot*, then the following applies.

⁷ Others explain that Beit Shammai hold that eight *amot* are required for working the vine. Regarding the size required to be considered an independent field – they agree with Beit Hillel, that it is four.

⁴ see previous note

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Rabbi Shimon says: It the vineyard **is not** halachically considered “**a vineyard**” at all, since this is not the normal way to plant a vineyard. Therefore, one may sow seeds there.

But the Sages say: It is treated halachically as **a vineyard, and** one may not sow seeds there. For we “**look at**” (treat) **the middle ones** i.e. the vines in the middle rows **as if they are not** there. Thus there is sufficient space between the rows.

With respect to Rabbi Shimon, we should calculate the *amah* according to the smaller measure in order to generate a more stringent halachah!

The Gemara answers: Rav Nachman holds **like the Sages who said** that **it** a field of continuously planted vines **is** halachically treated as **a vineyard**.

If you wish, I could say an alternative answer: **In truth**, one could say that Rav Nachman holds like **Rabbi Shimon**.

And Rav Nachman did not intend his statement to be taken so generally. Rather it was only regarding the **majority of** the halachot of *kilayim* that are measured by *amot* that **he was speaking** about, not all of them!

*

The above Gemara was based on the statement of Rav Nachman as related by Abaye. However there is a different account of the ruling of Rav Nachman, as follows.

But Rava said in the name of Rav Nachman: All *amot* are calculated according to an *amah* of **six tefachim**. This is regardless of whether the subject is a succah or an alleyway or *kilayim*.

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But those measurements of *kilayim* **are** calculated with the larger, “**laughing**” *amot*. (The Aruch explains that the term derives from the fact that when a person laughs, his lips distance themselves from each other. Similarly, the “laughing” *amah* is measured with a loose, expansive measure). This results in a stringency.

Since the *amah* is based on the smaller measure of the *tefach*, this means that the *amot* are measured with larger *tefachim*. A *tefach* (or handbreadth) is four fingerbreadths. The larger *tefach* includes the spaces between the fingers when they are spread out.

And those measurements of a succah and an alleyway **are** calculated with the smaller, “**sad**” *amot*. (This derives from the lips of a sad man being pressed together). This results in a stringency.

They (the scholars of the study hall) **posed a contradiction** to Abaye’s version of Rav Nachman, from the following Baraita.

All the *amot* **that the Sages said** in reference to halachic measurements are calculated according to **an** *amah* **of six** *tefachim*. **But** this is true **as long as they will not be in line** with each other. (This will shortly be explained).

The Gemara explains the contradiction from the Baraita.

It is all right – the Baraita can be understood – **according to** the version of Rav Nachman as cited by **Rava**.

For when the Baraita states that the Sages always intended a six-*tefach amah* “as long as they are not in line”, it means: “Provided that they (the *amot*) will not all be the same *tefach* measurement”.

Then the Baraita can be applied **so that those** *amot* of *kilayim* **will be “happy ones”, and those** of a *succah* and alleyway **are “sad ones”**.

But for Abaye – **there is a difficulty** from the Baraita, since it explicitly states that all *amot* are six *tefachim*!

The Gemara answers for Abaye. **Abaye would say to you: I could say** that this is what the Baraita means to say: All the *amot* that the Sages said—regarding *kilayim*—are calculated according to an *amah* of six *tefachim*. Therefore, only **an amah of kilayim** is measured **with an amah of six**.

And when the Baraita stipulates that the *amot* should not be “in line”, it means that they should not be narrow. Rather the *amot* should be according to the wider, “happy” *tefach* measure.

*

The Gemara is puzzled by this. **But** then there is a contradiction **from what is taught in the end** of that Baraita:

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Rabban Shimon ben Gamliel says: All the *amot* that the Sages said regarding *kilayim* are calculated with an *amah* of six *tefachim*. But this is true as long as they are not narrow.

So we see that it is Rabban Shimon ben Gamliel who stated that this halachah applies specifically to *kilayim*. **This implies that the first Tanna** was *not* dealing exclusively with *kilayim*. Rather, it was regarding **all *amot* that he said** the halachah, that an *amah* is six *tefachim* – even the *amot* of a succah and an alleyway!

The Gemara again answers for Abaye, but this time differently. **Abaye would say to you:** it is true that the first Tanna holds that the *amah* of six *tefachim* is universally applicable, to succah or an alleyway.

However, **is there not** the view of **Rabban Shimon ben Gamliel, who accords with my view** that we use the six-*tefach* measure only regarding *kilayim*?

If so, **that which I have stated is in accordance with Rabban Shimon ben Gamliel!**

The Gemara explains. Obviously, **according to Abaye, there is certainly** a dispute of **Tannaim** here. For he holds like Rabban Shimon ben Gamliel, that there are *amot* of five-*tefachim* and of six-*tefachim*. Whereas the first Tanna certainly disputes this, as we mentioned, in that he holds that all *amot* are six-*tefachim*.

*

But what do we say **according to Rava**, who holds that all *amot* are six-*tefachim*? **Do we have to say** that Rabban Shimon ben Gamliel intended, with his statement, to exclude the *amah* of the succah and alleyway? Must it be that Rava also holds that **there is a** dispute of **Tannaim** here?

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Rava could say to you: My statement is true, whether for the first Tanna or for Rabban Shimon ben Gamliel. There is no dispute between them over the universal application of the six-*tefach amah*.

Because **Rabban Shimon ben Gamliel**, in mentioning *kilayim*, did not mean to limit the measure of the six-*tefach amah* to *kilayim* alone.

Rather, he mentioned *kilayim* in connection with the part of his statement: “As long as they are not narrow”. And **this** is what **he came to teach us:** It is only regarding **the amah of kilayim** that **he should not** use the **narrow** measure. (The *amah* of *kilayim* should be calculated using the wider *tefach* measure). But as far as the *amah* of succah and the alleyway is concerned, one should indeed use the narrow *tefach* measure!

*

The Gemara raises the following difficulty. If this is true, **then let him** Rabban Shimon ben Gamliel **state** the halachah more succinctly. He should have only stated: “Regarding **the amah of kilayim**, **he must not** use the **narrow** measure”.

Rather, we must conclude that when Rabban Shimon ben Gamliel stated “**an amah of six tefachim**”, **what** was he coming **to exclude?** **Is it not** that he intended **to exclude the amah of succah and alleyway**, that they must be calculated using the *amah* of five *tefachim*? Thus he *is* in dispute with the first Tanna over this point!

The Gemara rejects this approach. **No.** Rabban Shimon ben Gamliel was not restricting the *amah* of six *tefachim* to *kilayim*.

Rather, his intention was **to exclude** the *amah* of the **base** of the Temple Altar. (The base was one *amah* high, and extended out an *amah* from the bottom of the Altar proper). **And** to exclude the *amah* of the “**surrounding** of the Altar”. (Five *amot* up from the base, the

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width of the Altar narrowed an *amah*. The ledge that was thereby formed, of one *amah* in width, was known as “the surrounding”. For the cohanim would walk around the Altar on this ledge, to place sacrificial blood on the horns of the Altar).

Thus Rabban Shimon ben Gamliel intended that these *amot* should not be calculated according to the six *tefachim* measurement. Rather, their *amah* is of five *tefachim*.

For thus it **is written** in the prophecy of Yechezkel¹ (43:13) regarding the measurements of the Altar:

“And these are the measurements of the Altar. In general, all the measurements of the Altar mentioned in this prophecy are calculated **with** large *amot* of six *tefachim*. That is, the amount of each *amah* **is a** small *amah* of five *tefachim* **and** in addition **a** *tefach*.

However, other measurements of the Altar, as follows, are not calculated with large *amot*. **The *cheik* (base) is an *amah*, and the width is an *amah*, and its border to its edge all around is a width of a *zerret*. And this is the ‘back of’ i.e. the top of the Altar. All these are five-*tefach amot*”.**

*

The Gemara elaborates.

- A) **“The *cheik* is an *amah*” – this is the base**, which measured a small *amah* high. (But note that the height of the structure above it is measured with a large *amah*).
- B) **“And the width is an *amah*” – this is the ledge**, which is also measured with a small *amah*. (But note that the height of five *amot*, from the base up to the ledge, is measured with a large *amah*).

¹ Ezekiel

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- C) “**And its** (the Altar’s) **border to its edge all around**” – **these are the horns** that are in the corners, at the top. Its measure is one small *amah* square.

The measure from the middle of the horn to its edge is thus half an *amah*, otherwise known as a *zerret*.

- D) “**And this is the ‘back’** i.e. the top **of the Altar**” – **this is the Golden Altar** (the Altar of Incense, located in the *Heichal* of the Temple). Its measure is one small *amah* square.

Rabbi Chiya bar Ashi said in the name of Rav:

- A) **The measurements** that the Sages gave for everything. For instance, a *kazayit*² for forbidden foods;
- B) **Intervening items** (*chatzitzah*) that invalidate immersion for the sake of purity;
- C) **And** the halachot of **dividing screens or walls**. For example, that they must be ten *tefachim* high.

All of them **are** contained in a *halachah leMoshe miSinai*³.

² The volume of an olive – corresponding to 0.9 fl.ozs. or 28 c.c.

³ Halachot taught to Moshe that are not derivable from the Written Torah, but are taught as an oral tradition dating back to Sinai.

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The Gemara raises a difficulty: But surely the subject of halachic **measurements** is a law **of the Torah!** Meaning that the measurements are derivable from the Written Torah. Thus they cannot be termed a *halachah leMoshe miSinai*.

For it is written (*Devarim*⁴ 8:8): **A land of wheat, barley,** grapevines, figs and pomegranates; a land of olive oil and honey.

And Rav Chanan said: All of this verse was stated, to teach measurements! For the verse deals with the praise of the Land of Israel – that its fruit are used as measurements that are halachically binding in Torah law (Rashi in *Succah* 5b).

This is how the fruits of the Land of Israel are used as measurements:

A) “Wheat”.

As we have learnt in a Mishnah:

One who enters a place afflicted with *tzara’at*⁵, i.e. a **plagued house**. **And his clothes,** rather than being worn normally, **are** lying folded **on his shoulders**. **And** similarly **his sandals and rings** are not worn normally, rather they **are** being held **in his hand**. The halachah dictates that **he and they become impure immediately** upon his entering the house. For the Torah states (*Vayikra*⁶ 14:46): “And he who comes into the house...is impure....” The word “he” can also mean “it”. Thus any item that enters the house as a separate entity contracts the impurity of the house.

However, if **his clothes were being worn** normally, **and his shoes** were **on his feet, and his rings** were **on his fingers**. Then the halachah dictates that **he is impure immediately,** but **they** remain **pure**. When clothes or adornments are worn in the normal way, they are

⁴ Deuteronomy

⁵ A spiritually caused affliction, mistakenly referred to as leprosy, affecting garments, houses and people.

⁶ Leviticus

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secondary to the person. Therefore, they are not treated as separate entities and do not immediately contract the impurity of the plagued house.

Nevertheless, if the clothes remained in the house for a certain amount of time, they also will contract impurity and will require immersion in a *mikveh*⁷. For there is a verse (*Vayikra* 14:47) that states: “And he who eats in the house shall wash his clothes”. This is interpreted to mean that a person must immerse his clothes in a *mikveh*, if he remains in the plagued house for the amount of time that it would take to eat a standard quantity of food.

Thus these articles of clothing remain pure **until he remains** in the plagued house **an amount of time that it takes to eat a *pras***. This is half a loaf. (For on *daf* 82b, a loaf is defined as enough for two meals. And there it says: “Half of it is the measure for a plagued house”. The size of the loaf is described there).

And we learn from the verse of “A land of wheat” that the *pras* being referred to is from a loaf **of wheat bread, which** is generally eaten quickly, **and not barley bread**.

Furthermore, the measurement is based on how long it takes to eat the *pras* while he is **reclining**, rather than the longer time that it takes to eat while standing or walking to and fro. **And** the time is also based on the shorter time that it takes when **he eats it with an accompanying food** such as a spread. (It takes a relatively long time to eat bare bread.)

B) “Barley”.

As we have learnt in a Mishnah:

⁷ A purifying pool.

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A bone of a dead person that measures **an amount of a barley kernel imparts impurity through touching** it. **And** it also imparts impurity **through carrying**.

But it a single bone without flesh **does not impart impurity through *ohel***⁸.

C) “**Grapevines**” – teaches **the amount of a *revi'it***⁹ of wine for a Nazirite¹⁰.

If he drinks this amount, he is liable for lashes.

AMMUD BET

D) “**Figs**” – teaches **the amount of a dried fig**. This is the amount **for** making one liable for **bringing out** food from a private domain to a public domain **on Shabbat**.

E) “**Pomegranates**”.

As we have learnt in a Mishnah:

A utensil that has a hole in it large enough to make it unusable is not susceptible to impurity.

Therefore, **all utensils of householders** (who are not so particular about their utensils being in top condition, since they are only for home use) are subject to a special halachah. **Their measure** – i.e. the measure of the hole that renders them free from impurity – is **the size of pomegranates**. This is a hole that is so large that a pomegranate or an item equal in size can pass through it.

⁸ Being under a common roof

⁹ 86.4 gr. or 2.9 fl. ozs.

¹⁰ One who has taken on himself an oath to abstain from wine

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However, a commercial utensil becomes unfit for sale when it contains even a small hole. It thus loses its status as a utensil and is unsusceptible to impurity.

F) “A land of olive oil” – teaches that it is a land, all of whose measurements are the size of olives (*kazayit*).

This puzzles the Gemara. **Do you think that** it means *all its measurements*?

But surely there are those measurements **that we said** above, that were not the size of olives!

The Gemara answers. **Rather, say: A land, most of whose measurements are the size of olives.**

For instance, eating forbidden fats or blood. Or eating sacrificial meat past its expiry date or that had been slaughtered with the wrong intentions. Or eating carrion or from forbidden animals. Or the amount of flesh of a dead person that imparts impurity in a tent or by contact.

G) “Honey” (which is date honey) – this teaches the amount of a fat date for making one liable for eating on Yom Kippur.

This concludes the Gemara’s question above, which was: since we see that we learn measurements from the Written Torah, why did Rav say that the source of measurements is a *halachah leMoshe miSinai*?

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The Gemara now answers. **Do you really think this is so?** Are those **measurements** that we mentioned **really written** explicitly in the Torah?

Does it state explicitly that a barley-sized bone imparts impurity, or that a plagued house imparts impurity to clothes after the time that it takes to eat wheat bread?!

Rather, they are actually contained within a *halachah leMoshe miSinai*. **And the Sages** were merely **using the verses** of “A land of wheat...” as a kind of Scriptural **support** for the halachah, but not a true source for it.

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The Gemara now raises a difficulty with the statement that the laws of **intervening items** that invalidate immersion are contained in a *halachah leMoshe miSinai*.

But surely **intervening items** – **they are** mentioned **in the Torah!** Meaning, their halachah can be learnt from the Torah and therefore cannot be a *halachah leMoshe miSinai*.

For it is written (*Vayikra* 15:16): “And a man, if semen issues from him. **Then, he shall bathe all his flesh in water**”.

And this verse is expounded as follows:

“In water – his flesh”. These phrases are juxtaposed. This teaches **that there should be no thing intervening between his flesh and the water** when he immerses himself.

“**In water**” – this teaches that he must immerse himself **in water of a mikveh** i.e. gathered waters. There is no need to look for a fountain of spring water, since the Torah does not use the words “in *living* waters”.

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“**All his flesh**” – this implies that he must immerse all his flesh at once. This teaches that he needs to immerse himself in **water, in which his whole body can enter**.

And how much are they, these waters in which he must immerse himself? **An amah by an amah** square, **with a height of three amot**.

And the Sages calculated the waters of the mikveh – in accordance with the above measurements – to be **forty se’ah**¹¹.

So we see that the halachah of intervening items is learnt from the Torah, rather than being a *halachah leMoshe miSinai*.

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The Gemara answers: **For this** following case, **the halachah leMoshe miSinai is needed** – **for the hair** of the one who immerses himself. To teach that his immersion is invalid, even if the intervening item or substance is only coming between his hair and the water. **And this is in accordance with Rabbah bar Rav Hunah**, who stated the halachah that hair invalidates immersion.

For Rabbah bar Rav Hunah said the following.

One hair that is **tied** up to itself (i.e. it is knotted) – **intervenes**. For the knot prevents water from reaching all the surface of the hair.

But **three** hairs that became tied together **do not cause intervention**, since the knot is not so tight as to prevent the entrance of water.

¹¹ A se’ah is 2.2 gallons or 8.3 liters

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Whereas regarding **two** hairs that become tied together, **I do not know** if the knot is so tight as to prevent the entry of water, or not.

In any event, we see that hair can invalidate immersion.

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The Gemara raises a difficulty: But surely **his hair** needing immersion **is also a Torah law**. For we can learn two halachot from that verse above. Just as we see that there should not be an intervening item for his flesh, so there should not be one for his hair.

For it was taught in a Baraita: “**He shall bathe all his flesh** (*et kol besaro*)”. The addition of the word *et* teaches us that he needs to immerse also **that which accompanies his skin – and this is the hair**.

So we see that the source of the halachah regarding hair is also in the Written Torah.

The Gemara answers. **When the halachah leMoshe miSinai came** to teach us about hair, it was not to inform us about the basic halachah. Rather, it was to inform us about the following details of the halachah: **For the majority** of hair and **for its minority; and for the one who is particular and for the one who is not particular. And this is in accordance with Rabbi Yitzchak**.

For Rabbi Yitzchak said: The following is **a matter of the Torah** transmitted orally as a *halachah leMoshe miSinai*.

- A) Something that intervenes between **the majority** of his hair and the water he is immersing in, **and he is particular about it** (i.e. he is displeased by the presence of the intervening object or substance) – **it causes intervention** and thus invalidates the immersion.

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- B) **But if he is not particular about it – it does not cause intervention** and the immersion is valid in spite of the intervening thing.
- C) **And they** the Sages **made an enactment regarding the majority** of his hair even **when he is *not* particular** about the intervening thing, that such an immersion is invalid. The Sages did so **because of** the similarity to the case of **the majority** of his hair when **he is particular**, where it is the Torah that regards it as an intervention.
- D) **And** they also made an enactment **regarding the *minority*** of his hair when **he is particular**. This they did **because of** the similarity to the case of **the *majority*** of his hair when **he is particular**.

*

The Gemara objects. **And let there be an enactment also regarding the minority** of his hair when **he is *not* particular**. **For** it is similar to the case of **the minority** of hair **when he is particular**.

Alternatively, let there be an enactment regarding the minority of his hair when he is not particular, **for** it is similar to the case of **the *majority*** of hair **when he is not particular**.

The Gemara answers: **That itself** – a minority of hair which he is particular about, or a majority which he is not particular about – **is** invalid merely because of **a Rabbinic enactment**.

And should we arise and make an enactment on top of another enactment?

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The Gemara raises another difficulty with saying that the halachah of intervening items is a *halachah leMoshe miSinai*.

But surely **intervening items, they are mentioned in the Torah!**

For the Master said: The Ark of the Tabernacle (*Mishkan*) measured **nine** *tefachim* high. This is derived from the verse (*Shmot*¹² 25:10): “And they shall make an ark...one and a half *amot* in height”. (Each *amah* is six *tefachim*). **And the cover** (*kapporet*) **of the Ark** was **a** *tefach* in thickness (see Gemara *Succah* daf 5a). **So we have here** a total of **ten** *tefachim*.

Now, we know that the Shechinah¹³ descended to a height of merely ten *tefachim* above the ground. For in the following verse (*ibid* 22), Hashem says to Moshe Rabbeinu¹⁴: “And I will be appointed for you [to speak to you] there. And I will speak to you from above the cover of the Ark...” This implies that the Shechinah will be positioned just above the Ark, and will speak to Moshe from there.

And we further know that the Shechinah never came down to the ground. For the verse states (*Tehillim*¹⁵ 115:16): “The Heavens are the Heavens of Hashem, but the earth, He gave to the children of men”. This implies that the earth is not the domain of the Shechinah.

Thus we may conclude that a height above ten *tefachim* is not the “domain of the earth”, but rather a separate domain. Therefore, the height of ten *tefachim* intervenes between domains. For a domain to be considered separate, it is sufficient to make a separation of ten *tefachim* in height, since such a height constitutes an intervention.

¹² Exodus

¹³ The Divine Presence

¹⁴ Our teacher Moses

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We see that the concept of intervention is implicit in the Written Torah, so it cannot have been transmitted only as a *halachah leMoshe meSinai*!

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The Gemara answers: **It** the *halachah leMoshe miSinai* **is only needed for Rabbi Yehudah's** statement.

For he said: The *amah* of the building of the Tabernacle – e.g. the *amot* measure of the beams and the curtains – is calculated **with the *amah* of six *tefachim***. And **the *amah* of the vessels** (such as the Ark) of the Tabernacle is calculated **with the *amah* of five *tefachim***.

So, according to this, the total height of the Ark is only eight and a half *tefachim*. (Seven and a half for the Ark itself and one for the cover). And we would not be able to learn from here that ten *tefachim* intervenes. Therefore, we need the *halachah leMoshe miSinai*.

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The Gemara poses a difficulty with this. **And according to Rabbi Meir, who said: All the *amot* that are mentioned regarding the Tabernacle are calculated with an average *amah***. (An “average *amah*” is six *tefachim*). He holds that ten *tefachim* is the height of the Ark with its cover. **What is there to say?** Meaning, there is no need for a *halachah leMoshe miSinai* to teach the concept of intervention, for according to Rabbi Meir's approach this can be derived from the Written Torah.

The Gemara answers: **According to Rabbi Meir, when the *halachah leMoshe miSinai* came**, it was to teach the following details:

¹⁵ Psalms

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- A) **For “*gud*”**. This refers to two halachot. One is the halachah that “a partition (halachically) extends upwards (to the airspace above it)”. And the other is the halachah that “a (hanging) partition extends downwards”.
- B) **And for “*lavud*”**. This is where we treat small gaps as halachically non-existent. For instance, if someone made a partition of reeds placed at gaps of less than three *tefachim*. We apply the law of *lavud*, and treat the partition as if it were completely closed. We look at the gaps as if they had been filled in with extra reeds. (The word *lavud* is similar to “a branch” i.e. something short, to which one adds and extends).
- C) **And for “a concave wall”** of a succah. (This was explained above on 3b). In brief, this is where we treat invalid *s’chach*, situated less than four *amot* from the wall of a succah, as if it were part of the wall.

The scholars of the study hall enquired about the halachah regarding the space between the floor and the roof of an alleyway.

If **it** the space **was higher than twenty *amot***, thus invalidating a crossbeam that had been placed there. **And one comes to reduce it**, the space, by way of raising the floor underneath the crossbeam. **How much must he reduce it?**

At this point, the Gemara understands that the question is: How much must he reduce the space in order for the beam to be valid?

PEREK 1 – 4B

The Gemara is puzzled. What is the doubt inspiring the question: “**How much must he reduce it**”? Surely it is obvious that one must reduce **as much as he needs to** in order that the space of the alleyway should not exceed twenty *amot*!

The Gemara clarifies. **Rather**, this was their question.

Regarding the surface of the ground under the crossbeam that is being raised up in order to reduce the entrance space: **Its width, how much** need it be? What is the minimum width requirement of the surface?

Rav Yosef said: It is sufficient for **a tefach** of the surface to be raised up, corresponding to the *tefach* width of the crossbeam above it. (See Diagram 1).

Abaye said: **Four tefachim** of the alleyway ground needs to be raised up – this being considered a halachically significant area. (See Diagram 2).

*

The Gemara discusses the point over which Rav Yosef and Abaye differ.

Let us say that they are differing over this:

That the one who said a tefach is sufficient (Rav Yosef) **holds that it is permitted to use** (i.e. carry) **under the beam**. Therefore, the crossbeam above remains sufficiently noticeable for the people standing under it, since the space does not exceed twenty *amot*.

CHAVRUTA

EIRUVIN – DAF HEH

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

But the other one (Abaye), **who said** that **four** *tefachim* of the alleyway ground needs to be raised up, **holds** that it **is forbidden to use** i.e. carry **under the crossbeam**.

According to Abaye, the area of the alleyway within which one may carry begins from the internal edge of the section of ground directly under the crossbeam. Therefore, there needs to be a visual reminder for those who are carrying in the actual alleyway itself, to know until where they may carry.

Since the area under the crossbeam cannot be used for carrying, we now need an area that is halachically considered “a significant place” in order to demarcate it. This measure is four *tefachim*.

This is the clarification of the disagreement as to whether it is permitted to carry under the crossbeam:

All agree that a crossbeam at the entrance validates the alleyway. For we treat the crossbeam as a roof that covers the edge of the alleyway. And we have a rule that “the edge of a roof descends and closes up”. Therefore the crossbeam is considered a partition.

And it is in this matter that they disagree:

Do we regard the *outside* edge of the crossbeam as if it is a wall that descends, halachically closing up the alleyway from the outer side of the crossbeam? This means that it would be permitted to carry under the crossbeam, since it is contained within the partition.

PEREK 1 – 5A

Or do we say that it is the *inside* edge of the crossbeam that descends and closes up the alleyway? This would mean that the area under the crossbeam is outside the partition. Thus it would be forbidden to carry there.

*

Now the Gemara rejects the above explanation of Rav Yosef's and Abaye's views. **No.** This was not their point of disagreement.

Rather, we could say that **everyone holds that it is permitted to carry under the crossbeam** at the entrance to the alleyway.

And it is in this that they are disagreeing:

One **master** (Rav Yosef) **holds** that the Sages required **a crossbeam because of** the need for **a visual reminder**.

When people see the crossbeam they will realize that they are in an alleyway. Thus they will not mix up the alleyway, a private domain, with the public domain outside where it is forbidden to carry. For the purpose of a visual reminder, it is sufficient to raise a one-*tefach* area of the ground under the crossbeam so that the distance to the crossbeam will be less than twenty *ammot*. Thus the crossbeam will be noticeable to the eye.

And the other **master** (Abaye) **holds** that the Sages required **a crossbeam because of** the need for **a partition**. And we treat the outside edge of the crossbeam as if it descends and closes up the alleyway like a partition.

And according to Abaye, the halachah of “partitions descending” cannot be applied above twenty *amot*. Therefore the Sages regard a crossbeam higher than twenty as invalid for the alleyway, since it cannot be a partition.

PEREK 1 – 5A

Furthermore, Abaye requires an area of four *tefachim* in which the proper height exists. For a partition that is made for an area less than four *tefachim* is not valid. (According to Rashi, this is because a private domain cannot be less than four *tefachim*).

*

Or if you wish, I could say: That everyone agrees that a crossbeam is because of need for a visual reminder. Therefore a crossbeam higher than twenty is invalid because it is not immediately visible. And everyone agrees that it is permissible to carry under a valid crossbeam.

And here, the subject of dispute is **regarding** the area needed for **the visual reminder below**. (When the height is reduced by bringing up the level of the ground below, then the visual reminder will be intended for those people standing in that raised area). The question is whether one *tefach* is a sufficient area below, like it is **regarding the visual reminder above** (the crossbeam). It is over this point that **they are in disagreement**.

That one master (Rav Yosef) **holds** the view: **We say** that “**the visual reminder below**” for the people standing on the raised area needs to be a *tefach*. This will make it **like “the visual reminder above”** which must be a *tefach*.

And the other master (Abaye) **holds: We do not say** that “**the visual reminder below** must be **like the visual reminder above**”. They are not comparable. The crossbeam above requires only a *tefach*, since this amount renders it noticeable to *everyone*. But the requirement for a visual reminder is not fulfilled if it is only noticeable to the people standing below on a small area of a *tefach*.

Rather, according to Abaye, we require a visual reminder that extends over an area considered a “significant place”. This is a measure of four *tefachim*.

PEREK 1 – 5A

*

Or if you wish, I could say: That everyone agrees that we say that it is sufficient if the visual reminder below is a *tefach*, like the visual reminder above.

But here it is regarding a Rabbinic decree acting as a safeguard for the one-*tefach* area. That **perhaps it will become reduced** to less than a *tefach* by the constant trampling of the alleyway users. It is regarding this safeguard that **they are in disagreement**.

Rav Yosef holds that the Sages did not make such a decree. Therefore a *tefach* is sufficient.

And Abaye holds that the Sages did make it. And since a *tefach* is not sufficient, we require an area that is considered a “significant place”. This is four *tefachim*.

A side post or crossbeam only validates an alleyway with a minimum height of ten *tefachim*. An alleyway’s partitions must be at least ten *tefachim* in height. Consequently:

Let us say that **it** the alleyway **was less than ten *tefachim*** in height. **And then one dug it out** to a depth that was sufficient **to complete it to a height of ten *tefachim***. **How much should he dig out?**

The Gemara at first assumes that the question is about the *depth* of the dug-out section.

Therefore the Gemara is puzzled: **“How much should he dig out?”** Surely, **however much that he needs** in order to complete the height to ten *tefachim*!

PEREK 1 – 5A

Rather, the question is as follows: **Its** the pit's **extension, how much?** What *length* does the dug-out section of the alleyway need to be?

Rav Yosef said: It is sufficient to dig out **with** a measure of **four *tefachim*** into the alleyway (see illustration).

Abaye said: One needs to dig out **with** a measure of **four *amot*** into the alleyway (see illustration).

Here, the low walls of the alleyway are not considered valid partitions until they are ten *tefachim* high. Whereas above, in the case where the crossbeam was higher than twenty *amot* a smaller adjustment was required—since the only thing missing was a visual reminder.

*

The Gemara discusses the disagreement over how much of the alleyway to dig out: **Shall we say that it was in respect to** the statement of **Rabbi Ami and Rabbi Asi that they were in disagreement?** For Rabbi Ami and Rabbi Asi both held that four *tefachim* is the minimum length of an alleyway that one may carry in on Shabbat.

The Gemara is now suggesting that Rav Yosef, who said that it is sufficient to dig out four *tefachim* of the alleyway, holds of the view of Rabbi Ami and Rabbi Asi. But Abaye disagrees.

For it was said, regarding an alleyway that has breach of less than ten *amot* in one of its walls. Such an alleyway is in most cases still regarded as normal. A breach of less than ten *amot* does not pose a Halachic problem, for it is treated as a regular opening. Therefore the alleyway is valid, provided there is a crossbeam or a side post.

PEREK 1 – 5A

Even if the breach creates another opening to the public domain, the alleyway is nevertheless still validated by way of the side post or crossbeam at the main entrance. For only that opening is deemed “the entrance of the alleyway”.

There is an exception, however, if **the alleyway was breached from its side**, i.e. in the wall that runs along its length, and the breach was **towards its end** i.e. near the proper entrance. For then the side post or crossbeam will not help, even if the breach is less than ten *amot*.

For we are concerned that people will use the breach as a shortcut to enter the alleyway, rather than use the proper entrance. Thus the status of the alleyway’s proper entrance will be lost, and the side post or crossbeam that are there will be worthless.

Concerning such an alleyway, **it was stated in the name of Rabbi Ami and Rabbi Asi** how it is possible to maintain the effectiveness of the crossbeam or side post:

It is effective **if there is left there**, from the wall that was breached, **a strip of four tefachim** next to the end of the alleyway. On this strip, rests the entrance crossbeam at its edge. Thus the breach only occurs after the strip.

The strip thus **permits** carrying in the alleyway by way of the side post or by way of the crossbeam that is resting on it. This is **in a case of a breach up to ten amot**. (See illustration).

Since four *tefach*’s length of valid alleyway remains, thanks to this strip of wall, the main entrance to the alleyway maintains its status as an entrance to this area of the alleyway, even if people also use the breach to enter through.

But if not, if there is no such strip of wall, then the side post and crossbeam are ineffective. For four *tefachim* is the minimum size of an alleyway.

PEREK 1 – 5A

This is not the case if the width of the breach is **less than three** *tefachim*. Then, the small strip of remaining wall still **permits** carrying in the alleyway. For we apply the halachah of *lavud* (which states that a gap of less than three *tefachim* is treated as filled in).

Thus, if the width of the breach is **three** *tefachim* or more, then **it** the small strip of wall next to the side post or crossbeam **does not permit** carrying in the alleyway.

*

We see from the above that Rabbi Ami and Rabbi Asi hold that the minimum length of an alleyway is four *tefachim*. Therefore, we could say the following:

Rav Yosef, who holds that the length of the alleyway that must be dug out is four *tefachim*, **agrees with** the view **of Rabbi Ami** and Rabbi Asi.

And **Abaye disagrees with** the view **of Rabbi Ami** and Rabbi Asi. Rather, he holds that four *amot* is the minimum length for an alleyway.

The Gemara rejects this proposition.

Abaye could say to you: I agree with Rabbi Ami and Rabbi Asi. For **there**, in the case of a breached alleyway which requires only four *tefachim* of length, it was **“at the end of” the alleyway**, i.e. after the alleyway already existed. In other words, before the breach occurred, there was a valid alleyway. Thus the strip of four *tefachim* is needed only to preserve the status of an already existing alleyway.

But **here**, my case is one of an alleyway whose walls were less than ten *tefachim* in height. Thus the alleyway never was valid. And when one digs out the ground, it is at **“the beginning of the alleyway”** i.e. before an alleyway had been created.

PEREK 1 – 5A

Therefore, only **if there is four *amot*** – yes, the alleyway is valid. But **if not**, if the ditch does not extend four *amot*, then **no**, the alleyway is invalid. Four *amot* is the length needed for an alleyway.

*

Abaye said: From where can I prove it, that the minimum length of an alleyway is four *amot*?

For it was taught in a Baraita: **An alleyway is only permitted** for carrying in, **with a side post or crossbeam, when there are** at least two **houses** opening into each courtyard. **And**, further, there needs to be at least two **courtyards opening into it** the alleyway.

Abaye deduces from this: **And if** you were to say that **with** the small length of **four *tefachim***, an alleyway is valid – **how could you find it** i.e. the case referred to by the Baraita? How could two courtyards, each with a minimum entrance-width of four *tefachim*, open into an alleyway that itself only measures four *tefachim* in length? Note that an entrance requires side posts, which also occupy space. This leaves not enough for the alleyway's walls.

And if you say that there is the case of an alleyway of four *tefachim* in length, but greater than eight *tefachim* in width: **for**, in such a case, **one** could have **opened** two courtyard entrances **into it, by way of the middle eight-*tefach* wall** of the alleyway.

But one cannot say this, because **Rav Nachman said: We have a tradition – What type of alleyway becomes permitted** for carrying in **by a side post or crossbeam?**

Any alleyway **that** fulfills the following conditions:

A) **Its length is greater than its width**, rather than being square;

PEREK 1 – 5A

B) **And** which has at least four **houses** – two houses in each of two courtyards;

C) **And** which has at least two **courtyards** of at least two houses each that **open into it**.

If, however, its length is not greater than its width, then it is termed a courtyard and not an alleyway.

*

But Rav Yosef could reject this proof, and say the following:

In truth, there is a case where two courtyards could open into an alleyway of just four *tefachim* in length.

For instance, **where he opened** the courtyard entrances **in the corner**, where the lengthwise wall of the alleyway meets the widthwise wall. Thus, part of the entrance opens into the length of the alleyway, and part opens into the width. (See illustration).

*

Abaye said a second proof that an alleyway's minimum length is four *amot*: **From where can I prove it**, the minimum length of an alleyway?

From **that which Rami bar Chama said in the name of Rav Huna**, about the following case:

PEREK 1 – 5A

Someone extended the lengthwise wall of the alleyway, and he made it into **a side post that protrudes**, widthwise, **from the wall of the alleyway**, at the end. This he did not do for the purpose of making a halachic side post, to validate the alleyway.

If it projects out **less than four *amot***, which is the minimum length of an alleyway, then **it** the protrusion **is judged as a side post**. Thus, it is permitted to carry in the alleyway. **And it** the alleyway **does not need another side post to make it permissible** for carrying in. This is so, even though his intention had not been to make a side post.

If, however, the protrusion extends **four *amot***, which is the minimum length of an alleyway, then **it** the side post **is judged as** the wall of the **alleyway**. It is not treated as a side post, **and it** the alleyway **needs another side post to make it permissible** for carrying in (see illustration).

We thus see that the minimum length of an alleyway is four *amot*, as Abaye had said.

*

But Rav Yosef could reject this proof as well, and say: **To exclude** a projection **from being considered a side post**, this is not **until there is** a size of **four *amot***.

Whereas **to create** a halachically valid **alleyway**, even four *tefachim* would also be considered **an alleyway**.

Regarding the statement **itself** that was quoted above: **Rami bar Chama said in the name of Rav Huna: A side post that protrudes from the wall of the alleyway**, which is...

PEREK 1 – 5B

AMMUD BET

...less than four *amot* in size, is judged as a side post. And it does not need another side post to make it permissible for carrying in. But if it is four *amot*, it is judged as the wall of the alleyway, and it needs another side post to make it permissible for carrying in.

The scholars of the study hall posed an inquiry. Regarding **that other side post** that is needed to validate the alleyway, **where does one place it?**

If he puts it the side post **against it** the projection, then **he is merely adding to it** to the projection. The side post will then become nullified to the projection, which is regarded as part of the wall, not as a side post (see illustration 2).

Therefore **Rav Pappa said:** It is **that one puts it on the other side** of the entrance. (See illustration 3).

Rav Huna, the son of Rav Yehoshua said the following. **Even if you say that he puts it** the side post **against it** the projection, it could also be valid. For instance, **where he adds to it**, the projection, in thickness (illustration 4) or in height (illustration 5). Thus the side post is taller or thicker than the projection. **Or where he reduces it** in height or thickness. In this way, the side post is recognizable on its own.

*

Rav Huna, the son of Rav Yehoshua said the following. We said that a protrusion extending out four *amot* is treated as a part of the wall. Thus another side post is required to validate the alleyway. **This was only stated regarding an alleyway** with an entrance

PEREK 1 – 5B

of eight *amot* or more in width. But an alleyway of seven i.e. any amount up to eight *amot*, does not need a side post, for the following reason.

It is anyway **permitted** to carry in such an alleyway, **by way of the closed-in area being greater than the open area** in the entrance, which forms the fourth side. Thus the entrance is regarded as if it is completely closed, and there is no need for a side post or crossbeam at all. (See illustration 6).

And this law is derivable from a *kal vachomer*¹, from the case of a square courtyard. (Or a courtyard whose width exceeds its length)².

Since a courtyard, which does not become permitted for carrying in **by way of a side post or crossbeam**³, yet it becomes permitted **by way of the closed-in area being greater than the open area**—

Then is it not logical that an alleyway, which indeed becomes permitted **by way of a side post or crossbeam**, should become permitted **by way of the closed-in area being greater than the open area**?

*

The Gemara now refutes the *kal vachomer*.

It is true that a courtyard is treated more stringently than an alleyway, in that a courtyard can only be validated by a board of four *tefachim*.

However, the halachah of a courtyard can still be described as lenient, in a different way. For it can have a breach in one of its walls measuring ten *amot* without being

¹ A logical inference using *a fortiori* reasoning

² A courtyard whose length exceeds its width, is validated with a side post or crossbeam – like the alleyway. (Daf 12b).

PEREK 1 – 5B

invalidated⁴ (see illustration). Thus, **can you say** that the halachah of **an alleyway** is altogether more lenient than that of a courtyard, **when** we see that the amount of **its breach** is limited to **four tefachim**⁵, more than which the alleyway is invalid, and a side post or crossbeam will not be effective? (See illustration)

*

The Gemara answers the supposed refutation of the *kal vachomer* (thus reinstating the *kal vachomer*).

Rav Huna the son of Rav Yehoshua, who stated the *kal vachomer*, **holds** that **an alleyway also** remains permitted when **its breach** in its wall **is** even **ten amot** (not four *tefachim*, as we had previously assumed). This is in accord with the statement of Rav Chanin bar Rava in the name of Rav, on *daf* 6a.

The Gemara is puzzled by this.

According to who are we saying that it is valid when the majority of the wall is left standing, through the *kal vachomer*? **According to Rav Huna**. For note that this whole discussion relates back to a statement of “Rami bar Chama said in the name of *Rav Huna*”.

But surely Rav Huna himself **holds** (on *daf* 6a) that **its breach** in the wall of the alleyway invalidates the alleyway **with** a measure of only **four tefachim**, not ten *amot*! Therefore, an alleyway is indeed treated more stringently than a courtyard⁶, in this respect. Consequently, there is no *kal vachomer* from the case of a courtyard.

*

³ Unless a board of four *tefachim* is placed at the entrance.

⁴ Provided the remaining wall measures more than the breach

⁵ According to Rav Huna on *Daf* 6a

⁶ For a courtyard is valid even if breached ten *amot*.

PEREK 1 – 5B

The Gemara answers:

Rav Huna, the son of Rav Yehoshua, had said that a side post of four *amot* validates an alleyway, if the remaining wall is greater than its breached area. But he was not explaining the statement of Rav Huna, as if to say that Rav Huna would agree to this.

Rather, **he was stating his own position.**

And when he said above, “This was only stated regarding an alleyway of eight...” he meant: *It is logical* to apply the halachah of Rav Huna to an alleyway measuring eight *amot*. But it is not logical to apply the halachah to an alleyway of seven *amot*.

Rav Ashi said: Not only is it true that carrying is allowed in an alleyway with a seven-*amot*-wide entrance, when it has a four-*amot* side post⁷, but **you can even say** carrying is allowed **in an alleyway** where the entrance is **of** exactly **eight** *amot* in width. And there is **no need for another side post** to make it valid.

For it is highly improbable that the alleyway is *exactly* eight *amot* wide. If so, **whatever** way **you wish** to look at it, the alleyway is permissible.

For **if** the side post is more than half of the entrance, then **the closed-in area is more** in width. Then, **it** the alleyway **is permitted by way of the closed-in area being greater than the open area.**

And if the side post is less than half, and **the open area is greater**—this is also permitted, since the size of the protruding side post ensures that it **is judged as a valid side post.**

What do you want to **say**, in order to prohibit carrying in the alleyway? Perhaps it might happen that the side post is precisely half, with the result **that both** the closed-in area and the open area **are equal to each other?**

⁷ For the reason that the walled area exceeds the gap

PEREK 1 – 5B

In any event, **it would be an uncertainty** in a matter of **Rabbinic law**. **And** the Halachah states that in a case of **an uncertainty in Rabbinic law**, we **are lenient!** Therefore it is permitted to carry in such a case.

Rav Chanin bar Rava said in the name of Rav: An alleyway that had been rectified with a side post or crossbeam, and subsequently its wall **became breached...**

CHAVRUTA

EIRUVIN – DAF VAV

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

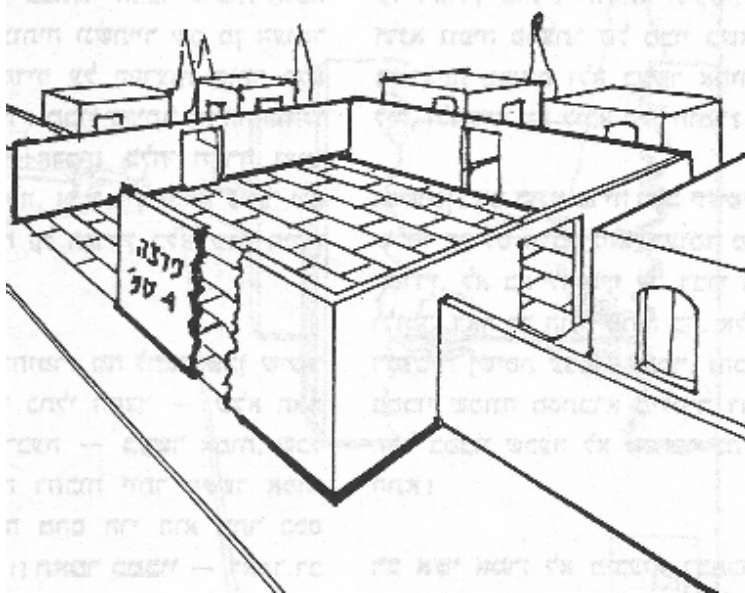
[**Rav Chanin bar Rava said in the name of Rav: An alleyway that had been rectified with a side post or crossbeam, and afterwards its wall became breached** (case #1):]

If it was breached **from the side** of the alleyway¹, one may carry in the alleyway, so long as the breach is **of ten amot** or less.² (view #1)

However, if the alleyway was wider than ten *amot* and people built a wall across its entrance to make the entrance less than ten *amot* wide, and that wall was breached so that the alleyway is breached **from its front** (case #2), a breach **of four tefachim** or more will forbid people from carrying in the alleyway. (see illustration³)

¹ Leaving four *tefachim* of wall towards the exit.

² Wider than that, the opening is not regarded as an entrance but a hole and it must be made smaller, or one can make a *tzurat hapetach* (The form of an entrance).



Breach of 4 *tefachim* in front of alleyway

PEREK 1– 6A

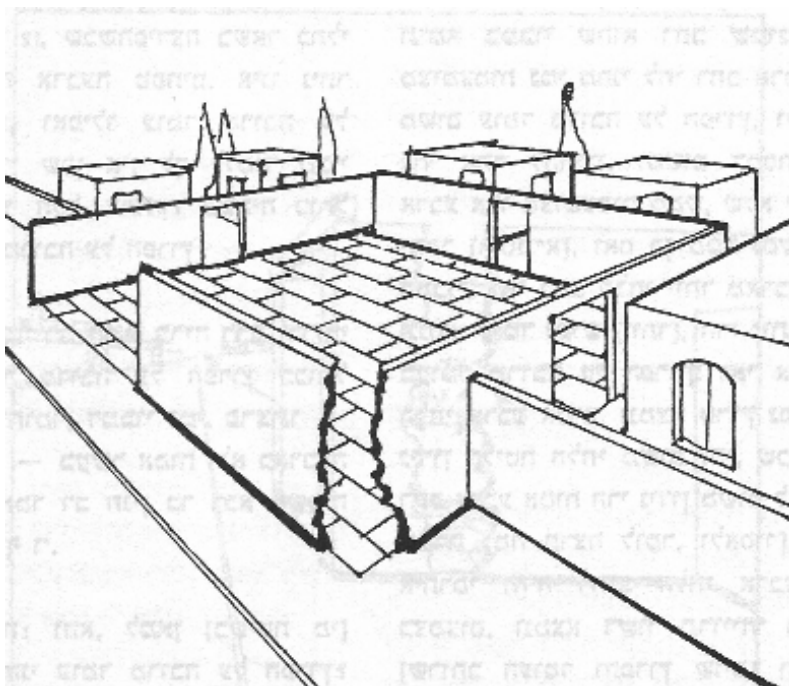
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The Gemara questions this law: **What is the difference** between a breach from the side (case #1) and a breach from the entrance (case #2)?

When the breach is **from the side**, it can be of **ten amot**, **because he** (the Tanna in the Mishnah 15b) **says** that a breach up to ten *amot* is regarded as **an entrance** and not as a hole in the wall.

If so, when an alleyway is pierced **from its front**, we should also say that **it is an entrance** if the breach is not more than ten *amot*.

The Gemara answers: **Said Rav Huna the son of Rav Yehoshua**: Case #2, of the breach at the front, is **when** the new wall **was breached in the corner** where it joins the alleyway (see illustration⁴). Part of the breach was in the new wall and part in the wall of the alleyway.



4

Breach from the corner

PEREK 1–6A

Because people do not make an entrance in a corner. Therefore we say that it is not an entrance but a hole, which invalidates an alleyway. Less than four *tefachim*, however, is regarded as an insignificant space.

*

And Rav Huna disagrees with view #1 (that holds that the breach from the side can be up to ten *amot*). He **says:**

Both this, a breach from the side (case #1), **and both that**, a breach from the front (case #2), invalidate the alleyway if they are **of four** *tefachim*. (view #2)

And so said Rav Huna (view #2) **to Rav Chanan bar Rava** (who said view #1 in the name of Rav): **Do not differ with me.**

Because Rav himself **came to Damcharaya and did an act** of invalidating four *tefachim* from the side, **in accordance with me.**

He (Rav Chanan bar Rava) **said to him** (Rav Huna): **Rav found an open valley and made a fence for it.** This is a metaphor, meaning that the people in Damcharaya were ignorant and tended to be overly lenient. Therefore Rav made a protective “fence” by ruling in a way stricter than halachah actually requires.

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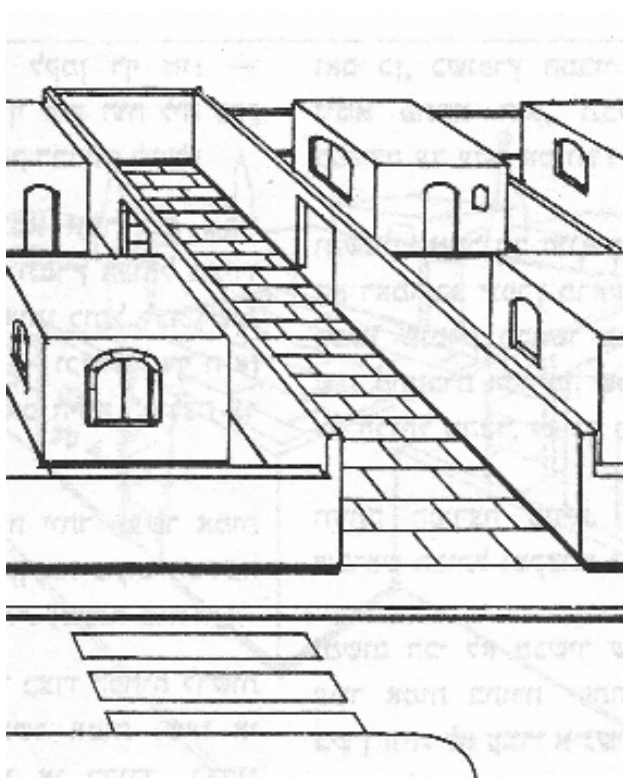
Said Rav Nachman bar Yitzchak: It stands to reason to say **like Rav Huna** (view #2).

Because it was stated:

PEREK 1– 6A

1) An alleyway that opens to the public domain at only one end is called a “*mavoi satum*” (a closed alleyway), and is adjusted to enable people to carry there by placing a side post or crossbeam at its entrance to the public domain (see illustration⁵).

2) An alleyway that is open at both ends to the public domain is called a “*mavoi mefulash*” (an open, or “through” alleyway), and needs to have a *tzurat hapetach*⁶ at one end to “close” it, plus a side post or crossbeam at the other end. (see illustration⁷)

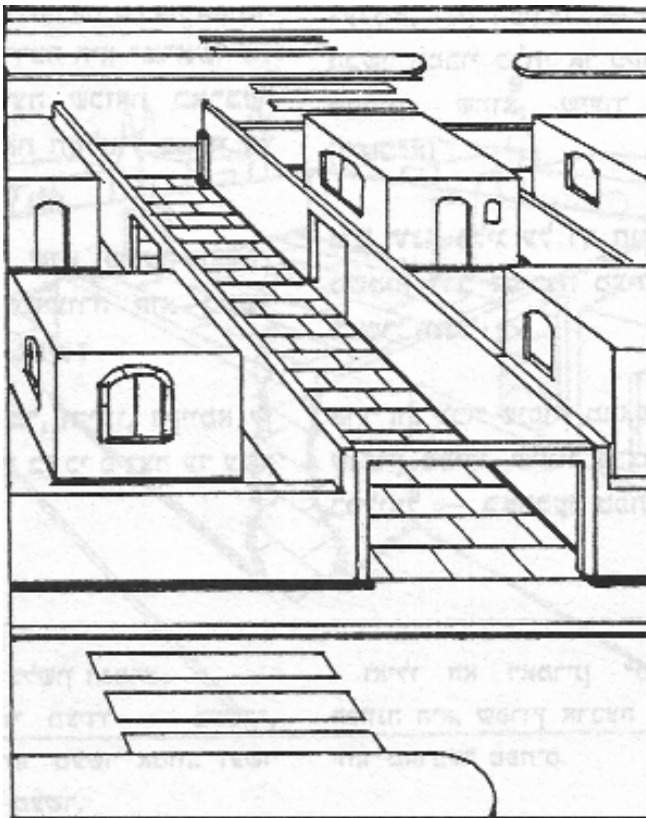


⁵

Closed alleyway (*mavoi satum*)

⁶ The form of an entrance. On the next *ammud*, there is an opinion that a *tzurat hapetach* is not good enough and that one needs a door.

PEREK 1– 6A



Through alleyway (*mavoi mefulash*)
with *tzurat hapetach* at one entrance

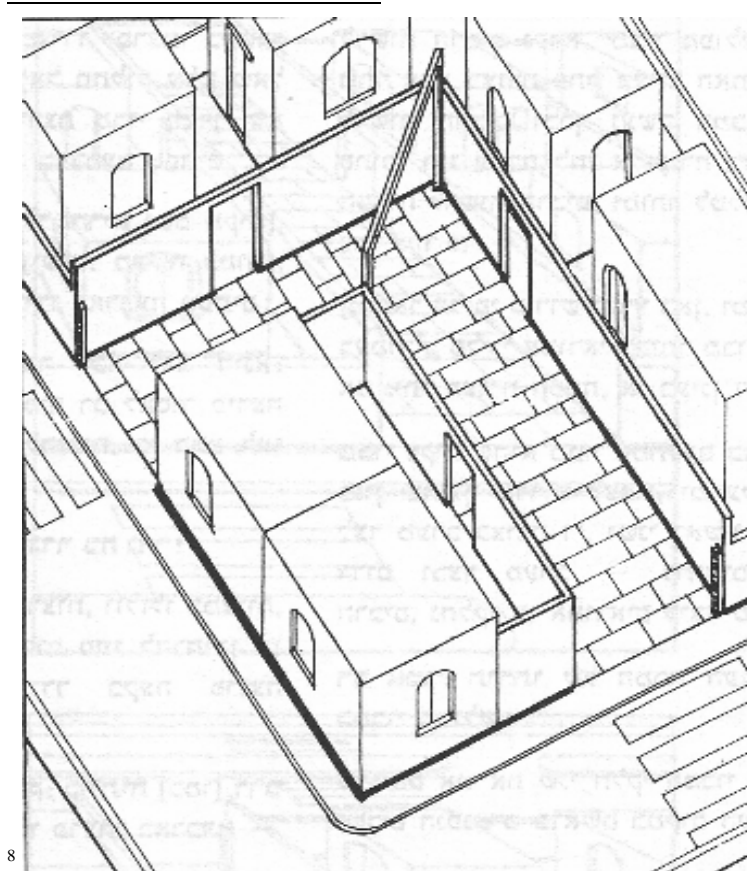
PEREK 1– 6A

What is the law of a *mavoi akum* (a bent alleyway), that has both ends open to the public domain? (see illustration⁸)

Rav said: Its law is like a through alleyway.

Because when the two sections of the alleyway meet at the bend, they each are judged as having reached a public domain at the bend. Therefore one must make one *tzurat hapetach* at the bend, to adjust them both (see above illustration).

Then one makes a side post or crossbeam at the exit of each section where it reaches the public domain.



Bent Alleyway (*mavoi akum*)

PEREK 1– 6A

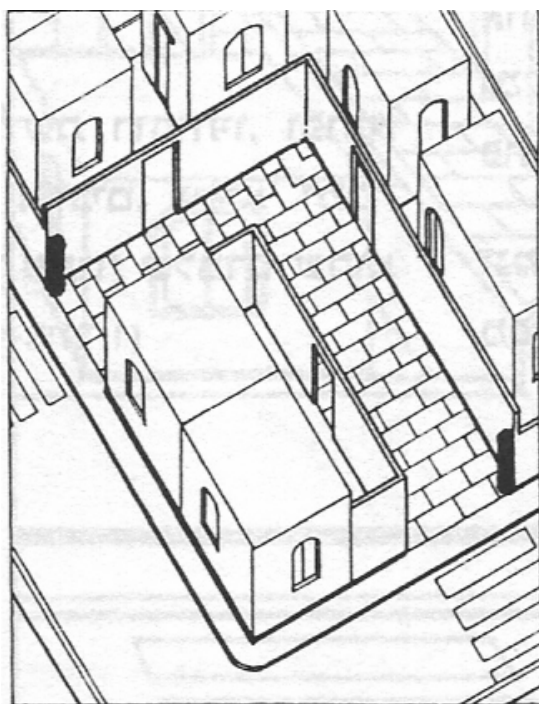
And Shmuel said: Its status is like a closed alleyway. Therefore, a crooked alleyway requires a side post or crossbeam at its exits to the public domain, and requires nothing at all at the bend. (Rashi cites, in addition, his Rabbi's view that Shmuel requires a side post at the bend—see illustration⁹).

The Gemara understands that Rav considers the crooked alleyway as a “through” alleyway because the bend is judged as a breach from the side, i.e. case #1, for each section. This is because each section of the alleyway continues from its entrance all the way up until the wall at its other end, opposite its entrance, and the other section thus breaks in from the side.

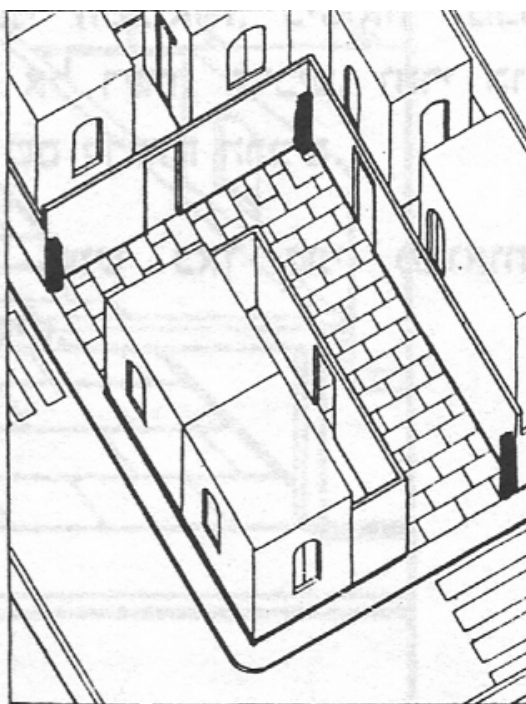
Therefore, the Gemara proves from this that a “breach from the side” is considered a hole and not an entrance, even if it is less than ten *amot* wide. Because:

What are we dealing with?

9



first explanation of Shmuel



second explanation of Shmuel

PEREK 1– 6A

If you say that the width of the alleyway at the bend is **of more than ten *amot***.

That is impossible, because:

In such a case, **would Shmuel say that its status is like a closed alleyway?**

If the bend is more than ten *amot* wide, it would no longer be regarded as a proper bend but rather as a curved continuation of the alleyway, and even Shmuel would agree that it is a through alleyway.

But no, we must say that the place at the bend is only **of ten *amot***.

And nevertheless, Rav said that **its law is like a through alleyway**.

Therefore, **you see** that **a breach of an alleyway from its side** invalidates the alleyway even if it is **of four *tefachim***. (see footnote)¹⁰

And Rav Chanan bar Rava (view #1- who said in Rav's name that a breach from the side only invalidates the alleyway if it is more than ten *amot* wide) will say that no proof can be drawn from Rav's statement about a crooked alleyway.

Because **there** it is **different, because many people go through it** (the bend) when they go from one section of the alleyway to the other. Therefore in that case, even less than ten *amot* is considered a hole and not an entrance.

*

¹⁰ A breach from four *tefachim* to ten *amot* has the same law: it is generally considered an entrance. So if a breach of ten *amot* invalidates an alleyway in a certain case, so will a breach from four *tefachim* on.

PEREK 1–6A

The Gemara challenges this last statement: **From that** which you said, that Rav Chanan bar Rava (view #1) was only lenient concerning a breach of ten *amot* in a case when *not* many people are going through the breach, we can see **that Rav Huna** (view #2), who disagrees with Rav Chanan, **holds that even though there are not many people going through** (for example in the case where the breach was truly from the side, or if the breach led to a dirty or dilapidated place), four *tefachim* will still be enough to invalidate the alleyway.

(Thus at this point in the discussion, the Gemara has concluded that views #1 and #2 agree when many are passing through the breach from the side, and only disagree in a case when not many people are passing through).

But that is problematic: Because **how is it different from that** statement of **Rabbi Ami and Rabbi Asi**, who explicitly said on *daf* 5a that an alleyway that is breached from the side (case #1) is *not* invalidated unless the breach is *wider* than ten *amot*?

This is not problem for Rav Chanan (view #1) because he only invalidates an alleyway with a breach from the side (case #1) that is wider than four *tefachim* if many people are passing through. Thus he can say that Rabbi Ami and Rabbi Asi are speaking of a case where *not* many people are passing through.

But this is a problem for Rav Huna (view #2), because he invalidates a breach from the side wider than four even if *not* many people pass through. So how will he explain the statement of Rabbi Ami and Rabbi Asi?

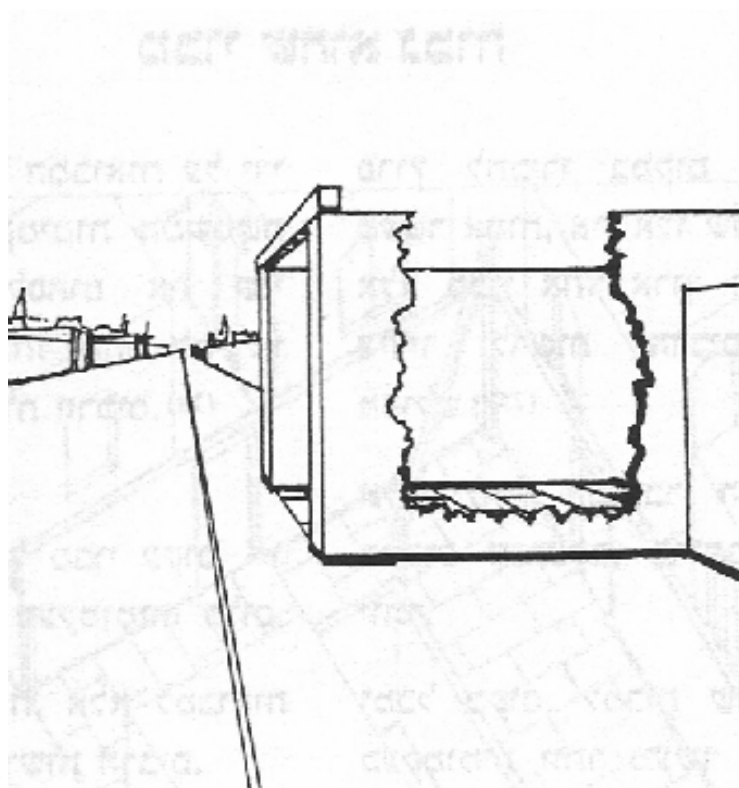
PEREK 1– 6A

The Gemara answers: Rav Huna will say: **There**, in the case of Rabbi Ami and Rabbi Asi, we are dealing with a case **that there are low walls** three or four *tefachim* high where the wall was breached (see illustration¹¹).

And these short walls make it so inconvenient to pass through the breach that it only invalidates the alleyway if the breach is over ten *amot* wide.

But **here**, in the case of Rav Huna, we are dealing with a case **that there are no low walls** and it is easy to pass through the breach. Therefore even though not many people pass through, Rav Huna holds that even a breach more than four *tefachim* invalidates the alleyway.

(Conclusion: There are three kinds of breaches from the side.



11

Breach with low walls remaining

PEREK 1–6A

1) If many people pass through – views #1 and #2 agree that any breach above 4 *tefachim* invalidates the alleyway.

2) If not many people pass through – view #1 invalidates the alleyway only if the breach is over ten *amot*. View #2 still invalidates anything over four *tefachim*.

3) If there are low walls in the breach – views #1 and #2 agree that the breach must be over ten *amot* to invalidate.)

How to make an *eiruv* in the public domain:

The Rabbis taught: How can one make an *eiruv*¹² in a road of the public domain (see illustration¹³)? In other words, how can one adjust a public domain, making it possible to make an *eiruv* there that allows people to carry?

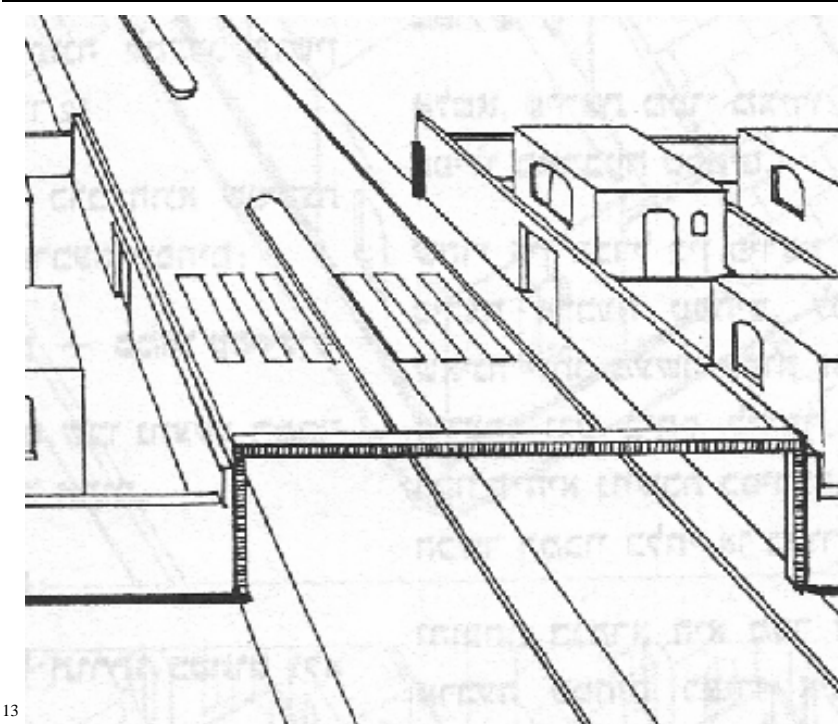
¹² That the co-dwellers of the area make joint ownership in an article of food and thereby symbolically combine (*me'arvim*) their ownership, as if the area belongs to a single person. They do this to permit carrying from their homes into the outside area on Shabbat.

PEREK 1– 6A

The first Tanna says: **One makes a *tzurat hapetach*¹⁴ over here** at one end of the area, **and a side post or a crossbeam over here** at the other end of the area (see above illustration).

Chananya says that the proper way to adjust a public domain is disputed by Beit Shammai and Beit Hillel:

Beit Shammai say: **One makes a door over here and a door over here** (see illustration¹⁵), **and when one goes out and in, one shuts** the door after oneself.



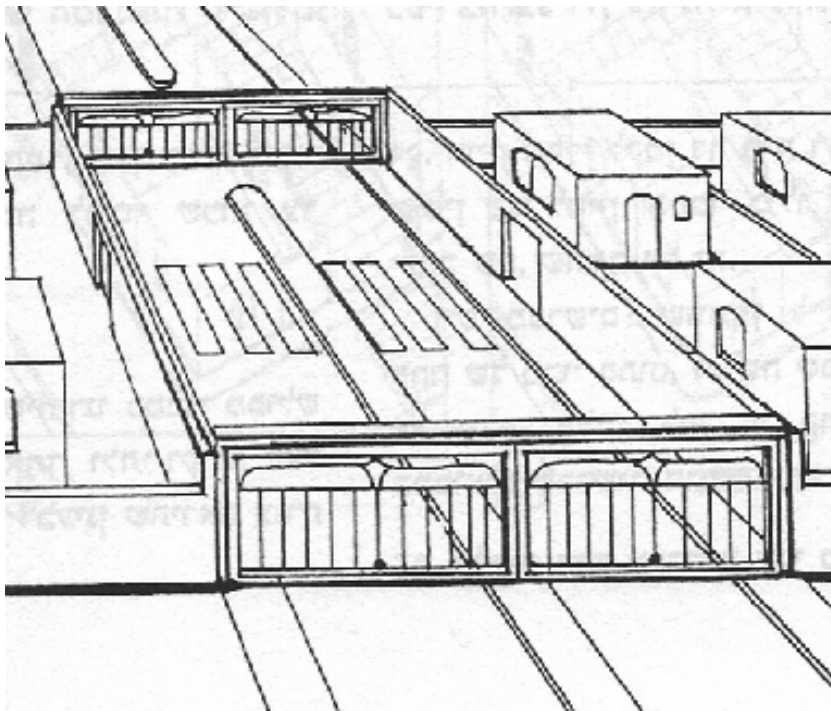
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Road of the public domain

¹⁴ Lit. The form of an entrance

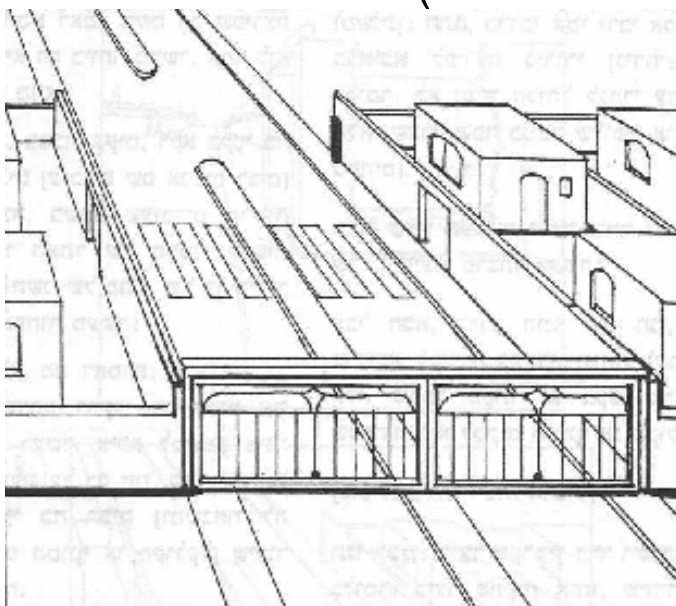
PEREK 1– 6A

Beit Hillel say: One makes a door over here and a side post or crossbeam over here, and does not need a door at both ends (see illustration¹⁶).



15

Road with 2 doors (view of Beit Shammai)



16

Road with 1 door (view of Beit Hillel)

PEREK 1 – 6A

The Gemara challenges the view of the first Tanna and of Beit Hillel:

And can one make an *eiruv* in the public domain with only a *tzurat hapetach*, or with only one door that may be left open?

But it was taught in a Baraita: More than this said Rabbi Yehudah:

Ammud Bet

I hold that just two walls are needed to render an area a private domain according to Torah law. Therefore: **Someone who has two houses on two sides of a public domain – he makes a side post here** (on one side of one of the houses) **and a side post there** (on the other side of that house), and then it is permitted to carry from one house to the other

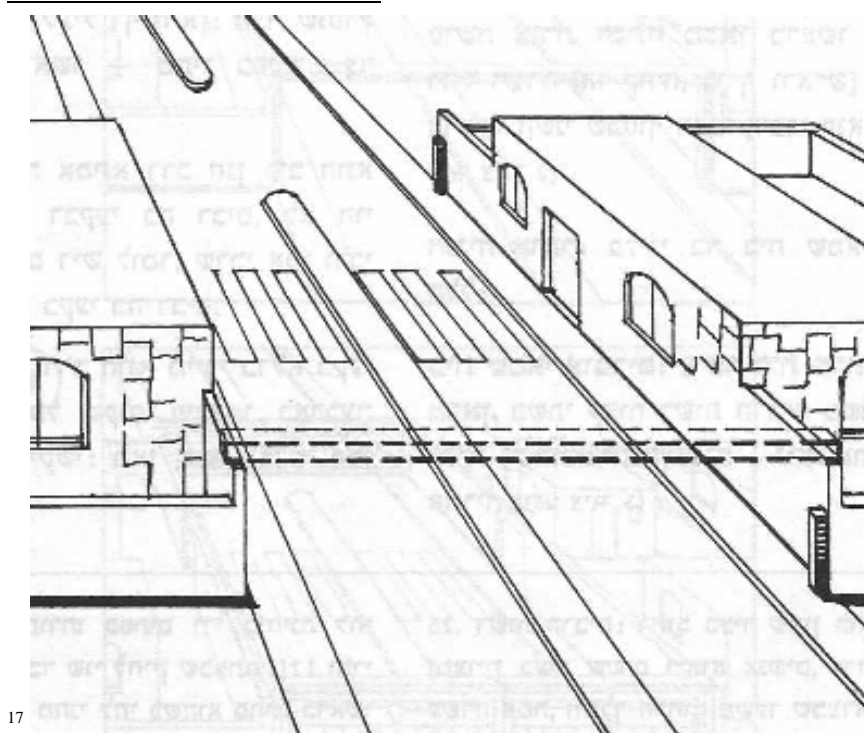
PEREK 1– 6A

(see illustration¹⁷). Since the walls of the houses are lining the stretch of street from both sides, it requires only the side posts to form a third partition, and then it is permitted to carry there.

Or he can place **a crossbeam here** (on one side of the two houses) **and a crossbeam there** (on the other side) and then **he can carry in the middle** i.e. in the area between the two side posts or crossbeams (see above illustration).

They (the Sages) **said to him** (Rabbi Yehudah): **One cannot make an *eiruv* for the public domain that way.**

We see that the Sages do not allow one to adjust the public domain with side posts or crossbeams. So how do the first Tanna and Beit Hillel allow it?



17

Two houses on two sides of a public domain

PEREK 1–6A

And if you say: It is only **in this way**—with two side posts or with two crossbeams—that **one may not make an *eiruv*** in the public domain.

But with a door on one side and a side post on the other, as Beit Hillel says, **one can make an *eiruv*.**

You cannot say that because:

But said Rabbah bar bar Channah said Rabbi Yochanan: Jerusalem, which is a public domain,¹⁸ **if not that its doors** at each end **were shut at night, one would be liable**¹⁹ for transgressing a Torah prohibition **concerning it**, i.e. if one carried there, **because of its status as a public domain.**

We see from this that shutting one door is not enough, and that the door at each end must be shut at night.

And also, Ula said: The gates of Mechuza, which had a public thoroughfare running between them, **if not that its doors are shut** at night, **one would be liable concerning them because of carrying in the public domain.**

As in the previous Baraita, this implies that we need a door at each end. So how can the first Tanna and Beit Hillel say otherwise?

The Gemara answers:

Said Rabbi Yehudah: The first Tanna of the Baraita and Beit Hillel are not talking about the public domain itself, but about an alleyway that connects two public domains.

¹⁸ Because its main street was 16 *amot* wide, it was open from end to end, and 600,000 people passed through it every day.

¹⁹ I.e. obligated to bring a sin-offering.

PEREK 1– 6A

And this is what it (the Baraita) is saying: How can one make an *eiruv* for alleyways that are “through” (i.e. open on both ends) to the public domain?

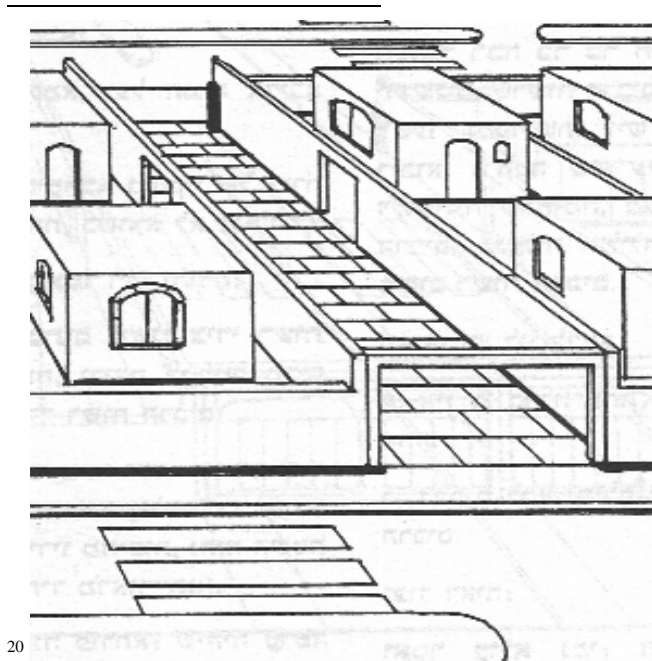
The first Tanna says: **One makes a *tzurat hapetach* over here at one end, and a side post or a crossbeam over here at the other end** (see illustration²⁰).

And Chananya then states that Beit Shammai and Beit Hillel dispute how to adjust this alleyway.

*

It was stated:

Rav said: The Halachah is in accordance with the first Tanna, that one may adjust such an alleyway with a *tzurat hapetach* at one end, and a side post or a crossbeam at the other end.



²⁰

Alleyway that connects two public domains

PEREK 1–6A

And Shmuel said: The Halachah is like Chananyah according to Beit Hillel, that we require a door at one end (i.e. a *tzurat hapetach* is inadequate), and a side post or crossbeam at the other end (see illustration²¹).

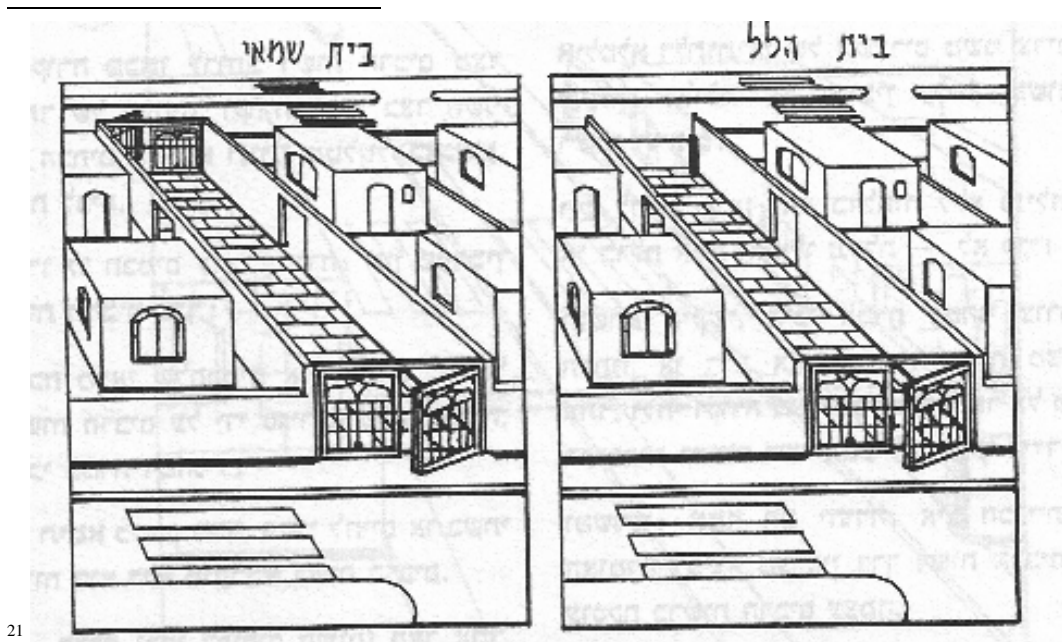
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They the scholars of the study hall **posed an inquiry: For Chananya according to Beit Hillel**, that one door is required—

Does one have to shut the door when one goes in and out, as Beit Shammai stated regarding the two doors that they require?

Or does one not have to shut?

The Gemara answers: **Come and hear** a proof, **for said Rav Yehudah said Shmuel: One does not have to shut** the door.



21

Beit Shammai

Beit Hillel

PEREK 1–6A

And so said Rav Matnah said Shmuel: One does not have to shut.

Some say: Rav Matnah did not say this in the name of Shmuel.

But Rav Matnah said: There was an incident that involved me, and Shmuel told me: One does not have to shut.

*

They also posed that same inquiry to Rav Anan:

Does one have to shut the door, according to Beit Hillel, **or does one not have to shut?**

He said to them: Come see the gates at the entrances to a certain alleyway that connects public domains **of** the city of Nahardea. **For they are buried until their middle in earth,** and cannot be closed at all.

And nevertheless, Mar Shmuel went in and out and did not tell them that anything was wrong.

Said Rav Cahana: That is no proof, because **those** gates of Nahardea **were half closed** and that is considered as closed.

When Rav Nachman came to Nahardea and saw those gates half buried in earth, **he said: Remove their dirt!**

Should we say, in the basis of this statement, **that Rav Nachman holds that one has to shut** the door?

PEREK 1– 6A

The Gemara rejects this inference: **No! Once they (the doors) are possible to close, even though they are not closed**, it is good enough.

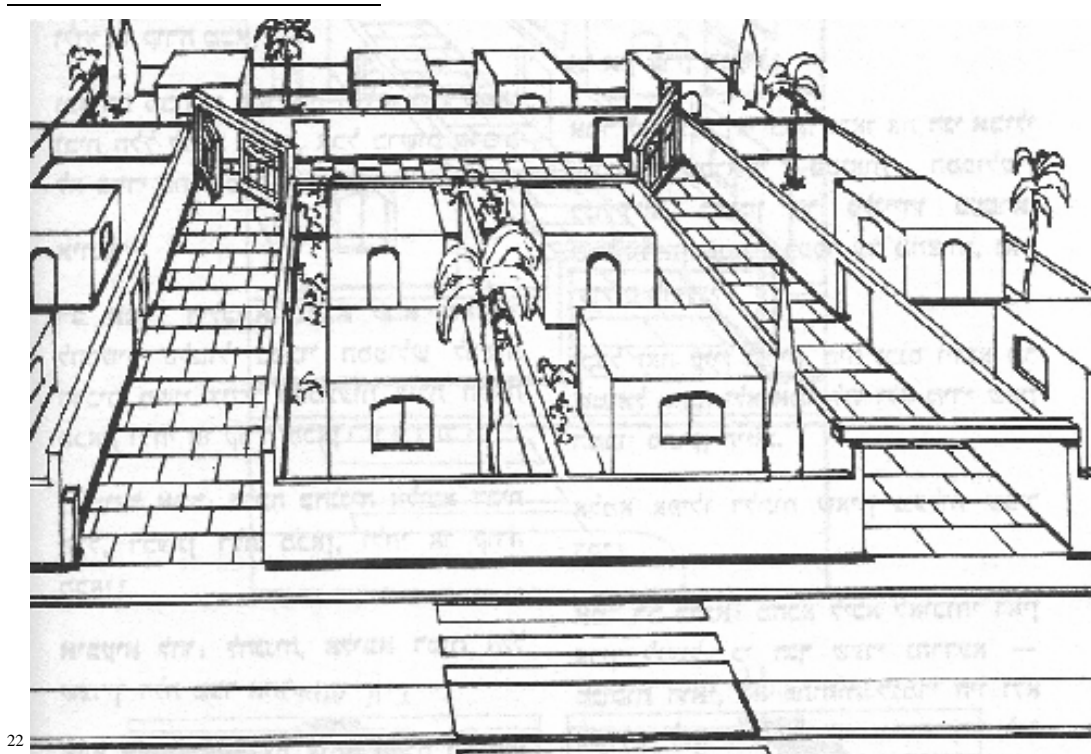
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There was a certain crooked alleyway that was in Nahardea. Unlike the crooked alleyway discussed earlier, this one had two bends, and bent back to the same public domain it came from (see illustration²²).

They applied to it both the stringency of Rav and the stringency of Shmuel.

And thus they required it to have doors, one at each bend, and a side post or crossbeam at the two ends where it met the public domain.

The Gemara now explains why both stringencies are involved:



22

Crooked alleyway of Nehardea

PEREK 1–6A

The stringency of Rav: For he said concerning a crooked alleyway, that **its law is like a through alleyway**, and thus it requires an adjustment like a through alleyway at its bend. Therefore this double-bended alleyway would require such an adjustment at both of its bends.

But Rav said that the Halachah is in accordance with the first Tanna who says that a through alleyway is rectified with a *tzurat hapetach* at one end and a side post or crossbeam at the other end, so why here did they require doors in the two bends of the bent alleyway of Nahardea?

Because they were also stringent **like Shmuel who said that the Halachah is in accordance with Chananya** according to Beit Hillel, who said that a through alleyway requires a door at one end and a side post or crossbeam at the other end.

But Shmuel said: Its law (of a crooked alleyway) **is like a closed** alleyway, and nothing at all is needed at the bends. So why were doors required?

Concerning this, they held **like Rav, who said: Its law is like a through alleyway.**

Thus they combined the stringency of Rav that the alleyway is considered through, and the stringency of Shmuel that we require a door.

*

The Gemara raises a difficulty: **And do we really act according to two stringencies?**

But it was taught in a Baraita: Halachah is always like Beit Hillel. And someone who wants to do like the words of Beit Shammai, may do so (the Gemara later points out

PEREK 1– 6A

that this contradicts the first statement). And someone who wants to do **like the words of Beit Hillel**, may do so.

But if in two connected cases, someone does **from the leniencies of Beit Shammai and also from the leniencies of Beit Hillel**, he is a **wicked person**. For he is transgressing both their views.

And if he does from the stringencies of Beit Shammai and also from the stringencies of Beit Hillel, concerning him the verse says: The fool walks in darkness because he doesn't know on whom to rely (see *Rashi, Rosh Hashanah* 15a).

Rather, a person should do **either like Beit Shammai in their leniencies and stringencies, or like Beit Hillel in their leniencies and stringencies**.

*

The Gemara raises a difficulty: **But** the Baraita **itself is difficult** and contradictory.

Because in the beginning, **you said: Halachah is always like Beit Hillel**.

And then you said: Someone who wants to do like the words of Beit Shammai, may do so.

The Gemara answers: This is **not difficult**.

Here, in the latter clause where it says one can follow either view, this applied **before the Heavenly voice** announced that Halachah is always like Beit Hillel (see 13b).

Here, in the former clause of the Baraita where it says Halachah is like Beit Hillel, this applies **after the Heavenly voice**.

PEREK 1–6A

And if you wish, I could say: This and that, both the first and second statement, are after the Heavenly voice.

CHAVRUTA

EIRUVIN – DAF ZAYIN

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

And it (the Baraita) **is** according to **Rabbi Yehoshua, who does not heed a Heavenly voice.** For the Torah says: “It [the Torah] is not in Heaven”, implying that only the sages of the Jewish people decide how to rule in Halachah (see *Bava Metzia* 59b and *Tosafot ad loc*).

*

And if you wish, I could say that Halachah is always in accordance with Beit Hillel, as the Heavenly voice announced, and indeed no one is permitted to act in accordance with the rulings of Beit Shammai.

And **this is what it** (the Baraita) **is saying: Wherever you find two Tannaim or two Amoraim that differ with each other, like the dispute of Beit Shammai and Beit Hillel** in other matters, one can rule in accordance with whichever view one wants. (Thus the Baraita is not saying that one can follow Beit Shammai’s views. Rather, Beit Hillel and Beit Shammai are merely serving as a classic example of a dispute in Halachah.) **But** one may **not** simultaneously **do like the leniency of one master and like the leniency of the other master,** because then one is regarded as wicked—since one has no view at all to rely on. **And not like the stringency of one master and like the stringency of the other master,** because then one is a fool walking in darkness, not knowing according to whom to rule.

But one should do **either like the leniency and like the stringency of one master, or like the leniency and like the stringency of the other master.**

*

PEREK 1 – 7A

Nevertheless, what we asked originally remains **difficult**. How could the sages of Nahardea rule strictly like both Rav and Shmuel? According to both of them individually, a *mavoi* (alleyway) that is *mefulash* (open through to the public domain at both ends) needs only a *tzurat hapetach* (the form of an entrance).¹ To require a door entails combining the stringencies of them both.

The Gemara answers: **Said Rav Nachman bar Yitzchak: They** (the sages of Nahardea) **did the whole matter like Rav**. Because Rav regards such an alleyway as being open at both ends (see previous *daf*). And even though he said that Halachah is like the first Tanna who says that such an alleyway only needs a *tzurat hapetach* and not a door, nevertheless, ruling like Rav does not really mean that a *tzurat hapetach* is sufficient.

For said Rav Huna said Rav: Halachah is like the first Tanna, that such an alleyway needs only a *tzurat hapetach*, **but we do not rule so** in practice. Rather, we rule in accordance with Chananya (and Beit Hillel) who requires a door. Thus, practically speaking, to rule in accordance with Rav means to act in accordance with Beit Hillel's view, and to require a door.

*

The Gemara raises a further difficulty: **And according to Rav Ada bar Ahavah said Rav, who said: Halachah** is like the first Tanna, that a *tzurat hapetach* is sufficient. **And** furthermore, **we do rule so** in practice. According to this, **what can one say** to explain the practice of Nahardea, where they keep both stringencies?

Said Rav Shizvi in reply: When we do not do the stringencies of two views? When they completely contradict each other, like the case of a spine and skull.

¹ A halachically valid wall made by making two posts and a piece on top to serve as a lintel.

PEREK 1 – 7A

For it is taught in a Mishnah: “These things impart impurity through *maga* and *masa* (touching and carrying) but do not impart impurity through *ohel* (being together with something under the same roof)”²... **A complete spine or skull that lost** part of their bone to such an extent that a person with these deficiencies could not survive, and a live animal with such deficiencies would be regarded as *treifah*³.

And how much must be **the loss in the spine** so as not to impart impurity in an *ohel*?

Beit Shammai say: Two vertebrae, and Beit Hillel say: One vertebra.

And in the skull? Beit Shammai say: If the skull lost **the size of a drill-bit hole.** **And Beit Hillel say:** **The amount that one would take from a live person and he would die** (i.e. the size of a *sela* coin).

And said Rav Yehudah said Shmuel: **And so** Beit Shammai and Beit Hillel will differ **concerning** the rendering of an animal as *treifah*. However, regarding *treifah*, it is Beit Shammai who is lenient. For they hold that the animal has to lose more bone to become *treifah*.

Concerning this dispute, if one is strict both ways and on the one hand holds that a human spine missing one vertebra imparts impurity in a tent, like Beit Shammai, and on the other hand refuses to eat an animal missing one vertebra, like Beit Hillel, this is incorrect. It is absolutely contradictory because the one law reflects the same logic as the other.

But where they (the two stringencies) **do not contradict one another, we do like them** both. For example, here in the case of a crooked alleyway, there are two reasons to say that a *tzurat hapetach* is sufficient. 1) One could hold that such an alleyway is not

² The case is that there is no flesh on the bones, otherwise the flesh would render things impure in an *ohel*, and the bones are at least the size of a barley grain, because otherwise they will not render things impure through *maga* and *masa*.

³ An otherwise kosher animal that is unfit to eat due to injury.

PEREK 1 – 7A

considered a “through” alleyway. 2) One could hold like Rav that a *tzurat hapetach* is sufficient even for a crooked alleyway.

Thus, if one holds like Rav in the first point who says that such an alleyway is a “through” one, and like Shmuel in the second point who says that a through alleyway needs a door, there is no contradiction. For the two matters are not reflecting the same logic; they are independent issues.

*

The Gemara challenges this conclusion: **And where they** (two stringencies) **contradict each other, we do not do** them both?

Rav Mesharshei contradicted this, from a Baraita: During years 1, 2, 4, and 5 after *Shmitah* (the Sabbatical year), one separates from one’s produce *ma’aser sheni* (the second tithe, which is eaten in Jerusalem). And during years 3 and 6, one instead separates *ma’aser ani* (the tithe given to the poor). Beit Shammai and Beit Hillel disagree when these years start. Beit Shammai says that the Rosh Hashanah of trees, when this year begins, is on the 1st of Shevat. Beit Hillel says it is on the 15th of Shevat.

The Baraita says: There was **an incident involving Rabbi Akiva, that he gathered** produce of **an etrog tree on the 1st of Shevat** at the end of year 2, **and practiced regarding it two tithes**, in order to be strict like both Beit Shammai and Beit Hillel.

He took **one** tithe (the *ma’aser ani*) **like the words of Beit Shammai**, who hold that it was already the third year. **And one** tithe (*ma’aser sheni*) **like the words of Beit Hillel**, who hold that it was still the second year.⁴

⁴ *Tosafot* explain that he did not actually separate two separate tithes, rather he separated one tithe, redeemed it on money that he spent on food in Jerusalem, and then gave the fruit to the poor.

PEREK 1 – 7A

According to what the Gemara said before, how could Rabbi Akiva follow two stringencies that contradict each other? After all, he could not have been obligated to give both tithes simultaneously, since they apply in different years.

The Gemara answers: **Rabbi Akiva was doubtful about his learning** i.e. he was uncertain what he had been taught, **and did not know if** the view of **Beit Hillel was said concerning the 1st of Shevat, or said concerning the 15th of Shevat. And therefore he did here stringently and here stringently.**

Thus he was not practicing “Like the stringencies of Beit Shammai and like the stringencies of Beit Hillel” contradictorily, but merely ensuring that he was keeping the view of Beit Hillel.⁵

Rav Yosef sat before Rav Huna, and he sat and said: Said Rav Yehudah said Rav: The argument we discussed earlier whether a through alleyway requires a door or a *tzurat hapetach* **is only concerning** where there is **a main thoroughfare (*sartaya*) over here**, on one end of the alleyway, **and a main thoroughfare over here** on the other end of the alleyway. **Or if there is a central marketplace (*paltaya*) over here and a central marketplace over here.**

But if there is a main thoroughfare over here, and a valley (which is a *carmelit*, where it is only Rabbinically forbidden to carry) **over here, or a valley over here and a valley over here**, everyone (even Shmuel) agrees that **one makes a *tzurat hapetach* over here** at one end and does not require a door, **and a side post or crossbeam over here.**

⁵ The Ritva points out that even in a situation like this, if it is possible to clarify the halachah and one does not bother to do so but keeps both contradictory stringencies, one is still considered a fool who walks in the dark.

PEREK 1 – 7A

Since the alleyway ends in a Rabbinically forbidden domain at one end, Shmuel will be more lenient and not require a door.

The Gemara now suggests that the second half of this statement is superfluous:

Now, if you say that when there is **a main thoroughfare over here** (where the Torah forbids one to carry) **and a valley over here, one makes for it a *tzurat hapetach* over here and a side post or crossbeam over here, do you need** to tell us the same thing in the case of **a valley over here and a valley over here**, where both places are only Rabbinically forbidden?

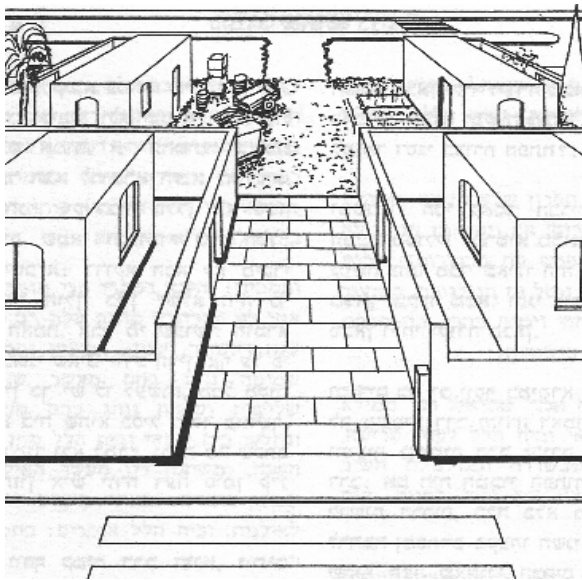
The Gemara answers that one must read the statement differently: **This is what he is saying:** If there is **a main thoroughfare over here and a valley over here, it is as if there is a valley over here and a valley over here.**

*

And he (Rav Yosef) **concluded it** (the statement he said above to Rav Huna) **in the name of Rav Yehudah**, as follows: **If an alleyway** that was open to the public domain at one end **ended** (at the other end) **in a *rechavah***, (a four-walled courtyard behind houses which is considered a private domain), and the wall of the *rechavah* opposite where the

PEREK 1 – 7A

alleyway enters is breached with an opening less than ten *amot* wide (see illustration⁶).
(case #1)



6

Alleyway ending in a *rechavah* with a breach

PEREK 1 – 7A

One does not need to put **anything** (neither a door nor a *tzurat hapetach*) at the end of the alleyway where it enters the *rechavah*. All one needs is a side post where the alleyway meets the public domain.⁷

*

Said Abaye to Rav Yosef: That statement that you said in the name of **Rav Yehudah**, that an alleyway that goes into a *rechavah* needs no adjustment to permit carrying, **is** actually the teaching of **Shmuel**, one of Rav Yehudah's masters.

Ammud Bet

Because if it is the teaching of **Rav**, the other one of Rav Yehudah's masters, there will be **a contradiction of** one statement of **Rav against** another statement of **Rav, in two** matters.

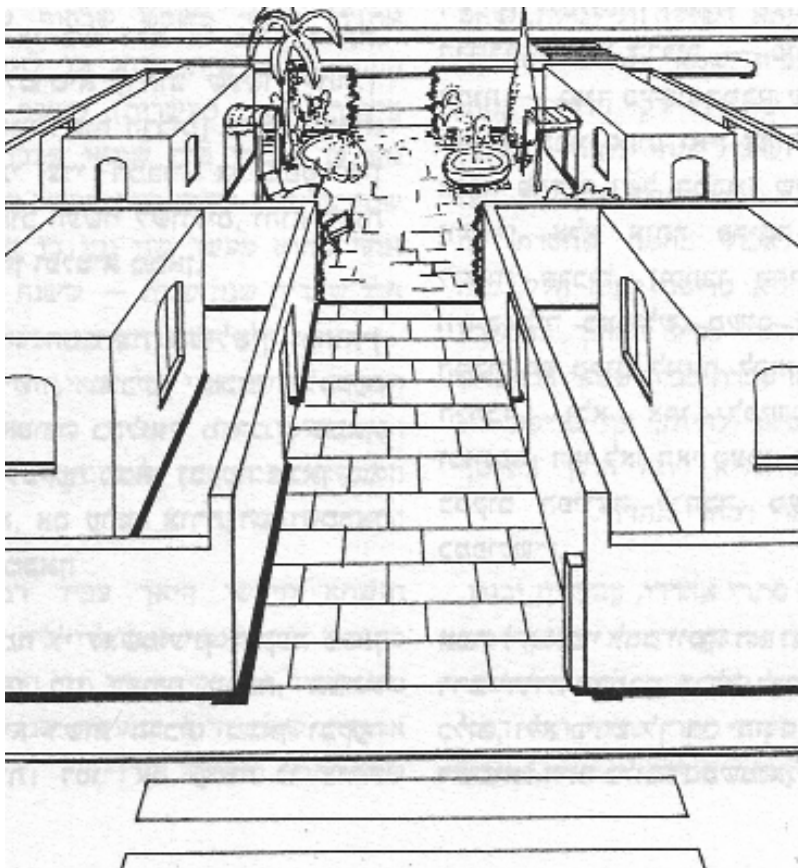
Contradiction #1) Here, Rav Yehudah says that the alleyway that enters the *rechavah* whose opposite wall is breached to the public domain is not considered a through alleyway. But elsewhere, Rav says that in such a case the alleyway is indeed considered through.

⁷ *Tosafot* explain that in this case, the alleyway is not regarded as a "through" one because people going down it do not necessarily continue on to the public domain, but turn sideways and enter the *rechavah*.

PEREK 1 – 7B

Contradiction #2) Since Rav Yehudah specifically speaks of an alleyway entering a *rechavah* (which is a courtyard *behind* houses, with no houses are opening into it), it seems that if the alleyway entered a regular courtyard with houses opening into it (see illustration⁸), the people of the houses would make it forbidden to carry in the alleyway (unless they made a *shitufei mavu'ot*.⁹) And we presume that he would hold this even if the courtyard was *not* breached to the public domain. But elsewhere we see that Rav does not hold like this.

The Gemara now demonstrates the first contradiction by quoting a statement of Rav (case #2) that is exactly the same case as case #1 (except that in case #1, the alleyway leads into a *rechavah*, while in case #2 the alleyway leads into a courtyard). Yet, Rav states that one may not carry in the alleyway.



8

Alleyway ending in a courtyard with a breach

⁹ A halachic partnership to give it the status of a private domain.

PEREK 1 – 7B

Because said Rav Yirmeyah bar Abba said Rav:

An alleyway (less than ten *amot* wide) **that** its wall **was breached into a courtyard along its whole width, and the** wall of the **courtyard opposite it** (opposite to where the alleyway entered) **was breached** into the public domain, so that a person in the alleyway sees through to the public domain. (illustration of case #1 applies here as well, except that here the doors of the houses are open to the courtyard.)

The courtyard is permitted to carry in, because it still has four walls.¹⁰

But the alleyway is forbidden to carry in (unless one makes a *tzurat hapetach*) because it is regarded as a through one.

This proves that Rav Yehudah's statement cannot have been from Rav, because it contradicts Rav's statement regarding two points.

Contradiction #1) **And why** is the alleyway (case #2) forbidden, if it is true that Rav agreed to Rav Yehudah? **It should be like an alleyway that ended in a *rechavah*** (case #1), which Rav Yehudah said is not considered through, and needs no *tzurat hepetch*.

Contradiction #2) Unlike Rav Yehudah, Rav is speaking of a courtyard which is entered by the residents of the adjoining houses. Nevertheless, he only forbids carrying in the alleyway because the courtyard is breached into the public domain on the other side. But Rav Yehudah would forbid this even if the courtyard was not breached into the public domain on the other side.

¹⁰ The breaches in the walls do not nullify them because they are less than ten *amot* wide, and there are remaining remnants of the walls on each side of the breaches. Therefore these breaches are regarded as entrances.

PEREK 1 – 7B

He (Rav Yosef) **said to him** (Abaye): **I don't know** who Rav Yehudah learnt the law of case #1 from. But **there was a case** like case #1 **in a village of shepherds**, as follows.

There was an alleyway that ended in a *rechavah* (like case #1). **And it** (the question of what was permitted there) **came before Rav Yehudah and he did not require anything for it.**

This answers contradiction #2. We cannot infer anything from the fact that Rav Yehudah specifically discusses a *rechavah* and not a courtyard. For he did not state this halachah as a teaching to the disciples in the study hall, such that one could draw an inference from his choice of this specific case. On the contrary: Rav Yehudah spoke of it because he was asked to deliver a ruling about a *rechavah* (*Ga'on Yaakov*). So no conclusions may be drawn regarding a courtyard.

And if it is difficult to say that Rav Yehudah's statement is **in the name of Rav**, because of contradiction #1—

Let it (Rav Yehudah's statement) **be in the name of Shmuel, and there will be no difficulty!**

*

The Gemara now says that Rav Yehudah could have said case #1 in Rav's name after all, and there will be no contradiction.

Introduction:

1) If many houses open into a courtyard, the Sages decreed that one may not carry from the houses into the courtyard unless the houses' inhabitants made *eiruvei chatzeirot*.¹¹

¹¹ This is done by putting some food which they all own jointly into one of the houses.

PEREK 1 – 7B

Similarly, even if there is an *eiruv chatzeirot*, the Sages decreed that one cannot transfer something from one of the houses to the alleyway¹² connected to the courtyards, unless the residents of the courtyards who pass through the alleyway made *shitufei muva'ot*.¹³

2) If two courtyards are divided by a wall, each one makes its own *eiruv chatzeirot*.

If the wall between them was completely removed, the two courtyards become one and they must share one *eiruv*.

If the wall between them merely had an opening (less than ten *amot* wide), they can make one *eiruv* or two *eiruvim* as they please. If they make two *eiruvim*, they may not carry from one courtyard to another.

3) If a narrow courtyard shared a wall with a wide courtyard, and the wall was taken down, it is as if the larger courtyard now has doorposts, because its walls still extend to each side of the breach, whereas the smaller courtyard has no doorposts because its whole wall on that side was taken down (see above illustration, except that in this case, the alleyway should be viewed as a courtyard). Therefore, for the large courtyard, the breach is considered an entrance. But for the small courtyard, it is considered a breach and it is as if no wall is present. (This is Rav's view according to Rav Sheshet later on).

4) Therefore, the small courtyard is considered part of the large courtyard and must make an *eiruv* with it, if its residents want to carry. But the larger courtyard is considered a domain to itself, and if it has its own *eiruv*, its residents can carry without making an *eiruv* with the small courtyard.

¹² They may also not transfer something that was in a house, when Shabbat came in, into the alleyway—even after it was taken to a courtyard.

¹³ Some food owned jointly by all the people is placed in one of the houses of one of the courtyards.

PEREK 1 – 7B

Case #2 is almost exactly like what we have just described, (i.e. a narrow alleyway is entering a wider courtyard.) Therefore the alleyway is considered part of the courtyard that it is entering, and without an *eiruv* with that courtyard, the residents of its adjoining houses will not be able to take things from their houses to the alleyway, even if the courtyard was not open to the public domain.

Thus we can now understand why case #2 (of Rav) is different from case #1 (of Rav Yehudah).

Now that Rav Sheshet told Rav Shmuel bar Abba, and some say that Rav Sheshet told Rav Yosef bar Abba:

I will now explain to you why Rav forbids carrying in the alleyway in case #2. It is not, as the Gemara assumed until now, because the alleyway is considered a through one.

But rather, it is because **here**, where he forbade it, is a situation **where they** (the residents of the alleyway's houses) **did not make an *eiruv*** (with the people of the wider courtyard).

Whereas **here**, if there was a similar case **where they did make an *eiruv***, he would permit it.

Therefore, the Gemara concludes, **that** statement **of Rav** (case #1), which purportedly was a contradiction **against** the other statement of **Rav** (case #2), **is also not difficult** to resolve.

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Here (in case #1) where one is allowed to carry, the case is **that the “people” in the courtyard** (i.e. *rechavah*, see footnote¹⁴) **made an *eiruv* with the people of the alleyway.**

Whereas **here** (in case #2), where Rav forbids carrying, the case is **that they** (the people of the alleyway) **did not make an *eiruv*** (with the people of the courtyard).

¹⁴ Actually, the *Me’iri* points out that case #1 involves a *rechavah* that has no residents entering it at all. Thus he explains in the name of Rashi that the Gemara means that even if there is no *eiruv*, it is considered as if there is an *eiruv*, because there are no residents in the *rechavah* that make it forbidden to carry from the *rechavah* to the alleyway.

CHAVRUTA

EIRUVIN – DAF CHET

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

On the previous *daf*, the Gemara concluded that there was not necessarily any contradiction between Rav Yehudah's ruling in case #1, (an alleyway that leads into a *rechavah* -a closed area behind houses), and Rav's ruling in case #2 (an alleyway that is breached to a courtyard into which houses open). Even though case #1 forbids carrying in the alleyway and case #2 permits it, the Gemara explained that in case #1 there was an *eiruv* while in case #2 there was not.

Thus, Rav Yehudah's ruling could indeed have originated with Rav (one of Rav Yehudah's two masters), and both rulings could express Rav's view.

Now the Gemara goes a step backwards and raises the following issue:

And according to what we thought in the beginning, that the lenient ruling in case #1 was according to Shmuel, and Rav (who said case #2) would forbid case #1, because he regards it as a through alleyway—

And **whether they** (the people of the alleyway) **made an *eiruv*** with the people of the courtyard, **and whether they did not make an *eiruv*, they** (Rav and Shmuel) still **disagree**.

If so, **what point are they** (Rav and Shmuel) **differing over**, in the case **when they** (the people of the alleyway and courtyard) **made an *eiruv***?

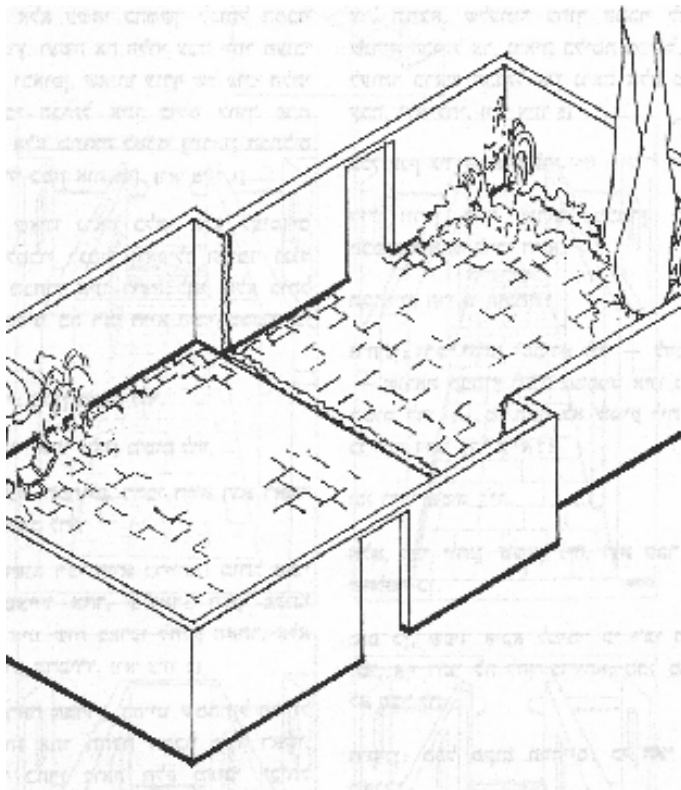
And furthermore, **what point are they differing over** in the case **when they did not make an *eiruv***? As we inferred on *daf* 7, Rav Yehudah only allows carrying if the alleyway leads into a *rechavah* where there are no residents. But if it leads into a courtyard where there are residents, he would require an *eiruv*.

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The Gemara answers: **When they did not make an *eiruv*, they** (Rav and Shmuel) **differ concerning** a small courtyard that is open on one side to a larger courtyard, in **which** case, the wall on each side of the breach **is seen from outside** the small courtyard when one is in the big courtyard, **but is equal** to the whole length of the small courtyard when one is **inside** the small courtyard. Thus, the remaining portions of the wall constitute “doorposts” that are visible only to the residents of the large courtyard (see illustration¹).

Rav² considers this breach as an entrance (and not a breach) even for the small courtyard, and therefore here the alleyway and the courtyard are considered distinct domains, and do not have to make an *eiruv* with each other.



1

² This contradicts how Rav Sheshet understood Rav at the end of *daf* 7.

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But Shmuel considers it as a breach and not as an entrance as regards the small courtyard, since the “doorposts” are not visible to its residents. Therefore the small courtyard is regarded as part of the large courtyard. Therefore in case #2, where there are residents in the courtyard, he would forbid people in the alleyway from carrying.

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When they did make an *eiruv*, they (Rav who considers it a through alleyway and Shmuel who does not) **differ over** the statement of **Rav Yosef**.

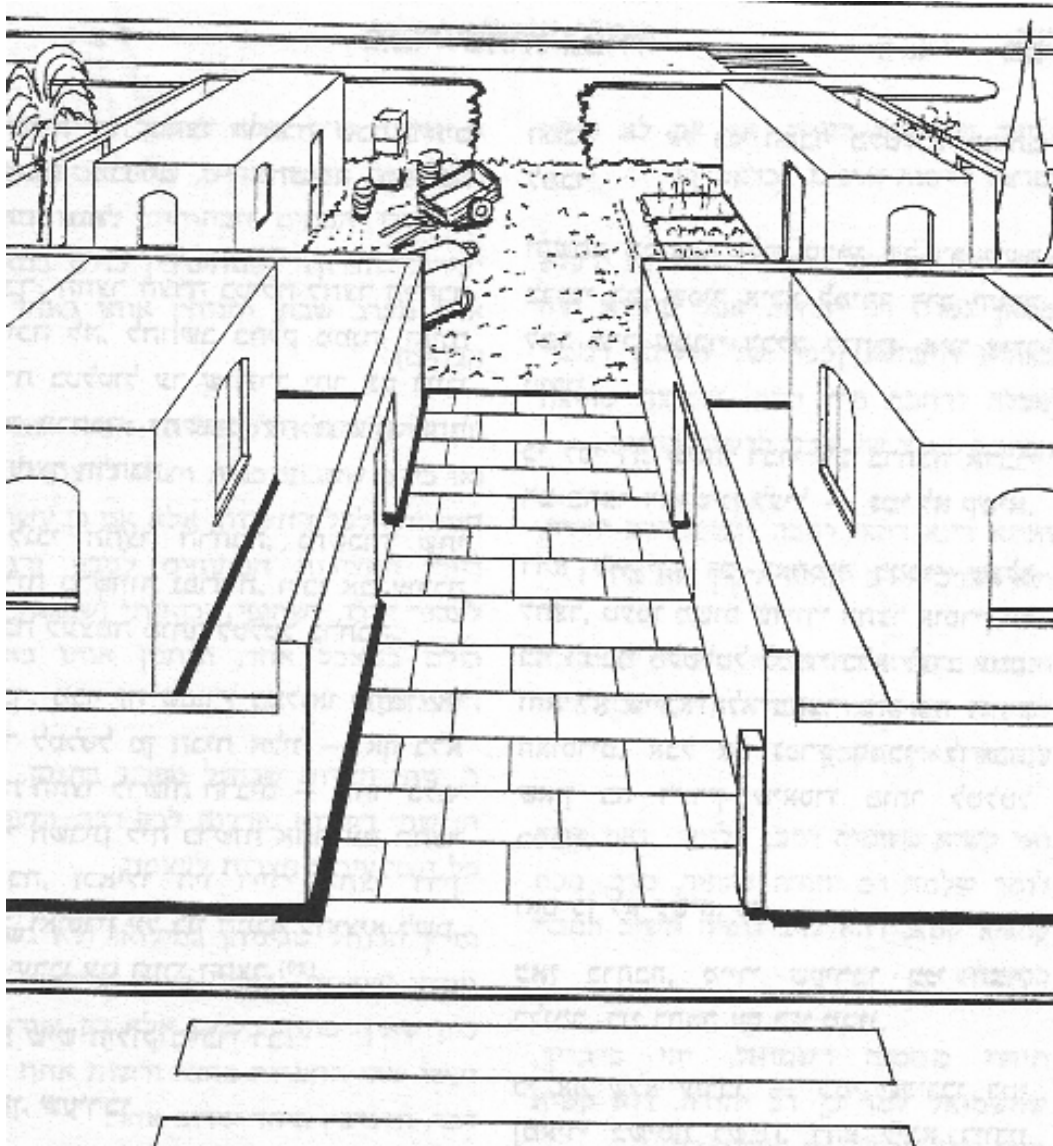
Because Rav Yosef said:

We only teach that an alleyway that ends up in a *rechavah* (case #1 on *daf* 7) does not need a *tzurat hapetach*, **when it ends in the *middle* of the *rechavah***, and the *rechavah*

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thus extends on both sides of the end of the alleyway (see illustration³). In this case the alleyway indeed looks as if it ends at the *rechavah* and people will not mistakenly apply this leniency to a through alleyway.⁴

But if it (the alleyway) **ends at the side of a *rechavah***, and one wall of the alleyway continues as a wall of the *rechavah* (see illustration⁵), it is **forbidden** to carry in the alleyway because now it seems like a through alleyway.



³

⁴ An alleyway that runs straight from one public domain to another public domain.

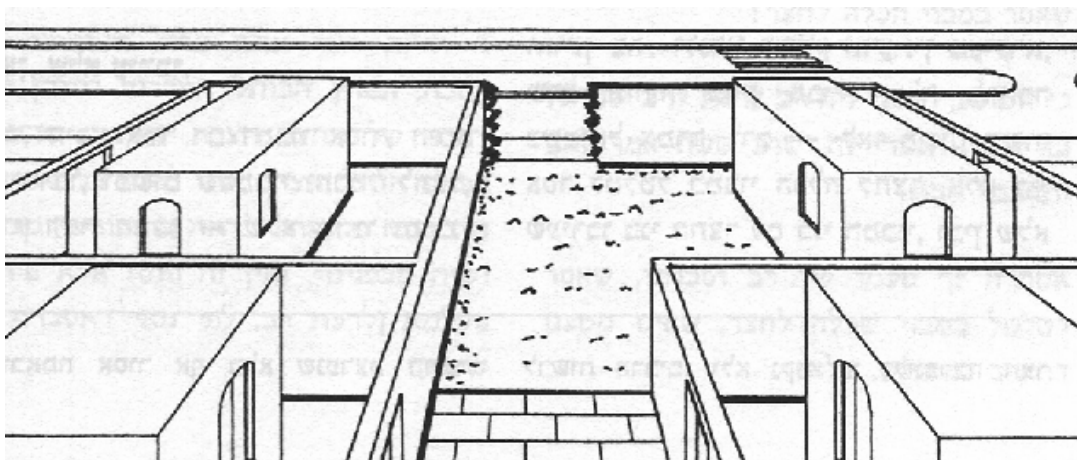
PEREK 1 – 8A

Rav, who forbids even case #1 (according to what we had thought originally), where the alleyway ends in the middle of a *rechavah*, does not hold like Rav Yosef's above statement. Rav regards even this case as a through alleyway because, after all, someone standing in the alleyway sees the public domain ahead of him (as in above illustration).

But Shmuel, who permits case #1, holds exactly like Rav Yosef.

(This is the end of the Gemara's discussion of "what we thought in the beginning". From here on, the Gemara goes back to its final explanation, that Rav could have said the rulings in both case #1 and case #2.)

Said Rabbah: That which you said in Rav Yosef's name, that if the alleyway ended **at the middle of the *rechavah***, it is **permitted** to carry in the alleyway, **we only say so if**



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this (the breach in the *rechavah* wall opposite the alleyway) **is not opposite that** end of the alleyway where it meets the *rechavah* (see illustration 1).⁶

But if **this** breach is **opposite that**, it is **forbidden** (see illustration 2).

And when Rav says in case #2 that the wall of the courtyard “opposite” was breached, he means that the wall was opposite, but not the breach.

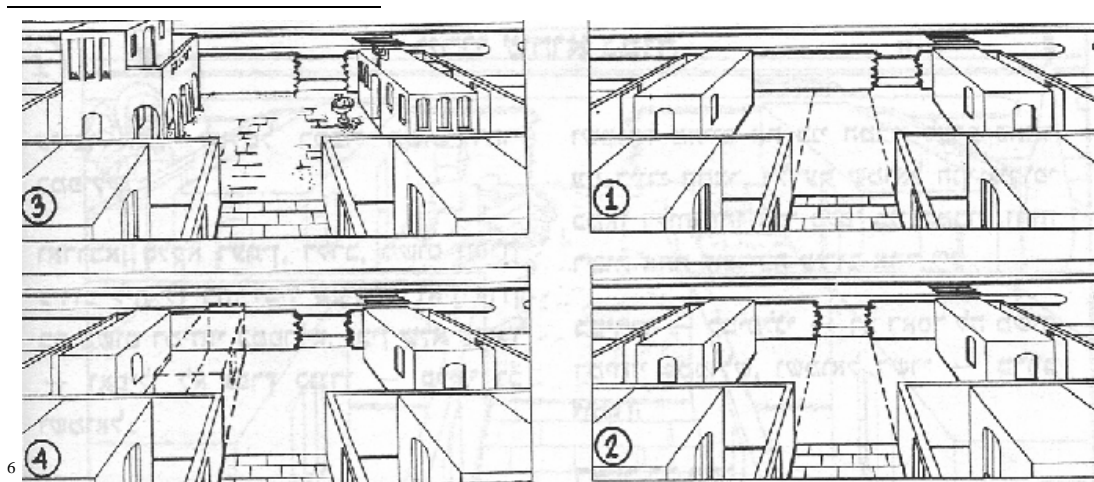
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Said Rav Mesharshei: That which you (Rabbah) **say**, that it is permitted if the breach is **this** (the alleyway) **not opposite that** (the breach)—

We only say so in a public alleyway (see illustration 3).

But with a **private alleyway** it is forbidden, because **sometimes he** (the single owner of the *rechavah*) **changes his mind concerning it, and builds more houses for it, and it becomes like an alleyway that ends at the sides of a *rechavah*** on account of the new houses (illustration 4), **and it is forbidden** to carry there, as Rav Yosef said earlier.

But if the *rechavah* belongs to many people, we are not concerned that they might all decide to make changes and build houses in it.



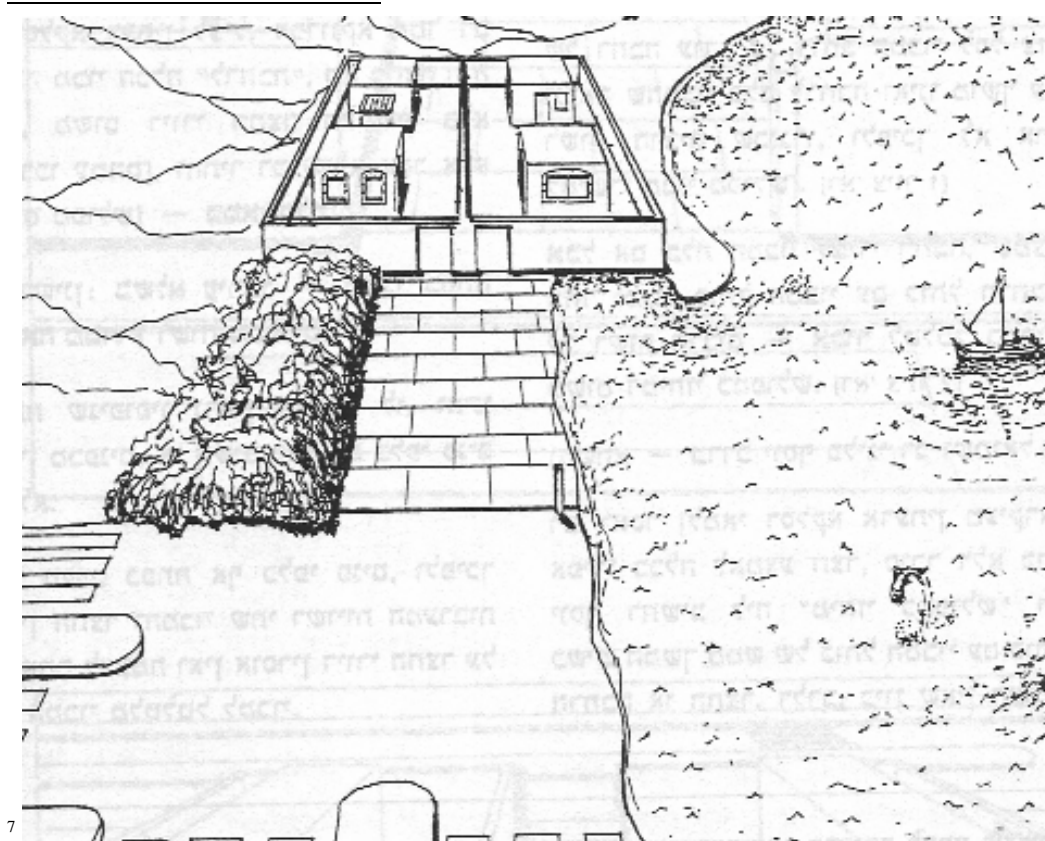
PEREK 1 – 8A

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The Gemara explains: **And from where do you say that we make a difference between a *rechavah* of the public and a *rechavah* of one person?**

Because said Ravin bar Rav Ada, said Rabbi Yitzchak: There was an incident concerning a certain alleyway that one of its sides was the sea (and the land was ten *tefachim* above sea level and constituted a wall). **And one side was a garbage dump** ten *tefachim* high, and one end of the alleyway was closed normally, and the fourth side was open to the public domain. (Emended according to Rashi. See illustration⁷).

And the incident came before Rabbi i.e. Rabbi Yehudah HaNasi, for him to rule whether a side post or crossbeam at the place where the alleyway met the public domain



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was sufficient. **And he did not say concerning it** any definite answer: **not permissibility and not prohibition.**

The Gemara explains Rabbi's stance as follows:

He did not say prohibition concerning it, because there were three walls and it should be permitted like every regular alleyway.

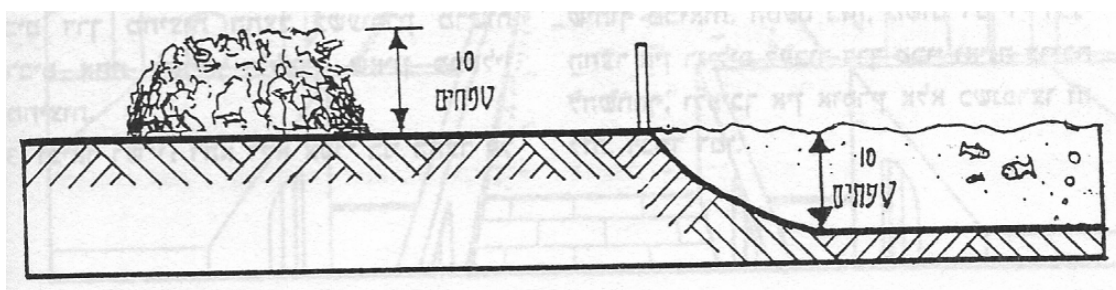
But he did not say permissibility concerning it, because we suspect the garbage dump might be removed, or the sea might raise up silt and there would no longer be three walls (see illustration⁸).

In order to prove from here that there is a difference between a publicly and privately owned place, the Gemara goes on and asks:

And are we concerned that a garbage dump might be removed?

But it was taught in a Mishnah, concerning a garbage dump in the public domain that is ten *tefachim* high and four *tefachim* wide and therefore a private domain: If there is a window over the garbage dump, one can throw from the window into it (the garbage dump), on Shabbat⁹ (see illustration¹⁰).

8



Garbage dump, on left, is barely 10 *tefachim* high. Sea, on right, is barely 10 *tefachim* deep.

⁹ Because he is throwing from one private domain to another (through a space more than ten *tefachim* high above the public domain, which has the status of an exempt place. See *Tosafot*).

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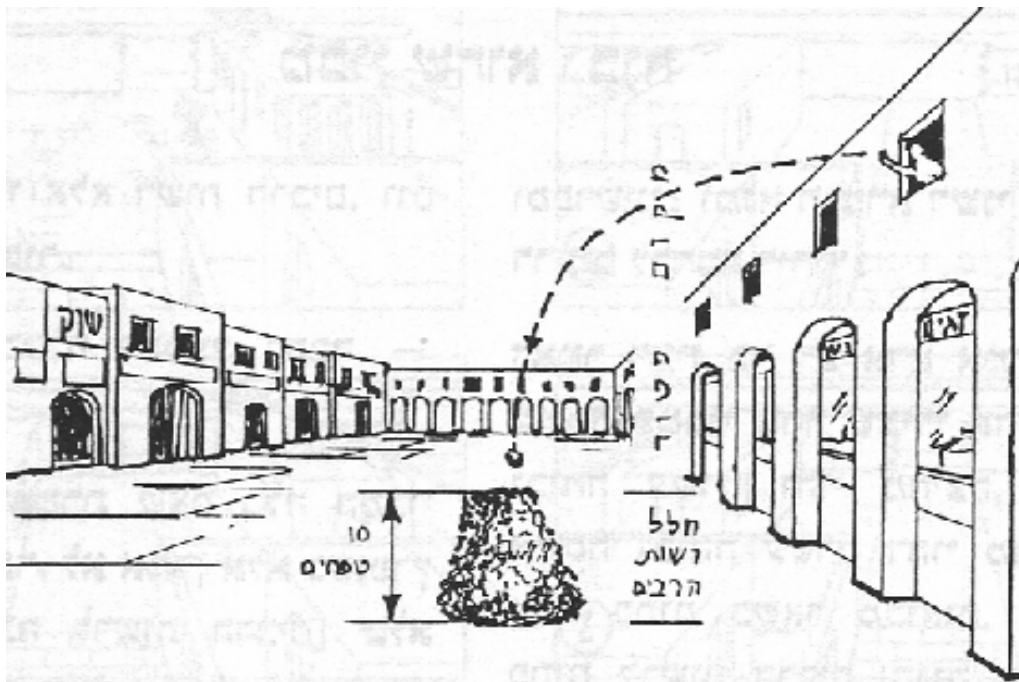
But according to Rabbi, why are we not concerned that someone may remove some of the garbage dump so that it is no longer ten *tefachim* high?

We see that one can differentiate between a garbage dump of the public (the case of the window) to the garbage dump of an individual (Rabbi's case).

Here too, concerning a *rechavah* (the earlier statement of Rav Mesharshei), one can differentiate between a *rechavah* of the public and a *rechavah* of an individual.

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The Gemara inquires: **And the other sages** of Rabbi's time, **what** did they say about one side of an alleyway being a garbage dump?



10

Man throwing, through exempt space, to a garbage dump that is 10 *tefachim* high

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Said Rav Yosef bar Avdimi: It was taught in a Baraita: **And the Sages forbid** it absolutely.

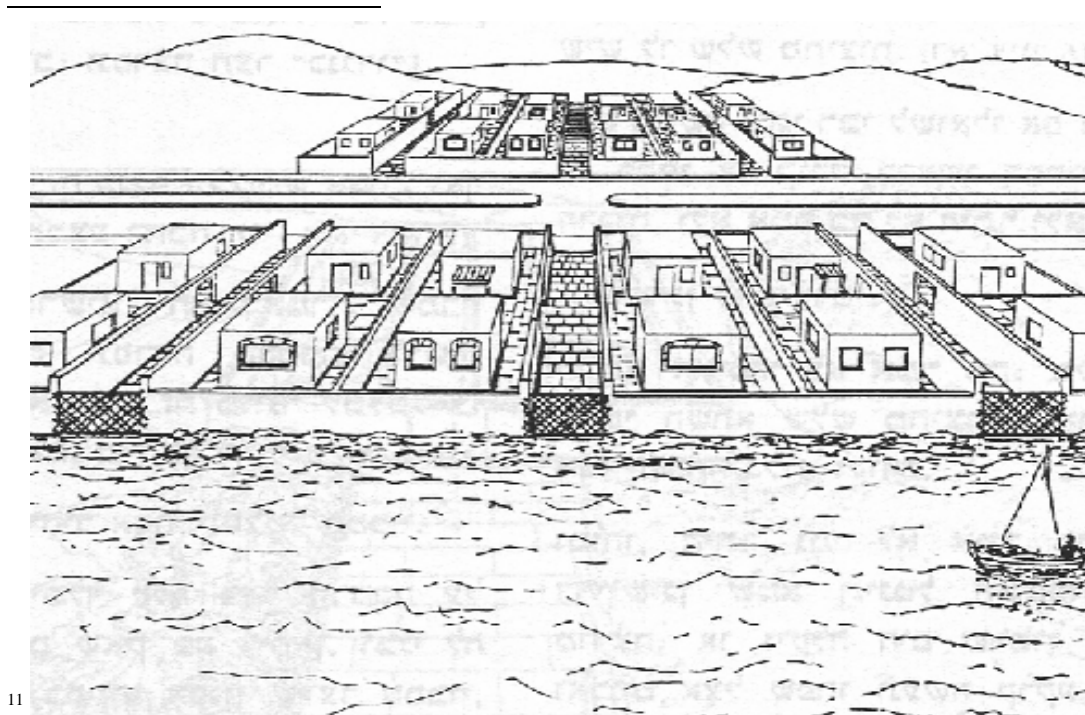
There are those who say: Said Rav Yosef bar Avdimi: It was taught in a Baraita: **And the Sages permit** it.

And **said Rav Nachman:** Halachah is not like the words of the Sages who permit it.

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Mereimar divided off alleyways in **Sura** that came at one end to the sea (and the land there rose ten *tefachim* above the sea), and came at the other end to a public domain. He divided them off **with nets and traps** at the opening to the sea (see illustration¹¹).

He said: We are concerned that **maybe the sea will raise up silt** and diminish the natural partition of earth that was ten *tefachim* in height.



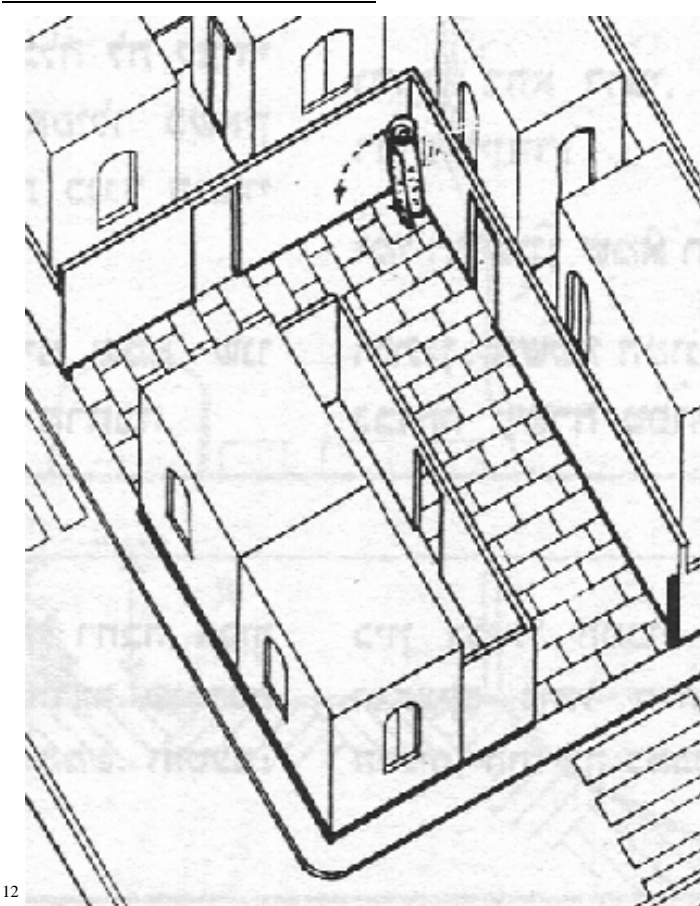
11

Ends of alleyways adjacent to sea, closed off with nets

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There was a certain crooked (L-shaped) alleyway in Sura (see illustration¹²) that the residents of one section of the alleyway made a side post or crossbeam where the alleyway met the public domain. And the people in the other section of the alleyway put nothing where the alleyway met the public domain.

They (the people) also **rolled up a mat and stood it at the corner** of the alleyway (see above illustration).



12

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Said Rav Chisda: Even the people in the section of the alleyway that made a side post may not carry, because **that** which they did **is not like Rav and not like Shmuel**, who differ concerning a crooked alleyway on *daf* 6b.

The Gemara now explains Rav Chisda's ruling:

According to Rav who says its law (of a crooked alleyway) **is like a through** alleyway, **one needs a *tzurat hapetach*** in the corner between the two sections, and a rolled mat is not sufficient.

And **according to Shmuel who says its law is like a closed alleyway**, and one does not need a *tzurat hapetach* in the corner, it is still forbidden. For **those words** that a side post is sufficient, this applies when there is a **valid side post**.

But here, even though one section has a side post at its entrance to the public domain, it needs at least one other valid side post: either at the other entrance to the public domain, or at the inner corner.

But this rolled mat, **because the wind blows on it and throws it down, it is nothing**.

And if he sticks a peg in it (the rolled mat) **and joins it** to the wall, **he has joined it** properly, and it is a valid side post. (However, the people in the section with no side post at their exit to the public domain may not carry).

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Regarding the above-mentioned statement **itself** (case #2 on *daf* 7a): That **said Rav Yirmeyah bar Abba said Rav:**

An alleyway (less than ten *amot* wide) **that breached in its whole width into a courtyard, and the** wall of the **courtyard opposite it** (opposite to where the alleyway

PEREK 1 – 8A

entered) **was breached** to the public domain, so that a person in the alleyway sees through to the public domain (illustration of case #1 applies here as well, except that here the doors of the houses are open to the courtyard.)

The courtyard is permitted to carry in, because it still has four walls.¹³

But the alleyway is forbidden to carry in (unless one makes a *tzurat hapetach*) because it is regarded as a through alleyway.

The conclusion on *daf* 7 was that because one cannot see the courtyard walls on either side of the alleyway (since the alleyway is narrower), the alleyway is considered part of the courtyard and needs to make an *eiruv* with the courtyard. But from the courtyard, one can see the walls on each side, where the narrower alleyway joins the courtyard. Therefore the people of the courtyard may carry without making an *eiruv* with the alleyway.

The Gemara asks: **Said Rabbah bar Ula to Rav Bivi bar Abaye:**

My master! What is Rav telling us that we don't know already? **Is this not** the same law that is stated in **our Mishnah?**

Because it was taught in a Mishnah:

A small courtyard that was breached along one wall **into a big courtyard, the big one is permitted** to carry in, if its residents make *eiruvei chatzeirot*. **And the small one is forbidden** until it makes an *eiruv* with the big one.

Because it is regarded as **the entrance** and subsidiary **to the big one**, because from the small courtyard one sees no walls on the sides of the breach, whereas from the big courtyard, one does.

He (Rav Bivi bar Abaye) **said to him** (to Rabbah bar Ula):

¹³ The two breaches in the walls do not nullify the walls because the breaches are less than ten *amot* wide. Therefore these breaches are regarded as doorways.

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If from there (from the Mishnah), **I would have said:** **These words** only apply to courtyards that are not connected to the public domain. Such courtyards are an area **where the public do not tread** and nullify the status of the courtyard walls.

But in a place **where the public treads**, like the case of Rav, where the courtyard is breached to the public domain, **I would say** that **even the courtyard too** cannot be carried in.

So he (Rav) **tells us** that it is permitted.

*

The Gemara raises a further difficulty: **And that** which Rav is telling us, that the treading of the public does not nullify the courtyard wall, **we have also been taught** this in a Baraita.

Because it was taught in a Baraita: **A courtyard that the public enter it by this entrance and exit it by this entrance** is considered **a public domain concerning impurity** (i.e. we apply the rule that a case of doubtful impurity is judged as pure in the public domain, whereas it would be judged as impure in the private domain),

And this same courtyard is considered **a private domain concerning Shabbat**.

Thus we see from the Baraita that the public do not nullify a private domain's walls.

The Gemara answers: **If from there** (from that Baraita), **I would have said** that **these words** that the public don't nullify the courtyard, is when **this entrance is not opposite that entrance**.

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But the case of Rav, where the breaches are **this one opposite that one** (the courtyard was breached "opposite" the alleyway), **I would say** that every wall of the courtyard is **not** a valid wall, because the public nullify the wall.

Therefore Rav informed us that it still is a valid wall.

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The Gemara raises a further difficulty:

But according to Rabbah, who says (above, *ammud alef*): That which you said, that if the alleyway ended at the middle of the *rechavah*, it is permitted to carry in the alleyway, we only say this if the breach in the *rechavah* wall opposite the alleyway is not opposite this opening of the alleyway where it meets the *rechavah*.

But if the breach is **this opposite that** opening, it is **forbidden**.

This being Rabbah's view, **that** case #2 of Rav where an alleyway breaks into a courtyard – **how will he** (Rabbah) **set it up?**

Obviously, **as** a case of **this breach not opposite that** opening of the alleyway.¹⁴

Because otherwise, the alleyway would be a through one, and even an *eiruv* would not be sufficient.

It emerges that Rav is speaking about the same sort of case as the above Baraita, and the original difficulty returns: **why do I need** the law to be stated **two** times, both by Rav and by the Baraita?

The Gemara answers:

If from there, from the Baraita, **I would say: those words** of the Baraita that the public do not nullify the walls, apply **to throwing** objects from one to the other. In other words,

¹⁴ See Rashi here who discusses how this fits with Rav's expression "opposite it."

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the Baraita is teaching us that someone who throws from a public domain into that courtyard has committed a Torah transgression.

But to say that it is permitted to **carry** there, **I would say no.** Because as regards Rabbinical laws, I would say that we view it as if the public's treading does nullify the walls.

Therefore, **he** (Rav) **tells us** that it completely permitted to carry there, even Rabbinically.

It was stated:

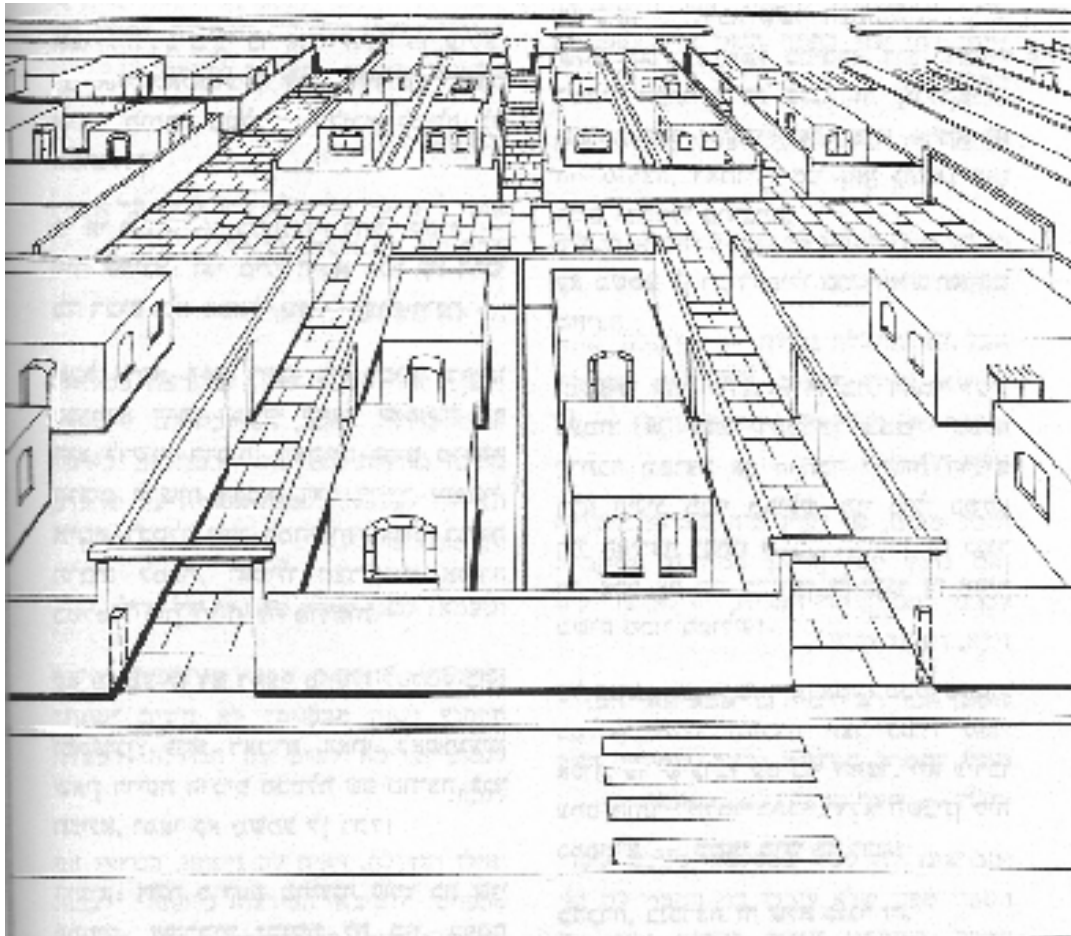
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Regarding **an alleyway shaped like a centipede** (see illustration¹⁵). This consists of a big alleyway that is L shaped, and branching off it are a few small, parallel alleyways that open to the adjacent public domains.

Said Abaye: One makes a *tzurat hepetach* for the big alleyway at one of its ends that is open to the public domain, and puts a side post or crossbeam at the other end that is open to the public domain.

And all those small alleyways are permitted for carrying, **with a side post or crossbeam** at the opening where they meet the public domain. Where they meet the big alleyway, they need nothing.

Rava said to him (Abaye): whichever way you look at it, these adjustments are not effective.



15

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If you say that the small alleyways need nothing where they meet the big alleyway, **in accordance with whose** view are you saying this? If **like Shmuel who said** above that **the law** of a crooked (L shaped) alleyway **is like a closed** alleyway, and it needs only a side post at each end—

If so, each of these small alleyways when combined with the large alleyway is like a crooked (L shaped) alleyway. And if so, **why does it**, the big alleyway, **need a *tzurat hapetach*** at one of its ends?

Since it regarded as closed, a side post or crossbeam should be enough.

And also, one can raise another difficulty: **There was a certain crooked** (L shaped) **alleyway in Nahardea**, Shmuel's town, **and they were concerned about that** view of **Rav**, who regards a crooked alleyway as a through alleyway (above 6b).

If so, places that are not Shmuel's own town should certainly be concerned about Rav's view. So why do the small alleyways require nothing where they meet the large alleyway?

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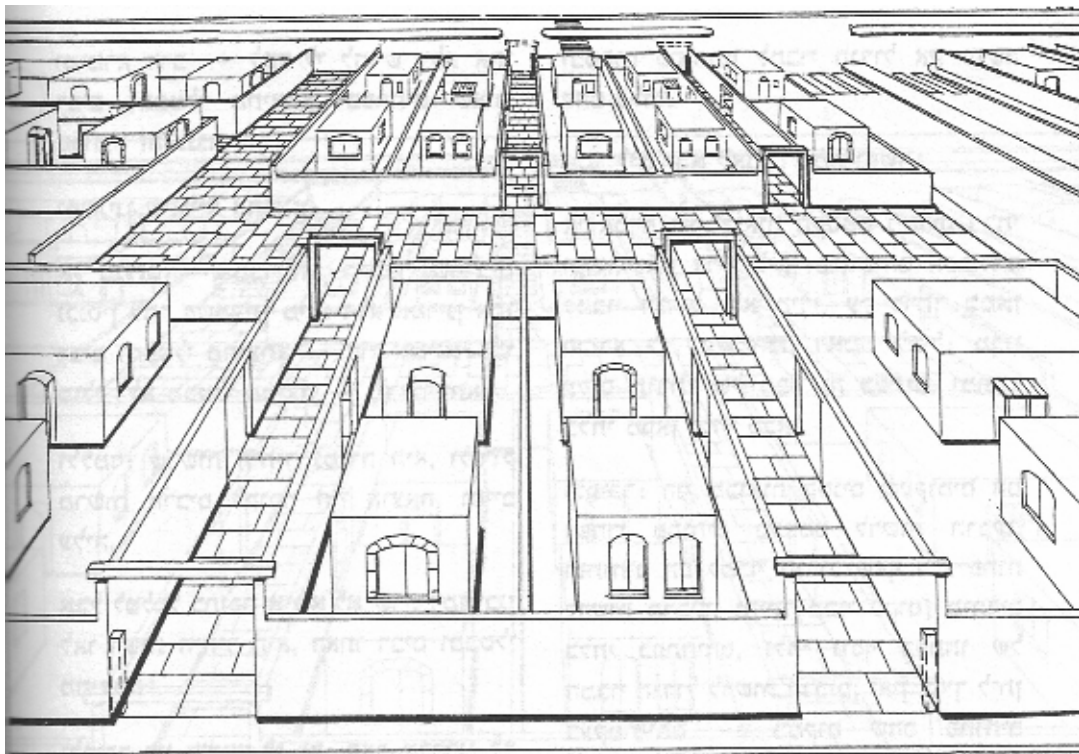
Rather, said Rava: One makes a *tzurat hapetach* for them all (all the small alleyways) **at this end** where they meet the large alleyway (see illustration¹⁶). And this is according to Rav, who said that a bent alleyway is considered a through alleyway.

And the other end of the small alleyways is permitted with a side post or a crossbeam.

(This *sugya* has been explained according to the way the *Ritva* and *Maharshal* understand *Rashi*).

Said Rav Cahana bar Tachalifa, in the name of Rav Cahana bar Minyomei, in the name of Rav Cahana bar Malkeyo, in the name of the great Rav Cahana.

And some say it: Rav Cahana bar Malkeyo is the great Rav Cahana himself.



16

PEREK 1 – 8B

An alleyway that one of its sides is long, and one of its sides is short, if the long side is less than four *amot* longer, one puts down the crossbeam at an angle (see illustration, right¹⁷) and one may then carry until the crossbeam.

But if the longer side is **four *amot* or more longer than the shorter side, one may only lay down the crossbeam opposite the end of the short side** (see above illustration, left).

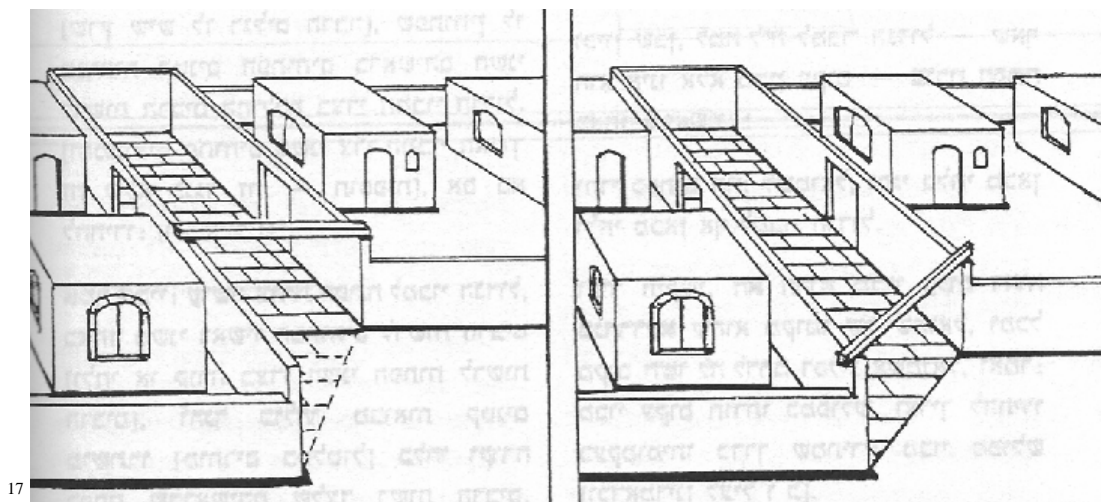
Rava said: Both in this case of four *amot* and more, and in that case of less than four *amot*, one may only lay down the crossbeam opposite the end of the short side.¹⁸

*

Rava said: And I will say my reason, and I will say his reason.

I will say my reason why a crossbeam on an angle is never effective. First let us clarify **what is the reason** the Sages decreed that **a crossbeam** permits one to carry in a alleyway: **Because of** the need to make the alleyway with **a recognizable feature** so that people don't end up carrying in a public domain as well.

And a crossbeam on an angle is not a recognizable feature, because when people see that it permits them to carry beyond the end of the short side, they will mistakenly say, "It is permitted to carry in the public domain," because the longer part sticking out at an angle does not look like part of the alleyway.



17

¹⁸ The Biur Halachah rules (against the opinion of the Machatzit Hashekel) that according to Rava, if one put the beam at an angle it is invalid and one cannot carry in the *mavoi* even until the end of the short side.

PEREK 1 – 8B

And I will say their reason, why the crossbeam on an angle is effective:

Because they say that **a crossbeam** was decreed **because of what** purpose? **Because of** the fact that the Sages wanted **a partition** at the end of the alleyway, and regard it as if the edge of the crossbeam descends to the ground like a partition. **And with an angle**, **there is also a partition**.

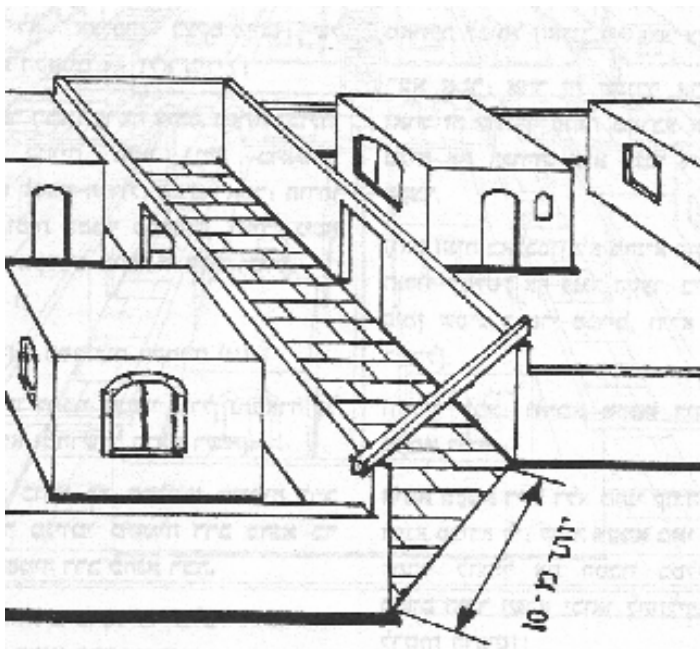
*

Said Rav Cahana: Because the discussion above was of **cohanim** (the sages involved bear the name Cahana), **I will say something about it**, too.

That which you said, that if one wall was four *amot* less, **one puts down the crossbeam at an angle**, we only say that **if there is not in the length of its angle more than ten *amot*** (see illustration¹⁹).

But if there is more than ten *amot* in its angle, everyone agrees that **one may only put it** (the crossbeam) **opposite** the end of **the short** side, i.e. the crossbeam may not be laid at an angle. This is because the whole length of the crossbeam is considered the opening of the alleyway, and an opening cannot be wider than ten *amot*.

*



19

PEREK 1 – 8B

They the scholars of the study hall **posed an inquiry: May one use** the space (i.e. may one carry) **under the crossbeam?**

Rav and Rabbi Chiya and Rabbi Yochanan said: It is **permitted to use** the space **underneath the crossbeam.**

Shmuel and Rabbi Shimon bar Rabbi and Rabbi Shimon ben Lakish say: It is **forbidden to use** the space **under the crossbeam.**

The Gemara suggests: **Let us say that they are differing over this point:**

That one master holds that a crossbeam is because the Sages wanted to establish a **recognizable feature.** Therefore one may carry under the crossbeam since it is recognizable that this is not a public domain.

And the other master holds that a crossbeam is because the Sages wanted to create a **partition,** and we consider the inner edge of the crossbeam as coming down and making a partition. Thus, the space under the beam is outside the partition.

*

The Gemara rejects this explanation: **No! Rather, everyone** agrees that **a crossbeam is because of having a recognizable feature.**

And here they are differing over this:

One **master holds that the recognizable sign** must be on the **inside** of the alleyway, to show the people inside that this is different from a public domain. Therefore the inner edge of the crossbeam is the border.

And the other master holds that the recognizable sign must be on the **outside,** to show the people outside that this alleyway is different than the public domain. Therefore the outer edge of the crossbeam is the border.

*

And if you wish, I could say that everyone holds that a crossbeam is **because** the Sages wanted to create a **partition.**

And here they are differing over this:

PEREK 1 – 8B

That one master holds the following: The inner edge of the crossbeam goes down and shuts off the alleyway. Therefore one cannot carry underneath the crossbeam.

And the other master holds the following: The outer edge goes down and shuts off. Therefore one can carry underneath the crossbeam.

*

Said Rav Chisda: Everyone who differed over the issue of carrying underneath a crossbeam **agrees concerning between the side posts** that are placed at the end of an alleyway, **that it is forbidden** to carry there. One can only carry within the inner edge of the side post.²⁰

*

Rami bar Chama asked Rav Chisda:

If someone stuck two pegs in the two walls of the alleyway, on the outside of the alleyway, and rested a crossbeam on them, placing the inner edge of the crossbeam

²⁰ *Tosafot* explain that this is because the side post can be even a *kol shehu* (of minimal thickness). Therefore, if people were allowed to carry between side posts, when the side posts are very thin they would easily end up carrying outside the area between the side posts.

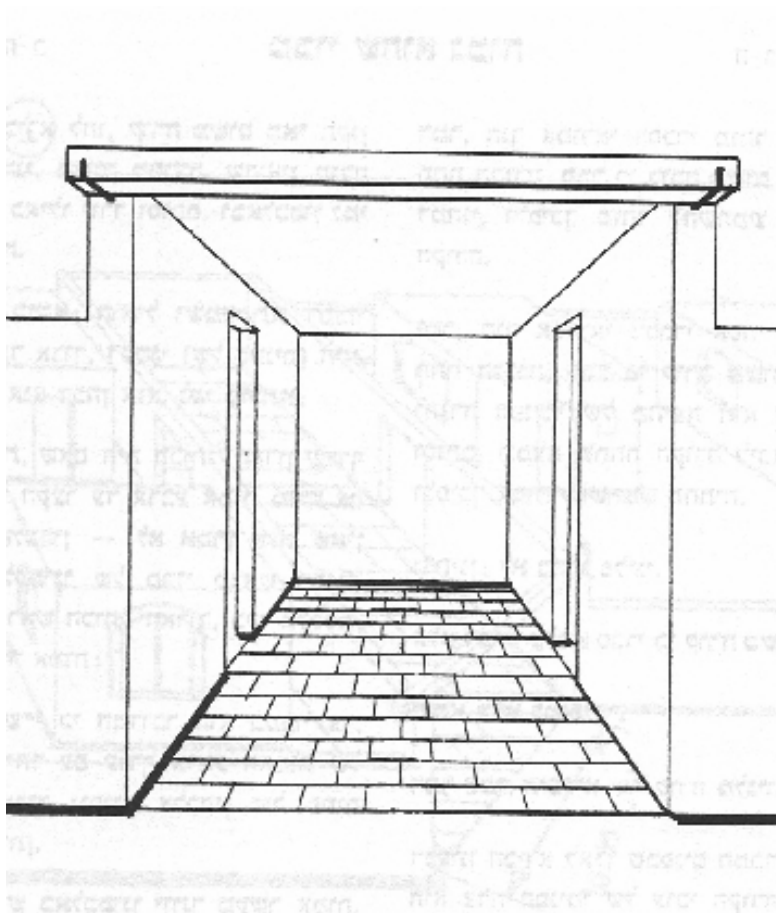
PEREK 1 – 8B

against the alleyway walls (see illustration²¹), **what** is the halachah? May one carry in the alleyway or not?

He (Rav Chisda) **said to him** (Rami bar Chama):

According to the one who generally allows one to carry underneath a crossbeam, because he holds that the outer edge descends and makes a partition, it is **forbidden** to carry in this case. For the descending edge is not next to the alleyway walls, since the width of the crossbeam separates them.

But **according to the one who generally forbids** carrying underneath a crossbeam, because he holds that the inner edge descends and makes a partition, this case will be **permitted**. For the inner edge of the crossbeam is right next to the wall.



21

PEREK 1 – 8B

Rava said: According to the one who generally forbids carrying under the crossbeam, here also it is forbidden. For we require a crossbeam on top of the walls of the alleyway, and here this requirement is lacking.

Rav Ada bar Matna contradicted Rava, from a Baraita: **If** its crossbeam...

CHAVRUTA

EIRUVIN – DAF TET

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...pulled away from the walls of the alleyway towards the outside, as for instance if it was resting on two extended pegs which were stuck into the outside on the alleyway, and there was an empty space between the alleyway and the beam (see illustration).

Or if the beam **was suspended** over the alleyway's air-space, between the two walls but on the same height, as for instance if the beam rests on a pole erected in the center of the alleyway, but does not reach the walls of the alleyway (see illustration).

If it is **less than three** *tefachim* from the walls of the alleyway, that the “pulled away” beam or the ends of the “suspended” beam were distant, **there is no need to bring another beam**, because we apply the principle of *lavud*¹, as if the ends of the beam reached the walls of the alleyway, and it is valid.

But, if the above-mentioned beams were distant **three** *tefachim* or more from the walls, in which case we cannot apply the principle of *lavud*, **there is a need to bring another beam.**

Rabban Shimon ben Gamliel, who holds that we apply *lavud* up to four *tefachim*, **says:** If it is **less than four** *tefachim* **there is no need to bring another beam.** Only if it is **four** *tefachim* distant, **there is a need to bring another beam.**

*

And the Gemara examines this: **Why not say** that the “**pulled away**” beam mentioned in the Baraita is pulled away **outside** the alleyway (as it was explained) **and** that the

PEREK 1 – 9A

“**suspended**” beam mentioned in the Baraita is standing **inside** the alleyway, but it is short and does not reach the walls of the alleyway (as it was explained).

This poses a difficulty because we see that we validate a “pulled away” beam, which is resting on two pegs, even if its inside edge does not reach the alleyway. This is neither in accordance with Rav Chisda's view, who goes against the permitting view and holds that it is forbidden, nor in accordance with Rava who said that it is forbidden according to everyone.

And the Gemara answers: **No**. “Pulled away” does not mean that the beam stands outside the alleyway, as we understood it up to now. Rather, **this one** (the “pulled away” beam) **and that one** (the “suspended” beam) are cases where the beam is *inside* the alleyway but does not stand on both walls of the alleyway or next to them. Instead, it is suspended.

And the distinction between them is as follows:

“**Pulled away**” means that the beam stands on the wall of the alleyway or next to it, but only **on one side** (see illustration).

And “suspended” means that the beam is suspended in the air-space of the alleyway without resting or being near both walls **on both sides** (see illustration).

And the Tanna has to speak of two kinds of “pulled away” beams, in order to teach us that even when the beam is completely suspended on both sides, if its ends are within a distance of three *tefachim* from the walls, we apply the principle of *lavud*.

Because **you might want to say that we apply *lavud* only on one side but we do not apply *lavud* on both sides, thus we are taught otherwise** by the Tanna in the Baraita, that we do apply *lavud* even on both sides.

¹A Halachah according to which a gap of less than three *tefachim* is

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*

Rav Ashi said: One cannot accept this answer that “pulled away” means “suspended”, but only on one side. Because what is the difference between being suspended on one side or on two sides? The Tanna of the Baraita does not have to teach both!

The answer is rather this: When the Baraita speaks of “pulled away” and “suspended” it does not refer to two different beams.

Rather, it refers to one short beam, which is positioned above the entrance of the alleyway and does not reach its walls, and which is also higher up. Thus:

1. It is **pulled away** from both walls of the alleyway.
2. **And it** that same beam **is** also **suspended** higher than the walls of the alleyway (see illustration).

And what is it like? If for instance someone wedged in two curved pegs on both walls of the alleyway (the pegs themselves cannot be considered as part of the beam because they are less than a *tefach* wide) and the pegs are facing each other as a support for the short beam which is resting on and between them.

And **there is less than three *tefachim* on their height** on their vertical side and likewise **there is less than three *tefachim* on their curvature** on their horizontal side (see illustration).

Although the beam is not actually resting on the walls of the alleyway, it is nevertheless considered as resting on those walls and on the alleyway itself, because:

considered as closed or filled in.

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1. Since the distance between the end of the beam and the wall of the alleyway is less than three *tefachim*, the principle of *lavud* applies.

Therefore, we look at the beam as if it extends (the whole length of the pegs) and reaches above the height of the walls.

2. Since the beam's height above the wall is less than three *tefachim*, we apply the principle of *chavot rami* (lower and put down) the beam as if it is resting on the walls of the alleyway.

And the law being taught by the Baraita is as follows:

You might want to say that we apply only one of these two principles at a time:

Either we apply *lavud*, or we apply *chavot*. But we do not apply *lavud* and *chavut* together. Thus we are taught otherwise: that we do apply both at once.

Now the Gemara goes back to its previous discussion, whether it is permitted to use the space under the beam and between the side-posts.

Rabbi Zakai recited in front of Rabbi Yochanan: The space which is between **the side-posts** of the alleyway, **and** also the space found **under the beam** of the alleyway, **is considered a *carmelit*** (a domain on its own where it is Rabbinically forbidden to carry or transfer objects).

He Rabbi Yochanan **said to him** to Rabbi Zakai: **Go recite outside!** Go teach the Baraita outside. In other words, this Baraita was never taught in the study hall and does not belong there. For the Halachah is that it is permitted to carry there.

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Abaye said: The words of Rabbi Yochanan stand to reason. Rabbi Yochanan permitted to carry only **under the beam**, because we say that the external edge of the beam comes down and closes the alleyway, thus permitting to carry there.

But as for the space found **between the side-posts**, Rabbi Yochanan agrees with Rabbi Zakai's words that **it is forbidden** to carry there.

But Rava said: **Between the side-posts it is also permitted** to carry, according to Rabbi Yochanan.

*

Rava said: **From where** is there a proof **for me to say** that this is Rabbi Yochanan's view?

Because when Rav Dimi came from the land of Israel to Babylon, **he said** in the name of **Rabbi Yochanan:** If the space found between the private domain and the public domain **has less than four tefachim by four tefachim** (which are the minimal measurements of a significant space²), it is nullified since it is near both domains. And therefore:

1. It does not become a *carmelit* since it does not have the minimal measurements of a significant space to be considered a domain on its own.
2. It cannot be included in any of the adjacent domains and become an integral part of them, because it is of a different kind since it is neither a private domain nor a public domain.

²In Hebrew, *makom chashuv*.

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Likewise, since it is near both domains but differs from them, its very nearness to one domain prevents its inclusion to the other domain, because if it would be included in one domain it should also be included in the other!

3. This space is therefore subject to the law of “exempt space” and it is permitted to carry into it from the adjacent domains. Since it is not a significant space, it is considered as nullified to both domains.

And since it is nullified to the adjacent domains, **it is permitted for both people of the public domain and those of the private domain to rearrange** their burden that they are bearing **on their shoulders in it**. It is permitted to put down there their burdens, in order to pick them up again on their shoulder and carry them further. Because this place is neither public nor private, thus there is no prohibition to carry from one domain to another.

But providing that they do not exchange. The people of the public domain and those of the private domain should not exchange their respective burdens, and thus come to permit the work of transferring from domain to domain on Shabbat.

I.e. it is prohibited for them to exchange burdens, in order to prevent people from thinking that it is permitted to bring objects straight from one domain to another, which is the Torah prohibition.

Thus Rava holds that the space found between the side-posts benefits from this leniency: since it is less than four by four *tefachim*, it is considered an “exempt space” and it is permitted to carry there—even though the side posts do not render it part of the alleyway proper.

*

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And Abaye would respond that there is no basis of comparison between the space between the side-posts and the Halachah of the exempt space.

There, the exempt space spoken of is located **three tefachim in height** from the ground, and thus it is easily recognizable.

But the ground which is between the side-posts is not a recognizable space because it is not actually separated from the alleyway. And if we were to permit carrying there, people might get confused and come to bring out to the public domain.

*

Abaye said: From where do I have a proof **to say that** for Rabbi Yochanan, it is forbidden to carry between the side-posts?

From what Rav Chama bar Guria said, Rav said: If the boards lining the opening (*petach*) of the alleyway are wide and extend a bit inside the length of the alleyway, and they are in fact its side-posts (see illustration); if one wants to carry **inside the opening** in the space which is between the side-posts, **there is a need for another side-post to permit it.**

Thus we see that Rav forbids to carry between the side-posts.

And since we have not found that Rabbi Yochanan disagrees with this halachah, we assume he accepts it (*Ritva*).

And should you say that there it is different, because in the space which is between the boards **there is four tefachim** (the boards extend four *tefachim* wide inside the length of the alleyway) **by four tefachim** in the width of the opening, and any space which has

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these measurements is a *carmelit* - a domain on its own - and it is Rabbinically forbidden to carry there.

It is impossible to say this.

Did not Rav Chanin bar Rava say, Rav said: The space which is “inside the opening”, even if it does not have four by four, needs another side-post to permit carrying.

*

But Rava would reply that from this teaching of Rav, there is no proof against his view that it is permitted to carry inside the opening between the side-posts, since it is like an exempt space.

Because **there**, where Rav forbids to carry inside the opening, the alleyway **opens into a *carmelit***. And then the space “inside the opening” joins the *carmelit* which is outside of it, and the whole area becomes a *carmelit*. Consequently, the space which is between the side-posts has lost its status of an exempt space.

*

And the Gemara is puzzled by this: **But** if it opens **into the public domain, is it permitted** then to carry in it, as it is in an exempt space?

Does **the citizen sit on the ground while the foreigner sits in the highest heavens?** (This is a popular saying, which implies by way of analogy that things appear to be backwards). How can we say that it is forbidden to carry when the alleyway opens into a *carmelit*, which is only Rabbinically forbidden, and that it is permitted to carry, if it opens into the public domain where it is forbidden to carry by Torah law?

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And the Gemara responds: **Indeed** the opening which opens into a *carmelit* is worse than the opening which opens into a public domain!

This is for the following reason: the space between the side-posts is considered an “exempt space” because it differs from the other domains next to it, and also because it does not have the significance of a space on its own. But if this place would be four by four *tefachim*, it would be significant enough to be a *carmelit*. Thus it is only because it does not have these measurements that it remains an exempt space and is nullified to both private and public domains.

However, when this place is near a *carmelit*, the space which is between the side-posts joins the nearby *carmelit*—because **the like** (the space inside the opening) **has found its like** (that which is outside of it) **and is awakened**³ i.e. it joins with it to take on the identity of the adjacent *carmelit*.

*

Rav Huna the son of Rav Yehoshua said to Rava: Don't you hold that according to Rabbi Yochanan, **it is forbidden** to carry **between the side-posts?**

Did not Rabbah bar Rav Chanah say, Rabbi Yochanan said: If an alleyway was lined up with side-posts from its entrance to as much as two or three *ammot* inside, **and there is less than four** *tefachim* (but more than three) between each side-post (see illustration), **we have come to the disagreement between Rabban Shimon ben Gamliel and the Rabbis.**

The measurement of *lavud* goes up to three *tefachim*, for the Rabbis, and up to four *tefachim*, for Rabban Shimon ben Gamliel.

³In Hebrew, *matza min et mino veni'or*.

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And Rav Huna ben Rav Yehoshua brings out the implications of this statement:

For Rabban Shimon ben Gamliel, who said that we apply *lavud* up to four *tefachim*, we look at all the side-posts as a long one. And therefore, one uses the alleyway to carry only up to the inner edge of the innermost side-post.

For the Rabbis, who said that we do not apply *lavud* up to four *tefachim*, it comes out that only the outer side-post is valid as such. As for the other side-posts, they are merely ordinary wooden stakes.

And therefore, **one uses** the alleyway to carry **up to the inner edge** of the **outer** side-post.

According to Rav Huna ben Rav Yehoshua's explanation, the basic law of carrying between the side-posts is clear: **But between the side-posts, everyone—the Rabbis and Rabban Shimon ben Gamliel—concurs that it is forbidden** to carry.

And this is a proof for Abaye.

*

But Rava would reply: **There too** it is a case **where** the alleyway **opens into a *carmelit***. And Rabbi Yochanan agrees there, that it is forbidden to carry between the side-posts.

And the Gemara raises a difficulty: **But what** if it opens **into a public domain, is it then permitted?** Does **the citizen sit on the ground while the foreigner sits in the highest heavens?**

And the Gemara answers: **Indeed, the like has found its like and is awakened.**

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Ammud Bet

Rav Ashi said: For a different reason, nothing can be proven from Rabbi Yochanan's statement concerning an alleyway lined up with side-posts. Because Rabbi Yochanan did not mean what Rav Huna ben Rav Yehoshua explained.

Rather, the case is as follows: **For instance,** if an alleyway **was lined up with side-posts and there is less than four tefachim** between them **along four ammot** which is the length of the alleyway (as said above, *daf* 5a).

And this is the meaning of Rabbi Yochanan's statement:

For Rabban Shimon ben Gamliel who said that we apply *lavud* wherever there is less than four *tefachim*, the lined up side-posts which became one unit along the four *ammot*, **came to be like the wall of the alleyway.**

And since we consider this as a full-fledged wall parallel to the alleyway's wall, it comes out that there is no side-post to the alleyway.

And therefore **another side-post** which extends less than four *ammot* **is needed to permit it** the alleyway (this is in accordance with Rashi's second explanation).

But **for the Rabbis, who said that we do not apply *lavud*** where there is more than three *tefachim*, **there is no need for another side-post to permit it** the alleyway. Because the outer side-post itself, which does not extend four *ammot*, permits the entire alleyway.

PEREK 1 – 9B

According to this explanation, it does not emerge that Rabbi Yochanan forbids carrying between the side-posts.

*

And the Gemara raises a difficulty: **And for Rabban Shimon ben Gamliel**, about whom you said that the side-post is invalid since it extends to four *ammot* due to the *lavud* principle, let us say nevertheless that the side-post should be valid.

Assumedly, the outer side-post does not stand completely inside the alleyway next to the wall. Side-posts generally protrude out slightly into the adjacent domain, so they it will be noticeable to all, from inside and outside. Because if the side-post does not protrude but stands flush with the alleyway's wall, it looks like an additional thickness of the wall, and there is no recognition from outside that it is meant to be a side-post.

This being so: **Let** this little bit which extends out of the alleyway be **like** a side-post that is seen only **from outside** the alleyway, **yet appears flush from inside** i.e. it does not look like a side-post from inside the alleyway (see illustration). But it should be valid nevertheless.

And the Gemara answers: **This reasoning is only required for Rabbi Yochanan**. I.e. the statement about the alleyway lined up with side-posts was made by Rabbi Yochanan. And this resolves the difficulty—

Because when Rabin came, he said in the name of Rabbi Yochanan: If it is seen from outside yet appears flush from inside, it is not considered a valid side-post.

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The Gemara now discusses the opposite case: **It was said** in a statement of **Amoraim**: **If** a side-post **is seen** only **from *inside*** the alleyway **yet** appears **flush** with the alleyway's wall **from outside** because the side-post was erected inside the alleyway next to the wall, with its outer edge ending together with the outer edge of the wall, on the outside (see illustration). And it looks like a thick wall to those who stand outside, while anyone who stands inside sees the inner edge of the side-post which protrudes from the wall — **It is judged as a valid side-post.**

But if a side-post **is seen** only **from outside** **but** appears **flush from inside**, for instance when the side-post was not erected inside the alleyway next to the wall but was made as an extension to the wall towards the outside (see illustration). And if the side-post was made thicker than the wall, it turns out that the extra thickness of that side-post does not protrude inside the alleyway's opening, but outside the alleyway.

It comes out that the side-post is seen only by those who stand completely outside the alleyway (even someone who stands in the entrance of the alleyway does not see a side-post but only a thick wall). We come then to the disagreement between **Rabbi Chiya** and **Rabbi Shimon ben Rabbi Yehudah HaNasi**.

One said: It is considered a side-post.

The other said: It is not considered a side-post.

*

The Gemara explains: **You may conclude that Rabbi Chiya is the one who said that it is considered a side-post.**

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For Rabbi Chiya taught in a Baraita: **If a thick wall** of an alleyway **has one side**, i.e., part of the thickness of one wall is not equal in its length to its other part, **which recedes more than the other** (see illustration).

Whether it is seen from outside i.e., the wall thickens at the entrance of the alleyway and someone standing outside sees the thick part of the wall protruding inside the entrance of the alleyway. **Yet appears flush from inside** i.e., the thickness of the wall extends to its end, so that someone standing inside the alleyway does not notice the side-post.

Or whether it is seen as a side-post at the entrance **from inside, but appears flush from outside** i.e., at the beginning — at the side of the alleyway's opening — the wall is thick but further in it becomes thinner. Thus, someone standing inside the alleyway where the wall thins out, sees the part of the wall that sticks out because it is thicker. But someone standing at the beginning of the wall sees only a thick wall but not the side-post.

In both the above cases, **it is considered a side-post**.

Thus, even if it is seen only from outside, it is valid according to Rabbi Chiya.

You may conclude as we said, since this is an apparently solid proof.

*

Now the Gemara rejects this approach: **And Rabbi Yochanan**, who we said holds that if it is seen only from outside, it is not valid — **did he not hear this** Baraita that was taught by Rabbi Chiya? **Rather**, it must be that Rabbi Yochanan **heard it but he does not hold of it**. He does not consider it to be the Halachah.

PEREK 1 – 9B

And if so, we can also say that **Rabbi Chiya also does not hold of it**, even though he taught that Baraita.

And the Gemara rejects this approach: **What is this**, i.e. what is the basis for the comparison?

It is well to say that **Rabbi Yochanan did not hold of it**, the Baraita taught by Rabbi Chiya, **and for this reason did not teach it**.

But for Rabbi Chiya, it is not plausible to say that he does not hold of it, because **if he does not hold from it, why did he teach it?**

Rabbah bar Rav Huna said: If it is seen from outside yet appears flush from inside, it is considered a side-post.

*

By way of introduction: the Sages made two decrees concerning alleyways and courtyards.

1. Concerning a private domain, that in order to carry within it, it needs to be closed on all four sides and thus isolated from the public domain or the *carmelit* adjacent to it.
2. Concerning the tenants of the alleyways or of the courtyards, that in order to carry within the common area, they need to be considered as if they are all dwelling in one private domain.

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The side-post, the beam and the boards (*passim*) are effective in fulfilling the requirements of both these decrees. Whether to completely close the private domain, or to define the tenants as dwellers of one private domain.

If two courtyards have a completely breached fence between them; or if an alleyway has a completely breached wall into the adjacent courtyard, that space is considered as joined, and is one closed off private domain. Nevertheless it is forbidden to carry there because of a Rabbinical decree. The Sages require an *eiruvei chatzerot*, a joining of the courtyards, involving the tenants of the courtyards or of the alleyways which are so connected.

But if there are boards between the courtyards, these form a separation, and the tenants of the courtyards are not considered as dwellers of one domain, who need to make such an *eiruv* of courtyards.

*

Rabbah said: We raise a contradiction to our teaching that states that a side-post seen only from the outside is valid. For it follows that an opening whose frame is seen only from the outside should surely be considered valid.

An example of this: a wall of a courtyard which is breached all along its length into a larger courtyard. And in the breached courtyard no sign of a frame can be discerned, while in the larger courtyard, the frame of the wall appears as an opening (see coming illustration).

And the contradiction is raised from the Mishnah brought above, *daf* 8a.

For it was taught in the Mishnah: If a small courtyard was completely breached into a large courtyard (see illustration) —

PEREK 1 – 9B

The **large** courtyard is considered as independent, because the opening of the small courtyard is seen by its frame. And the small courtyard is not considered as part of it. Therefore **it is permitted** to carry in the large courtyard, provided that the tenants of the large courtyard have made an *eiruv* between themselves.

But as for the small courtyard, which does not have an opening since it is completely breached, it is nullified to the large one into which it leads. And it is considered as part of it. Therefore **it is forbidden** to carry in the small courtyard unless an *eiruv* is made with the large courtyard.

And the large courtyard is permitted **because** the small courtyard is considered **as the opening of the large** one. And two courtyards which have an opening between them can have a separate *eiruv*.

And if it is so, that what is seen only from the outside is considered a side-post and an opening, **let the small one also be permitted** after an *eiruv* has been made, **when** its frame **is seen from outside** by whoever stands in the large courtyard. **And** even though **it appears flush from inside** by whoever stands in the small.

Rav Zeira said: There is no difficulty from that Mishnah.

Because that Mishnah deals with a case where **the walls of the small** courtyard **extend** two or three *ammot* into the **large** one (see illustration). And it comes out that the opening is located at the end of the extending walls, while its frame is left behind. Thus it cannot be connected to the breach in order to be considered an opening with a frame.

*

PEREK 1 – 9B

And the Gemara raises a difficulty: **But let us apply *lavud***. The law of *lavud* allows us to consider the space between the ends of the walls of the small courtyard, up until the middle of the walls of the large one, as if it is filled with the walls of the small one, and as if the walls of the small one turn toward the walls of the large one. **And** so the small courtyard **should be permitted** because these are its frame (see illustration).

And if you say the following, to resolve the difficulty: that the walls of the small courtyard **are much separated** from the walls of the large one, i.e. more than three *tefachim* distant, so that *lavud* cannot be applied.

This cannot be said, because:

Rav Ada bar Avimai surely taught a Baraita **in front of Rav Chanina bar Papi** [Bac”h], which explains the Mishnah:

And this is what was taught: The Mishnah deals with a case where the width of the **small** courtyard is **ten ammot** and the width of the **large one, eleven ammot**, which leaves an extra six *tefachim* which divide into three *tefachim* for each side of the small courtyard.

And since the thickness of the walls of the small courtyard reduces the distance between the external side of its walls and the walls of the large one to less than three *tefachim*, therefore let us apply *lavud* and permit the small courtyard!

Ravina said: We are dealing with a case where the small courtyard does not penetrate equally into the large one. Rather, the walls of the large courtyard and those of the small one **are separated** in a different way:

From one wall of the small courtyard they are separated by only **two tefachim** (and there *lavud* indeed applies) **but from the other wall** of the small one they are separated by **four tefachim**.

PEREK 1 – 9B

Therefore we can only apply *lavud* on one side, because the other side is more than three *tefachim* distant (and this a case where the walls of the small courtyard are not even a *tefach* wide).

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And the Gemara raises a difficulty: **But nevertheless, let us apply *lavud* only on one side, and permit** the small courtyard with one opening frame!

CHAVRUTA

EIRUVIN – DAF YUD

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

The Gemara answers: That Mishnah **is** following the view of **Rabbi** i.e. Rabbi Yehudah Hanasi. **For he said** that **we need** to have **two boards**¹ at the entrance to the courtyard, in order to permit carrying there.

For it was taught in a Baraita: Concerning **a courtyard** that has been breached, and is now open to the public domain. If the breach is not more than ten ammot² wide, it will be **permitted** to carry there **in** a case of just **one board**. I.e. when there remains just one part of the breached wall.

Rabbi says: It is only permitted to carry there **in** a case where **two boards** remain. I.e. there remains two parts of the wall, at opposite ends.

The Gemara (above 9b) explained the Mishnah even according to the view that holds that a board which can be seen only from outside is valid as a side post³.

The Gemara now asks: **What is this?** How can you explain the Mishnah according to this view?

For **it is fine if you say** the Mishnah follows the opposing view: that a board which **can be seen from the outside yet is flush** with the wall **from the inside** (i.e. it cannot be seen from inside the courtyard) **is not considered** a valid **side post**.

¹ These "boards" refer to the remaining parts of the breached wall.

² 1 ammah – 18.7in, 48cm

PEREK 1 – 10A

If so, then we can explain why the Baraita (cited above, 9b) set up the Mishnah to be speaking in a case that the smaller courtyard is ten *ammot* wide, and the larger one is eleven *ammot* wide.

For we could say that the Mishnah is following the view of Rabbi, who requires two boards to permit carrying in the courtyard. **And** we could say that **Rabbi held like Rabbi Yosi**, that a board needs to be three *tefachim* wide in order to permit carrying in the courtyard. **And** since the Mishnah is following the views of Rabbi and Rabbi Yosi, then the explanations **of Rabbi Zeira and of Ravina** in the Mishnah (cited above, 9b) **are not** applicable.

Because of all this, it is understandable why the Baraita stated that the Mishnah is speaking of a case where the size of **the smaller** courtyard **is ten** *ammot*, and the size of **the larger** one **is eleven** *ammot*. I.e. the larger courtyard is one *ammah* (six *tefachim*) wider than the smaller one.

Because Rabbi requires two boards to permit carrying in the courtyard. **And he held like Rabbi Yosi**, that each board needs to be three *tefachim* wide. So this is why the larger courtyard needs to be six *tefachim* wider than the smaller one – so that it has room for two boards of three *tefachim* to permit carrying there, since one *amah* equals six *tefachim*.

*

But if you say that the Mishnah follows the view that a board which **can be seen from the outside and is flush from the inside** *is judged as a valid side post*—

And if you say that the explanations **of Rabbi Zeira and of Ravina** in the Mishnah (cited above, 9b) **are** applicable (i.e. the Mishnah is speaking of a case that two walls of

³ A board placed at the entrance to an alleyway (connecting different courtyards) which leads to a public domain. Without a side post it is forbidden to carry in an alleyway.

PEREK 1 – 10A

the smaller courtyard extend within the larger courtyard, as Rabbi Zeira said, and one is two *tefachim* and the other four *tefachim* away from the walls of the larger courtyard, as Ravina said—

And if you say that **Rabbi**, whose view the Mishnah is following, **does *not* hold like Rabbi Yosi** that boards need to be three *tefachim* wide—

Then **why do I** need to say **the larger** courtyard was **eleven** *ammot* wide, as the Baraita set up the Mishnah?

For whatever way you wish to explain the Baraita, it is difficult:

If the Baraita by giving these measurements of ten and eleven *ammot* **is coming to permit** carrying **in the larger** courtyard. I.e. it said the larger one is one *ammah* wider so that there is enough space to have two boards there.

But this cannot be correct.

Because **it would have been sufficient** to say the larger courtyard is **ten *ammot* and two *tefachim*** wide. For since the Mishnah is not following the view that each board needs to be three *tefachim* wide (Rabbi Yosi's view), it would be enough if each board is just one *tefach* wide. Thus the larger courtyard needs to be just two *tefachim* wider than the smaller one – i.e. ten *ammot* and two *tefachim* wide.

And if you will say the Baraita, by giving these measurements of ten and eleven *ammot*, **is coming to forbid** carrying **in the smaller** courtyard. I.e. it is coming to teach that since the walls of the smaller courtyard (that extend into the larger courtyard) are too far away

PEREK 1 – 10A

from the walls of the larger courtyard to apply *lavud*⁴, and this is why it is forbidden to carry in the smaller courtyard.

But this also cannot be correct.

Because if so, then the Baraita **should have taught us** this point (that we do not apply *lavud*) in a much clearer manner. For it could have set up the Mishnah in a case where the walls of the two courtyards were **very far apart**. In this way, we would know that we cannot apply *lavud* to the walls of the smaller courtyard, since they are too far away from the walls of the larger courtyard.

However, since the Baraita established the Mishnah in a case that there was just a one *ammah* difference between the two courtyards, it cannot be teaching that we do not apply *lavud*.

Rather, is it not the case that we hear from it (the Mishnah), **that a side post that can be seen from outside yet is flush from the inside, is not considered a valid side post?**

The Gemara concludes: Yes, **hear from it** a proof that such a side post is invalid.

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Said Rav Yosef: I did not hear that teaching of Rabbah bar Rav Huna from his father Rav Huna. I.e. the teaching that a board which can be seen only from outside the alleyway is judged as a valid side post.

Abaye said to him (Rav Yosef): **You yourself said to us** this teaching in the name of Rav Huna. [The Gemara elsewhere (Nedarim 41a) relates that Rav Yosef fell ill and forgot a lot of what he had learnt. Abaye, his disciple, would often remind Rav Yosef of

⁴ This Halachah states that if an object comes within three *tefachim* of a nearby surface, it is considered as

PEREK 1 – 10A

teachings he had stated before he fell ill]. **And concerning this** statement of Rav Huna, **you said it to us.**

For Rami bar Abba said in the name of Rav Huna: An alleyway which has one wall longer than the other parallel one, and a **side post** is placed at the end of the shorter wall. This side post **extends** the shorter wall in line **with the longer wall of the alleyway**, so that the two walls are now the same length⁵.

Although the side post is not as wide as the wall it is placed by, this fact is not discernable to a person looking from within the alleyway (for it seems to be an extension of the wall). However, to a person looking at the wall from outside the alleyway, he can see that the side post has been placed there, for it is not as wide as the wall. The validity of such a side post depends on the following:

If the length of the side post is **less than four ammot** – **it is considered a side post. And** therefore a person **can use** this alleyway to carry there, but only up **until the inner edge of the side post**, i.e. where the side post meets the rest of the wall.

But if the length of the side post is **four ammot** (or more), which is the minimum length of an alleyway, the side post **is considered as** a continuation of the wall of **the alleyway**, and not as a side post. **And** thus, since this alleyway does not have a side post, **it is forbidden to use any of it** (the alleyway) to carry there.

And you (Rav Yosef) **said to us about it** (this teaching of Rami bar Abba in the name of Rav Huna): **Hear from it three** things:

- (1) **Hear from it:** The space **between the side posts**, i.e. the area between the side post and the wall across from it – **it is forbidden** to carry there. This is derived

connected to it.

⁵ The Ritva explains the Gemara this way.

PEREK 1 – 10A

from what Rami bar Abba said, that one can only carry up until the inner edge of the side post.

(2) **And hear from it: The minimum length of an alleyway is four *ammot*.** This is derived from what Rami bar Abba said that if the side post is four *ammot* long, then it is judged as an alleyway and not a side post.

(3) **And hear from it:** A side post which **can be seen** only **from outside** the alleyway, **yet it is flush** with the alleyway when viewed **from inside** the alleyway (i.e. the side post cannot be discerned as being separate from the wall of the alleyway) – **is considered a side post.** This is derived from the fact that if the side post is less than four *ammot* long, it is judged as a side post.

Abaye thus reminded Rav Yosef that he had heard this teaching in the name of Rav Huna.

*

The Gemara concludes: **And the Halachah is:** a side post which **can be seen** only **from outside** the alleyway, **yet it is flush** with the alleyway when viewed **from inside** the alleyway – **is considered a side post.**

The Gemara is puzzled by this: The Gemara above had brought a proof from a Mishnah that this type of side post is *not* judged as a side post. How could the Gemara bring a **refutation** to the view that it is considered a side post, **and** now conclude that **the Halachah** is that it *is* considered a side post?

The Gemara answers: **Yes**, it is possible that the Halachah follows the view that it is considered a side post, even though a Mishnah contradicts this view.

PEREK 1 – 10A

Because of that which **Rabbi Chiya taught** in a Baraita (cited above, 9b) **in accordance with him** (in accordance with the view it is considered a side post). For Rabbi Chiya taught: “If a thick wall of an alleyway has one side, i.e., part of the thickness of one wall is not equal in its length to its other part, which recedes more than the other (see illustration there).

“Whether it is seen from outside i.e., the wall thickens at the entrance of the alleyway and someone standing outside sees the thick part of the wall protruding inside the entrance of the alleyway. Yet appears flush from inside i.e., the thickness of the wall extends to its end, so that someone standing inside the alleyway does not notice the side-post.

“Or whether it is seen as a side-post at the entrance from inside, but appears flush from outside i.e., at the beginning — at the side of the alleyway's opening — the wall is thick but further in it becomes thinner. Thus, someone standing inside the alleyway where the wall thins out, sees the part of the wall that sticks out because it is thicker. But someone standing at the beginning of the wall sees only a thick wall but not the side-post.

“In both the above cases, it is considered a side-post.”.

It was stated in the Mishnah: **And** if the entrance to an alleyway **is wider than ten ammot – he should reduce** its width.

Said Abaye: It was taught in a Baraita: **And** if the entrance to an alleyway **is wider than ten ammot, he should reduce** its width.

Rabbi Yehudah says: It is not necessary to reduce its width.

PEREK 1 – 10A

The Gemara inquires: **And until how** wide does Rabbi Yehudah allow the entrance to be, that it is not necessary to reduce it?

Rav Achi, in the presence of Rav Yosef, suggested: Until thirteen and one third *ammot*.

*

The following is a short introduction to the next section of Gemara:

- (1) Wells have a status of a private domain, since they are ten *tefachim* deep and four *tefachim* wide.
- (2) Therefore one should not be able to draw water out of a well in the public domain, since one will be taking a utensil (the pail) from a private domain to a public domain.
- (3) The Sages permitted transforming the section of the public domain that is immediately adjacent to the well into a private domain, for the benefit of those who were going to Jerusalem for the Festival—so they may draw water from the well on Shabbat. This is effected by erecting small vertical boards (*passim*) at four corners surrounding the well. If each board is formed at a right angle, and is two *ammot* in total length, one *ammah* in each direction, then this makes the area they encompass into a private domain. These boards are called “*passei bira’ot*” (boards of wells). See illustration.
- (4) There is a disagreement between Rabbi Meir and Rabbi Yehudah over how far these boards may be spaced from one another: Rabbi Meir holds ten *ammot* and Rabbi Yehudah holds thirteen and one third *ammot*.

PEREK 1 – 10A

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And Rav Achi (in his statement quoted above) derived the maximum width of the entrance to an alleyway, according to the view of Rabbi Yehudah, by means of a *kal vachomer*⁶ **from** the gap allowed between the **boards of wells**, according to the view of Rabbi Yehudah. The reasoning is as follows:

If with **boards of wells, which you permitted** to carry **in** the area enclosed by **them**, even though the **open area is greater than the closed** area. For the boards are comprised of only two *ammot* in each direction, and the open space between them is greater than this measurement. But still, **you did not permit**, according to Rabbi Yehudah, an open space that is **more than thirteen and one third ammot**.

So with **an alleyway, which you did not permit** to carry **in it** if the **open area is greater than the closed** area – **is it not logical that you would not permit** to carry **in it**, according to Rabbi Yehudah, when it is open **more than thirteen and one third ammot**?

*

The Gemara brings a refutation to the *kal vachomer*:

On the contrary, the very logic you used to forbid carrying in an alleyway with an entrance wider than thirteen and a third *ammot*, **it itself is what gives** a reason to permit carrying there.

For perhaps **boards of wells**, which already have one leniency—**that you permitted** to carry **in them** even though the **open area is greater than the closed** area—this is the

⁶ A fortiori reasoning.

PEREK 1 – 10A

very reason why **you did not permit in them** another leniency, to carry there if the open space is **more than thirteen and a third *ammot***.

However an alleyway, which you did not permit carrying in it if the **open area is greater than the closed** area. This leaves room to apply a leniency here, and **permit carrying in it**, even in a case where the entrance is **greater than thirteen and a third *ammot***.

*

Alternatively, one can refute what Rav Achi said **from the opposite direction**, and say that an alleyway has a more stringent Halachah than boards of wells.

For we could say: Concerning **boards of wells, which you were lenient in** regards to **them with one leniency** – to permit carrying, although the open area is greater than the closed area—so **we can be lenient in** regards to **them with another leniency**: that if the open space between the boards is less than thirteen and a third *ammot*, it is permitted to carry within the area encompassed by the boards.

But **an alleyway**, regarding which you were **not lenient at all**, it is permitted only with an entrance of ten *ammot*, no more.

In conclusion: although we cannot derive a proof from the case of boards of wells, nevertheless it is clear from the Baraita (cited above) that Rabbi Yehudah permits carrying in an alleyway that has an entrance wider than ten *ammot*.

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Levi taught in a Baraita: If **an alleyway** has an entrance **that is twenty *ammot* wide**, the width of the entrance needs to be reduced in order to be able to carry there. Therefore **one**

PEREK 1 – 10A

should insert a stick in the middle of it (the entrance). This divides the entrance into two entrances of ten *ammot*, **and this is sufficient** to permit carrying there (if a side post or crossbeam⁷ is subsequently added to the alleyway).

He (Levi) taught it (the Baraita), **and he also said about it, that the Halachah is not like that teaching** (i.e. that Baraita). This is because the airspace on one side of the stick (ten *ammot*) and on the other side (another ten *ammot*) join together, and nullify the partition between them.

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Some say that Shmuel said in the name of Levi: The Halachah is not like that Mishnah.

*

Rather, what should one do to permit carrying in an alleyway whose entrance is twenty *ammot* wide?

Said Shmuel in the name of Levi...

Ammud Bet

...one should **make a board ten tefachim high and four ammot long. And he should place it** in the middle of the alleyway, with its length facing **along the length of the**

⁷ A crossbeam placed on top of the entrance to an alleyway in order to permit carrying there.

PEREK 1 – 10B

alleyway. (See illustration.) Since the minimum length of an alleyway is four *ammot*, it is considered that this board divides the larger alleyway into two smaller alleyways. If one places a side post or a crossbeam in each of the smaller alleyways, then one will be permitted to carry in them.

*

Alternatively, an entrance that is twenty *ammot* wide can be fixed up **like that** way which **Rav Yehudah** said.

For Rav Yehudah⁸ said: Concerning an entrance of **an alleyway which is fifteen *ammot* wide,** which needs to be made narrower in order to permit carrying there. One should **leave a gap of two *ammot*** from one side of the entrance, **and make a board three *ammot*** long. The board should be placed along the entrance so that it extends three *ammot* across the width of the entrance (see illustration).

These first five *ammot* are then considered as “closed” in Halachah – since the length of the board (three *ammot*) is greater than the open space (two *ammot*), it is all viewed as closed. In this way, there remains an entrance which is just ten *ammot* wide – and by placing a side post or crossbeam there, it is permitted to carry in the alleyway.

Here also, with an entrance of an alleyway which is twenty *ammot* wide, Rav Yehudah would suggest one of the following two solutions. Either one could set up two boards three *ammot* long at the two ends of the entrance, each one, two *ammot* away from the end. Or one could set up just one board six *ammot* wide, at a distance of four *ammot* from one end of the entrance. In both cases, ten of the twenty *ammot* are considered closed, leaving just a ten *ammot* gap to fix up.

*

PEREK 1 – 10B

The Gemara asks: **But why** did Rav Yehudah suggest using a board three *ammot* wide to effect a closed area of five *ammot*?

Why did he not suggest that one **make** two boards for this purpose: One **board one and a half *ammot*** wide should be placed next to one end of the entrance. Then **he should leave a gap of two *ammot*, and make** another **board of one and a half *ammot* wide**. Here also, the majority of the five *ammot* width is enclosed, so the whole of this area can be considered closed.

Since Rav Yehudah did not suggest this option, perhaps we can **hear from this** a proof that he holds the following view: That when the **closed** area is only **greater than the open** area by joining together closed parts **from two directions, this is not** considered a valid **closed** area. For in this case, where the open space is two *ammot*, and each individual closed board is only one and a half *ammot* – they cannot nullify the open space between them, since each individual board is not as long as the open space.

The Gemara rejects the proof: **In truth, I could say to you:** even when one needs to combine two boards to make the closed area larger than the open area, **this is** considered a valid **closed** area.

And it is different here, since the board which is in the middle of the entrance is flanked by two open areas, which, when combined, are a larger area than this board. The open areas combine to make up a twelve *ammot* width, whereas the board is only one and a half *ammot* wide (see illustration). So in this case, we say: **comes the open space of that side, and the open space of the other side, and** they combine together to **nullify** the board in between them.

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⁸ I.e. Rav Yehudah the Amora, not to be confused with Rabbi Yehudah the Tanna (who holds that an

PEREK 1 – 10B

The Gemara asks: But why did Rav Yehudah require one long board of three *ammot*, in order to nullify the open space of two *ammot*?

Let him instead **make a board** one *ammah* long and place it next to one of the walls of the alleyway. **And then leave a space of an *ammah*, and make a second board** one *ammah* long at that point. **And then leave another space of an *ammah* and make a third board** one *ammah* long at that point (see illustration). In this manner, there will be a combined area of three *ammot* of boards, which can nullify the open area between them, of two *ammot*.

Since Rav Yehudah did not suggest this option, perhaps we can **hear from this** a proof that he holds that where the **closed** area is **like** (i.e. equal to) **the open** area, **it is forbidden** to carry there.

The Gemara rejects the proof: **In truth, I could say to you** that if the closed area is like the open area, **it is permitted** to carry there.

And it is different here, since the third board is flanked also by an open space of ten *ammot*. Therefore we say: **comes the open space of that side, and the open space of the other side, and** they combine to **nullify** the board in between them.

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The Gemara asks: Why did Rav Yehudah suggest leaving a space of two *ammot* and making a board three *ammot* wide? Why was it necessary to leave such a wide space?

Let him leave a space of an *ammah* away from one of the walls of the alleyway. **And then he should make a board one and a half *ammot* wide. And then leave a space of**

entrance more than ten is valid).

PEREK 1 – 10B

another *ammah*, and then **make** another **board of one and a half ammot** wide. In this way there is no single wide space of two *ammot*, rather two separate one-*ammah* spaces. And since the boards are wider than the open spaces, we do not say that the ten *ammot* space on the side of the outer board joins with the one *ammah* space on the other side of this board (see illustration). So why did Rabbi Yehudah not suggest this option?

The Gemara answers: **Yes**, in truth **it is so**. It indeed would be better to do like this option. And the reason Rav Yehudah did not suggest this option, is because he held that **the Rabbis did not** want to **trouble** people **so much** to set up a few different boards, in order to rectify the alleyway. Thus he offered a solution that is easier to carry out.

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The Gemara raises a difficulty. According to Rav Yehudah, that there is a gap of two *ammot* between the wall and the three *ammah* board, so that the two *ammot* gap effectively forms a new entrance into the alleyway: **and** therefore, **we should be concerned maybe** the people **will stop** using **the large entrance** (of ten *ammot*) **and go into the small entrance** (of two *ammot*). In this manner, the side post or crossbeam which has been placed by the larger entrance will be nullified. For the side post or crossbeam needs to be placed at the entrance of the alleyway, and now the smaller entrance is considered the main entrance.

The Gemara answers: **Said Rav Ada bar Matna**: We do not need to be concerned with this. For **there is an assumption**, that **a person will not let go** the opportunity to come in through **a big entrance, and** instead **come in through a small entrance**.

The Gemara raises a difficulty: **And how is this different from that case of Rabbi Ami and that of Rabbi Asi**, who said (above, 5a) the following: Where an alleyway has been breached in the wall next to its entrance, even if it is just three *tefachim* wide, the side post or crossbeam are no longer valid. The reason for this is because we are concerned maybe the people will stop using the main entrance and start using this smaller entrance.

PEREK 1 – 10B

Why in that case do we not say that it is assumed that people will not stop using the larger entrance to start using the smaller entrance?

The Gemara resolves the difficulty: It is different **there**, since the small entrance and large entrance are on different sides of the alleyway. So by going in through the small entrance, **he is reducing his** distance of **walking**, for in this way he need not go around the wall to the entrance of the alleyway, to go in through the large entrance.

But **here**, the two entrances are on the same side of the alleyway. So by entering through the smaller entrance **he is not reducing his walking**. Therefore there is no concern that people will choose to go in through the smaller entrance instead of the larger entrance.

The following is a short introduction to the next section of Gemara:

- (1) If there is a corpse within a tent, people and utensils inside the tent become impure, even though they have not touched the corpse. A tent (*ohel*) is anything that acts as a common roofing over the corpse and the person or utensil. The *ohel* could be a tree branch or a wide utensil or anything else.
- (2) The minimum size of the *ohel* to effect this impurity is one *tefach* long, one *tefach* wide, and it must be positioned at least one *tefach* high.
- (3) The width of one *tefach* is measured as follows:
 - (a) When measuring with the thumb, it is the width of four thumbs.
 - (b) When measuring with the index finger, it is the width of five index fingers.
 - (c) When measuring with the little finger, it is the width of six little fingers.

PEREK 1 – 10B

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It was taught in a Tosefta, over **there** (in Tractate *Keilim*):

The leather of the *aslah* and its gap can join together to make up a *tefach*, to be considered an *ohel*, to convey impurity.

The Gemara explains the Tosefta: **What is “the leather of the *aslah*”?**

Said Rabbah bar bar Channah in the name of Rabbi Yochanan: It is the leather covering of a toilet seat used by nobles.

The Gemara explains the Tosefta further: **And how** wide can the gap in this seat be, that it will be considered nullified to the leather covering which surrounds it, to make up a *tefach* all together?

When Rav Dimi came from the land of Israel to Babylonia, **he said** what he had heard from Rabbi Yochanan: The width of **two** little **fingers** of leather covering **from here**, **and** the width of **two** little **fingers** of leather covering **from there**, **and** the width of **two** little **fingers' space in the middle**. Altogether, this comes to the width of six little fingers, which is a *tefach*.

When Ravin came from the land of Israel to Babylonia, **he said** what he had heard from Rabbi Yochanan: The width of **one and a half fingers** (i.e. thumbs) of leather covering **from here**, and the width of **one and a half fingers** (i.e. thumbs) of leather covering **from there**, **and the width of one finger** (thumb) **space in the middle**. Altogether this comes to the width of four thumbs, which is a *tefach*.

Asked Abaye to Rav Dimi: Are you (and Ravin) **disagreeing?**

He (Rav Dimi) **said to him** (to Abaye): **No**, we are not disagreeing.

That which Ravin said **was referring to big ones** (i.e. thumbs), and four of them is a *tefach*.

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And that which I said **was referring to little ones** (little fingers), and six of them is a *tefach*.

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He (Abaye) **said to him** (Rav Dimi): **Indeed there is a disagreement!** For you, Rav Dimi, do not require that the individual closed parts (the leather) be larger than the open area. Both are the size of two little fingerbreadths. But Ravin requires that each individual closed part be larger than the open area, so that each leather part is one and a half fingerbreadths and the gap is just one fingerbreadth. So we see there is a disagreement between Rav Dimi and Ravin.

And the disagreement is in a case where the **closed area is larger than the open area**, but only by joining the two closed areas together **from two directions**.

According to you (Rav Dimi), Rabbi Yochanan holds that even by combining the closed areas from two directions, **it is considered a valid closed area**, to nullify the open area between it.

But **according to Ravin**, Rabbi Yochanan holds that only if the closed area **from one direction** is greater than the open area, **is it considered a valid closed area**. But if the closed area is greater than the open area, only by combining it **from two directions**, this **is not** considered to be a valid closed area.

Because if you would think there is no disagreement, and Ravin chose to speak of one and a half fingerbreadths since he (Rabbi Yochanan) was referring to large fingers (i.e. thumbs).

If so, **according to Ravin he should have said** as follows (in the name of Rabbi Yochanan):

The width of **one and a third fingers** of leather covering **from here, and** the width of **one and a third fingers** of leather covering **from there, and** the width of **one and a third fingers of space in the middle**. Altogether this amounts to four fingers, which is a

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tefach if he was referring to big fingers (thumbs). By choosing these figures he could teach that the space is nullified even if each of the closed areas is not greater than the space between them. Since he did not speak of this case, it must be that he disagrees with Rav Dimi in what Rabbi Yochanan held.

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Said Rav Dimi to Abaye: **Rather, what** are you (Abaye) saying – that **we** (Ravin and myself) **are disagreeing?**

If so, **according to me, this is how I should have said** it, in the name of Rabbi Yochanan:

The width of **one and two thirds fingers** of leather covering **from here**, and the width of **one and two thirds fingers** of leather covering **from there**, and the width of **two and two thirds fingers of space in the middle**.

For according to you (Abaye), since we can combine the two areas of leather to nullify the open area, it should be fine to do so even if each area of leather is less than the width of open space between them.

Rather we must say, since I heard Rabbi Yochanan state measurements where the closed and open areas were of equal width, that only in that case do we say the open space is nullified by the closed (leather) areas. Therefore, I am not disagreeing with Ravin in the view of Rabbi Yochanan. Rather, we each said it in the way we heard it said by Rabbi Yochanan.

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And if it can be said that we are disagreeing, it is in the following matter: **In** a case where **the open space** is not larger than either of the closed areas, rather it **is like** each of **the closed** areas – in this **we disagree**.

I hold that even in this case, the closed areas combine to nullify the open area.

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But Ravin holds that one cannot combine the two closed areas in this case, in order to nullify the open area. Only when each one of the closed areas is larger than the open area, there we say that the open area is nullified. And this is why he stated a case where each of the closed areas was the width of one and a half fingers, and the open space was the width of just one finger.

It was stated in the Mishnah: **If** the entrance to the alleyway **has a *tzurat hapetach***⁹, **even though** the entrance **is wider than ten *ammot***, **one does not need to reduce** the width of the entrance.

The Gemara, by way of introduction to its next question, states: **We find that a *tzurat hapetach*** helps **in** rectifying **the width** of an alleyway that is more than ten *ammot* wide (as we see in this Mishnah).

And we find **that an *amaltra***¹⁰ **helps in** rectifying **the height** of an alleyway. For if a crossbeam of an alleyway is higher than twenty *ammot* from ground level, it is invalid (as the Mishnah stated above, 2a): However, if there is an *amaltra* above the crossbeam, the crossbeam is valid, even if it is higher than twenty *ammot* from ground level.

⁹ A doorway structure, consisting for instance of two poles and a piece of string connecting them from above.

¹⁰ A specially formed beam that is placed above a crossbeam, which draws attention to the crossbeam and thus enables the crossbeam to be effective even if it is above twenty *ammot* from ground level.

CHAVRUTA

EIRUVIN – DAF YUD ALEF

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

The Gemara inquires: If it is **the reverse, what** is the Halachah? This question involves two cases:

(1) If an alleyway¹ is more than twenty *ammot*² high and one makes a *tzurat hapetach*³ at that height, will it be permissible to carry there?

(2) If an alleyway is more than ten *ammot* wide, and one makes an *amaltra*⁴ there, will it be permissible to carry there?

*

The Gemara resolves one of the queries: **Come and hear** a proof: **For it was taught** clearly in a Baraita: **An alleyway which is higher than twenty *ammot* – he should reduce** its height. **And if it has a *tzurat hapetach*, he does not need to reduce** its height.

This resolves one case: the height of an alleyway can be rectified by a *tzurat hapetach*.

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But the Gemara is still left with the second case: if one places **an *amaltra* in** an alleyway whose **width** is more than ten *ammot* – **what** is the Halachah?

¹ Typically, houses surrounded a joint courtyard. A number of such courtyards opened onto a single alleyway, which itself connected to a public domain.

² 1 ammah: 18.7in., 48cm.

³ A doorway structure, consisting for instance of two poles and a piece of string connecting them from above.

⁴ A specially shaped beam placed above a crossbeam, which draws attention to the crossbeam and thus enables the crossbeam to be effective even if it is above twenty *ammot* from ground level.

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Come and hear a proof: **For it was taught** in a Baraita: **An alleyway that is more than twenty *ammot* high – he should reduce** its height. **And** if it is **wider than ten *ammot* – he should reduce** its width.

And if it has a *tzurat hapetach* – he does not need to reduce it.

And if it has an *amaltra* – he does not need to reduce it.

Now when it says “and if it has an *amaltra*...” **is that not** also referring **to the latter clause**, where it states “and if it is wide than ten *ammot* – he should reduce its width to ten *ammot* or less? If this is so, then an *amaltra* is effective in rectifying width as well.

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The Gemara rejects the proof: **No**, it is not referring to the latter clause, rather **to the first clause** of the Baraita, which states: “an alleyway which is more than twenty *ammot* high – he should reduce its height”. And the Baraita is teaching that if the alleyway has an *amaltra*, he does not need to reduce its height.

*

Now the Gemara returns to discuss what is taught in the Mishnah: If the alleyway has a *tzurat hapetach*, then even if the alleyway is wider than ten *ammot*, he does not need to reduce its width.

Rav Yehudah taught this Mishnah **to Chiya bar Rav in the presence of Rav**, in the wording as presented above. I.e. an alleyway that is more than ten *ammot* wide, and it has a *tzurat hapetach* – **he does not need to reduce** its width.

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He (Rav) said to him (Rav Yehudah): this is not the correct text in the Mishnah – rather, **teach him** (my son, Chiya) with the following text: An alleyway which is more than ten *ammot* wide, even though it has a *tzurat hapetach*, **he must reduce** its width. For a *tzurat hapetach* only helps to rectify an alleyway which is not more than ten *ammot* wide.

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Said Rav Yosef: From the words of our master Rav, who holds that a *tzurat hapetach* does not rectify an alleyway that is more than ten *ammot* wide, **we can derive** the following:

Concerning **a courtyard that most of** its four walls are made up of **openings and windows** (see illustration), and thus only the minority of each wall is a closed area, **it is not permitted** to carry in it, even **in** a case where the openings and windows have a *tzurat hapetach*.

The Gemara explains: **What is the reason?** I.e. how can we derive this from Rav's ruling?

Since an entrance of an alleyway that is **more than ten** *ammot* wide, this **makes it forbidden** to carry **in the alleyway**.

And similarly when **the open** area of a wall of a courtyard **is greater than the closed** area of that wall, this **makes it forbidden** to carry there.

Therefore we can make the following comparison:

Just as an entrance that is **more than ten** *ammot* wide, this **makes it forbidden** to carry **in an alleyway**, and according to Rav **it is not permitted** to carry there **by means of** making a *tzurat hapetach* there. **So too** concerning **an open** area of a wall which is

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greater than **the closed** area of that wall, which **makes it forbidden** to carry **in the courtyard**, it is **not permitted by means of** making a *tzurat hapetach* there.

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The Gemara challenges the comparison: **What** feature is there about an entrance which is **more than ten** *ammot* wide, which we could say is the reason why a *tzurat hapetach* does not rectify it? **Because** in such an entrance, **it is not permitted** to carry even **by means of boards of wells**⁵ **according to Rabbi Meir**⁶, since the distance is too great (see illustration).

But **can you say** the same thing **concerning the open area** of a wall **which is greater than the closed area** of that wall? Here there is a more lenient ruling, **since you permit** carrying there **by means of boards of wells, according to everyone** (i.e. even according to Rabbi Meir).

Thus, one cannot conclude that Rav would hold a *tzurat hapetach* to be ineffective in rectifying the wall of a courtyard which is mostly open.

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The Gemara suggests: **Let us say** that the following Baraita **supports him**, i.e. the view that a *tzurat hapetach* does not rectify the wall of a courtyard which is mostly open.

⁵ Typically, wells were located in a public domain. Since wells have a status of a private domain, this presented a difficulty. By taking water out of a well one is transgressing the work of Transferring from one domain to another. To enable those traveling to the Holy Temple to have access to this water, the Sages permitted them to make four boards in a square surrounding the well, thereby making this area into a private domain. Each board was L-shaped, one *ammah* in each direction. These boards are called "*pasei bira'ot*" – "boards of wells".

⁶ The Mishnah (further on, 17b) brings a disagreement as to how wide a gap is allowed between the boards of wells. Rabbi Meir says just ten *ammot*. Rabbi Yehudah says even thirteen and one third *ammot*.

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For it was taught in a Baraita: Within **these walls, which** consist **mostly** of **openings** and **windows, it is permitted** to carry—**providing that the closed** area of these walls **is greater than the open** area!

The Gemara is puzzled by this: **Do you** really **think that** these walls consist **mostly** of openings and windows? But the Baraita states immediately afterwards that the closed area is greater than the open area!

Rather, I must **say** that the Baraita means to say the following: Within these walls, **which have numerous openings and windows,** it is permitted to carry. **But** this is **provided that the closed** area of these walls **is greater than the open** area.

Since these openings and windows have a *tzurat hapetach*, why is it necessary for the closed area to be greater than the open area? Evidently, the Baraita holds that a *tzurat hapetach* does not rectify the wall of a courtyard which is mostly open, to permit carrying there.

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Said Rav Cahana: There is no proof to this view from the Baraita.

For we could say: **When** was **it taught** in **that** Baraita that one needs a greater closed area? It was **in** a case of **defective openings** (see illustration), which do not have a proper *tzurat hapetach*. But if they did have a proper *tzurat hapetach*, then even if the walls were mostly open, we could say that it would be permitted to carry there.

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The Gemara asks: **What are defective openings?**

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Rav Rechumi and Rav Yosef disagreed in this matter:

One said: That they do not have side posts. I.e. the side posts of the *tzurat hapetach* are not straight, for part of them juts in and out. And to be considered a valid *tzurat hapetach*, its side posts need to be straight.

And one said: They do not have a roof: I.e. the two sides of the entrance have nothing connecting them from above, and this is an essential part of a *tzurat hapetach*.

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And even Rabbi Yochanan held like that view of Rav cited above, that if an entrance is more than ten *ammot* wide, it cannot be rectified by a *tzurat hapetach*.

For Ravin bar Rav Ada said in the name of Rabbi Yitzchak: An incident once took place with a certain man from the valley of Beit Chortan: **That he inserted four poles into four corners of the field, and he stretched a vine-shoot on them,** from one pole to the next, making a *tzurat hapetach* (see illustration).

And the incident came before the Sages, and they permitted him to use this *tzurat hapetach* **for the matter of *kilayim***⁷. I.e. they allowed him to plant grains close by, even though there were vines inside the area marked by the *tzurat hapetach*. This is because even a minimal separation is sufficient to permit planting grains near to a vineyard.

And Reish Lakish said: In the same way that they permitted him to consider this *tzurat hapetach* as a separation **in the matter of *kilayim*, so too they permitted him** to consider it a separation **in the matter of** the laws of **Shabbat**. I.e. the area within the poles may considered a private domain for him to be able to carry there.

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Rabbi Yochanan said: They only **permitted him** to consider it as a separation concerning *kilayim*. But concerning the laws of **Shabbat**, they **did not permit him** to consider it as a separation.

The Gemara inquires: **What case are we dealing with?**

If we say that he stretched the shoot just **from the side** but not from the tops of each one to the other (see illustration)—

But Rav Chisda said: A *tzurat hapetach* that was made from the side (i.e. the crossbeam did not connect the tops of the poles but went along their sides) – the one who did this, **has done nothing**. The *tzurat hapetach* is meant to resemble an entrance. And this is the case only if the crossbeam is placed above, similar to an entrance.

So how could Reish Lakish say that this type of *tzurat hapetach* is valid concerning the laws of Shabbat?

Rather, we must say that he placed the vine-shoot **on the top of** the poles.

And in what case are we dealing? I.e. how wide a gap is there between the poles?

If we say that there was only **ten ammot** (or less) between the poles— **in this case, would Rabbi Yochanan say that concerning Shabbat, it is not permitted** to carry there? Surely he would agree it is permitted, since everyone agrees that with this width, it is permitted to carry there⁷. Because a *tzurat hapetach* is effective for a width up to ten *ammot*.

⁷ This is the Torah prohibition of growing grains within, or close to, a vineyard. One needs to make a separation between the vineyard and the place where one wants to plant the grains.

⁸ Even though Rav Yosef (above) held that even with a ten *ammah* width it is forbidden to carry, since the open area exceeds the closed area – but the Gemara already rejected this view (*Tosafot*).

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Rather, are we not speaking here **in** a case that there was **more than ten** *ammot* between each pole? And this was the reason why Rabbi Yochanan said that the *tzurat hapetach* is not effective in this case: because he held that for a width of more than ten *ammot*, a *tzurat hapetach* does not permit carrying there.

It seems to be a proof that Rabbi Yochanan held like Rav in this matter.

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The Gemara rejects the proof: **No!** The case was not speaking of a gap greater than ten *ammot* between the poles. Rather, **in truth** we are speaking about a case where there was a gap of *only ten ammot* between the poles. **And** the *tzurat hapetach* was made **from the side**. And Rabbi Yochanan said that this *tzurat hapetach* does not help to permit carrying there on Shabbat, since it is made from the side, and not on top of the poles.

And if you will ask: why did Reish Lakish validate such a *tzurat hapetach*? This is not a difficulty, for we could say the following:

And they (Rabbi Yochanan and Reish Lakish) **are differing over that** very rule stated by **Rav Chisda**—that one who makes a *tzurat hapetach* from the side has done nothing.

Rabbi Yochanan held like Rav Chisda, that this type of *tzurat hapetach* is invalid for Shabbat. And Reish Lakish held that even this type of *tzurat hapetach* is valid Shabbat.

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But we can **pose a contradiction between** one statement **of Rabbi Yochanan and** another statement **of Rabbi Yochanan**.

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And we can **pose a contradiction between** one statement of **Reish Lakish** and another statement of **Reish Lakish**.

For Reish Lakish said in the name of Rabbi Yehudah the son of Rabbi Chanina...

Ammud Bet

...concerning a **plaited vine-shoot** that is stretched between poles, in a way that a *tzurat hapetach* is made. **It is permitted** to be used concerning *kilayim*, but not for Shabbat.

And Rabbi Yochanan said: Just like this shoot **cannot** be used for partitions regarding the laws of Shabbat, so too it **cannot** be used for partitions regarding the laws of *kilayim*.

Rabbi Yochanan here says that a *tzurat hapetach* is ineffective even with regards to *kilayim*. Yet above he said that it is effective with regards to *kilayim*!

And Reish Lakish here says that a *tzurat hapetach* is not effective with regards to Shabbat. Yet above he said that it is effective with regards to Shabbat!

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It is alright that this statement of **Reish Lakish** is **not** posing a difficulty to that statement of **Reish Lakish**.

Because **that** statement that it is effective with regards to Shabbat **is his** view.

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And **this** statement that it does not help with regards to Shabbat is the view of **his master** (Rabbi Yehudah ben Rabbi Chanina).

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But this statement of **Rabbi Yochanan**, when juxtaposed to **that** statement of **Rabbi Yochanan**, is a difficulty to reconcile!

It is alright if you will say that **there** (when Rabbi Yochanan permitted using the *tzurat hapetach* for *kilayim*) he made the *tzurat hapetach* **on top** of the poles, as it should be done. Yet the *tzurat hapetach* was not effective concerning Shabbat because there was a gap of more than ten *ammot* between the poles (and Rabbi Yochanan holds like Rav).

And **here** he made the *tzurat hapetach* **from the side**, therefore it is completely invalid. **It is fine**, and there is no contradiction, for the *tzurat hapetach* has not been made correctly, and it cannot be used even for *kilayim*.

But if you will say that both **this** statement **and that** one are referring to where he made a *tzurat hapetach* **from the side**, then **what can be said** to reconcile the contradiction?

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The Gemara resolves the contradiction, even if both statements were said concerning a *tzurat hapetach* made from the side:

Over **there**, where Rabbi Yochanan permits using the *tzurat hapetach* for *kilayim*, there is a gap between the poles of just **ten** (or less) *ammot*.

But **here** is speaking where the gap between the poles is **more than ten ammot**.

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The Gemara inquires: **And from where do you have a source to say that** if the *tzurat hapetach* is made from the side, **we differentiate between** a gap of **ten ammot** **and** a gap of **more than ten ammot**?

The Gemara answers: From that **which Rabbi Yochanan said to Reish Lakish** (who differed with him, and maintained that the *tzurat hapetach* can be used concerning *kilayim*): **And was the incident not like this?** It happened **that Rabbi Yehoshua went to study Torah under Rabbi Yochanan ben Nuri, even though** Rabbi Yehoshua was himself **an expert in the halachot of kilayim.**

And he (Rabbi Yehoshua) **found him** (Rabbi Yochanan ben Nuri) **sitting between the trees.** **He** (Rabbi Yehoshua) **stretched a vine-shoot from one tree to another.** **And** then he **said to him** (to Rabbi Yochanan ben Nuri): **“My master! If there were vines here** (on this side of the partition), **could one plant there** (on the other side of the partition)”?

He (Rabbi Yochanan ben Nuri) **said to him:** **In** a case where the gap between the trees is only **ten ammot, it is permitted.** But **in** a case where the gap is **more than ten ammot, it is forbidden!**

From here we see that even concerning *kilayim*, if the gap from one tree to the next is more than ten *ammot*, a *tzurat hapetach* is not effective.

Now, **in what case are we dealing** here – was the vine-shoot stretched across the tops or the sides of the trees?

If we say that the vine-shoot was stretched **over the tops** of the trees—

But that cannot be the case. Because if so, how could Rabbi Yochanan ben Nuri say that if the gaps between the trees are **more than ten ammot** wide, **it is forbidden** to rely on the *tzurat hapetach*?

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But it was taught in a Baraita concerning *kilayim*: If **there were** in the vineyard **tapered poles** inserted into the ground, **and he made for them a braided vine-shoot from above**. I.e. he made a *tzurat hapetach* by stretching a vine-shoot across the tops of these poles. In this case, **even** if the gaps between the poles are **more than ten ammot**, **it is permissible** to use the *tzurat hapetach*.

Rather, is it not clear that the incident with Rabbi Yochanan ben Nuri was in a case that the vine-shoot was stretched over the trees **from the side**?

And in this case, **he** (Rabbi Yochanan ben Nuri) **said to him** (Rabbi Yehoshua): **In** a case that the gap between the trees is not more than **ten ammot**, **it is permissible** to use this partition to plant seeds near the vineyard. **But** in a case of a gap **more than ten ammot**, **it is forbidden** to rely on this partition to plant seeds there.

Thus the Gemara has found a source regarding *kilayim* that there is a difference between ten *ammot* and more than ten *ammot*, when the *tzurat hapetach* was made from the side.

The Gemara concludes: **Hear from this** a proof, that if one makes a *tzurat hapetach* from the side, it will only be effective if the gaps between the poles are not more than *ten ammot*.

Regarding the above-mentioned statement **itself**: **Said Rav Chisda: A *tzurat hapetach* which was made from the side** – the one who made it **has done nothing!**

And Rav Chisda said: Concerning a *tzurat hapetach* **that they** (the Sages) **said** is considered a valid partition. **It needs to be strong enough to support a door, even a door made of straw!**

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Said Reish Lakish in the name of Rabbi Yanai: A *tzurat hapetach* needs to have “a resemblance of a hinge (of a door)”. Although it does not need to actually have a door, it is required that it is fitting to have a door there.

The Gemara inquires: **What is meant by “a resemblance of a hinge”?**

Said Rav Avia: A hole in which the hinge rotates.

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Rav Acha the son of Rav Avia met the disciples of Rav Ashi:

He (Rav Acha) said to them: Did the master (Rav Ashi) say anything concerning *tzurat hapetach*?

They said to him: He did not say anything!

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It was taught in a Baraita: A *tzurat hapetach* that one can rely on, what does it consist of? **A stick here** (on one side) **and a stick here** (on the opposite side) **and a stick** placed on top of them.

The Gemara inquires: **Do we require** that the top stick **touches** the lower two sticks, **or do we not require** that it **touches** them? I.e. is it sufficient if the top stick is suspended above the lower two sticks (see illustration)?

Rav Nachman said: We do not require it to touch them.

And Rav Sheishet said: We do require that it touches them.

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Rav Nachman went and acted, at the house of the Reish Galuta⁹, in accordance with his teaching. He made there a *tzurat hapetach*, and the top stick did not touch the side sticks.

Rav Sheishet said to his attendant Rav Gada: Go to the house of the Reish Galuta, and **remove and throw down** those poles that Rav Nachman made into a *tzurat hapetach*.

Rav Gada **went**, and **removed** the sticks and **threw them down**.

Members of **the household of the Reish Galuta found him** (Rav Gada) after he had done this, and **imprisoned him**.

Rav Sheishet went and stood at the entrance of the prison, and **he said to him** (Rav Gada): **Gada, go out** from here and **come** with me.

Rav Gada **went out¹⁰ and came** to Rav Sheishet.

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Rav Sheishet met Rabbah bar Shmuel, and he said to him: Did the Master teach something about *tzurat hapetach*? I.e. did you Rabbah bar Shmuel teach any Baraita which could clarify whether the top stick needs to touch the side sticks?

He (Rabbah bar Shmuel) **said to him** (Rav Sheishet): **Yes, we taught** the following Baraita, that the top stick does not need to touch the lower sticks. Concerning **an arch** which has a width of four *tefachim* but as it comes to its top it narrows, and there it does

⁹ The head of the Jewish community in Babylonia.

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not have a width of four *tefachim*. **Rabbi Meir requires it to have a mezuzah**, and **the Sages exempt** it from having a mezuzah (see illustration).

But they both agree that if the legs of the arch (i.e. its two sides before it begins to narrow) **are ten tefachim high, then it** (the arch) **requires** a mezuzah. In this case it certainly has the minimum measurements of an entrance which requires a mezuzah – i.e. ten *tefachim* high and four *tefachim* wide (see illustration).

From the second clause of the Baraita, it can be inferred that the sides of a *tzurat hapetach* do not have to reach up to the crossbeam above them. For the requirement of mezuzah only applies to an entrance which has a *tzurat hapetach*, i.e. two side posts and a crossbeam above them. The Gemara is assuming that the Baraita must be speaking of an arch which has above it a horizontal beam or row of bricks, so that there is a horizontal lintel completing the entranceway.¹¹ And since the two sides of the arch do not have to touch the horizontal lintel for the entranceway to require a mezuzah, it must be that it is considered a *tzurat hapetach* even if the lintel is not touching the side posts.

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The Gemara now explains the disagreement between the Sages and Rabbi Meir in the first clause of the Baraita.

Said Abaye: Everyone (the Sages and Rabbi Meir) **agrees** that even **if** the arch **is ten tefachim high**, and its legs (its two sides, before the arch begins to narrow) are four *tefachim* apart, but **if its legs are not three tefachim high** - the arch does not require a mezuzah (see illustration).

¹⁰ The guards let him out (Rabbeinu Chananel).

¹¹ This is how the Ritva explains the Gemara.

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Similarly, everyone agrees that even if **its legs are three** *tefachim* high and four *tefachim* apart: However if the arch **is not ten** *tefachim* **high**, it does not require a mezuzah (see illustration).

When do they disagree? In the following case: Where **the legs** of the arch **are three** *tefachim* high and there is a gap of four *tefachim* between them, **and the height** of the arch **is ten** *tefachim*. **However there is not a width of four** *tefachim* in the upper seven *tefachim* of the arch. **And** we are also speaking where the arch is set within a wall, and in the wall which surrounds the upper part of the arch, **there is** enough space **to carve out and complete** the width of the arch **to four** *tefachim* (see illustration).

Rabbi Meir held the view: We consider it as though **we carve out** an area of the wall sufficient **to complete** the minimum dimensions of an entranceway.

And the Rabbis (i.e. the Sages mentioned in the Baraita) **held the view:** We do not consider it as though we **carve out** an area of the wall sufficient **to complete** the minimum dimensions of an entranceway.

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The Gemara now returns to discuss the response of Rav Sheishet to Rabbah bar Chana, after he had proven from the Baraita that the side posts of a *tzurat hapetach* do not have to reach up to the crossbeam.

He (Rav Sheishet) **said to him** (Rabbah bar Shmuel): **If you meet the household of the Reish Galuta, do not say anything to them of that Baraita about an arch.** I.e. do not show them how the Baraita disproves how I had originally ruled, that it is necessary for the side posts to reach up to the crossbeam. For I have now retracted from my original view¹².

¹² Rabbeinu Chananel explains the Gemara this way.

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Mishnah

How is **an alleyway made fitting** to permit carrying there?

Beit Shammai say: One needs to make both **a side post and a crossbeam** at its entrance.

And Beit Hillel say: It is enough to make **either a side post or a crossbeam**.

Rabbi Eliezer says: One needs to make **two side posts**, one at each side of the entrance to the alleyway.

One disciple said, in the presence of Rabbi Akiva, the following statement in the name of Rabbi Yishmael: Beit Shammai and Beit Hillel did not disagree over an entrance to an alleyway that is less than four *amot* wide. For they both agree that this case would be permitted by either a side post or a crossbeam.

On what point do they disagree? Concerning an entrance to an alleyway which is **between four and ten *amot* wide.**

Beit Shammai say: To permit carrying there, one needs to make **a side post and a crossbeam**.

And Beit Hillel say: It is enough if one makes **either a side post or a crossbeam**.

And Rabbi Eliezer says: He should make two side posts, one at each side of the entrance.

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Said Rabbi Akiva: Concerning both **this** case where the width is between four and ten *ammot*, **and concerning that** case where the width is less than four *ammot*, Beit Shammai and Beit Hillel **disagreed**.

Gemara

The Gemara assumes that the alleyway under discussion is open at both ends to a public domain. Now, the Gemara above (6a) had brought a disagreement how to make this type of alleyway fitting to carry in. The first Tanna (cited there) held that one needs to make a *tzurat hapetach* at one of the two ends, and a side post or crossbeam at the other end. Chananya, however, held that this matter is disputed by Beit Shammai and Beit Hillel. According to Beit Shammai, one needs to make a door at each end. And according to Beit Hillel, one should make a door at one end, and at the other end it is sufficient to make a side post or crossbeam.

The Gemara is therefore puzzled by our Mishnah: **In accordance with whose** view is our Mishnah? For our Mishnah states that it is sufficient to make a side post and/or a crossbeam, but not a door, and not even a *tzurat hapetach*. **It** seems our Mishnah **is not like Chananya, and not like the first Tanna** either!

*

The Gemara answers: **Said Rav Yehudah:** The case is not an alleyway open at both ends. Rather, **this is what it** (the Mishnah) **is saying:**

Concerning **a closed alleyway** which is only open to the public domain at one end, **how is it made permissible** to carry there?

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Beit Shammai say: By making a **side post and a crossbeam** at the open end.

And **Beit Hillel say:** By making **either a side post or a crossbeam** at the open end.

The Gemara now explains the Mishnah's statement: **Beit Shammai say** one should make **a side post and a crossbeam**.

The Gemara suggests: Does this mean **to say that Beit Shammai held that by Torah law**, in order for an area to be considered a private domain, we need to have **four partitions**, i.e. the area must be closed in on all four sides? Since Beit Shammai requires both a side post *and* a crossbeam at the fourth (open) side of the alleyway, it seems he needs to have a proper partition on all four sides.

The Gemara rejects the suggestion: **No!** Concerning **throwing** an object from a public domain to a private domain, even if **it** the private domain **has** just **three** partitions, it is sufficient **to make** the thrower **liable** for the Torah transgression of Transferring objects from domain to domain. For by Torah law, a domain closed in on three sides is considered a private domain.

And only concerning **moving** objects around *within* the domain did the Rabbis decree that it is forbidden **until it has four** partitions.

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The Gemara now explains the next part of the Mishnah: **Beit Hillel say** it is sufficient to make **either a side post or a crossbeam**.

The Gemara understands that Beit Hillel only allow a side post or a crossbeam in order to rectify the fourth side of the alleyway. But if a domain would have only two complete partitions, it would not be sufficient to make a side post or crossbeam for the third side. Rather, one would have to make a proper partition on the third side, and only for the fourth side is it sufficient to make either a side post or a crossbeam.

The Gemara suggests: **Let us say** that **Beit Hillel hold** that in order for an area to be considered a private domain **by Torah law**, we need to have **three proper partitions**. And this is why Beit Hillel hold that only on the fourth side, it is sufficient to have just a side post or a crossbeam.

The Gemara rejects the suggestion: **No!** Concerning **throwing** from a public domain to a private domain, even if **it** the private domain **has** just **two** partitions, it is sufficient **to make** the thrower **liable** for Transferring. For by Torah law, a domain of two partitions is considered a private domain.

And only concerning **moving** objects *within* the domain did the Rabbis decree that it is forbidden **until it has three** proper partitions.

It was stated in the Mishnah: **Rabbi Eliezer says:** one needs to make **two side posts**.

They posed an inquiry: **Was Rabbi Eliezer saying** that one needs **two side posts and a crossbeam?**

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Or perhaps he was saying that one needs **two side posts without** having to make a **crossbeam**. For the crossbeam really makes no difference whether we have it or not.

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Come and hear a proof from a Baraita: **An incident** once happened **with Rabbi Eliezer** that he went to visit **his disciple Rabbi Yosi ben Pereida...**

CHAVRUTA

EIRUVIN – DAF YUD BET

Translated by: *Rabbi Dov Zimmel*

Edited by: *R. Shmuel Globus*

...in the place called Ovalin. And he found him (Rabbi Yosi ben Pereida) **sitting in an alleyway that had just one side post** and one crossbeam.

He (Rabbi Eliezer) **said to him** (Rabbi Yosi¹): **“My son, make another side post”!**

He (Rabbi Yosi) **said to him** (Rabbi Eliezer): **“And do I really need to close it** (the alleyway) **off so fully”?**

He (Rabbi Eliezer) **said to him** (Rabbi Yosi): **“Close it off. And what** is problematic **with doing this?**

(The Gemara will now cite the rest of the Baraita, which is tangential to the subject, and will then return to the subject, to derive the needed proof.)

Said Rabban Shimon ben Gamliel: Beit Shammai and Beit Hillel did not disagree about an alleyway whose entrance is **less than four *ammot* wide. For** in such a case everyone agrees **it does not require anything** to permit carrying there.

On what did they disagree: Concerning an alleyway whose entrance is **between four and ten *ammot* wide.**

For Beit Shammai say: One needs to make **a side post and a crossbeam** to permit carrying there.

And Beit Hillel say: It is enough if one makes **either a side post or a crossbeam.**

¹ Rabbi Yosi ben Pereida, who will subsequently be referred to simply as “Rabbi Yosi”.

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The Gemara now returns to the subject and brings its proof: **It was taught however** in the Baraita that Rabbi Yosi said to Rabbi Eliezer: **And do I need to close it** off so fully?

It is alright if you say that Rabbi Eliezer required Rabbi Yosi to make **two side posts and a crossbeam, because of this he** (Rabbi Yosi) **said** to him (Rabbi Eliezer): **“And do I need to close it** off so fully?”

But if you say that Rabbi Eliezer only required Rabbi Yosi to make **two side posts without a crossbeam, what** did Rabbi Yosi mean when he said, “And do I need **to close it** off so fully”?

The Gemara is assuming that Rabbi Yosi had originally made one side post *and* a crossbeam², and Rabbi Eliezer told him that he should make another side post. From the response of Rabbi Yosi it seems that Rabbi Eliezer required closing off the entrance much more than Rabbi Yosi had done. For if Rabbi Eliezer merely required two side posts, but did *not* require a crossbeam, there is very little difference between the change Rabbi Eliezer was suggesting and what Rabbi Yosi had done – so why did Rabbi Yosi respond the way he did?

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The Gemara rejects this possibility: **This is what he** (Rabbi Yosi) **was saying** to Rabbi Eliezer: **And do I need to close it** off with **two side posts**?

² In accordance with the view of Beit Shammai in the Mishnah. The Gemara assumes this, since Rabbi Eliezer was himself a disciple of Beit Shammai. So the Gemara assumes that Rabbi Yosi had acted in accordance with the approach of his master, Rabbi Eliezer. But Rabbi Yosi had not made two side posts, for he thought that Rabbi Eliezer held that one could either make two side posts, or make one side post and one crossbeam (*Rashba*).

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Really, Rabbi Eliezer holds that two side posts *without* a crossbeam is sufficient to permit carrying there. And Rabbi Yosi's question was: does Rabbi Eliezer always require two side posts, or is it enough to make one side post and one crossbeam?

The Gemara now explains the latter part of the Baraita.

The master whose view is expressed in the Baraita **said: Said Rabban Shimon ben Gamliel: Beit Shammai and Beit Hillel did not disagree about an alleyway** whose entrance **is less than four *amot* wide. For** in such a case, everyone agrees that **it does not require anything** to permit carrying there.

The Gemara is puzzled by this: **But we have been taught** in our Mishnah: **One disciple said, in the presence of Rabbi Akiva, the following statement in the name of Rabbi Yishmael: Beit Shammai and Beit Hillel did not disagree over an** entrance to an **alleyway that is less than four *amot* wide. For** they both agree that it **would be permitted** to carry there, by making **either a side post or a crossbeam**. So how can you say that Beit Shammai and Beit Hillel both agree that it does not require anything to permit carrying there?

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The Gemara resolves the difficulty: **Said Rav Ashi:** In truth, Rabban Shimon ben Gamliel was also saying the same thing as that disciple cited in the Mishnah.

And when Rabban Shimon ben Gamliel said “it does not need anything”, **this was what he was saying:**

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It is not necessary to add on anything more than what Beit Hillel said to do. It is not necessary to make both **a side post and a crossbeam**, like the view of **Beit Shammai** in general. Nor is it necessary to make **two side posts**, like the view of **Rabbi Eliezer** in general.

Rather, one just needs to make **either a side post or a crossbeam**, like the view of **Beit Hillel**.

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The Gemara had said that everyone agrees concerning an entrance to an alleyway that is less than four *ammut* wide, that something needs to be made to permit carrying there.

Now the Gemara inquires: **And how much?** I.e. what is the minimum width of an entrance that this applies to?

Said Rav Achli and some say Rav Yechiel: Until four tefachim. If the entrance is four *tefachim* wide or more, it requires something to be done to it to permit carrying there. But if the entrance is narrower than this width, it does not require anything to be done to it to permit carrying there.

Rav Sheishet said in the name of Rav Yirmeyah bar Abba who said in the name of Rav: The Sages agree with Rabbi Eliezer concerning boards of a courtyard. Just as Rabbi Eliezer holds that one needs to make two side posts at the entrance of an alleyway in order to permit carrying in the alleyway, so too the Sages hold that to permit carrying

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in a courtyard, one needs to have two vertical “boards” (*passim*) at the entrance of the courtyard, one at each side of the entrance. These “boards” refer to the remaining parts of a breached wall, and they need to be at least four *tefachim* wide.

And Rav Nachman said: The Halachah is like Rabbi Eliezer concerning boards of a courtyard.

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Said Rav Nachman bar Yitzchak in explaining the disagreement between Rav and Rav Nachman:

That which Rav said: “The Sages agree (to Rabbi Eliezer) concerning boards of a courtyard”: **Who** is it that **agrees?** I.e. which Sages agree to Rabbi Eliezer?

It is actually **Rabbi**, i.e. Rabbi Yehudah Hanassi, who agrees. (The Gemara will shortly bring a Baraita to show that this is his view.)

And that which Rav Nachman said: **“The Halachah is like Rabbi Eliezer”**: By using the term “The Halachah is like...” **this implies** that there is a view **which disagrees** with Rabbi Eliezer, even concerning boards of a courtyard. **Who is it that disagrees with him** (Rabbi Eliezer) in this matter?

It is **the Rabbis**.

For it was taught in a Baraita: **A courtyard is permitted** (to carry within it) **by means of one board**, these are the words of the Rabbis.

Rabbi says: By means of two boards.

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When Rav said the “Sages” (i.e. Rabbi) agree with Rabbi Eliezer concerning boards of a courtyard, it is because they disagree with him concerning an alleyway. For they hold that one can carry in an alleyway, even by placing just one side post at its entrance. And only concerning boards of a courtyard do they agree to Rabbi Eliezer that two boards are required to permit carrying there, as it is taught in this Baraita.

And that which Rav Nachman said that “the Halachah is like Rabbi Eliezer”, is because the Rabbis (of the Baraita) disagree with Rabbi Eliezer *even* concerning boards of a courtyard, for they require just one board to permit carrying there. So Rav Nachman was teaching that the Halachah is like Rabbi Eliezer and Rabbi in this matter, thus one needs two boards to permit carrying there, and not like the Rabbis.

Rabbi Asi said in the name of Rabbi Yochanan: A courtyard needs two boards at its entrance, to permit carrying inside it.

Said Rabbi Zeira to Rabbi Asi: Did Rabbi Yochanan really say this?

But note that it was you, Rabbi Asi, who said in the name of Rabbi Yochanan: Boards of a courtyard need to be four *tefachim* wide. This implies that only one board is necessary, as the Gemara will now explain.

And if you will say: Really, Rabbi Yochanan also holds that two boards are needed at the entrance to a courtyard, one which is **four *tefachim* wide from here** (one side) **and** one which is **four *tefachim* wide from there** (the other side).

But this cannot have been what Rabbi Yochanan meant.

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For Rav Ada bar Avimi taught a Baraita before Rabbi Chanina, and some say that he taught it before Rabbi Chanina bar Papi:

The Baraita is referring to a Mishnah later on (92a): If a wall of a courtyard has been breached and now opens up to a smaller courtyard. The members of the larger courtyard can carry from their houses into their courtyard, without having to make an *eiruv chatzeirot*³ with the members of the smaller courtyard. This is because the breach is only considered as an opening, since it is flanked on either side by the remaining parts of the wall.

On this Mishnah, Rav Ada bar Avimi taught the following Baraita:

That the **smaller** one is **ten** *amot* wide and the **bigger** one is **eleven** *amot* wide. I.e. the bigger one is six *tefachim* (one *ammah*) wider than the smaller one.

Now, if Rabbi Yochanan required two boards at the entrance of the courtyard, each one would be only three *tefachim* wide, and this would contradict his statement that the boards need to be four *tefachim* wide! So it must be that Rabbi Yochanan held it was enough to have just one board, to permit carrying in the courtyard.

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The Gemara resolves the difficulty: **When Rabbi Zeira came up from the seas** i.e. he returned from overseas to the land of Israel, **he explained** the words of Rabbi Yochanan and the Baraita in a way that there should be no contradiction between them.

³ When co-dwellers of a courtyard make joint ownership in an article of food, thereby symbolically combining (*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.

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For Rabbi Yochanan meant the following: If one makes a board **in one direction** i.e. he has just one board at one side of the entrance. Then the board needs to be at least **four** *tefachim* wide.

But if he makes boards **from two directions** i.e. he has two boards, one at each side of the entrance to the courtyard, it is sufficient that each board has a width of **a little bit to this direction and a little bit to that direction**.

Thus Rabbi Yochanan holds like the view of the Rabbis above, that to permit carrying in a courtyard one needs just one board at its entrance. But this board must have a width of four *tefachim*. However, if one does have two boards from two sides of the entrance, then it is not necessary that each board has a width of four *tefachim*, rather it is enough if each one has a minimal width.

And that which Rav Ada bar Avimi taught from the Baraita, that two boards are necessary to permit carrying in the courtyard, and one board even if it is four *tefachim* wide is not sufficient, it must be that the Baraita **is** according to **Rabbi**—who holds that one needs two boards to permit carrying in the courtyard.

And that which the Baraita required that each board should be at least three *tefachim* wide and it is not enough to have two boards of minimal width (like Rabbi Yochanan said), it must be that **he** (Rabbi) **held like Rabbi Yosi**, that the side posts of an alleyway need to be three *tefachim* wide (and not a minimal width, like the view of the Rabbis). So too, Rabbi holds that the boards of a courtyard need to be three *tefachim* wide.

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Rav Yosef said in the name of Rav Yehudah who said in the name of Shmuel: A courtyard becomes permitted (to carry there) by having even one board at its entrance.

Abaye said to Rav Yosef: Did Shmuel really say this?

But note that Shmuel said to Rav Chananyah bar Shila: You should only make a Halachic ruling to permit carrying in a courtyard in one of the following two cases: Either if it has one board whose width is equal to the width of the majority of the breached wall, or with two boards.

So how could Shmuel permit carrying in the courtyard with just one board that is *not* as wide as the width of the majority of the breached wall?

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He (Rav Yosef) said to him (Abaye): I do not know how to answer your question.

But I do know that Rav Yehudah made a Halachic ruling to permit carrying in a courtyard with just one board, even though it was not as wide as the width of the majority of the breached wall.

For an incident once took place in a village of shepherds, that a tongue of the sea, i.e. a stream of water, entered into a courtyard, by breaching one of the four walls of the courtyard.

And the incident was brought before Rav Yehudah, to ask him how it could be permitted to draw water from this stream of water into the courtyard. Since the stream of water was connected to the sea, which is a *carmelit*⁴, the stream of water is also considered a *carmelit*. Whereas the courtyard, since it had three walls which remained

⁴ An area which cannot be classified either as a public domain or as a private one.

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intact, was a private domain. So without making some adjustment it would be forbidden to draw water from the stream into the courtyard.

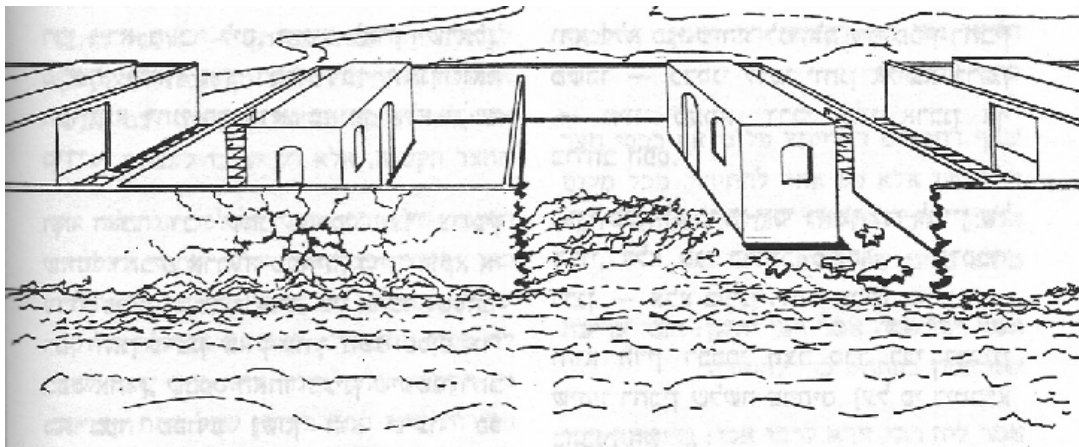
And he (Rav Yehudah) **required just one board** i.e. that there should remain one part of the breached wall, in order to permit drawing the water into the courtyard (see illustration⁵).

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He (Abaye) **said to him** (Rav Yosef): **Are you saying** a proof **from the tongue of the sea?!** You cannot bring this as proof that Rav Yehudah holds that carrying is permitted in a courtyard with just one board.

It is different in that case, since **the Sages made a special leniency concerning water**, to allow drawing water even where the existing partition would not otherwise be considered valid.

Like we found elsewhere that they made a special leniency regarding water. **For Rabbi Tovla asked Rav: A partition** which does not reach until the ground, rather it is



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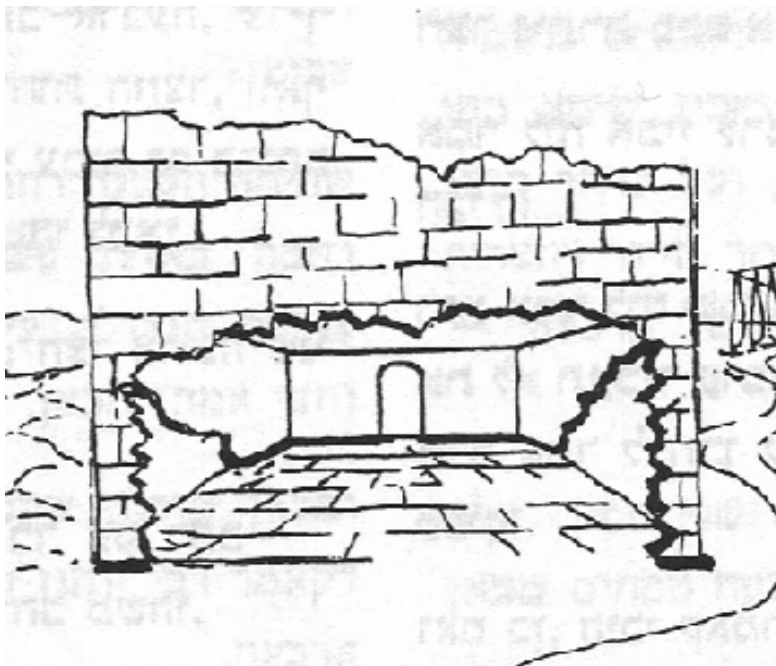
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suspended in the air – **what is** the Halachah? **Can it** be used to **permit** carrying **in a ruined building**⁶ (see illustration⁷)?

He (Rav) said to him (Rav Tovla): A “suspended partition” only permits carrying **in** regards to **water**. Because **the Sages made a special leniency in** regards to **water**.

This leniency is found in the Mishnah later on (87b): The case is a balcony which extends out from a private domain, and it is above a body of water. To draw water from there to the private domain is forbidden since it is transferring from a *carmelit* to a private domain. But the Sages made a leniency to permit drawing water from there, if he makes a hole in the balcony, and he makes a partition around the hole that is ten *tefachim* high (either above or below the balcony). The partitions are then considered as extending

⁶ The question concerns any place. The Gemara just gave the example of a ruin since it is most common to have such partitions in a ruin.



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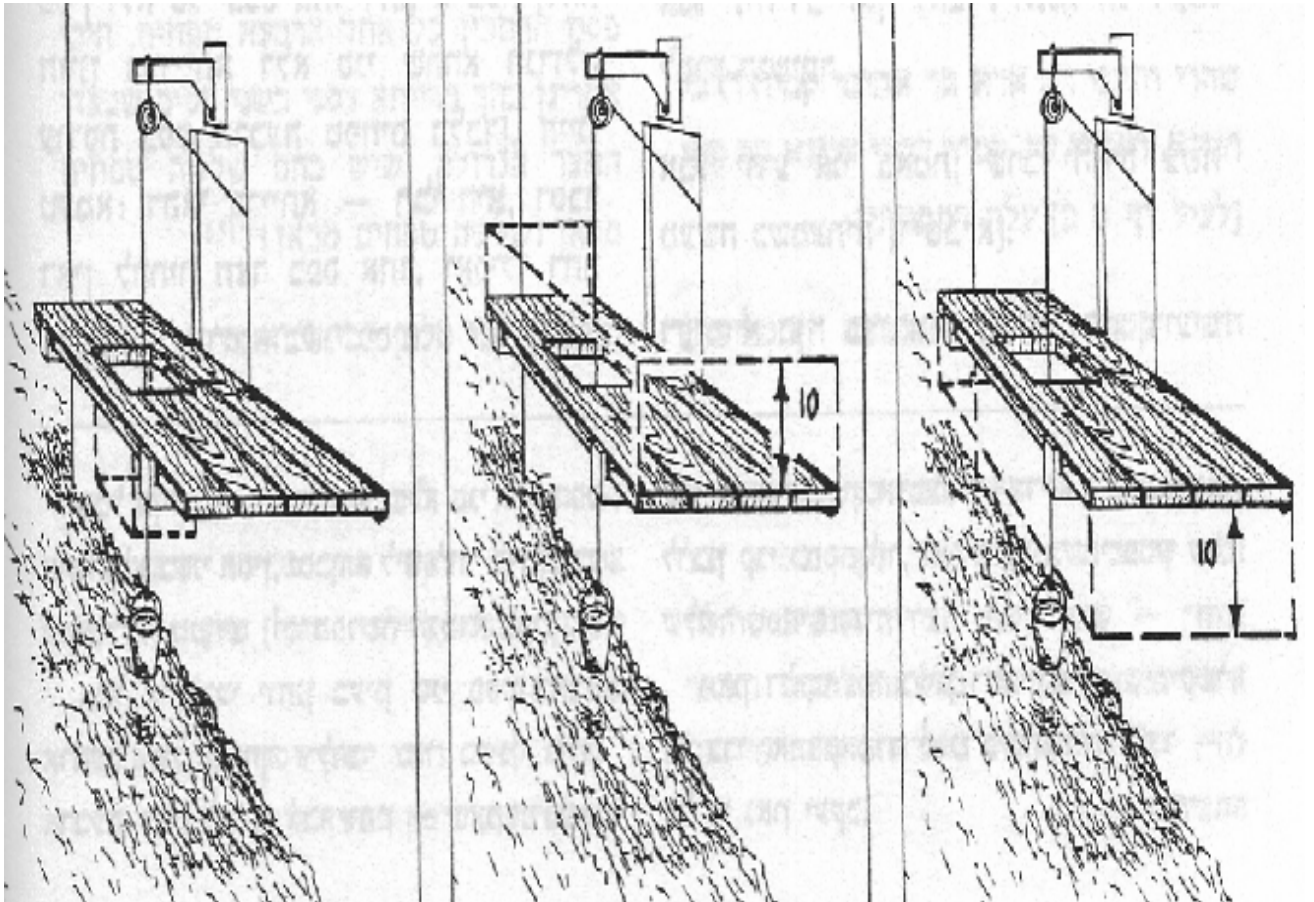
down to the water, so that the area of water is also considered a private domain, to permit drawing water from there (see illustration⁸).

Only here, with water, may a suspended partition be used—not in general.

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Nevertheless, it is still difficult. I.e. the contradiction between the two statements of Shmuel remains unanswered.

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The Gemara resolves the difficulty: **When Rav Papa, and Rav Huna the son of Rav Yehoshua, came from the academy of Rav, they explained** the two statements of Shmuel in the following way:

If you want to permit carrying in a courtyard **from one direction** i.e. with a board at one side of the entrance to the courtyard, the board needs to be **four tefachim** wide.

And this is what Shmuel meant when he said a courtyard becomes permitted by having just one board at its entrance.

And when Shmuel said that a courtyard needs two boards at its entrance, this is where he does not have one board of four *tefachim* wide. Then he needs boards **from two directions**. One board with a **minimal** width **to here** (one side), and a second board of a **minimal** width **to there** (the other side).

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Said Rav Papa: If something is difficult to me about Shmuel's rulings, **this is** what is difficult to me:

That **which Shmuel said to Rav Chananya bar Shila: You should only make a Halachic ruling** to permit carrying in a courtyard in one of the following two cases: **Either if it** has one board whose width **is** equal to the width of **the majority of the** breached **wall: Or with two boards**.

Why did he require it to be the width of **the majority of the** breached **wall – it should be enough with a board** which is **four tefachim** wide (even when this is less than the majority of the breached wall).

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And if you will say that Shmuel really holds it is enough with a board of four *tefachim* wide in most cases. But **what is** the case here, that Shmuel said one needs to have a board whose width is equal to the width of **the majority of the** breached **wall? With a wall that is seven** *tefachim* wide. **For** in this case, **with** a board of **four** *tefachim* **he has** a board which is the width of **most of the wall**⁹.

But you cannot say that Shmuel was speaking of a wall whose width was seven *tefachim*!

For if so, **why** would Shmuel require a board of **four**¹⁰ *tefachim* to permit carrying there?

It is sufficient with one of three and a bit *tefachim*. For by placing this board in the entrance, he reduces it to a width of less than four *tefachim*. And an entrance which is less than four *tefachim* wide does not require any adjustment at all, to permit carrying in the courtyard.

For note that Rav Achli said, and some say Rav Yechiel said: An alleyway only requires a side post or a crossbeam to permit carrying there, if its entrance is **up to four** *tefachim*. But if it is narrower than four *tefachim*, no adjustment is required.

Similarly concerning the width of the entrance to a courtyard. If it is less than four *tefachim* it does not require boards to permit carrying there. So why did Shmuel say we need boards of four *tefachim* (i.e. more than three and a half *tefachim*) when it should be sufficient with boards of slightly over three *tefachim*?

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⁹ According to this explanation, Shmuel intentionally chose to speak of a board whose width was equal to most of the wall, rather than one of four *tefachim*, to teach that a board of less than four *tefachim* is sufficient.

¹⁰ Actually Shmuel only required a board of slightly more than three and a half *tefachim* (*Tosafot*). However, the Gemara generally rounds the figure off to an even number.

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The Gemara resolves the difficulty: **If you wish, I could say** that **here**, regarding the statement of Shmuel, it is speaking **in** a case of **a courtyard**. And **there**, regarding the statement of Rav Achli, is speaking **in** a case of **an alleyway**.

Only regarding an alleyway did Rav Achli say that an entrance less than four *tefachim* does not need any adjustment. But not regarding a courtyard.

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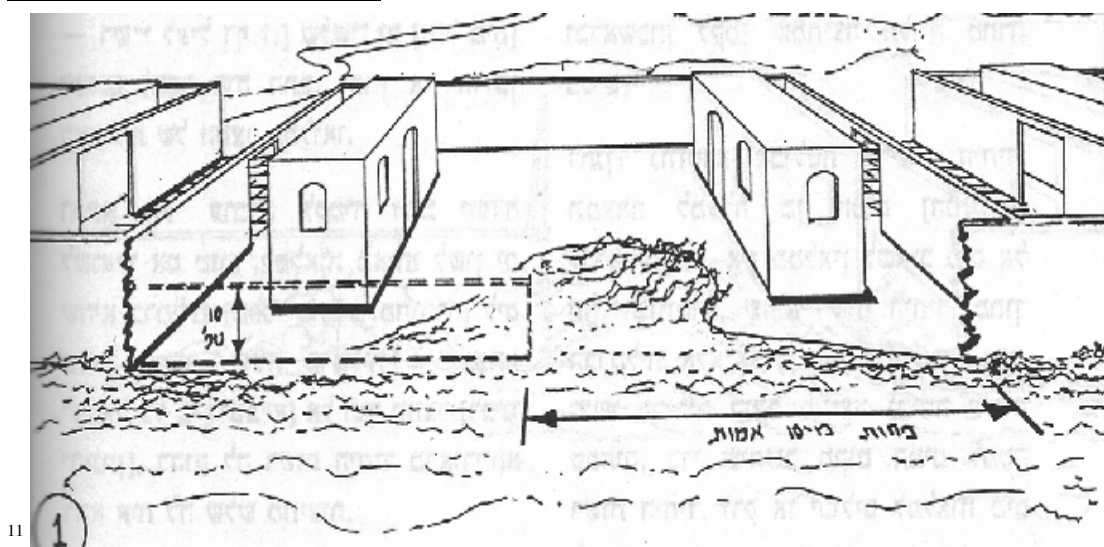
And if you wish, I could say an alternative answer: Since the statement **of Rav Achli is itself a dispute between Tannaim** (as the Gemara brings later on, 13a), Shmuel did not want to suggest an adjustment that according to one Tanna is ineffective.

The Rabbis taught in a Baraita: **If the tongue of the sea**, i.e. a stream of water from there, **enters into a courtyard** by making a breach in one of the walls, **we are only permitted to fill** buckets of water **from** this stream **on Shabbat**, in order to bring the

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water up into the courtyard, **if it has a partition which is ten *tefachim* high**. I.e. if he closes off the breach by making such a partition (see illustration¹¹).

In what case were these words said? When the breach of the courtyard is more than ten *amot* wide.



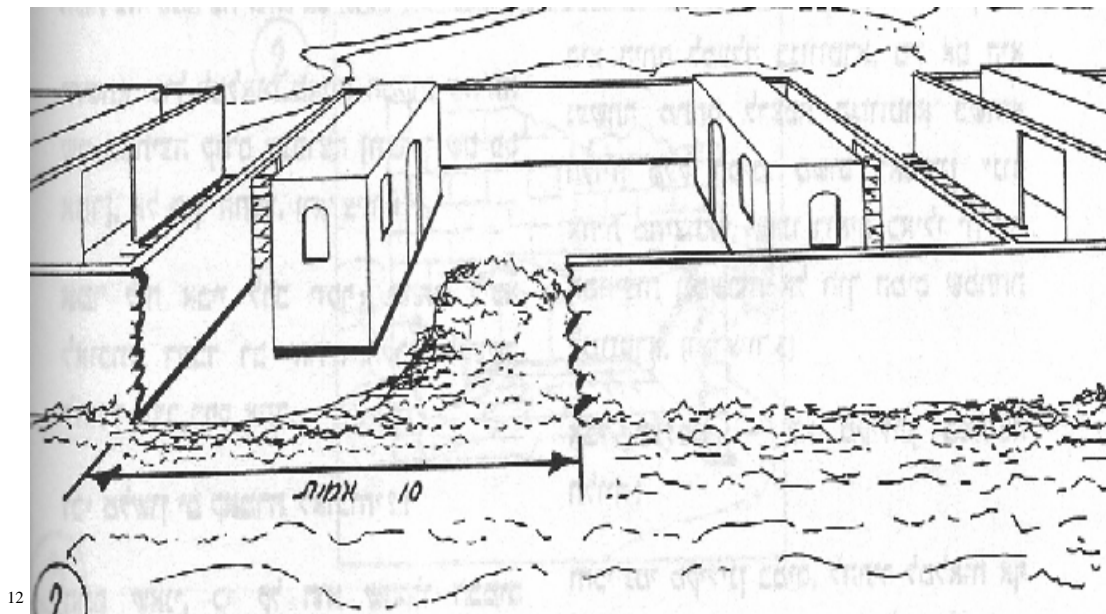
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But if the breach is only **ten ammot** – **it does not require anything** (see illustration¹²)!

Since the wall has not been breached completely, then it is considered like it is an entrance, if the breach is no more than ten *ammot*.

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PEREK 1 – 12A

The Gemara makes an inference: Only **with regards to filling** water, is it said that **we are not allowed to fill** buckets, unless one makes a partition. Because it involves transferring from a *carmelit* to a private domain.

This implies that with regards to carrying in that courtyard – **it is fine for us to carry** there, even without making any adjustment there.

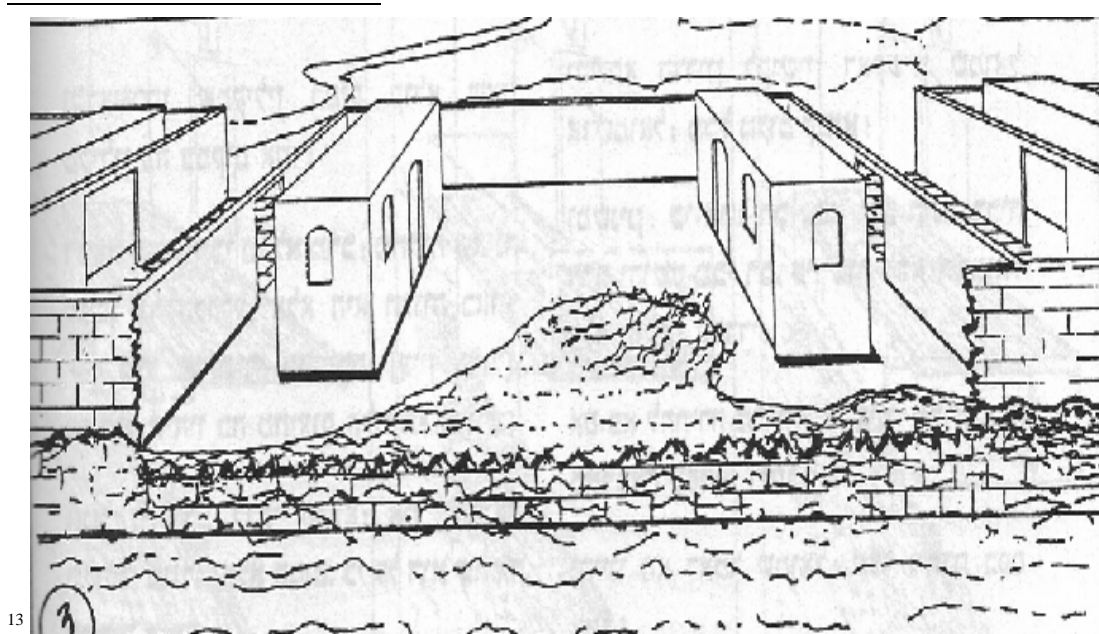
But why is this permitted? **Note that** since there is a breach more than ten *ammot* wide, it is like **the courtyard has been breached entirely to open to a place that is forbidden to it**. I.e. to the water which is outside the courtyard, which is a *carmelit*. And any place which is breached entirely to a place that is forbidden to it – it is forbidden to carry there. So how can the Baraita imply that it is permitted to carry in this courtyard?

PEREK 1 – 12B

Ammud Bet

The Gemara resolves the difficulty: **Here, in what case are we dealing?** That the wall was not breached in its entirety. **Rather, it still has ridges** i.e. the base of the wall is still intact (see illustration¹³).

These ridges are ten *tefachim* high, but they are covered over by the stream of water. These ridges enable one to carry in the courtyard, for the wall is not entirely breached. However, since the wall is covered over, one is not allowed to draw water from there into the courtyard, for the water in the courtyard is viewed as an extension of the sea, which is a *carmelit*.



13

PEREK 1 – 12B

Said Rav Yehudah: An alleyway which the different courtyards connected to it **did not join together** to make a *shituf mevo'ot*¹⁴ is not considered a proper private domain, until one makes an adjustment to it.

(The Gemara assumes at this point that Rav Yehudah holds that a domain needs to have four partitions, i.e. close in on all four sides, to be considered a private domain.

Therefore an alleyway, which has one end open to the public domain, is not considered a private domain.)

And if he **made it fitting by making a side post** there, the following will be true: **someone who throws into it** (the alleyway) from a public domain **is liable**¹⁵ for transgressing a Torah prohibition. For the side post is considered as a partition, and thus the alleyway has four partitions, and is thereby considered a private domain.

But if he **made it fitting with a crossbeam, someone who throws into it** from a public domain **will be exempt**. A crossbeam is used as a way of distinguishing the alleyway from the public domain, so one should not come to carry from the alleyway into the public domain. However, unlike the side post, it does not have a status of a partition. Therefore, an alleyway with a crossbeam has only three partitions, and is not considered a private domain. Therefore the thrower is exempt.

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Rav Sheishet challenged it (that which Rav Yehudah said):

¹⁴ The members of different courtyards which lead out to a common alleyway cannot carry from their courtyard to the alleyway unless they make a *shituf mevo'ot*. Similar to the arrangement of an *eiruv chatzeirot*, each courtyard makes joint ownership in an article of food, thereby symbolically combining their ownership, as if the alleyway belongs to a single courtyard.

¹⁵ I.e. obligated to bring a sin-offering.

PEREK 1 – 12B

From what Rav Yehudah said, it implies that **the reason** the thrower is exempt, when he put a crossbeam there, **is because they did not join together** by making a *shituf mevo'ot*. **But if they would have joined together** by making a *shituf*, then **even when they made it fitting with a crossbeam, also** in this case the thrower **will be liable**.

But can it be that this loaf of bread, that they used for the *shituf mevo'ot*, **made it** (the alley) **into a private domain** by their joining together through it? **Or** by their failing to join together through it, did that loaf make it (the alleyway) **into a public domain?**

But it was taught in a Baraita: Regarding **courtyards of many** people, i.e. in which many houses share the same courtyard. The people living there cannot carry from their houses into the courtyard unless they make an *eiruv chatzeirot*.

And alleyways which are not open, rather they are closed from three sides.

With regards to both of these, **whether they made an *eiruv*** in the courtyards, **or whether they did not make an *eiruv***. And whether they made a *shituf mavo'ot* or they did not. **One who throws into them, is liable**.

Now, the Baraita is speaking even when they did not make a *shituf mavo'ot*, and it is speaking in all cases, both of a side post and of a crossbeam. Yet the Baraita states that the thrower is liable in all cases. Therefore we see from the Baraita one of two things.

Either: both a side post and a crossbeam are considered as a partition.

Or: it is enough to have three partitions to be considered a private domain by Torah law, and the Baraita can be referring to a case where no side post or crossbeam at all were made.

PEREK 1 – 12B

Either way, it does not fit with Rav Yehudah's statement, as it has been explained until now. For the assumption is that according to Rav Yehudah, a domain is only considered a private domain if it has four partitions. Also, that a side post can be considered a partition, but not a crossbeam.

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Therefore the Gemara gives an alternative explanation of Rav Yehudah.

In truth, he holds that a domain with only three partitions is considered a private domain, by Torah law.

And rather, if Rav Yehudah said something, this was what he said:

Said Rav Yehudah: An alleyway which is not suitable to do a *shituf mevo'ot* in it. I.e. an alleyway which even by making a side post or crossbeam there, it is still not fit to carry there, by making a *shituf mevo'ot*. This is speaking of an alleyway which is open at both ends to a public domain. Such an alleyway requires also a *tzurat hapetach*¹⁶ to permit carrying there.

If he made it fitting with a side post at one of its entrances, but did not make a *tzurat hapetach* at the other entrance, **one who throws into it** from a public domain **will be liable.**

For the side post has a status of a partition, thereby rendering the alleyway a domain with three partitions. Thus one who throws from a public domain into this alleyway will be liable, since Rav Yehudah holds that a three-partition domain is a private domain according to Torah law.

¹⁶ A doorway-like structure, consisting of two posts connected above by a crossbeam.

PEREK 1 – 12B

But **if he made it fitting with a crossbeam**, and did not make a *tzurat hapetach* at the other entrance, **one who throws into it** from a public domain **will be exempt**, since the crossbeam does not have the status of a partition, and the alleyway has just two partitions—and is not considered a private domain according to Torah law.

From this, **we can derive that** Rav Yehudah **holds that a side post functions as a partition, and a crossbeam functions as a distinguishing feature**, i.e. to distinguish that the alleyway ends here, and from this point on, the public domain begins.

And so said Rabbah: A side post functions as a partition, and a crossbeam functions as a distinguishing feature.

And Rava said: Both this (a crossbeam) **and that** (a side post) **function as a distinguishing feature.**

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Rabbi Yaacov bar Abba posed a contradiction to Rava, from a Baraita: Concerning **someone who throws** from the public domain **into an alleyway**, there are two different cases. **If it has a side post – he will be liable. If it does not have a side post – he will be exempt.**

This shows that a side post functions as a partition and not as a distinguishing feature. For the side post made the alleyway into a private domain, and thus the thrower is liable.

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The Gemara resolves the contradiction: **This is what the Baraita is saying:** If the alleyway would benefit from a side post, i.e. **that it only requires a side post** to permit

PEREK 1 – 12B

carrying there—in which case it must already be enclosed on three sides without the side post—then **one who throws into it will be liable**.

And even though there is no side post there, he is still liable. For a domain with three partitions is considered a private domain by Torah law.

But if the alleyway would not benefit from a side post, i.e. it requires **a side post and something else** to permit carrying there—in which case it must be open at both ends to the public domain—**one who throws into it will be exempt**, even if it has a side post there. For until a *tzurat hapetach* is made at one of the entrances, it is not considered a private domain, since it has only two sides which are closed.

*

They contradicted him (Rava, who holds that a side post functions as a distinguishing feature), from a Baraita:

Furthermore, Rabbi Yehudah said: Someone who has two houses on two sides of a public domain – he makes a side post here (on one side of one of the houses) **and a side post there** (on the other side of that house), and then it is permitted to carry from

PEREK 1 – 12B

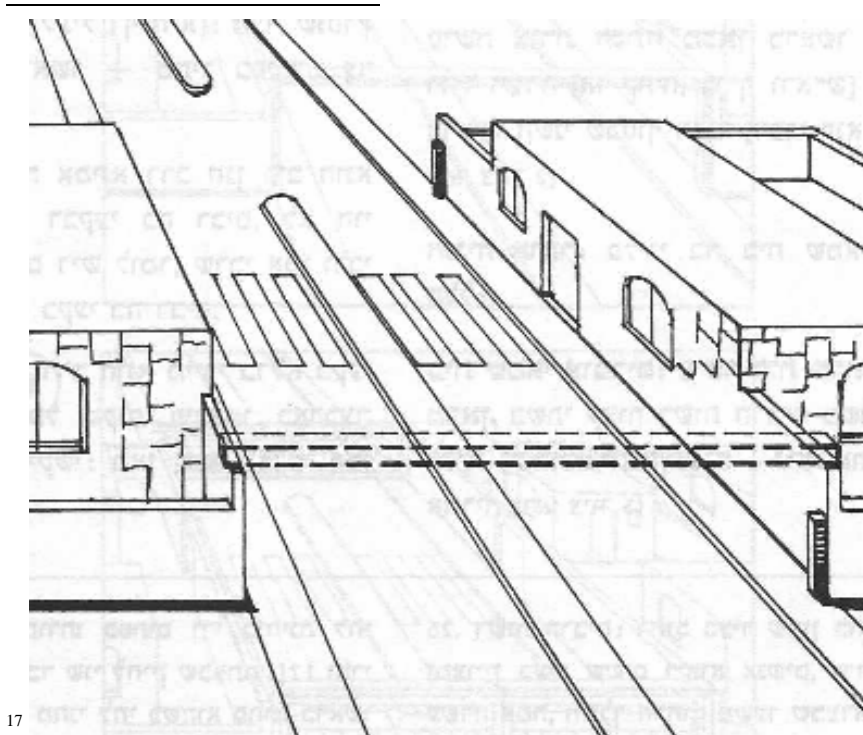
one house to the other (see illustration¹⁷). Since the walls of the houses are lining the stretch of street from both sides, it requires only the side posts to form a third partition, and then it is permitted to carry there.

Or he can place **a crossbeam here** (on one side of the two houses) **and a crossbeam there** (on the other side) and then **he can carry in the middle** i.e. in the area between the two side posts or crossbeams.

They (the Sages) **said to him** (Rabbi Yehudah): **We cannot adjust a public domain in this way.**

We can derive from here that a side post is used as a partition. For how can Rabbi Yehudah permit carrying there when there are only two partitions? It must be that a side post is considered to be a partition.

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PEREK 1 – 12B

The Gemara resolves this contradiction: If the proof is from **there**, there is no proof.

Because **Rabbi Yehudah holds** that it is sufficient for a domain to have **two partitions** to be considered a private domain **by Torah law**. And it is only a Rabbinical requirement that two side posts or crossbeams be placed there in order to permit carrying there.

Rav Yehudah said in the name of Rav: An alleyway that its length is like its width, i.e. it is square, is not permitted (to carry there) **with a side post of minimal** width. Rather, it needs a board four *tefachim* wide, as is the case with courtyard.

Rav Chiya bar Ashi said in the name of Rav: An alleyway that its length is like its width i.e. it is square, is not permitted with a crossbeam which is **one tefach** wide. Rather, it needs a board which is four *tefachim* wide.

*

Said Rabbi Zeira, in support for the above statement of Rav Yehudah and Rav Chiya bar Ashi.

How parallel (i.e. similar) are these two teachings of the elders!

Since this alleyway, its length is like its width – it has the Halachah of a courtyard.

And a courtyard is not permitted (to carry there) **with a side post or a crossbeam – rather, just with a board four tefachim** wide.

PEREK 1 – 12B

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Said Rabbi Zeira: If something is **difficult to me** about the statement of Rav Yehudah, **this is what is difficult to me:**

How could Rav Yehudah say that an alleyway that is like a courtyard, and thus needs a board, is not permitted by a minimal side post?

Let that side post be considered like a minimal board, and let it be permitted. (Rabbi Zeira held that the width of a board is any amount, as with a side post).

*

The Gemara resolves the difficulty: **He** (Rabbi Zeira) **overlooked that which Rabbi Asi said in the name of Rabbi Yochanan: Boards of a courtyard need to be four *tefachim* wide.**

Said Rav Nachman: We have accepted the following (i.e. it is a tradition from our forefathers and masters):

Which sort of alleyway is permitted through having a side post or a crossbeam?

- (1) **Any alley whose length is greater than its width.**
- (2) **And houses and courtyards open into it.** I.e. there are at least two courtyards opening into it, and in each of these courtyards there is at least one house.

PEREK 1 – 12B

And what sort of courtyard is not permitted by means of a side post or a crossbeam, but only by means of a board four *tefachim* wide?

Any one which is square.

*

The Gemara is puzzled by this: Only **a square** courtyard, **yes**, it requires a board of four *tefachim*—but **a round** courtyard does **not** need a board of four *tefachim*?

Just because the courtyard is circular, is it sufficient to make for it a side post or crossbeam?

*

The Gemara explains the statement of Rav Nachman: “A square courtyard” does not mean to exclude a round courtyard, for that too requires a board of four *tefachim* to permit carrying there.

Rather, **this is what Rav Nachman was saying: If the length of the courtyard is greater than its width** i.e. it is not square, **it is judged as an alleyway. And regarding an alleyway, with a side post or a crossbeam it is sufficient** to permit carrying there.

And if its length is not greater than its width, it is a proper courtyard.

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PEREK 1 – 12B

The Gemara inquires: **And how much** does the length of the courtyard need to exceed its width, to be considered an alleyway which is permitted through a side post or a crossbeam?

Shmuel thought to say: Since it is in fact a courtyard, it does not lose its status as a courtyard **until** its length is **twice** as great as **its width**.

Rav said to him (Shmuel): **This is what my dear one** (my uncle, Rabbi Chiya) **said:**

Even if its length is **a little bit** more than its width, it is considered an alleyway which is permitted by means of a side post or crossbeam.

It was stated in the Mishnah: **A certain disciple said in the name of Rabbi Yishmael**, before Rabbi Akiva, that Beit Shammai and Beit Hillel do not argue over an alleyway that is less than four *ammot* wide. Rather, they both agree that it is permitted to carry there, if it has either a side post or a crossbeam.

CHAVRUTA

EIRUVIN – DAF YUD GIMEL

Translated by: *Rabbi Dov Zimmel*

Edited by: *R. Shmuel Globus*

It was stated in the Mishnah: **Rabbi Akiva says** both **concerning this** case of an alleyway whose width is between four and ten *ammot*, **and concerning that** case of an alleyway whose width is less than four *ammot*, **they** (Beit Shammai and Beit Hillel) **disagreed**. Beit Shammai held in both cases that one needs to make both a side post and a crossbeam. And Beit Hillel held in both cases that it is enough to make either a side post or a crossbeam.

The Gemara poses a difficulty: This view of **Rabbi Akiva – that is** the same as the view of the **first Tanna!** For when the first Tanna explained the disagreement between Beit Shammai and Beit Hillel, he did not differentiate between various widths of the entrance of the alleyway. So it can be assumed that he meant that in all cases, there is a disagreement. But this seems to be the same view as Rabbi Akiva is expressed. This raises a difficulty: what is Rabbi Akiva coming to teach, that was not said already?

The Gemara resolves the difficulty: **There is** a practical difference **between them** (Rabbi Akiva and the first Tanna) concerning the ruling **of Rav Achli and some say** it was the ruling of **Rav Yechiel** (cited above, 12a): An alleyway that the width of its entrance is less than four *tefachim*, does not need any adjustment to permit carrying in it.

But it was not concluded, i.e. the Gemara has no clear tradition, who held that view (of Rav Achli...) and who disagreed with it. Thus we do know that this is a point of difference between Rabbi Akiva and the first Tanna, but we do not know who held what regarding it.

PEREK 1 – 13A

It was taught in a Baraita: **Said Rabbi Akiva: Rabbi Yishmael did not say this thing** that the above-mentioned disciple cited in his name. For a wise man like Rabbi Yishmael would never have said such a thing.

Rather, that disciple said this thing by himself.

And the Halachah is in accordance with that disciple.

*

The Gemara is puzzled by this: **Note** that the above-mentioned statement is **itself difficult**:

On the one hand, **you said** that **Rabbi Yishmael did not say this thing**, presumably because it is not correct. **We can derive** from here that **the Halachah is not in accordance with him** (that disciple).

On the other hand, **you went back and said: The Halachah is in accordance with that disciple!**

*

The Gemara resolves the difficulty: **Said Rav Yehudah in the name of Shmuel: Rabbi Akiva only said** that the Halachah is like that disciple in order **to sharpen** the minds of **the disciples**. I.e. to encourage his own disciples to delve into the Torah and produce their own new insights, like that disciple had done.

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PEREK 1 – 13A

The Gemara resolves the difficulty in an alternative manner: **And Rav Nachman bar Yitzchak said:** Rabbi Akiva never said that the Halachah was in accordance with that disciple. Rather, **he said** that “**it appears**” to be correct, what that disciple said. I.e. from logic, the disciple seems to be correct. But the Halachah is not like this view.

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Said Rabbi Yehoshua ben Levi: Any place that you find it stated: “**A certain disciple said in the name of Rabbi Yishmael, before Rabbi Akiva**” – that disciple is **none other than Rabbi Meir**. For he served i.e. studied under **Rabbi Yishmael and Rabbi Akiva**.

As it was taught in a Baraita: **Said Rabbi Meir:** When I was studying with **Rabbi Yishmael I put *kankantum*¹ into the ink** that I was writing with. **And he, Rabbi Yishmael, did not say anything to me.**

When I came to study with Rabbi Akiva – he forbade me from doing this!

We can derive from this Baraita that Rabbi Meir studied under both Rabbi Yishmael and Rabbi Akiva.

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The Gemara poses a difficulty: **Is it really so?**

But Rav Yehudah said in the name of Shmuel, who said in the name of Rabbi Meir:

When I was studying with Rabbi Akiva I would put *kankantum* into the ink, and he did not say anything to me.

¹ An ingredient used to make ink indelible.

PEREK 1 – 13A

And when I came to study with Rabbi Yishmael he said to me: “My son, what is your work”?

I said to him: “I am a scribe”.

He (Rabbi Yishmael) said to me: “My son, be careful with your work, because your work is work of Heaven i.e. it involves spiritual matters. And you need to be concerned that maybe you omitted one letter from the Torah or you added one letter to it. It would then turn out that by doing either of these, that you have destroyed the entire world”!

I (Rabbi Meir) said to him (Rabbi Yishmael): “I have one thing, and its name is *kankantum* that I put into the ink”.

He said to me: “And are we permitted to put *kankantum* into ink? But the Torah said concerning the writing of the passage dealing with a *sotah*² : ‘And the Cohen should write the curses in a scroll and he should dissolve it into the bitter waters’. We learn from this verse that the writing of this scroll requires a writing that is able to be dissolved”.

And similarly, we derive from here³ that any writing of a scroll needs to fulfill this condition.

And by putting *kankantum* into the ink, it makes the ink indelible. So this was what Rabbi Yishmael asked Rabbi Meir are we allowed to put this into ink, thereby making it not fit to be erased?

² A wife who is suspected of infidelity. Her husband brings her to the Holy Temple to drink from a bitter-water solution to prove her innocence or guilt.

³ *Tosafot* discuss how this is derived, and if it is Torah-ordained, or just a Rabbinical decree.

PEREK 1 – 13A

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What did he (Rabbi Yishmael) **say to him** (Rabbi Meir), **and what did he** (Rabbi Meir) **reply to him?**

I.e. how did the reply of Rabbi Meir – that he put *kankantum* into the ink – relate to Rabbi Yishmael's warning that Rabbi Meir should be careful not to omit or add any letter?

The Gemara explains: **This is what he** (Rabbi Meir) **was saying to him** (Rabbi Yishmael): **Not only [do I not make mistakes] concerning omissions or additions, since I am an expert** in this writing.

But I am even concerned for a fly – that perhaps a fly will come and sit on the crown⁴ of a dalet, and thereby erase it (the crown), **and thus make it** (the letter) **into a reish**. To avoid this, **I have something whose name is kankantum that I put into the ink**, and the ink cannot subsequently be erased.

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The Gemara notes a contradiction: **It is difficult**, this account of Rabbi Meir's **study**, to reconcile it **with** that other account of his **study** – i.e. there is a discrepancy who Rabbi Meir studied with first. According to the Baraita he studied first by Rabbi Yishmael, and according to Rav Yehudah he studied first by Rabbi Akiva.

And **it is difficult**, this statement that **he forbade it**, to reconcile it **with** that other statement that **he forbade it** – i.e. there is a discrepancy who forbade Rabbi Meir from using the *kankantum*. According to the Baraita it was Rabbi Akiva who forbade him, and according to Rav Yehudah it was Rabbi Yishmael who forbade him.

⁴ The part in the top right hand corner of the *dalet*, which juts out from the rest of the letter.

PEREK 1 – 13A

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It is alright, the discrepancy of this **study with** that **study**. **It is not difficult** to reconcile:

Because we could say that **originally, he** (Rabbi Meir) **came before Rabbi Akiva** to study under him. **But since he** (Rabbi Meir) **was not able to understand him**⁵ (Rabbi Akiva), **he came before Rabbi Yishmael and learnt from him teachings** i.e. the Mishnayot that Rabbi Yishmael had been taught by his masters.

Then Rabbi Meir **went back and came before Rabbi Akiva to study the reasons** behind the Halachot contained within the Mishnayot.

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However, this statement that **he forbade it, with** that statement that **he forbade it** – is **difficult** to reconcile.

The Gemara concludes: **It really is difficult!**

It was taught in a Baraita: **Rabbi Yehudah says that Rabbi Meir would say: For any** matter that requires writing, **we can put *kankantum* into the ink** that will be used for writing it, **except for the passage of the *Sotah*** which is part of the Torah scroll. This passage, and certainly the scroll which is actually written to test a *sotah*, require that they can be erased. And by putting *kankantum* into the ink, one makes the ink indelible.

PEREK 1 – 13A

And Rabbi Yaacov says in his (Rabbi Meir's) name: It is permissible to put *kankantum* into all writings, even into the passage of the *Sotah* that is written in the Torah scroll, **except for the passage of the *Sotah* that was in the Temple** – which was actually put into the bitter waters and given to the suspected woman to drink.

The Gemara inquires: **What is the practical difference between them?**

Said Rav Yirmeyah: If it is possible **to erase, for the sake of testing her, from the Torah scroll.** This **is a practical difference between them.** In other words: can we take the passage of the *Sotah* which is written in the Torah scroll, and use it to test the *sotah*?

According to Rabbi Yehudah (in the name of Rabbi Meir), one indeed may use the passage of the *Sotah* from the Torah scroll for this purpose. Therefore, it must be written in a way that it can afterwards be erased. Thus he holds that one cannot write it in the Torah scroll with *kankantum*.

But Rabbi Yaacov (in the name of Rabbi Meir) held that one may not use the passage of the *Sotah* in the Torah scroll for testing the *sotah*. Therefore, one may write this passage in the Torah scroll with *kankantum*.

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And these Tannaim – Rabbi Yehudah and Rabbi Yaacov – are differing over the same matter **as those Tannaim.**

For it was taught in a Baraita: **Her scroll** (the scroll of a *sotah* who admitted her guilt and the scroll was therefore not erased) **is not fitting** to be used **to make another *sotah* drink** the solution made **with it.** Because the scroll was not written specifically for this second *sotah*.

⁵ The Gemara Sotah (20a) writes that Rabbi Akiva would explain so well the logic behind the view which

PEREK 1 – 13A

Rabbi Achi bar Yoshaya said: Her scroll is fitting to be used to make another *sotah* drink the solution made with it. Because the scroll does not need to be written specifically for this *sotah*.

The Gemara assumes that Rabbi Yehudah is following the view of Rabbi Achi bar Yoshaya. Both of them hold of the principle that the scroll of the *sotah* does not need to be written specifically for this particular woman. Thus one could use the passage of *Sotah* written in the Torah, and similarly, one could use a scroll written for a different woman. Whereas Rabbi Yaacov is assumedly following the view of the first Tanna in the Baraita. They both hold the scroll of the *sotah* needs to be written specifically for this woman. Thus a Torah scroll is by definition invalid for this purpose, and its passage of *Sotah* consequently has no special requirements.

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Said Rav Papa: Perhaps it is not so! Maybe the disagreement between Rabbi Yehudah and Rabbi Yaacov is not the same disagreement as the one in the Baraita.

For we could say the following: **The first Tanna** of the Baraita **only said** over **there**, that a scroll is invalid in the case of one *sotah* using the scroll of a different *sotah*, for the following reason: **Since it** (the scroll) **was removed** from general use, and designated specifically **for the sake of Rachel** (i.e. the first *sotah*). Thus **it cannot be removed afterwards** and redesignated **for the sake of Leah** (i.e. the second *sotah*).

But concerning the passage of the *sotah* which is written in **the Torah, which it is written generally** – not for any specific *sotah* – even the first Tanna would agree that **we may also use it to erase** the verses written in it and test a *sotah* with it.

is not accepted as Halachah, that the students found it difficult to derive the correct Halachah from him.

PEREK 1 – 13A

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Said Rav Nachman bar Yitzchak: Perhaps it is not so! I also hold there is no proof that Rav Yehudah and Rabbi Yaacov have the same disagreement as the Tannaim in the Baraita. But I will show this through the view of Rabbi Achi bar Yoshaya (and not through the view of the first Tanna, as Rav Papa did).

Rabbi Achi bar Yoshaya only said over **there** that the scroll of one *sotah* may be used for another one **because it is written at least for** the purpose of testing **some sotah in the world.**

But concerning using the passage of the *sotah* written in **the Torah**, which **is written to learn** from it (and not to test a *sotah* with) – even Rabbi Achi could agree that **we cannot** use it **to erase** the verses written in it, and test a *sotah* with it.

*

The Gemara now challenges the view of Rabbi Achi bar Yoshaya, that a scroll written for one *sotah* may be used for a different *sotah*.

And does Rabbi Achi bar Yoshaya not hold of that which was taught in a Mishnah: If one wrote [a *get*⁶] **to divorce his wife....**

Ammud Bet

....and he then changed his mind i.e. he decided not to give it to his wife and thereby divorce her with it. **And afterwards a member of his town met him and said** to him:

⁶ A document of divorce.

PEREK 1 – 13B

“Your name is like my name, and the name of your wife is like the name of my wife.

This fellow town-member wanted to procure this already written *get* to divorce his own wife with it. However, this *get* **is invalid to divorce** another woman **with it**, because it was not written with the intention that it would be given to this second woman. And a *get* must be written with intention for the specific woman who receives it, as is learnt from the verse (*Devarim*⁷ 24:1), “And he should write *to her*” – the phrase “to her” is expounded to mean “specifically for her”.

Similarly concerning a *sotah*, the verse (*Bamidbar*⁸ 5:30) says, “And the Cohen should do *to her* all of this law”. The Gemara presumes that from the phrase “to her”, we derive that the scroll of the *sotah* must be made specifically for her.

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Now is this really a good comparison?!

There, concerning a *get*, **it is written: “And he should *write* to her”**. Because of this, **we require a writing that is for her sake** i.e. specifically for this woman.

But **here**, concerning a *sotah*, **it is written: “And he should *do* to her”**.

Therefore we can only learn from this verse that **we require a “doing” for her sake**, but not a “writing” for her sake. **And a doing for her sake – this is the erasing**, not the writing of the scroll.

⁷ Deuteronomy

⁸ Numbers

PEREK 1 – 13B

Said Rabbi Acha bar Chanina: It is revealed and known before the One Who spoke and brought the world into existence, that there was no one in the generation of Rabbi Meir who was comparable to him in Torah learning.

And why was the Halachah not established like his view?

Because **his colleagues were unable to completely understand** the reasoning behind **his views**, thus they could not determine whether he was mistaken in certain isolated cases. **For he would say about** something that was **impure** that **it is pure, and make it appear** correct, through his convincing reasoning, that it really is pure.

And similarly, **about** something which was **pure** that it is **impure, and make it appear** correct, that it really is impure.

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It was taught in a Baraita: **His name was not Rabbi Meir, rather his name was Rabbi Nehorai.**

And why was he called by the name “Rabbi Meir”?

Because he enlightened the eyes of the Sages in Halachah!

*

And similarly concerning the Tanna who is called Rabbi Nehorai – **his name was not Rabbi Nehorai. Rather, his name was Rabbi Nechemyah, and some say his name was Rabbi Elazar ben Aroch.**

And why was he called by the name “Nehorai”?

PEREK 1 – 13B

Because he enlightened the eyes of the Sages in Halachah!

*

Said Rabbi i.e. Rabbi Yehudah Hanasi: The fact that I am sharper than my colleagues, it is because I saw Rabbi Meir from behind.

And if I would have seen him from the front, I would have been even sharper.

As it is written (*Yeshayahu*⁹ 30:20), “And your eyes will see your teachers”.

Rabbi Abahu said in the name of Rabbi Yochanan: Rabbi Meir had a disciple and his name was Sumchus, who would say, concerning every impure object, forty-eight reasons why it was impure. And concerning every pure object, he would say forty-eight reasons why it was pure.

*

It was taught in a Baraita: There was a very sharp disciple in Yavneh, who, if the Torah had not written otherwise, would have declared pure the impure *sheretz*¹⁰ through one hundred and fifty reasons.

*

Said Ravina: Even I can make a *kal vachomer*¹¹ and make it (the *sheretz*) pure!

⁹ Isaiah

¹⁰ There are eight small creeping animals (*sheratzim*) listed in Leviticus 11:29-31, whose carcasses are impure and convey impurity.

¹¹ A fortiori reasoning.

PEREK 1 – 13B

If a snake which kills (people and other animals), **and** thereby **increases impurity** (by making these corpses), **is itself pure**, i.e. it itself does not transmit impurity—

A *sheretz*, which does not kill and thereby **increase impurity, all the more so** that it should be considered pure!

But it is not correct.

For a snake that has bitten and thereby killed **has just done the act of a thorn**. A thorn can also kill, if it pierces a vital organ, and thereby increase impurity in the world. Yet thorns are certainly pure.

Rabbi Abba said in the name of Shmuel: For three years Beit Shammai and Beit Hillel disagreed.

These said, “The Halachah is like us”, and those said, “The Halachah is like us”.

There came out a Heavenly voice and said: Both these and those are the words of the living G-d”!

But nevertheless, the Halachah is like Beit Hillel.

*

The Gemara poses an inquiry: **But since both these and those are the words of the living G-d, why did Beit Hillel merit to establish the Halachah according to them?**

PEREK 1 – 13B

The Gemara answers: **Because they were pleasant and long-suffering. And they taught both their words and the words of Beit Shammai.** When each would bring a different source to support their view, Beit Hillel would explain what they derive from the source that Beit Shammai brought. By doing this, Beit Hillel showed that they did not take the view of Beit Shammai lightly.

And not only this, but they (Beit Hillel) would precede the words of Beit Shammai to their own words.

Like that which was taught in a Mishnah (*Succah* 28a): **One who was eating in a succah, and his head and the majority of his body were in the succah, and his table was in the house.** Beit Shammai say he has not fulfilled the mitzvah of dwelling in a succah. And Beit Hillel say he has fulfilled the mitzvah.

Concerning a small succah, which has only enough space for a man to put his head and most of his body: **Beit Shammai invalidate it, and Beit Hillel say it is fitting** to be used for the mitzvah.

Said Beit Hillel to Beit Shammai: Was there not an incident that took place in the following way: That the elders of Beit Shammai and Beit Hillel went to visit Rabbi Yochanan ben Hachoronit. And they found him sitting in a big succah, and only **his head and most of his body** was **in the succah, but his table** was **in the house.** And the elders of Beit Shammai said nothing to him.

Beit Shammai said to them (Beit Hillel): Is there a proof from there?

Even they (the elders of Beit Shammai) **said to him** (Rabbi Yochanan ben Hachoronit): **“If you have always acted this way, then you have not fulfilled the mitzvah of succah your whole life”!**

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From this Mishnah, we see that Beit Hillel put Beit Shammai first, for they first mentioned the elders of Beit Shammai, and only afterwards mentioned the elders of Beit Hillel.

*

Based on the above reason why the Halachah was established in accordance with Beit Hillel's views, the Gemara derives the following: It **teaches you that anyone who lowers himself** i.e. he acts with humility, **the Holy One raises him up.**

And anyone who raises himself up i.e. acts haughtily, **the Holy One lowers him.**

*

And similarly we can learn from this that **anyone who chases after greatness – greatness runs away from him.**

And anyone who runs away from greatness – greatness chases after him.

*

And similarly we can learn from this, that **anyone who forces the time**, i.e. he tries to achieve something when it is not coming to him at that time, the **time forces him** back. In other words, one who craves for greatness that it is not coming to him will not be successful.

And one who is pushed aside by the time i.e. when he sees he is not being successful he stops to pursue this position—**the time stands on his behalf.** In the course of time he will be successful.

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The Rabbis taught in a Baraita: For **two and a half years Beit Shammai and Beit Hillel disagreed** on the issue of what is the best thing for a person.

These would say: It is better for a person not to have been created, than to have been created.

And those would say: It is better for a person to have been created, than not to have been created.

At the end of these two and a half years, **they were counted** i.e. they took a vote, **and decided: It is better for a person not to have been created, than to have been created.**

But **now that he has been created – he should examine his deeds** that he has already done during his lifetime, to see if he is acting properly according to the Torah.

And some say: He should scrutinize thoroughly his deeds, before he does them.

Mishnah

The crossbeam that they said that it allows one to carry in the alleyway, it needs to be **wide enough to hold on it an *areiach*.**

PEREK 1 – 13B

And an *areiach* is half a brick of three *tefachim* by three *tefachim* (see illustration, right).¹²

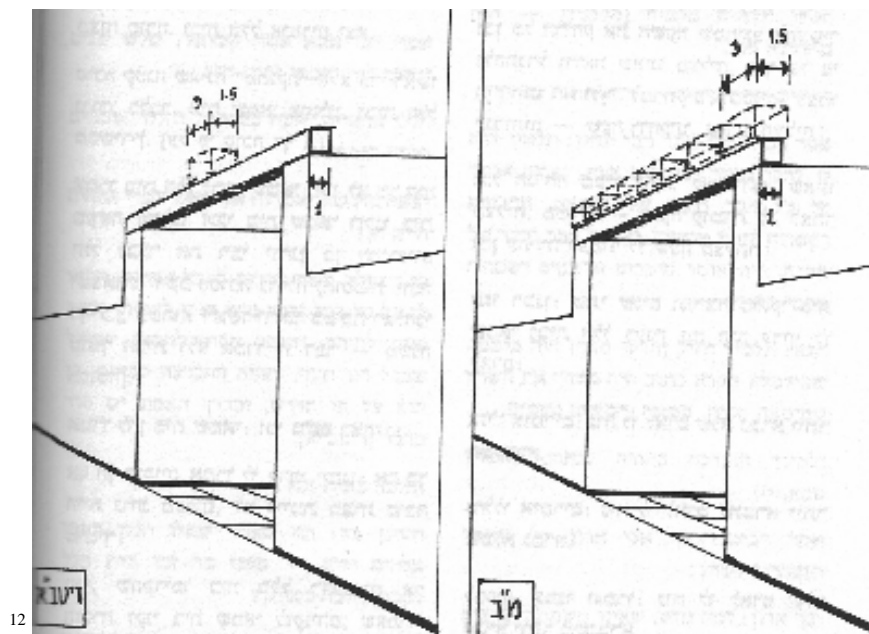
It is sufficient, therefore, that the crossbeam be one *tefach* wide, in order that it can hold on it an *areiach* widthwise (i.e. one and a half *tefachim*). (see above illustration, left)

The crossbeam needs to be **wide enough to hold an *areiach***, and strong enough to hold an *areiach*.

Rabbi Yehudah says: The crossbeam only needs to be **wide** enough to receive an *areiach*, even though it is not strong enough to receive an *areiach*.

And therefore: Even if the crossbeam is made of **straw or reeds** – i.e. it is not strong enough to hold an *areiach*, **we view it as if it was made of metal**.

And similarly, if the crossbeam was **crooked**, and thus not fitting to hold an *areiach* on it **we view it as though it was straight**.



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And similarly if the cross beam was **rounded**, and thus not fitting to hold an *areiach*, **we view it as if it was square.**

Anything which has in its circumference three *tefachim*, it has a width of a *tefach*.

CHAVRUTA

EIRUVIN – DAF YUD DALED

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

Gemara

The Gemara notices a contradiction in the Mishnah. The Mishnah first taught that the crossbeam should be wide enough to hold an *areiach* which is one and a half *tefachim*¹. After this, the Mishnah taught that if the crossbeam is a *tefach* wide, this is enough to validate the alleyway to permit one to carry in it.

Thus the Gemara raises a difficulty: the Mishnah says that it is enough for a crossbeam to be a *tefach* wide, but it really **needs to be a *tefach* and a half** wide like the width of an *areiach*.

The Gemara answers: **Since** the crossbeam is **wide** enough to **receive a *tefach*** of the *areiach*, the crossbeam is wide enough. **The other half of a *tefach*** which is needed can be supported by **smearing it**, the crossbeam, **with clay**. It is smeared **a little bit** (the width of a finger) **from this side** of the crossbeam and **a little bit** (the width of a finger) **from the other side** of the crossbeam. The clay smeared on both sides of the crossbeam equals the width of two fingers, which is half a *tefach*. That makes the crossbeam equal to the width of an *areiach*, and the brick **can stand** on the crossbeam.

The Gemara continues to discuss how strong the crossbeam must be to validate the alleyway. **Rabbah bar Rav Huna said: The crossbeam that they the Rabbis mentioned** in the Mishnah **needs to be strong enough to receive an *areiach*** on it. **And**

¹ 1 tefach: 3.1 in., 8 cm

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the supports of the crossbeam which hold up the crossbeam, even if the crossbeam is not resting on the walls of the alleyway (for example the crossbeam rests on pegs) **they**, the supports, **do not need to be strong enough to receive a crossbeam and an *areiach*** on them. They only have to be strong enough to hold up the crossbeam itself. Only the crossbeam needs to appear strong and permanent enough for a person to be able to build on it. Such a crossbeam is a good visual reminder of where the alleyway ends. But the supports of the crossbeam do not have to be part of a visual reminder, so they do not have to be as strong as the crossbeam.

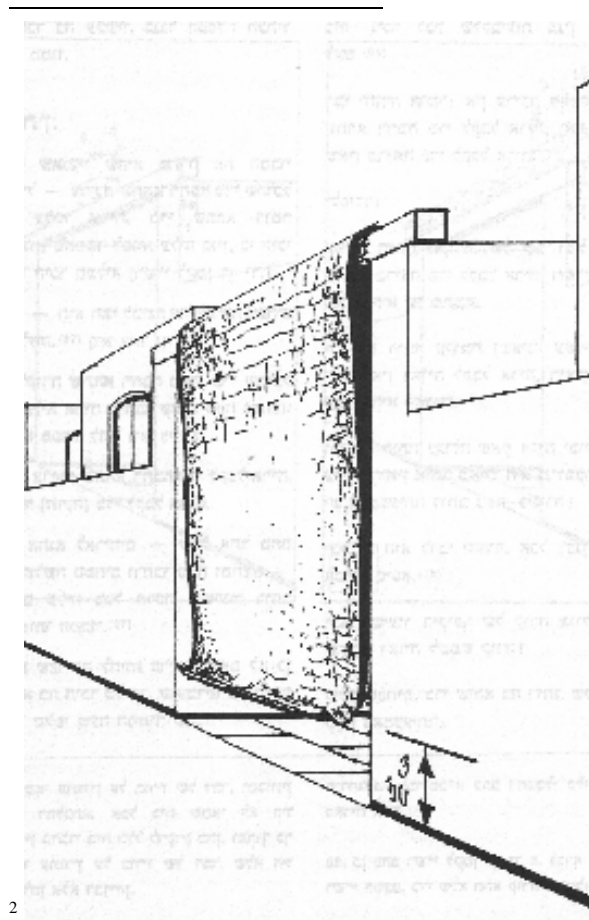
Rav Chisda said: Whether it is this, the crossbeam, **or whether** it is **that**, the supports of the crossbeam, **they both need to be strong**. The crossbeam needs to be strong enough to receive an *areiach* on it. The supports need to be strong enough **in order to receive a crossbeam and an *areiach***. The crossbeam cannot be a good visual reminder that the open side of the alleyway ends in a public domain, if the supports weaken the appearance of strength and permanence of the crossbeam.

Rav Sheishet said: Someone who places a crossbeam on the open side of **an alleyway** and **spreads on it**, the crossbeam, **a mat**, because he wants the mat to be a partition. This would make it a stronger visual reminder of where the alleyway ends, in order to more readily permit carrying in the alleyway. **And he raises the mat from the ground three**

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tefachim (see illustration²). This mat turns out to be a hanging partition which invalidates the alleyway from carrying in it, because **a crossbeam is not here** and also **a partition is not here**. **A crossbeam is not here because it is covered** and it is no longer a visual reminder of the end of the alleyway. **A partition is also not here because it is a partition that the lambs pass under**. Any partition which does not reach the ground, if the space between the ground and the partition is large enough to allow lambs to pass under it, it is not considered a partition.

The Gemara now presents various types of crossbeams and explains when they are valid or invalid.

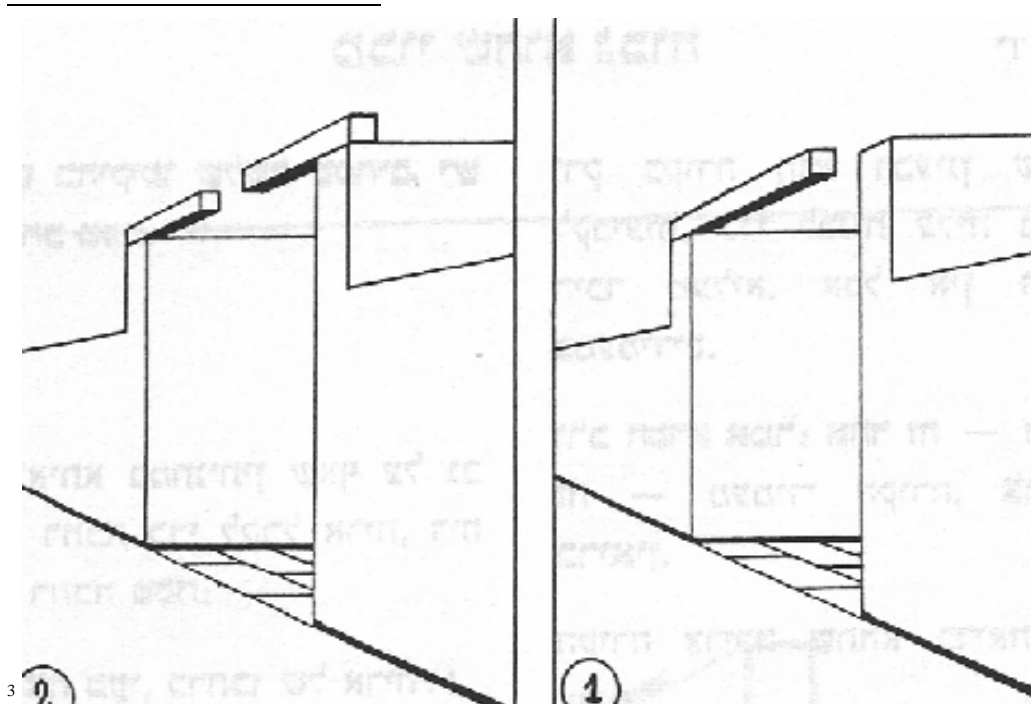


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The Rabbis taught in a Baraita: **A crossbeam which extends from this wall** which is on one side of the entrance to the alleyway **and does not touch this wall** that is on the other side of the entrance to the alleyway (see illustration 1).³

And also two crossbeams, one goes out from this wall of the alleyway, **and one crossbeam goes out** facing the first crossbeam **from that wall** which is on the other side of the entrance of the alleyway. **And they, the crossbeams, do not touch each other** (see above illustration 2). If the distance between them is **less than three tefachim, it is not necessary to bring another crossbeam** to fill up the space between the two crossbeams, because we say the two crossbeams are joined together by *lavud*.⁴ By means of *lavud* the two crossbeams are considered as if they are one crossbeam going from wall to wall.

But if the distance between the two crossbeams is **three tefachim** or more it is **necessary to bring another crossbeam** to fill up the space between them . Because if the two crossbeams do not meet it is considered as if there is no crossbeam on the alleyway at all.



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Rabban Shimon ben Gamliel, who holds that there is *lavud* in any space under four *tefachim*, says:

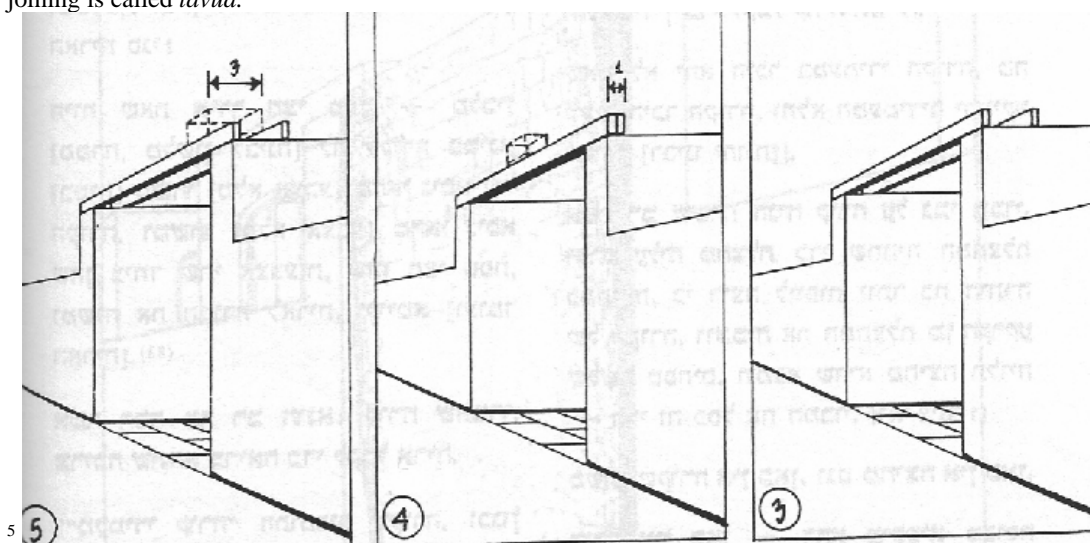
If the space between the two crossbeams is **less than four *tefachim*** there is **no need to bring another crossbeam** to fill the space between them.

But if the space between the two crossbeams is **four *tefachim*** – **it is necessary to bring another crossbeam** to fill the space between the two crossbeams.

*

And so too, two identical thin crossbeams that are placed next to each other in order to be considered one crossbeam. When **this crossbeam is not wide enough in order to receive an *areiach* and that crossbeam is not wide enough in order to receive an *areiach*** – **if the two crossbeams can receive an *areiach* on their width of a *tefach*** when they are lying side by side **it is not necessary to bring another crossbeam** to place over the opening of the alleyway (see illustration 3, 4).⁵

⁴ A gap of less than three *tefachim* is considered as joined, and the gap does not exist. This theoretical joining is called *lavud*.



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And if not, if both the crossbeams placed together are less than a *tefach* wide **it is necessary to bring another crossbeam** to place over the opening of the alleyway.

Rabban Shimon Ben Gamliel, who is lenient, says: Even if the two crossbeams that are lying next to each other are not a *tefach* wide even when measuring both of them together. And if he places on both of the crossbeam an *areiach* by its width it cannot hold it. **If the two crossbeams can receive an *areiach* lengthwise three *tefachim* there is no need to bring another crossbeam** either to replace these two or to be placed next to them.

The two crossbeams are separated from each other by enough space to place on them an *areiach* lengthwise. This can be done as long as the crossbeams are strong enough to withstand the weight and the length of an *areiach* which is three *tefachim* (see above illustration 5).

And if not, if the crossbeams are not strong enough to receive an *areiach* lengthwise, **it is necessary to bring another crossbeam** either to replace these two or to supplement them.

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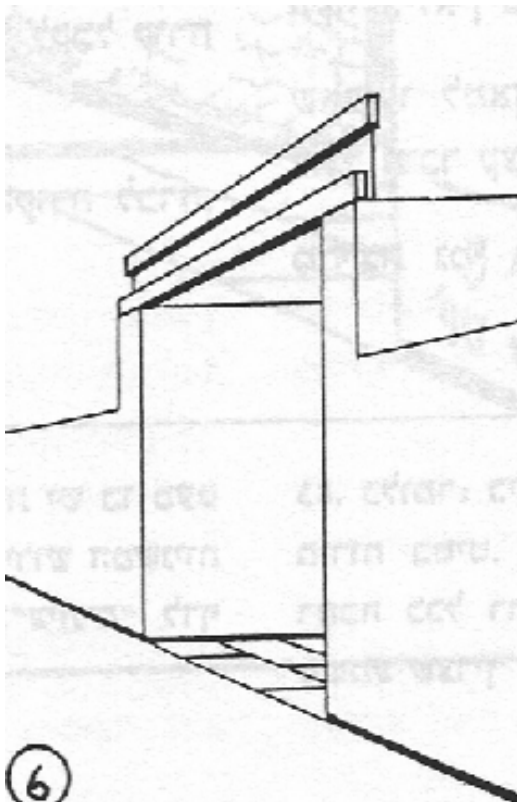
The Gemara gives another example of a crossbeam.

PEREK 1 – 14A

There were two crossbeams, one above and one below (see illustration 6).⁶ If they would be placed together the two crossbeams would be wide enough to place an *areiach* on them. However, the supports of one of them was placed higher than the supports of the other one, so this crossbeam is above the other one. **Rabbi Yosi b’Rabbi Yehudah says: We view the higher crossbeam as if it is below.** We say: *chavot rami* (lit. press down the upper one). We theoretically lower the higher crossbeam, viewing it as if it is below next to the second crossbeam, similarly to what we said earlier on page 9a).

And the bottom one, we view it **as if it is above,** because we say *gud asik* (lit. raising the partition or wall or object. This is a theoretical raising, i.e. we view it as if it is raised).

As long as the higher crossbeam is not above twenty *amah*⁷. Because if a crossbeam is placed above twenty *amah* it is invalid, as was mentioned at the beginning of this tractate.



⁶

⁷ 1 ammah: 18.7 in., 48 cm

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And so too, the **bottom** crossbeam cannot be **below ten tefachim**, because a partition less than ten *tefachim* high is not considered a partition. It is invalid.

*

The Gemara goes on to explain:

Abaye said: Rabbi Yosi b’Rabbi Yehudah—who validates two crossbeams when one is above the other, even though in this position they are not strong enough to receive an *areiach*—**he holds as does his father** (Rabbi Yehudah), **in one** halachah. **For he has** the same view as his father, that the crossbeam does not have to be strong. Even if it is made of straw or reeds, we **view** the crossbeam as if it is made of metal.

And Rabbi Yosi differs with him his father **in another** halachah.

While Rabbi Yehudah, Rabbi Yosi’s father, **holds that** a crossbeam is valid even if it rests **above twenty amah**, as was said at the beginning of the chapter—

And Rabbi Yosi b’Rabbi Yehudah holds that a crossbeam that is **within twenty amah**, **yes** is valid, but a crossbeam that is **above twenty amah**, **no**, it is not valid. Abaye brings a proof from our Gemara that Rabbi Yosi holds that a crossbeam above twenty *amah* is invalid. For Rabbi Yosi said about one beam above and the other below that together they are valid as long as the crossbeam above is not above twenty *amah*.

We learned in the Mishnah: **Rabbi Yehudah says:** A crossbeam is valid if it is **wide** enough to hold an *areiach* on it, **even if it is not strong** enough to receive an *areiach* on it.

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Rabbi Yehudah taught to Chiya bar Rav, in front of Rav, what Rabbi Yehudah said in our Mishnah: A crossbeam is valid if it is **wide** enough to hold an *areiach* on it, **even if it is not strong** enough to receive an *areiach* on it.

He Rav said to him Rav Yehudah: **Teach him,** my son Chiya, a different explanation of Rabbi Yehudah's view. Do not teach him as stated in the Mishnah. Rather, teach as follows: a crossbeam should be **wide and strong** enough to receive an *areiach* on it. According to Rav, Rabbi Yehudah agrees with the Rabbis (the first Tanna) that a crossbeam must be both wide and strong.

*

The Gemara then suggests that Rav seems to be contradicting himself. **Rabbi Ilai said in Rav's name:** if the crossbeam is **four tefachim wide**, it is valid **even if it is not strong** enough to hold an *areiach*.

The Gemara assumed that Rav, in this last statement from Rabbi Ilai, intended to teach two things:

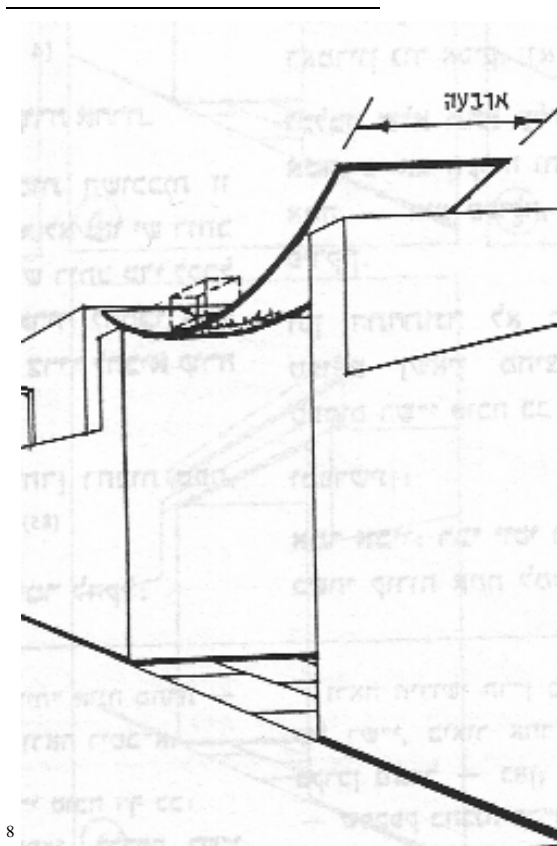
1. A crossbeam needs to be four *tefachim* wide to be valid.
2. A crossbeam does not need to be strong.

Rav thus seems to contradict himself. For Rav told Rav Yehudah that even Rabbi Yehudah agrees that a crossbeam must be strong, thus strength is a requirement according to all views.

The Gemara resolves the contradiction by explaining what Rav really meant to say when he was quoted by Rabbi Ilai. If a crossbeam is four *tefachim* wide, it is valid even if it is not strong enough to hold an *areiach*, **because** a crossbeam that is **four tefachim wide**

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(see illustration⁸) is **different** from a crossbeam which is less than four *tefachim* wide.
The Rabbis (the first Tanna) of our Mishnah, who said a crossbeam must be strong, were



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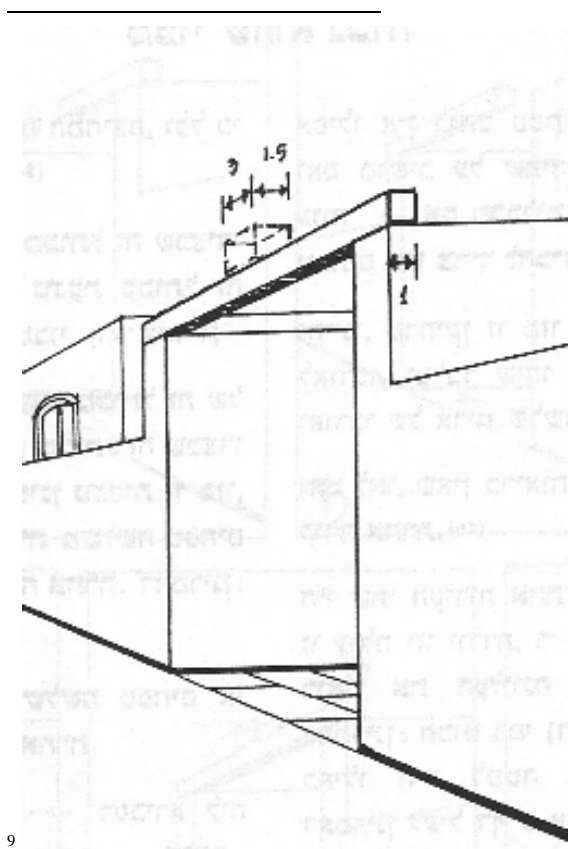
PEREK 1 – 14A

speaking of a crossbeam that was less than four *tefachim* wide. Such a crossbeam must be strong enough to hold an *areiach* (see illustration⁹).

Thus, what Rabbi Ilai said in Rav's name does not contradict the Rabbis of our Mishnah.

The Gemara now discusses the Mishnah's following statement, in the name of Rabbi Yehudah: Even if the crossbeam is made **of straw or reeds** – i.e. it is not strong enough to hold an *areiach*, **we view it as if it was made of metal**.

The Gemara asks: **What is** the Mishnah **coming to tell us**, when it teaches that we view it as made of metal? This **is the same thing** that the Tanna said right before, that a



9

PEREK 1 – 14A

crossbeam “is valid even if it is not strong”. The Tanna must have meant that we view it as if it is strong.

The Gemara answers: If the Mishnah did not teach that we view a crossbeam made of straw as if it is made of metal, **what** would we think the Mishnah **is saying**? We would think that only when the **type** of crossbeam normally is strong, **do we say** that we view the crossbeam as if it is made of metal. For example, if the crossbeam is made of wood, which is normally a strong material, than even when it is thin and weak it is still a valid crossbeam. Because wood is normally a strong material, we view this thin crossbeam as if it is strong.

But when a crossbeam **is not** made of a **type** of material that is normally strong, such as straw or reeds, we might think that in such a case, **we do not say** that we view the crossbeam as if it is strong.

Therefore, the Mishnah **informs us** that no matter what material the crossbeam is made of, we view it as if it is strong.

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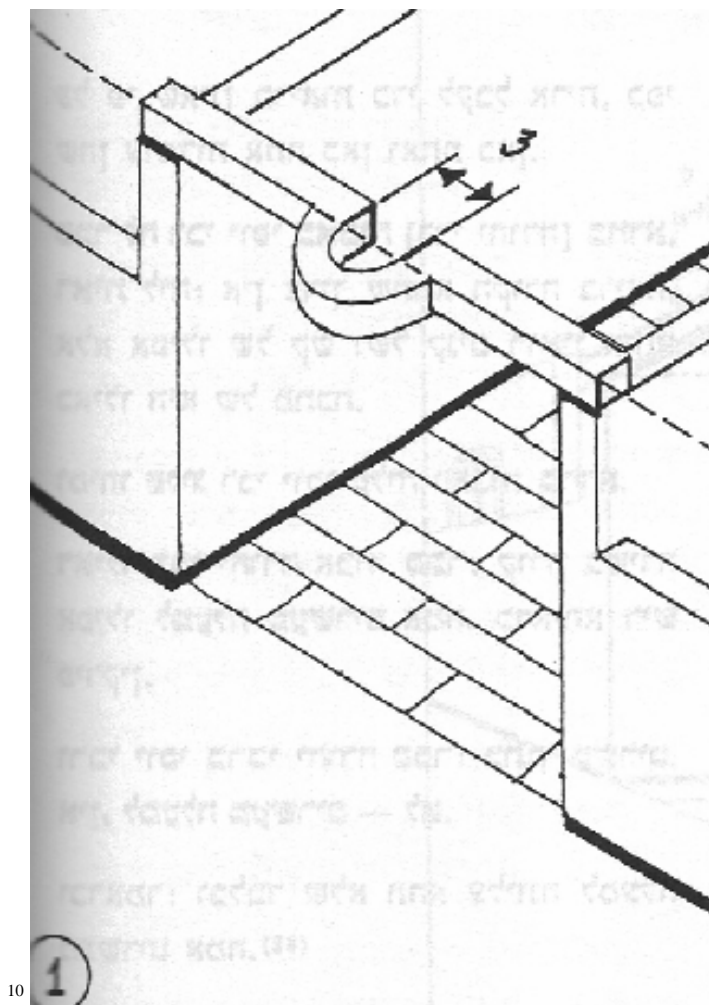
The Gemara now discusses the next part of the Mishnah, where we learn that if the crossbeam **is crooked, we view it as if it is straight.**

The Gemara raises a difficulty: **This is obvious.** After we said “we view” the crossbeam as if it is strong, it follows that “we view” the crossbeam as if it is straight.

The Gemara answers that the Mishnah **is informing us** that the halachah is **like that** lesson which **Rabbi Zeira said.**

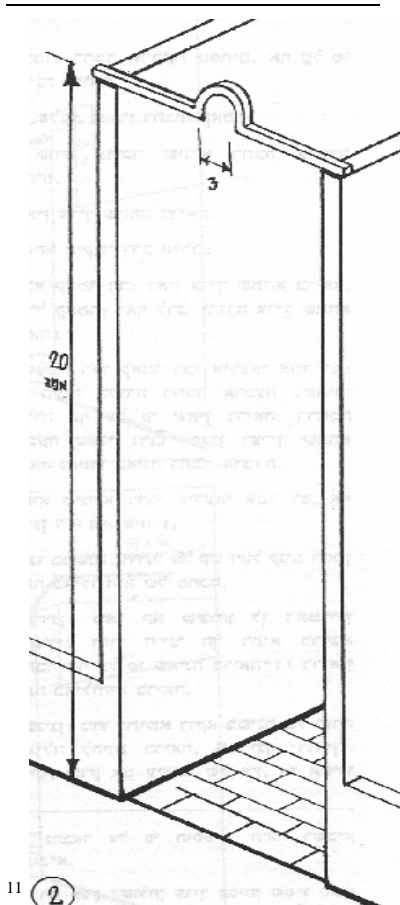
PEREK 1 – 14A

For Rabbi Zeira said that if part of a crossbeam is crooked like a bow, and placed on the walls of the alleyway, and **it** (the crossbeam itself) **is within the alleyway** while the **crooked section** of the crossbeam which is shaped like a bow protrudes **outside of the alleyway** (see illustration 1)¹⁰ —



PEREK 1 – 14A

Or he placed the crossbeam on the walls of the alleyway, and **it** was **within twenty amah** from the ground of the alleyway, and the **crooked portion** of the crossbeam protrudes **higher than twenty amah** from the ground of the alleyway (see illustration 2)¹¹ —

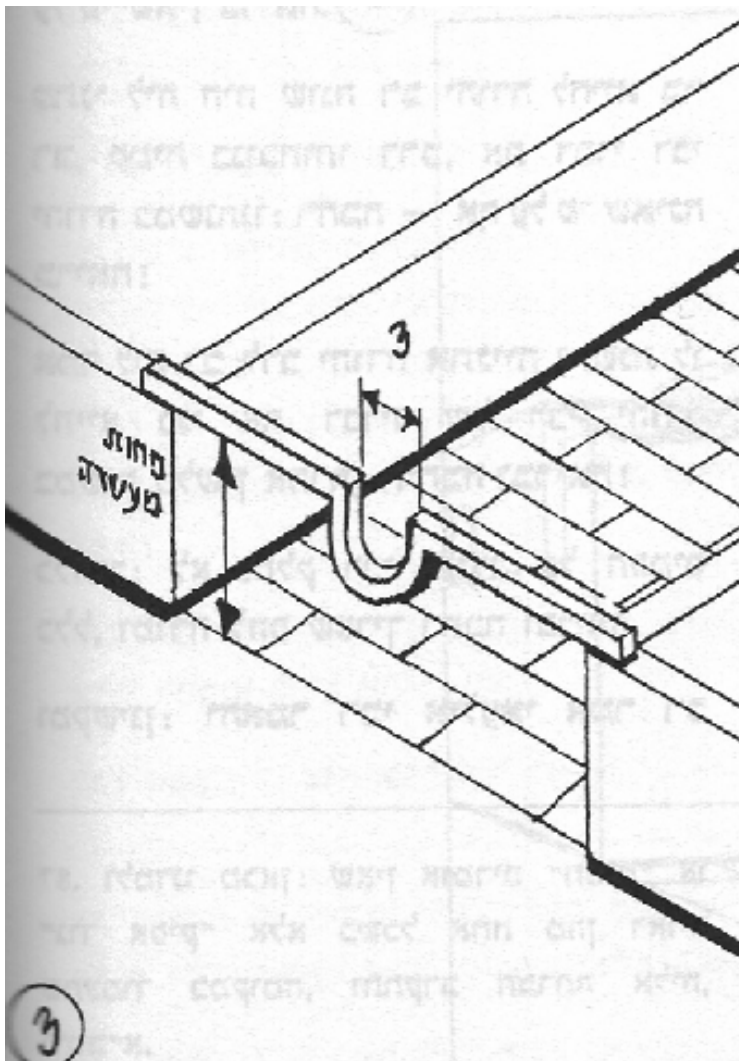


PEREK 1 – 14A

Or the crossbeam was placed **above ten tefachim**, and **the crooked portion** protrudes **under ten tefachim** (see illustration 3)¹² —

In all these cases, the crooked section of the crossbeam is outside of the place where the crossbeam is valid.

We **view all** these cases as follows: **that if the crooked portion would be removed** from the crossbeam, leaving only the two sections of the crossbeam which are in the valid area, **and there is not between this and that**, between the two remaining ends of the crossbeam, a gap of **three tefachim**—**there is no need to bring another crossbeam**,



PEREK 1 – 14A

because we apply the rule of *lavud*. It is judged as if the crossbeam extends in a straight line across the entire alleyway without any curving.

And if not, if there is at least three *tefachim* between the two ends of the crossbeam if the curved section would be removed- **it is necessary to bring another crossbeam** to replace the crooked one.

*

And on all these examples from Rabbi Zeira, the Gemara raises a difficulty: **This is also obvious!** For the rule of *lavud* is well known.

And the Gemara answers: **It**, the crossbeam, **is within the alleyway, and the crooked portion is outside the alleyway**. This particular point **is what it**, the Mishnah, **needed** to teach.

What would we have said, if the Mishnah would not have clearly validated a crooked crossbeam? We would have thought that we should **be concerned** that **perhaps** someone **might come to follow it**, the crooked section, and carry an object as far as the crooked section extends—which is actually considered outside the alleyway and in the public domain.

The Mishnah informs us that we are not concerned over this.

*

We learned in the Mishnah: If the crossbeam is **round- we view it as if it is square**.

The Gemara asks: Since the Mishnah already taught similar cases (for example, if the crossbeam is crooked we view it as if it were straight), **this case again, why do I need it?**

PEREK 1 – 14A

The Gemara answers: It is **the end clause** that the Mishnah **needs** to teach us. There it is stated that **every** circular object **that has a circumference of three tefachim, it has in it the width of a tefach**. Thus, the self-evident clause of the Mishnah was merely leading into the end clause.

*

The Gemara then asks: **From where** do we have a source for **these words**, that such a circumference equals such a width?

The Gemara answers: Rabbi Yochanan said: It is written, “**And he [Shlomo¹³] made [for the construction of the First Temple] the “sea” [a large mikveh for the cohanim to immerse themselves in], as cast [metal]. Ten amah [is its width] from its brim and until its brim, it was round all about, and five amah is its height. A line of thirty amah compasses it round about.**”

The circular “sea” whose width is ten *amah*, its circumference is three times as large as its diameter.

*

The Gemara raises a difficulty: **note that there is** also the width of **its**, the sea’s, **brim**.

The Gemara thought that the verse is talking about the circumference of the sea from the outer side of its edge. Whereas the width is measured from within the edge of the sea. So it turns out that if you add the edge of the sea to its width, it is more than one third of the circumference.

¹³ King Solomon

PEREK 1 – 14A

The Gemara answers: **Rav Papa said: Its edge**—it is written in the verse that it is the **edge of a lily**, i.e. it is very thin. **It is written: “And its thickness** [of the walls from below at the bottom of the sea] **is a tefach. And its brim** [at the top of the sea] **is like the work of a cup of a lily** [very thin like a lily].

Two thousand bat [*bat* is a measurement of three *se’ah*¹⁴, the sea] **contains.”**

*

Nevertheless, the Gemara is not fully satisfied with Rav Papa’s answer, and raises the following difficulty: However, **there is** in its width this **little bit** (A negligible amount) of the width of each wall on both sides, so the account is not exact.

The Gemara answers: **When** the verse **calculated** the circumference of the sea, “and a line of thirty *amah* did compass it [the sea] round about”, the verse did not calculate the circumference of the sea from the outside of the brim. Rather **from inside, it** the circumference **is calculated**. From the inside of the brim, the width is ten *amah*, which is a third of the circumference.

Rabbi Chiya taught: The sea which Shlomo made held one hundred and fifty purifying mikva’ot. The water that the sea contained was enough to fill up one hundred and fifty mikva’ot.

*

The Gemara challenges Rabbi Chiya’s figure: **Let us see:** The minimum amount of water needed for **a mikveh is how much? Forty se’ah.**

¹⁴ A *se’ah* is 2.2 gallons or 8.3 liter.

PEREK 1 – 14B

As it was taught in a Baraita: It is written: “**And he should wash...**

Ammud Bet

...in water his entire flesh.” The Gemara explains:

“**In water**” — this refers to immersing **in the water of a mikveh**, and there is not a requirement to immerse specifically in water that flows, such as from an underground spring. “Water” implies water that has been collected and is stationary, as in a mikveh.

“All his flesh” — since the Torah said “all”, this implies: **water that his entire body may enter**, i.e. his entire body will be covered by the water.

And how much are they, how much water covers the entire body?

An amah by an amah square, at the height of three amot.

And the Rabbis measured the amount of **water of a mikveh** to be **forty se’ah**.

According to this measurement, **how many** square *amot* **did they have** in the sea of Shlomo, which was ten *amah* by ten *amah* at a height of five *amah* (i.e. if the sea would be made into a square so that the diameter of ten *amot* becomes the length of each side).

Five hundred garmidei,¹⁵ five hundred *amot*.

¹⁵ *Garmidi* literally means *amah*, here it refers to a square *amah*.

PEREK 1 – 14B

This is how they arrived at this figure. First, divide the sea, which has been made into a square, into ten strips. Each strip is ten *amot* long with a width of one *amah* and a height of five *amah*. Cut each strip into pieces of one *amah* by one *amah* at a height of five *amah*. Now there are one hundred pieces that are one *amah* by one *amah* and five *amah* high. Multiply the number of pieces, one hundred, by the height, which is five, and you have five hundred times an *amah* by an *amah* that are an *amah* high.

*

Now figure out how many mikva'ot can be made from five hundred *garmidei*, taking into account that a mikveh is an *amah* by an *amah* at a height of three *amah*.

For three hundred *garmidei* you have **one hundred** mikva'ot, because every three *garmidei* equals one mikveh. (If you stack up three *garmidei* on top of each other you have an *amah* by an *amah* by three *amah* high, the size of a mikveh.)

For one hundred and fifty *garmidei* you have **fifty** mikva'ot. All together you have one hundred and fifty mikva'ot from four hundred and fifty *garmidei* of water.

Now the Gemara finishes stating its challenge to Rabbi Chiya, who had said that the sea of Shlomo, which consisted of five hundred *garmidei* water, contained one hundred and fifty mikva'ot: **Four hundred and fifty** *garmidei* **is enough** to contain one hundred and fifty mikva'ot! So the sea of Shlomo, which held an additional fifty *garmidei*, contained more than one hundred and fifty mikva'ot.

And the Gemara answers: **These words**, that according to our calculations the sea of Shlomo contained more than one hundred and fifty mikva'ot, would be correct if the sea was made **in a square**, if it were square-shaped.

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But the **sea that Shlomo made was circular**, and a circular vessel contains less water than a square one with the same diameter.

*

And still the Gemara challenges the figure given. **Let us see: how much** is the area of a **square greater than** the area of a **circle** which is within the square (a circle whose diameter equals the length of a side of the square)?

The area of a circle would be one fourth less than the area of the square it fills. This means that the area of a circle is three-fourths the area of a square. So too, the volume of a round ball is one fourth less than the volume of a square that can contain the ball inside it.

From this it comes out that **for four hundred** square *garmidei*, if the sea of Shlomo would be square, and would be only four hundred square *garmidei* (instead of the five hundred it actually is), there would be **one hundred** mikva'ot in the round sea.

Since the volume of a circle is three-fourths of the volume of the square it fills, the four hundred square *garmidei* must be reduced by a fourth (since the sea was round and not square). This leaves three hundred *garmidei* which is the amount of one hundred mikva'ot.

And **for one hundred** square *garmidei*, which is what is left over from the dimensions of our “square” sea (since the sea was actually five hundred *garmidei*), there are **twenty-five** mikva'ot. This is because one hundred square *garmidei*, after reducing a fourth due to the circular shape of the actual sea, come out seventy-five *garmidei*—which make up twenty-five mikva'ot.

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Thus the Gemara points out: **these** one hundred mikva'ot and another twenty-five are only **one hundred and twenty-five** mikva'ot in the sea of Shlomo which was round. How could Rabbi Chiya say that the sea contained one hundred and fifty mikva'ot?

*

The Gemara answers: **Rami Bar Yechezkel taught: The sea that Shlomo made, the bottom three *amot* (of its height of five *amot*) were square. And only the two upper *amot* were round.**

The lower three *amot* of the sea that were square, which equal three hundred *garmidei* of water, contain one hundred mikva'ot that are an *amah* by an *amah* at a height of three *amah*.

And the two upper *amot* of the sea would contain two hundred *garmidei* of water if they were square.

And since the upper *amot* of the sea were round, you only have one hundred and fifty *garmidei* of water (three-fourths of two hundred). This equals fifty mikva'ot, since the minimum dimension of a mikveh capable of purifying is an *amah* by an *amah* that are three *amah* high.

So you have one hundred and fifty mikva'ot that were contained in the sea of Shlomo.

*

The Gemara continues to challenge the figure given: **Granted that the opposite** of this, **you cannot say.** It cannot be claimed that the lower two *amot* of the sea were round and the upper three *amot* were square, because **it is written** in the verse: “**its *brim* was round.**” This clearly shows that the round part was on top.

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However, how do we know that two of the *amot* on top were round?

I could say that only **one** was round, and the rest of the sea was square. In which case, the sea contained more than one hundred and fifty mikva'ot.

And the Gemara answers: **You should not think** this to be true, **because it is written** about the sea of Shlomo that “[it] **contains two thousand bat.**”

“Bat” — how much is it? Three se'ah.

How do we know that a *bat* is three *se'ah*? Because **it is written**: “**from ten** [one tenth is the amount] **‘the bat’ is, from the kor** [which is thirty *se'ah*].”

Thus **they hold**, these two thousand units of “*bat*” that the sea contained, **six thousand grivei** (a *griv* equals a *se'ah*). This is the amount of one hundred and fifty mikva'ot of forty *se'ah*.

*

The Gemara now points out a seeming contradiction regarding the size of the sea. Here, it says that the sea of Shlomo “contains two thousand *bat*”.

But note that it is written in a different verse about the sea of Shlomo that it “**contained the amount of batim- three thousand**”!

And the Gemara answers: **That this** extra one-thousand *bat* **is for the heap**. When a dry substance, such as flour, is placed in a vessel, the heaping level above the rim of the vessel increases the volume.

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Thus the verse which said the sea contained two thousand *bat* referred to the measurement of a liquid substance. And the verse which said the sea contained three thousand *bat* referred to a heaping measurement of a dry substance.

Abaye said: Learn from this, from the fact that the sea of Shlomo contained two thousand units of “*bat*” of a liquid substance, and if it held a dry substance, it contains three thousand *batim*, the following rule: **The heaping level of a vessel is a third** of the total amount that the vessel holds when heaped up.

*

The Gemara brings from a Mishnah another source that the heaping level of a vessel is one third of the vessel.

There is a Mishnah which teaches that a wooden vessel only becomes impure when it is a size that can be carried whether it is empty or full.

But a large wooden vessel, which is impossible to carry when full, does not become impure.

It was also taught in a Mishnah about the following wooden vessels: **A carriage compartment, a moneychanger’s chest, a wooden box, a large round vessel made of straw and a large round vessel made of reeds, and a water-tank of an Alexandrian merchant ship—**

Even though they have a wide bottom, and are made in the shape of a vessel—

And they, these above-mentioned vessels, if they are large enough to **contain forty *se’ah* of a liquid, which is two *kor* (sixty *se’ah*) of something dry**, they **are pure**, i.e. they are not susceptible to impurity. For they are so big that they cannot be carried when full.

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It emerges from this Mishnah that a vessel which holds forty *se'ah* of a liquid, holds sixty *se'ah* of a dry material. Thus, a heaping measurement is one third more.

MISHNAH

The **side posts that they** the Sages **spoke of**, which permit a person to carry in the alleyway, must be **ten tefachim high**.

And their width and thickness may be even a **minimal amount**.

Rabbi Yosi says: Their width, the side of the side post which closes the entrance of the alleyway, must be **three tefachim**. But their thickness may be minimal.

Gemara

It is stated in the Mishnah: The **side posts that they** the Sages **spoke of**.

The Gemara suggests the following: **Let us say**, since the Mishnah mentioned side posts in the plural and did not say 'side post' in the singular, that **it is teaching, in an unnamed manner**¹⁶, **in accordance with Rabbi Eliezer**. For he is the Tanna **who said: Two side posts are needed** to permit carrying in the alleyway, and one side post is not sufficient. (Earlier in the Gemara, the Rabbis differed with Rabbi Eliezer).

¹⁶ Since the law is stated without mentioning the name of a particular Sage, it implies that it is the normative view, and the Halachah follows accordingly.

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The Gemara rejects this supposition. **No**, our Mishnah is not expressing the view of Rabbi Eliezer.

If so, **why side posts?** Why does the Mishnah mention side posts in the plural?

Because we are speaking about **side posts** of alleyways **in general**. The Tanna is saying that any side post which is used in an alleyway must be ten *tefachim* high.

*

The Gemara challenges this answer: **If so**, if the Mishnah uses the plural form to speak of side posts in general, then the previous Mishnah, which taught: “The **crossbeam** that they, the Sages, mentioned” **also should be taught** as ‘**crossbeams**’, in the plural. And we would say, along the same lines: **What are crossbeams?** Why the plural form of crossbeam? Because of **crossbeams in general**.

Now the Gemara gives a different answer why side posts is plural.

This is what the Tanna of our Mishnah **was saying: These side posts that Rabbi Eliezer and the Rabbis differ over**—that Rabbi Eliezer said that two are needed, and the Rabbis said one is enough—**their height** must be **ten tefachim**. And **their width and thickness may be a minimal amount**. Now, our Mishnah fits with both views.

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The Gemara explains the Mishnah: **And how much is a minimal amount?**

Rabbi Chiya taught: Even as small as the string of the cloak, which is used to tie the cloak closed at the collar.

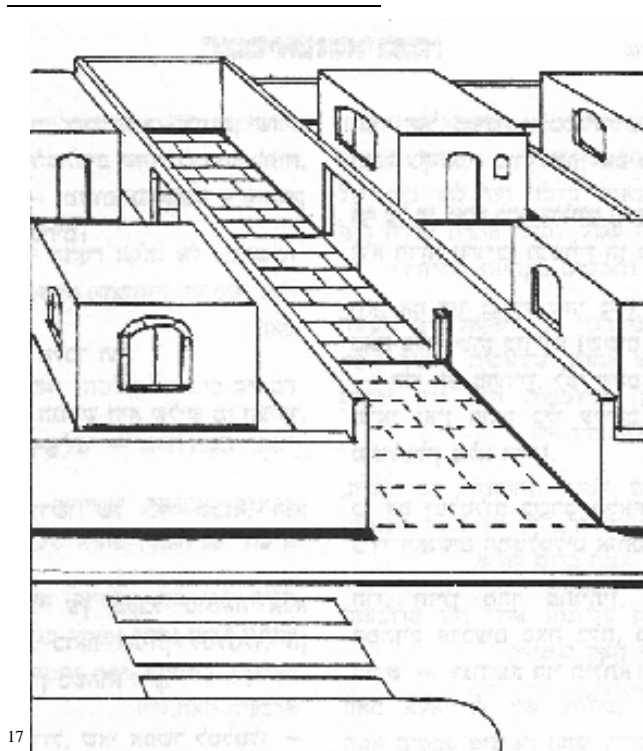
PEREK 1 – 14B

It was taught: Regarding the case where **someone made a side post for half** of the **alleyway**. He did not place the side post at the entrance of the alleyway, but instead, he placed the side post about halfway down the alleyway (see illustration¹⁷). The law is: **He only has** permission to carry in the inner **half** of the **alleyway**.

The Gemara raises a difficulty: This is **obvious**, as there is only a side post for half of the alleyway!

The Gemara explains: **rather, I would say** that the main lesson of the Mishnah is that “**he has** permission” for **half an alleyway**. But indeed it is obvious that he cannot carry in the half which is outside the side post.

The Gemara raises a further difficulty: **This is also obvious**, that he may carry within the area demarcated by the side post!



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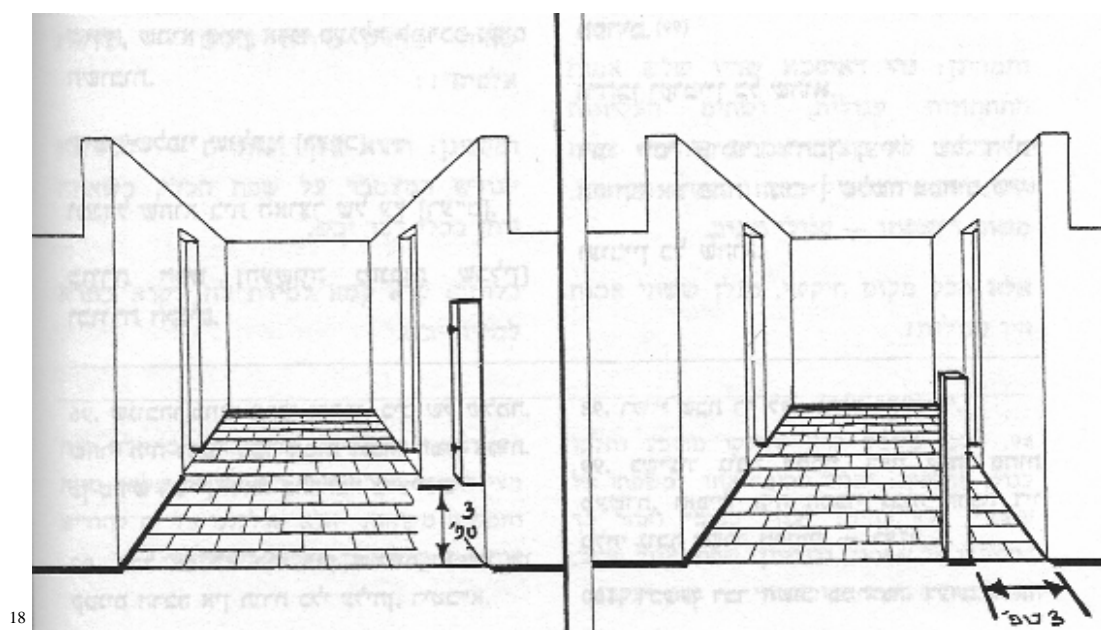
The Gemara answers: It is not so obvious. **What would you have said**, if we would not have been taught that one can carry in the inner half of the alley? That the Sages should forbid carrying even there, because **there is good reason to be concerned that perhaps someone will come to use all of the alleyway**, and carry even in the half which is outside the side post.

The teaching **informs us** that the Sages do not make such a decree.

The Gemara now presents a new law regarding side posts.

Rava said: If someone **made a side post for an alleyway, and raised it from the ground three *tefachim*** (see illustration, left)¹⁸ —

Or that he separated the crossbeam from the wall of the alleyway by three *tefachim* (see above illustration, right)—



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He did not do anything effective to permit carrying in the alleyway, for such a side post is invalid.

*

The Gemara now explains why it is invalid.

And even according to **Rabban Shimon ben Gamliel, who said: we say** i.e. we apply the principle of *lavud* to close any gap up to four *tefachim*, here *lavud* would not help to close the space between side post and the ground or the wall.

Because **these words**, that *lavud* helps to validate an alleyway, are referring to up above, in the case of a crossbeam (as the Gemara discussed on *ammud alef*). **But below**, in the case of a side post, **since it is a partition that the lambs pass under it** or through it, i.e. there is no effective barrier, Rabban Shimon ben Gamliel **was not saying** that *lavud* helps in such a case.

Wherever a lamb is able to enter with ease, *lavud* cannot be used to close a gap.

The Mishnah taught: **Rabbi Yosi said: The width** of side posts is **three tefachim**.

Rav Yosef said that **Rav Yehudah said** that **Shmuel said: The Halachah is not like Rabbi Yosi**. **Not** in what he said regarding *hilmi* (*hilmi* is a large amount of salt water used to pickle vegetables, which Rabbi Yosi forbade to make on Shabbat), and **not** concerning what he said in our Mishnah about **side posts**, that they must be three *tefachim* wide.

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Rav Huna bar Chinena said to him, to Rav Yosef, who because of illness had forgotten much of what he had learned: Regarding *hilmi*, **you** indeed **told us** before you became ill that the Halachah is not like Rabbi Yosi. But regarding **side posts**, **you did not say to us** that the Halachah is not like Rabbi Yosi—implying that in regard to side posts, the Halachah is indeed like Rabbi Yosi.

And we did not know why the Halachah should be like Rabbi Yosi regarding side posts.

What would one say **is different** about the case of *hilmi*, where the Halachah is not like Rabbi Yosi? Because **the Rabbis differ** with him **about** it. But regarding **side posts**, **the Rabbis** i.e. the first Tanna of our Mishnah, whose view is stated unnamed, **also differ** with him **about it!**

Rav Yosef **said to him**: **Side posts are different** than *hilmi*, **because Rabbi** (Rabbi Yehudah HaNasi, who compiled the Mishnah) **holds like him**, like Rabbi Yosi—as the Gemara stated earlier on *dapim* 10a and 12a. Because of this, the Halachah is like Rabbi Yosi.

*

Rav Rachumi taught like this: **Rav Yehudah son of Shmuel (bar Shilat) in the name of Rav**: **The Halachah is not like Rabbi Yosi**, not regarding *hilmi* nor regarding **side posts**.

They the disciples **said to him** to Rav Rachumi: Did **you** really **say** this, that the Halachah is not like Rabbi Yosi regarding both *hilmi* and side posts?

He said to them, Rav Rachumi to his disciples: **No**. In fact, the Halachah is like Rabbi Yosi regarding both *hilmi* and side posts. He denied what he had previously said,

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because he had changed his mind due to Rabbi Yosi's convincing reasons for his rulings (*Ritva*).

Rava said: I swear **by G-d** that **he** actually **said** it, that the Halachah is not like Rabbi Yosi regarding *hilmi* and side posts. **And I learned it from him**, I learned it from Rav Rachumi like he said at first, but he changed his mind.

Why did he retract on it, why did he go back on what he had said, that the Halachah is not like Rabbi Yosi?

Because Rabbi Yosi, his deep reason is with him. Rabbi Yosi has an exceptionally deep understanding of the Halachic issues, and gives a good, straightforward reason for what he rules.

*

Rava bar Rav Chanan said to Abaye: **What is the Halachah** regarding side posts? Is it like Rabbi Yosi, or is it like the Rabbis, i.e. the first Tanna of our Mishnah?

He Abaye said to him, to Rava bar Rav Chanan: **Go out and see how the people conduct themselves** (i.e. follow the prevalent practice).

And the people are accustomed to use a side post that has a minimal width, in accordance with the lenient ruling of the Rabbis.

(The Halachah follows the Rabbis in this case, because the fact that “Rabbi Yosi, his deep reason is with him” is decisive only when the majority of Sages do not differ with him. Whereas Rav Rachumi held that even against the majority, we rely on Rabbi Yosi.)

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There are those that taught this, Abaye’s statement of “go out and see how the people conduct themselves”, **regarding this** other Mishnah:

One who drinks water to quench **his thirst** (and not merely because something is caught in his throat, *Brachot* 45a), **he says**, before drinking, the blessing of *shehakol niyah*¹⁹ *bidvaro*. And after drinking, he does not recite any blessing.

Rabbi Tarfon says: one who drinks water, should recite before drinking: *borei nefashot rabot vechesronan al kol mah shebarata*.

And Rav Chanan said to Abaye: What is the Halachah, is it like the first Tanna or like Rabbi Tarfon?

He, Abaye, said to him, to Rav Chanan: **Go out and see how the people conduct themselves** (people are accustomed to recite beforehand *shehakol*, and after drinking, to recite *borei nefashot* – *Rashi, Brachot* 45a).

¹⁹ According to some traditions: *nihyeh*

CHAVRUTA

EIRUVIN — DAF TET VAV

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

It was said in a statement of Amoraim: **A side post which is standing on its own** i.e., it was not put up in order to serve as a side post, but for some other purpose. **Abaye said: “It is a valid side post.”** It serves to permit moving objects through an alleyway. **Rava said: “It is not a valid side post.”**

The Gemara explains their disagreement: **In a case where we were not relying on it** the side post **since yesterday**, since the beginning of Shabbat, because there was another side post there, but that other side post fell: **everyone agrees that it** the side post which is still standing **is not** a valid **side post**. **When do they disagree? Where we were relying on it since yesterday.** Abaye and Rava disagree about a case where the side post was already in use since the beginning of Shabbat to permit carrying in the alleyway.

Abaye says that **it is** a valid **side post**, because **we were relying on it since yesterday**. **Rava** says that **it is not** a valid **side post**, because **originally it was not made with this intention**. Therefore, **it is not** a valid **side post**.

*

The scholars of the House of Study originally **assumed that just as** Abaye and Rava **disagree in** the case of a **side post** that was not put up with the intention of serving as a side post, **they also disagree in** the case of a **partition** that was not put up with the intention of serving as a partition.

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Based on that assumption, they sought to determine the Halachah through citing the following Baraita.

Come and hear a proof that such partitions are valid: If **someone makes his succah amongst the trees, and the trees are its walls**, the sukkah is **valid**. We see from this Baraita that a partition that was not made in order to serve as a wall—in this case, the trees—is nevertheless valid.

The Gemara rejects this proof. **Here, in what case are we dealing? Where he originally planted them** i.e. the trees **for this purpose**.

The Gemara is puzzled by this. **If so, it is obvious**. What is the Baraita trying to teach us by stating that the walls are valid?

The Gemara answers: **What would you have said?** The Sages **should decree** that one may not use such a succah, **lest he come to use the tree**. For there is a Rabbinic decree forbidding one to climb a tree on Shabbat and Yom Tov, or place objects on it, lest he come to detach sticks or fruits from the tree. The Baraita **informs us** that nevertheless, we may use a tree as a wall for a succah.

*

Come and hear another proof that such a partition is valid: When a public well, situated in a public domain, has sufficient depth and width to qualify as a private domain, it is only permitted to draw water from the well on Shabbat if *diyumdin*¹ were erected at the

¹ *Diyumdin* (sing. *diyumed*) are sets of two boards, each six *tefachim* in width, set at right angles to each other. By arranging four at the corners of an imaginary square around the well, a private domain is created, which permits drawing water from the well on Shabbat.

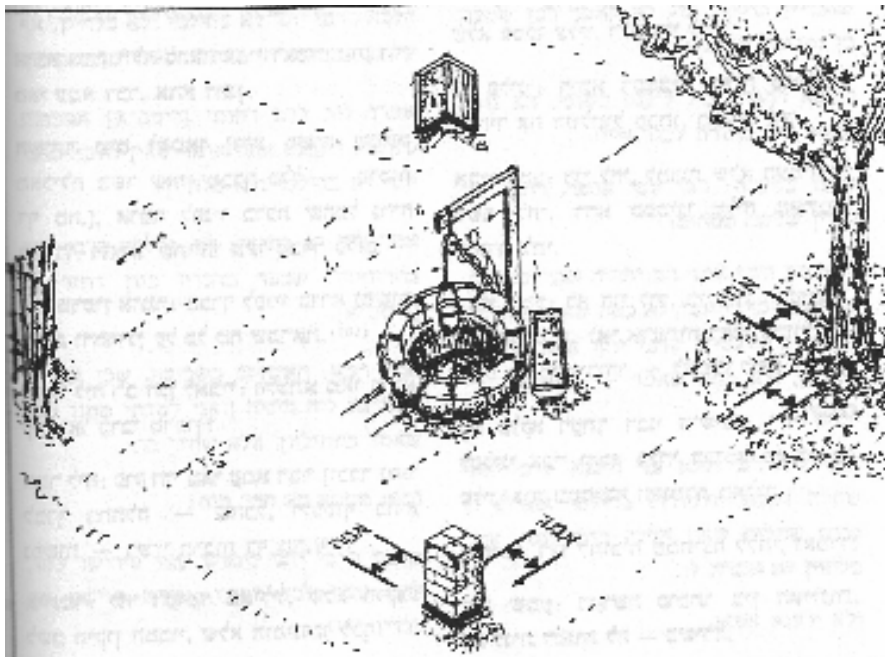
PEREK 1 – 15A

corners of an imaginary square surrounding the well (see illustration²). If they are there, it is permitted to draw water from the well into the area surrounded by the *diyumdin*. If **there was a tree or a stone fence there** that could take the place of one of the *diyumdin*, **or if there were reeds** growing in a straight line like a **fence, it is judged to have** a valid *diyumed* in that corner. From this we see that a partition which was not built to serve as such is valid.

The Gemara rejects this proof. **Here, in what case are we dealing? Where he made them originally for this purpose.**

The Gemara is puzzled. **If so, what is this source informing us?**

The Gemara answers: It **informs us** that **reeds** growing in a straight line like a **fence** can serve in place of a fence, even though they are only one **reed** followed by another **reed**. And this is provided that there is **less than three tefachim**³ between one reed and the



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³ 1 tefach: 3.1 in., 8 cm

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next. Despite the air space between the reeds, we consider them as one continuous wall because of the principle of *lavud*⁴.

This is the same as **that** case, concerning **which Abaye inquired of Rabbah** on *daf* 19b. There, Abaye asked whether reeds growing in this fashion could serve as a *diyumed*. This Baraita provides the answer to his question.

*

Come and hear another proof that such a partition is valid: **A tree that** its branches **act as roofing over the ground** i.e. there are at least ten *tefachim* from the ground to the point where the tree's branches come out from its trunk, and the leaves and branches hang down towards the ground: **if the foliage is not three tefachim** or more above the ground, **we may carry within it** on Shabbat, i.e. within the area circumscribed by the foliage of the tree. We see from this Baraita that the foliage of the tree is regarded as a “partition” which converts its interior area into a private domain.

The Gemara rejects this proof. **Here, too, in what case are we dealing?** Where **he originally planted it** i.e. the tree **for this purpose**.

The Gemara raises a difficulty with this. **If so**, it is a full-fledged partition, and it should be permitted **to carry in all of it** i.e. within the entire area that the foliage of the tree surrounds. **Why**, then, did **Rav Huna the son of Rav Yehoshua say: We may only carry within it** the area surrounded by the foliage up to a maximum of a *beit satayim*⁵. But if the foliage surrounded an area larger than that, one may not carry within it at all.

The Gemara answers: This limitation is **because** of a halachah that states that one may not carry within a *beit satayim* which was fenced in for purposes other than residence.

⁴ When two surfaces are within three *tefachim* of each other, Halachah considers them to form one continuous surface, i.e. the small gap is viewed as if it is filled in.

⁵ The area in which two *se'ah* of wheat kernels can be sown. 1377.8 square yards, 1152 square meters

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Indeed, the area under the tree **is a “dwelling place used for air.”** I.e. it is only meant to protect the person within it from the heat and the rain, but is not a true residence. **And any “dwelling place used for air,” one may only carry within it, if** its area is not greater than a *beit satayim*.

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Come and hear another proof that such a partition is valid: If a man is outside the town at the beginning of Shabbat, then a circle centered around him having a radius of four *ammot*⁶ is considered to be “his place.” Beyond that circle, he is permitted to walk up to two thousand *ammot* in any given direction. If he is in a house outside the town at the onset of Shabbat, the whole house is considered to be “his place.” He may walk up to two thousand *ammot* beyond the house in any given direction.

Therefore, if he began **Shabbat on a hill that is** at least **ten tefachim high and more than four ammot wide, up to** an area of a *beit satayim*, the entire hill is regarded as being “his place,” and his two thousand *ammot* begin from the edges of the hill⁷.

And likewise, if at the onset of Shabbat he was **in a crack** amongst the rocks **that is ten tefachim deep and more than four ammot wide, up to** an area of a *beit satayim*, the crack is considered to be “his place,” and the two thousand *ammot* he may walk begin from the walls of the crack.

And if at the onset of Shabbat he was in a field that contained **standing grain** and also **harvested grain, and stalks** that were ten *tefachim* tall **surrounded it**, the entire interior area, where the grain had already been harvested, is regarded as being “his place.” In all of these cases **he may walk through all of it** i.e. the hill, crack, or field. **And outside of it** he may walk up to **two thousand ammot**.

⁶ 1 ammah: 18.7 in., 48 cm

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We see from this, that partitions that were not built as such are valid.

And if you would say that here, too, we are dealing in cases where he made the “walls” originally for that purpose, this is not plausible. It is fine in the case of the standing grain. That could be. It is possible that he intended to use it as a partition, when he planted the grain. **But the hill and the crack, which he did not make, what can one say?** Since they were not made by human beings at all, obviously they were not made with the intention of serving as partitions.

*

Rather, you must say that regarding partitions, everyone concurs that if they were not made to serve as such, nevertheless they are considered partitions.

And when do they differ? Only in the case of a **side post** which was not set up in order to serve as such.

Abaye, who says that such a side post is valid, is being consistent with his rationale as expressed in other places, for he said: A side post is effective because it is a type of partition, and a partition that is standing on its own is a valid partition.

And Rava, who says that such a side post is invalid, is being consistent with his rationale as expressed in other places, for he said: A side post is effective because it is a visible feature to indicate the end of the alleyway, and if it was purposefully constructed, it is a visible feature that serves as a reminder not to carry beyond the alleyway into the public domain. And if not, it is not a visible feature that serves its intended purpose.

⁷ The outer walls of the hill are halachically regarded as extending upwards, turning the hill, for halachic purposes, into his "house." This principle that partitions are regarded as extending up infinitely is called *gud asik mechitzta*.

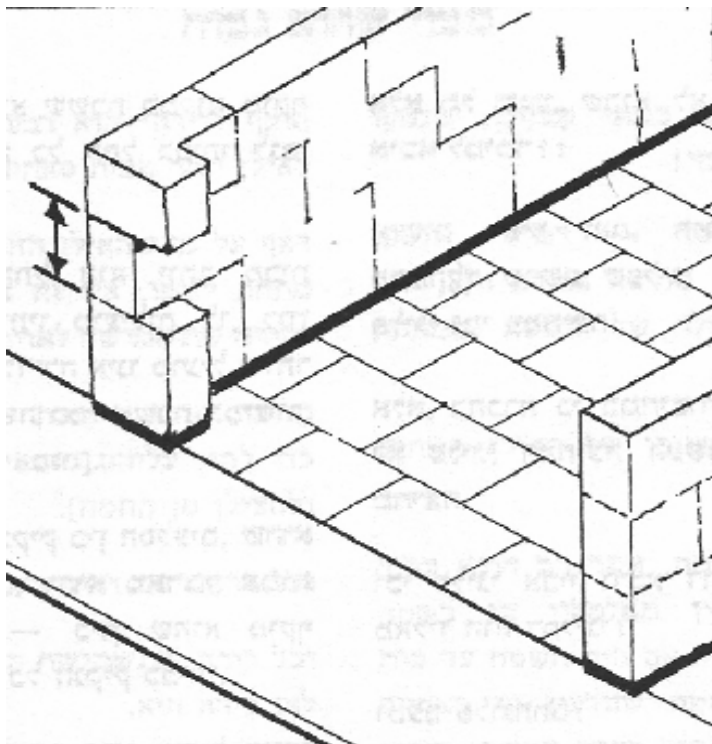
PEREK 1 – 15A

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The Gemara tries to prove that Halachah is in accordance with Abaye's view. **Come and hear** a proof: Regarding a wall that runs along the length of an alleyway, and at the entrance of the alleyway there were **stones of the wall sticking out of the wall**, one above the other, into the width of the alleyway (see illustration⁸), what is the halachah?

If the stones were **separated from each other by less than three tefachim**, then we apply the principle of *lavud*, consider them to be connected to each other, and they can serve the function of a side post. As a result, the alleyway **does not need another side post** in order to permit carrying items throughout it. But, if the stones were separated from each other by at least **three tefachim**, they cannot be considered to be attached, and the alleyway does **need another side post** in order to permit carrying within it.

We thus see that a side post not built as such is nevertheless valid.



8

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The Gemara answers: **Here, too**, the case is **that he built them** i.e. the stones sticking out of the wall **for that purpose from the beginning**.

The Gemara challenges this: **If so, it is obvious**. Since the stones were intentionally placed there in order to serve as a side post, of course they can do so. What is the Baraita trying to teach us?

The Gemara answers: If not for the Baraita, **you might have thought** that the stones do not serve as a proper sign to indicate the end of the alleyway, since people who see them might assume that the builder of the wall left them there in order to **fasten the building**.

Since stones are sometimes left sticking out like this in order to facilitate later construction, people might not realize that these are meant to indicate the end of the alleyway. Thus Rava, who holds that side posts are meant to demarcate the end of the alleyway, would not consider the stones to be a valid side post. The Baraita **informs us** that this is not the case. They do serve as an adequate sign to indicate the end of the alleyway.

*

Come and hear a proof that such a side post is valid: **For Rabbi Chiya taught** a Baraita that does not fit in with Rava's view: Regarding **a wall, one end of which is narrower than the other**. The wall has something like the shape of a capital “L”. **Whether** the narrow part **is visible from outside** the alleyway, but the wall appears to be **even from inside** the alleyway⁹, or the narrow part **is visible from inside** the alleyway, but the wall

⁹ The wall has the leg of the "L" sticking out of the alleyway, so that someone standing in front of the alleyway looking in will see the difference between the two parts of the wall, but someone standing within the alleyway looking out will not see it.

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appears to be **even from outside** the alleyway¹⁰, **it is considered to have a valid side post.**

In this Baraita, we see that the narrowing and widening of the wall itself, though it was not built that way in order to serve as a side post, is nevertheless a valid side post. This appears to contradict Rava's position.

The Gemara answers: **Here, too, the case is that he made it originally for that purpose.**

The Gemara questions this: **If so, what is the Baraita informing us?**

The Gemara answers: It **informs us this:** Even if the narrowing of the wall **is visible only from the outside**, but the wall appears to be **even from the inside, it is considered to be a valid side post.** Since, according to Rava, a side post is meant to be a sign indicating the end of the alleyway, we might have thought that it must be visible specifically to people inside the alleyway. The Baraita teaches us otherwise.

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Come and hear a proof that such a side post is valid: **Rav was sitting in an alleyway, and Rav Huna was sitting before him. Rav said to his attendant, “Go and bring me a cup of water.”**

Before the attendant returned, the side post fell. Rav **gestured to him** that he should not carry the cup any further. The attendant **stood in his spot.**

¹⁰ The wall has the leg of the "L" sticking into the alleyway. In this case, someone standing outside of the alleyway looking in would only see one wall, since he would be looking at the leg of the "L," but someone standing inside the alleyway would clearly see the narrowing.

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Rav Huna said to Rav, “Does the master not hold that it is permitted to rely on a palm tree to serve as a side post?” Since there is a palm tree standing next to the entrance of the alleyway, why should the attendant be forbidden to carry within it?

Rav said, “This scholar (referring to Rav Huna) is like someone who has not learned the topic. Did we rely on it i.e. the palm tree yesterday?” When Shabbat began, we were relying on the side post to permit carrying within the alleyway, not on the palm tree. Therefore, we cannot rely on the palm tree now.

The Gemara infers from Rav's statement as follows: The only **reason** we could not rely on the palm tree to serve as a side post is that **we did not rely** on it since the beginning of Shabbat. **This** implies that **if we had been relying** on it since the beginning of Shabbat, **it would be** a valid **side post**. From this we can see that the halachah is in accordance with Abaye's view, that a side post is valid even though it was not originally set up in order to be a side post.

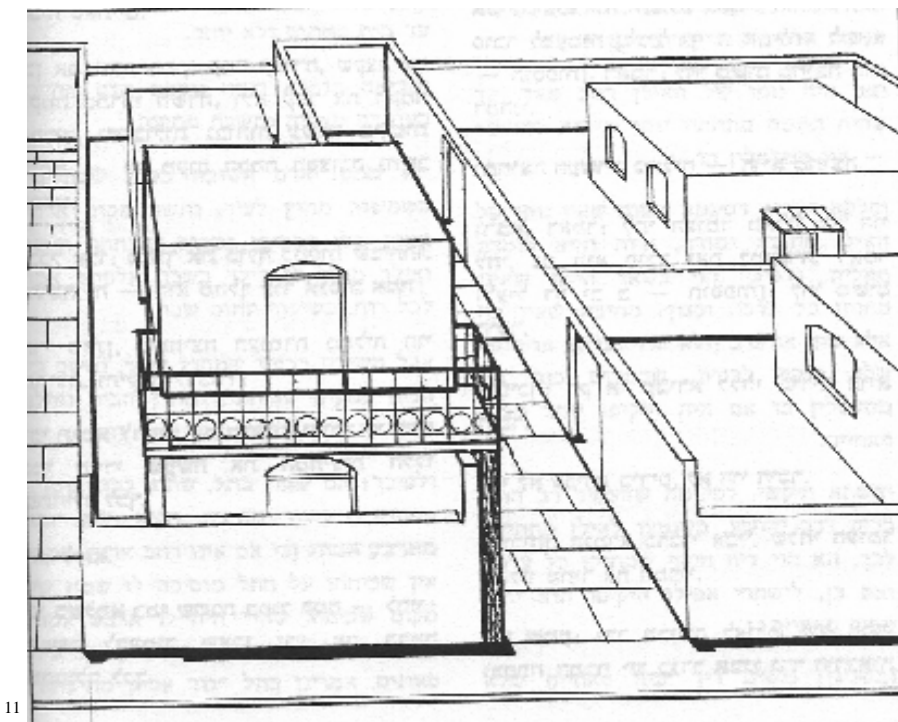
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The Gemara is puzzled: **Let us say that Abaye and Rava are differing** specifically in a case where **we were not relying** on the side post since the beginning of Shabbat. **This** would imply that if **we were relying on it** since the beginning of Shabbat, **it would be** a valid **side post**. If so, we must conclude that Rav held the same view as Rava, that a side post which we did not rely on since the beginning of Shabbat, and which was not set up to serve as a side post, is not valid. The Gemara is suggesting this hypothetically.

The Gemara answers: **You should not think** that the disagreement between Abaye and Rava concerns a case where the side post was not relied upon since the beginning of Shabbat, because of the following incident.

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There was a certain balcony that was supported by a pillar (see illustration¹¹), and **Abaye and Rava were differing over it throughout their lives**, whether it is considered a valid side post. Since they were in prolonged disagreement over this case, we see that they were arguing over *any* side post which was not built in order to serve as a side post—not just where we were not relying on it since the beginning of this Shabbat. Therefore, we must accept the first interpretation of Rav above, that he agreed with Abaye.



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Mishnah

We may make side posts with any object, even with something alive—but Rabbi Meir forbids this.

And a living creature **can become impure** if it is used to cover a coffin, **because** of the special law of a **tombstone**. Ordinarily, though, a living animal cannot contract impurity.

Ammud Bet

But Rabbi Meir holds it the living animal **to be pure**. I.e., he considers it unsusceptible to impurity even in this case.

And we may write women's divorce documents on living animals.

Gemara

It was taught in a Baraita: **Rabbi Meir said:** “As regards **anything that is alive**, we may not make it into a wall of a succah, a side post of an alleyway, boards used for surrounding public wells¹², or a tombstone.” Even if one used an animal to cover a grave, it does not become impure, as a tombstone would. **They** the scholars of the study

¹² *Diyumdin*—see above

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hall said in the name of Rabbi Yosi Haglili: “We may not even write women's divorce documents on it.”

The Gemara clarifies the Baraita: **What is the reason of Rabbi Yosi Haglili?** His reason is **that** which was **taught** in a Baraita: Concerning divorce documents, the verse speaks of a “**scroll** of divorce.” Thus, **I only have** a source that a **scroll** can serve as a valid divorce document. **Where** do I learn **to include anything** else—for example, that a divorce document could be written on a wooden board or a leaf? **The Torah says, “and he shall write for her”**—this means that **any form** of writing is acceptable. **If so**, it is true that a divorce document may be written on anything, **why does the Torah say “a scroll?”** The Torah means **to tell you** that **just as a scroll is something that is not alive and does not eat, so too anything that is not alive and does not eat** is valid. But a live animal is not valid for writing a divorce document on it.

*

And what is the reason of **the Rabbis** i.e. the first Tanna, who hold that a live animal is valid for a divorce document?

Their reason is as follows: **Is it written “in a scroll,”** which would indeed imply that a divorce document must be written specifically in a scroll? Rather, **“a scroll (*sefer*)”** is the phrase **written**. This implies **merely to tell us the story (*sefirut*)**¹³ **of the matter**, i.e. to explain what the husband intends to do through this document: divorce his wife.

The Gemara raises a difficulty: If so, then the **Rabbis** i.e. the first Tanna do not need to expand the full range of valid objects to be used for a divorce document, since the Torah never placed a limitation on them. If so, **this phrase, “and he shall write for her,”** that Rabbi Yosi Haglili uses to expand the range of valid objects upon which may be written—**what law do they derive from it?**

¹³ The word *sefer* can be rendered as *sippur*, or *sefirut*, which means the telling of a story.

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The Gemara answers: **They need that** phrase to learn that **she is divorced through a written document, and she is not divorced through** the transfer of **money**. If a man hands his wife a sum of money, saying “be thereby divorced from me,” she is not divorced.

If not for this phrase, **I might have thought** that **since divorce and marriage are compared¹⁴, just as marriage** can occur through a transfer of **money, so too divorce** can occur through a transfer of **money**.

Therefore, the verse **informs us** that a woman cannot be divorced through a transfer of money.

*

The Gemara explains: **And Rabbi Yosi Haglili**, who cannot learn from the phrase “and he shall *write* for her” this law that money does not effect a divorce, **what is his source for this law? He derives it from** the phrase “**a scroll of divorce.**” The phrasing of the verse teaches us concerning a woman that **she is cut off** from her husband through divorce only by means of a “**scroll,**” **but nothing else cuts her off** from her husband.

And the Rabbis, who learn it from the verse of “and he shall *write* for her”, **need this** phrase of “**a scroll of divorce (*kritut*)**” to learn that the divorce document must be a **thing that** totally **cuts off (*hakoret*) between him and her**. I.e. there may remain no form of attachment between them.

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What would be an example of a non-total, and therefore invalid, divorce? **For example, that which was taught** in a Baraita: If he said to her: **This is your divorce document**

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on condition that you do not drink wine or on condition that you do not go to your father's house. This is not a cutting off, since her whole life she will have to be careful to keep his condition. Should she ever break it, she will be retroactively married to him. Thus she is not totally cut off from him, and the divorce is altogether invalid.

But if his condition was only for **an entire thirty days, then this is a cutting off**, since after thirty days she will no longer have to be careful about his condition. Therefore, the divorce is valid.

*

The Gemara asks: **And** from where does **Rabbi Yosi Haglili derive** this law, that a divorce must be an unconditional cutting off between him and her? He learns it **from** the fact that the verse could have said “*karet*,” and instead said the fuller form of “*kritut*.” Thus, two lessons are derived from this phrase.

What do **the Rabbis** derive from the use of the term “*kritut*” instead of “*karet*?” Nothing, for they hold that **we cannot learn** laws from the verse's choice to use “*karet*” or “*kritut*.” For the difference between them is not significant enough to warrant the derivation of an additional law.

Mishnah

A caravan that encamped in a valley (an uninhabited valley is a *carmelit*¹⁵, and it is forbidden to carry within it by Rabbinic ordinance) **and they surrounded it** before

¹⁴ The verse puts them side-by-side, saying "And she shall leave his home [divorce] and go and become to another man [marriage]."

¹⁵ An area which cannot be classified either as a public domain or as a private one.

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Shabbat with **utensils** used for their **animals**, such as saddles and reins, they **may carry within it**.

But this is only true **on condition that the “fence”** made of such utensils is at least **ten tefachim tall**, and that **there will not be breaches** in the fence that are **larger than the built portion**. I.e. the total length of area left open between these utensils must not be greater than the total length of the area filled in by the utensils.

Any breach that is like ten ammot i.e. up to ten *ammot* **is permitted, because it is like an opening**. It is not regarded as a true breach, but merely as an opening in the fence to allow entrance and exit from the fenced-in area. Therefore, one is still permitted to carry within the fenced-in area, even in the part directly in front of the breach.

But, if there is even one breach that is **greater than this length**, **it is forbidden** to carry within the entire fenced-in area.

Gemara

It was said in a statement of Amoraim: If the **breached part** was **like the standing part** of the fence—i.e. their lengths were precisely equal—**Rav Papa said:** It is **permitted** to carry within the fenced-in area. But **Rav Huna the son of Rav Yehoshua said:** It is **forbidden** to carry within the fenced-in area.

*

The Gemara seeks to explain their disagreement:

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Rav Papa says that it is **permitted**, because he holds that **the Merciful One taught Moshe**¹⁶ as an orally transmitted law (*halachah lemoshe misinai*) not stated in or derived from the Written Torah, that **you must not breach the majority** of the fence. But when the breach is merely equal to the standing portion of the fence, it is alright.

Rav Huna the son of Rav Yehoshua says that it is **forbidden**, because he holds that **the Merciful One taught Moshe** that you must **fence in the majority**. But when the standing portion is merely equal to the breach, it is invalid.

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The Gemara raises a difficulty with the view of Rav Huna.

It was taught in our Mishnah: “**And that there will not be breaches** in the fence that are **larger than the built portion**.” This implies that if the breaches are **like** i.e. equal to **the built portion**, it is **permitted**.

The Gemara answers: **Do not say** that if the breaches are **like the built portion**, it is permitted. **Rather, say** that the intention is that only **if the built portion is greater than the breach**, it is **permitted**.

The Gemara raises a difficulty with this: **But** if the breaches are **like the built portion**, **what** is the halachah? That it is **forbidden**. **If so**, the Mishnah **should teach** that the **breaches must not be like the built portion!**

The Gemara concludes: It is a **difficulty**.¹⁷

¹⁶ Moses

¹⁷ The implication is that, although the Gemara does not provide an answer to the difficulty with Rav Huna's view, it is not totally refuted.

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Come and hear a proof that half/half is valid: **Someone who roofs his succah with metal spits**, which are invalid for use as succah roofing because metal does not grow from the ground, or with the **long beams of a bed**, which are invalid because they can become impure, **if there is space between them “like them,”** i.e. the spaces between the spits or beams are as wide as the spits or beams themselves, and he puts valid roofing material in the spaces, then the succah is **valid**.

This appears to contradict the view of Rav Huna the son of Rav Yehoshua, who holds that if the breached portion of a fence is equal to the standing portion, then the whole fence is invalid. By analogy, he should invalidate a succah roofing that has equal parts valid and invalid—and yet we see that such a succah is valid.

The Gemara answers: **Here, with what case are we dealing?** The spits or beams are far enough apart so that other spits or beams of similar dimensions **could enter** the open space between them **and exit**. I.e., those other spits could go straight through the open space. That is only possible if the open spaces are in fact slightly wider than the spits or beams.

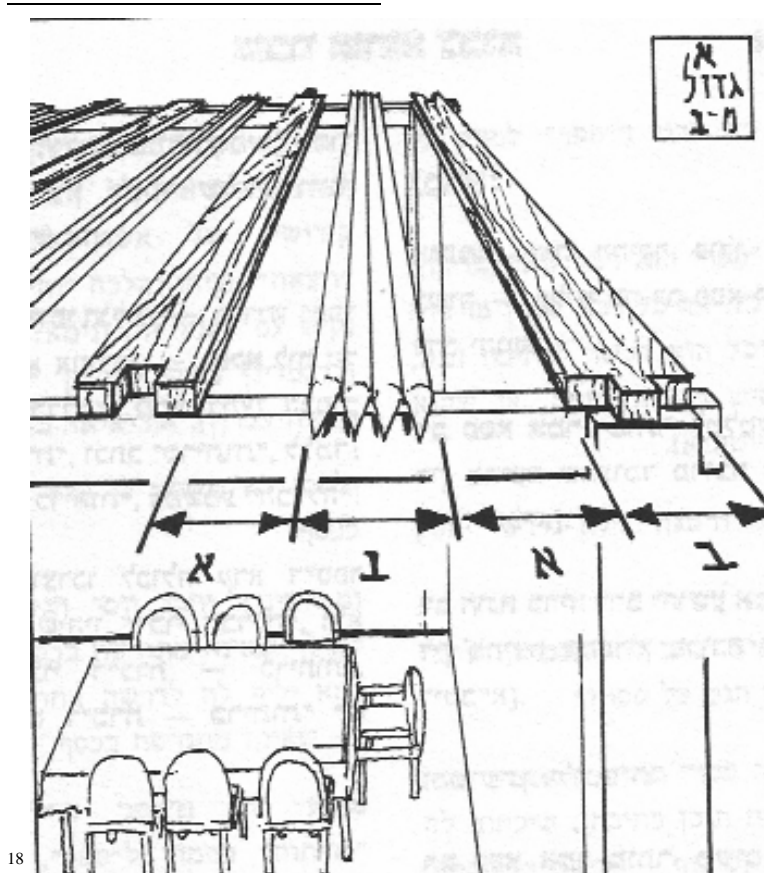
At this point, the assumption is that this answer is based on the fact that one cannot be completely precise in determining that the open spaces between the spits or beams are exactly as wide as the spits or beams themselves. Therefore, the phrase “like them” must mean that the spits or beams are almost, but not quite, as wide as the open spaces.

The Gemara objects: **But it is possible to be precise!**

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Said Rabbi Ami: Although it is possible to be precise, this Mishnah is referring to a case where the one who roofed the succah was not precise, but rather **gave extra** i.e. the open spaces were slightly wider than the spits (see illustration¹⁸). The meaning of the term “like them” is that the open spaces are wide enough to allow spits of similar width to go straight through.

Rava said: In fact, the case is that the open spaces are precisely the width of the spits. The succah can nevertheless be valid, as follows: **If** the spits were **laid across the width** of the succah, **he must lay** the valid roofing material **across its length**. If the spits were laid across the **length** of the succah, **he must lay** the valid roofing material **across its**



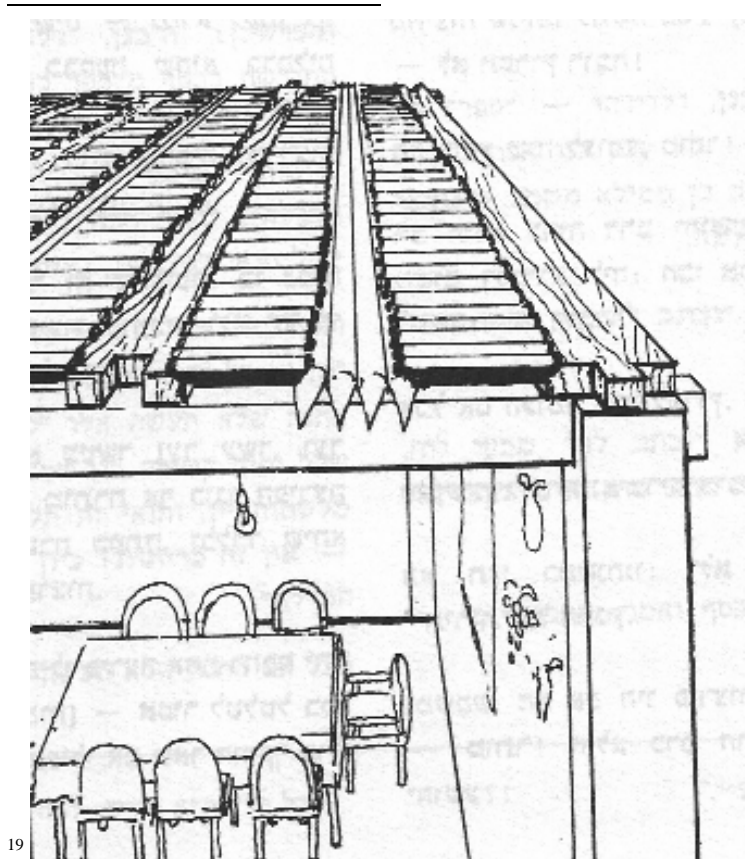
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width. In this way, aside from filling up the open space, the valid roofing material will also overlay portions of the spits, and make up a majority (see illustration¹⁹).

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Come and hear a proof that half/half is invalid: **A caravan that encamped in a valley, and surrounded it** before Shabbat **with camels, or with saddles, or with pillows** that normally go under the saddle, **or with burdens** that the camel normally carries, or **with reeds, or with vegetable stalks, they may carry within it.** But this is **on condition that there not be** a breached space **between two camels “the size of a camel,” or between two saddles “the size of a saddle,” or between two pillows “the size of a pillow.”**



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We see from this Mishnah that even if the breached portion is merely equal to the standing portion of the fence, it is forbidden to carry within the fenced-in area. This poses a difficulty to the view of Rav Papa.

The Gemara answers: **Here, too**, the intention is that the spaces are great enough that items like those that make up the fence could **go in and go out**.

CHAVRUTA

EIRUVIN – DAF TET ZAYIN

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

Come and **hear** a proof from a Baraita in Tractate *Kilayim*, concerning the issue of whether half/half constitutes a valid partition:

It comes out that you are saying: There are **three different laws about partitions** of canes that are distant from each other (the issue is whether there is a prohibition due to *kilayim*¹ to plant on one side of the partition, when vines are planted on the other side).

1) The first law: **Any fence that is** constructed from canes and the width of each of the canes is **less than three tefachim**² —

Even if there was an air-space between each cane, and the space was the width of a cane or even more, it is possible that this partition would be valid, because of the law of *lavud*³.

And therefore, **there is a requirement that there should not be between this cane and that cane**, a distance of **three tefachim**. Since the principle of *lavud* does not apply to a distance of more than three *tefachim*, it would be considered a “breach” and nullify the standing, closed-in part of the partition. But for less than three *tefachim*, we apply *lavud* and it is considered as if there is no air-space between them.

The requirement of less than three *tefachim* space is **in order that a lamb will not** be able to **poke the top of its head** (when walking in one movement without stopping) between one cane and the next. When a lamb can pass through easily without stopping, the principle of *lavud* does not apply (*Ritva*).

¹ Forbidden mixtures of plants

² 1 *tefach*: 3.1 in., 8 cm.

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2) The second law: **Any fence that is** constructed from canes that are **three tefachim** wide, **or from** canes that are **three until four tefachim** wide (but less than four *tefachim*)

—

We **need that there not be between this cane and that cane, the width** of a cane. **This is so that the breach should not be the same as the closed-in** area. For large spaces cannot be rectified by the principle of *lavud*, and would constitute breaches in the partition.

And if the breach was more than the closed-in area, then the breach nullifies the partition, and it **is even prohibited** to plant **opposite the closed-in** area. (The Gemara will clarify, further on, whether half/half is valid or not.)

3) The third law: **Any fence that is** constructed from canes that are **four tefachim** wide, **or from four tefachim until** and including **ten amot**⁴ in width—

We **need**, in order to permit planting, **that there not be between this cane and that cane the width** of a cane, in order **that the breach will not be the same as the closed-in** area.

And if the breach was the same as the closed-in area, since the canes are at least four *tefachim* wide (which gives them special significance), the breach does not nullify it.

Therefore, **opposite the closed-in** area it **is permitted** to plant (even if the breach is more than the closed-in area)

But **opposite the breach is prohibited**, since the closed-in area is not more than the breach.

³ In a situation where there is a space of less than three *tefachim*, it is viewed Halachically as if this distance is closed up.

⁴ 1 ammah: 18.7 in., 48 cm.

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And if the closed-in area of the canes, in all of the three cases, **was more than the breach**, since the closed-in area is greater, the open area of this side and of that side does not nullify the closed-in area in between. Therefore, the breaches are regarded as mere entrances to a fenced-in area, and **even opposite the breach, it is permitted** to plant.

If **it** (the partition) **was breached more than ten** *amot*, and even if the rest of the partition is standing, **it is prohibited** to plant opposite the breach.

If **there were three sharp canes** inserted into the ground, **and he made for them a braided branch from above**, that passes from cane to cane, forming a *tzurat hapetach*⁵, the law is as follows:

Even if the breach was **more than ten** *amot*, **it is permitted** to plant, even opposite the breach. This is because all views concur that a *tzurat hapetach* permits the planting of mixtures, even if the breach is more than ten (as stated earlier 11b).

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The above Baraita poses a difficulty to the view of Rav Pappa, who permits when the breach is the same as the closed-in area:

It was taught however in the first clause (that is, in the second law): **“from** canes that are **three until four** *tefachim* wide (but less than four *tefachim*), we **need that there not be between this cane and that cane, the width** of a cane. This is so that the breach should not be the same as the closed-in area.

This is a refutation of Rav Pappa’s view!

⁵ Lit. the form of an entrance.

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The Gemara resolves the contradiction: **Rav Pappa would say to you: What** does the Baraita mean, that there should not be “**the width** of a cane”? That there should not be between them “Its width when it **comes in and goes out**”!

In other words, there should not be an open space of *more* than the cane’s width, enabling one to easily bring in and take out a cane. But exactly the same width is valid.

And this explanation of the Baraita **also stands to reason.**

From that which was taught in the end of the first clause: **And if the breach was more than the closed-in area, even opposite the closed-in area is prohibited.**

This implies: **But** if the breach is **the same as the closed-in area, it is permitted.**

The Gemara concludes: **Hear from this** a proof in favor of Rav Pappa’s view, that a half/half partition is valid.

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Let us say that it will be (this proof from the Baraita) **a contradiction to Rav Huna the son of Rav Yehoshua**, who said: If the breach is the same as the closed-in area, it is prohibited.

The Gemara rejects this: **He** (Rav Huna son of Rav Yehoshua) **would say to you: And according to your reasoning**, that you cite the Baraita as proof that if the breach is the same as the closed-in area, it is permitted—

I will say to you **the end clause**, in which it is stated: “**And if the closed-in area was more than the breach, even opposite the breach is permitted**”. Why did the Baraita need to state this law, which according to your approach is quite self-evident? For if

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when the breach is the same as the closed-in area, it is permitted, certainly if the breach is less, it should be permitted!

Surely, the Baraita is implying that if the closed-in area was **the same as the breach, it is prohibited**.

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The Gemara thus points out: **The end clause is a difficulty to Rav Pappa. Yet the first clause is a difficulty to Rav Huna son of Rav Yehoshua!**

The Gemara answers: **The end clause, according to Rav Pappa, is not a difficulty to resolve.**

Since it taught in the first clause: “if the breach is more than the closed-in area, it is prohibited”, therefore, to keep the phrasing of the clauses consistent, **it was also taught in the end clause:** “if the closed-in area is more than the breach, it is permitted.” Thus the purpose of these words is not to imply anything; rather, they were stated only for the sake of consistency in phrasing.⁶

And similarly **the first clause, according to Rav Huna son of Rav Yehoshua, is not a difficulty to resolve.**

Since it needed to teach in the end clause: “if the closed-in area is more than the breach, it is permitted”, it also taught in the first clause that if the breach is more than the closed-in area, it is prohibited. But this part of the first clause was stated only for the sake of consistency in phrasing.

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The Gemara raises a further difficulty to Rav Huna son of Rav Yehoshua:

It is alright according to Rav Pappa, that in the Baraita there is a differentiation **between two cases: the case of a cane less than three *tefachim* wide, and the case of a cane of three *tefachim* width.**

For when the cane is of a width less than three, a breach of three is more than the *omed*⁷, which is prohibited. But for a cane three *tefachim* wide, we do not care if there is three *tefachim* between each cane, as then the breach is the same as the *omed*, which Rav Pappa permits.

And because of this, they (the two cases) **were not mixed and they were not taught** as one case. Rather, the case of three in width was taught as the second law.

Rather, according to Rav Huna son of Rav Yehoshua, the difficulty will arise:

Let it mix them (the case of three and of less than three, and state them as one law). **And teach them** as follows: **Anything that is less than three and even three, we need that there should not be between this cane and that cane three.**

For according to Rav Huna the son of Rav Yehoshua, even with a cane three wide, if there are three *tefachim* between them, it is prohibited, as the breach is the same as the *omed*.

The Gemara resolves the difficulty: The Baraita did not mix them together, **since the invalidity** of a cane of less than three with a space between them of three **that** was taught **in the first clause** (the first law) **is not comparable to the invalidity** of a cane of three with a space between them of three **that** was taught in **the end clause** (the second law).

⁶ Since these originally were oral teachings, the Sages were careful to phrase them in a way that is easily memorized.

⁷ Closed-in area

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The invalidity of the first clause is: In order that a lamb not poke the top of its head.

This is to say that its validity or invalidity depends on the poking of a lamb, and theoretically would be invalid with even less of a space, if the lamb could poke through.

And the invalidity of the end clause is: That the breach should not be the same as the *omed*, and it does not depend on the poking of the lamb. Even if the lamb could not poke through, it would be invalid.

The Gemara will now raise a difficulty with the Baraita itself, independent of the views of the above Amoraim:

Less than three, i.e. the first law: “we need that there should not be three *tefachim* between this cane and that cane”— **Whose view is this? It** must be the view of **the Rabbis, who said: Less than three, we say *lavud*, but three, we do not say *lavud*.** Thus, a space of three is invalid.

But I will **say the end clause** of the Baraita: “**Any fence that is** constructed from canes that are **three *tefachim* wide, or from** canes that are **three until four *tefachim* wide** (but less than four *tefachim*) — we need that there not be between this cane and that cane, the width of a cane.”

Ammud Bet

And since we differentiate in importance between four and less than four, we must say that **it goes according to** the view of **Rabban Shimon son of Gamliel, who said:** until

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less than four we say *lavud*. But concerning a gap the size of four, which has special significance, we do not apply the principle of *lavud*.

For if the end clause also follows **the Rabbis**, how could we permit **from three “and until” four**? Surely they hold that **three and four are one and the same!**

Thus, the first clause and the end clause are in contradiction since they seem to follow contrary views.

The Gemara resolves the difficulty: **Said Abaye: From the fact that the first clause is the Rabbis**, as we said, **the end clause is also the Rabbis**.

And the Rabbis agree that any case where the issue concerns **to permit** an otherwise-forbidden activity **opposite** the *omed*, **only if there is** a space of **four, is it** (the space) significant enough to forbid the activity. **And if there is not** a space of four, **it is not** a **significant** space in this regard.

Rava said: From the fact that the end clause is Rabban Shimon son of Gamliel, as we said, **the first clause** that taught that if there is three between each cane, we do not apply *lavud*, **is also Rabban Shimon son of Gamliel**.

For when Rabbi Shimon son of Gamliel said that we say the principle of *lavud* even for a space of more than three, **these words** are referring to a space that is **above**, for example, regarding a crossbeam.

But here, when the space is **below**, **it** the space of more than three **is** making it a **partition that the lambs pass through**. Consequently, **we do not say** the principle of *lavud*, since the poking of the lamb nullifies the partition. For in such a case, we cannot say that the space is filled in, which is the principle of *lavud*.

*

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And now, we return to the disagreement over when the breach is the same as the *omed*:

Come and hear a proof that half/half is invalid: **These walls, that the majority of them are** consisting of **entrances and windows, it is permitted. But** this is **as long as the *omed* is more than the breach.**

The Gemara raises a difficulty: **And would you think that their majority** is really consisting of entrances and windows?

For if this was literally the case, the breach is more, and how could it then stipulate: “as long as the *omed* is more than the breach”?

Rather, this is what it is saying: These walls **that their entrances and windows were increased, it is permitted, and as long as the *omed* is more than the breach.**

This **surely** implies that if the *omed* **is the same as the breach, it is prohibited.**

This is a refutation of Rav Pappa’s view!

The Gemara concludes: **It is indeed a refutation.**

*

And nevertheless, **the Halachah follows Rav Pappa’s view.**

The Gemara is puzzled: How could you say that there is **a refutation** to Rav Pappa **and** nevertheless **the Halachah** follows him?

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The Gemara resolves the difficulty: **Yes**. Even though there is a refutation to Rav Pappa from a Baraita, we establish the Halachah like him, **since the Mishnah implies** that the law **is in accordance with him**.

For it was taught in the Mishnah: And **the breaches should not be more than the building** i.e. the closed-in area!

This implies: **Surely** if it is **the same as the building, it is permitted**. Thus we see that the Mishnah holds that a partition that is half/half is valid, in accordance with Rav Pappa.

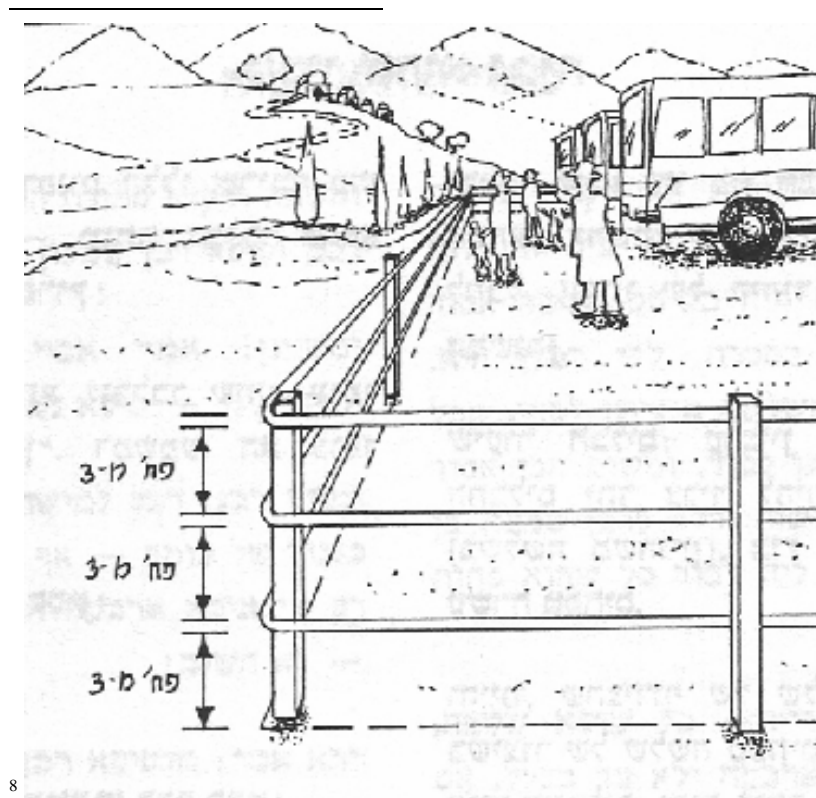
PEREK 1 – 16B

MISHNAH

This Mishnah is actually the end clause of the previous Mishnah concerning a caravan that camped in a valley.

One may surround the caravan with **three ropes, this one above that one, and this one above that one** (see illustration⁸). The ropes are held up by pegs. One may move items within the enclosure on Shabbat, despite the fact that it is only a “horizontal” partition, i.e. it has no significant vertical components.

And **as long as there is not** a distance **from one rope to the next** of **three tefachim**. Thus it is possible to apply the principle of *lavud*, thereby “filling in” the space from rope to rope and creating a Halachic partition.



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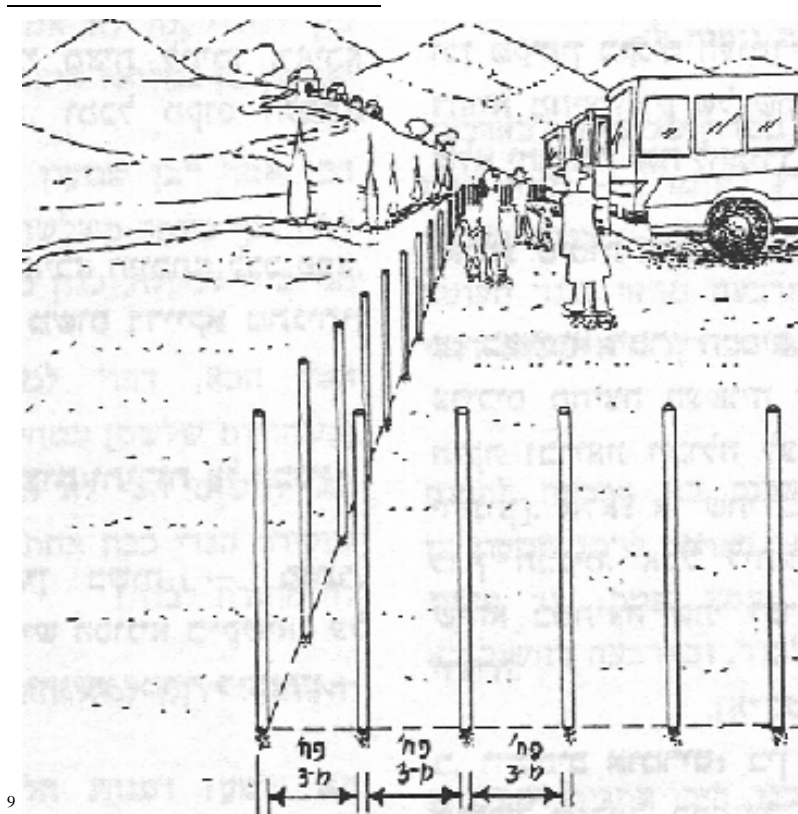
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The size of the ropes: Their thickness (of all of the three ropes together) must be **more than a *tefachim*** in order that there will be ten *tefachim* altogether.

This is to say that the combination of the three spaces in between, each being a little less than three *tefachim*, together with the thickness of all three ropes, will equal ten *tefachim*. This is the minimum height of a partition.

And similarly, **one may surround** the caravan **with canes** that are standing vertically, inserted into the ground, thereby producing a solely “vertical” partition (see illustration⁹). **But this is as long as there is not** a distance of **three *tefachim* between one cane and the next.**

And there are four views in this matter:



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- 1) The Sages **spoke concerning a caravan**, and they were lenient in that case by not requiring a partition made with both horizontal and vertical elements (which is much stronger and long-lasting—*Rabbeinu Yehonatan*). Rather it may either be vertical, such as when using canes; or horizontal, such as with ropes. But as regards an individual who wishes to erect a partition for purposes of carrying on Shabbat, he needs a partition made both vertically and horizontally. **These are the words of Rabbi Yehudah.**
- 2) **And the Sages say:** Whether for a caravan or an individual, it is permitted to use a partition as mentioned in the Mishnah, which is made either vertically or horizontally. **They** (the Sages) **only spoke** in the Mishnah **about a caravan** because it is a **common case**, since a caravan travels in the wilderness for extended periods of time.
- 3) **Every partition that is not** made from both **vertical and horizontal** elements **is not a partition**, whether for a caravan or for an individual. **These are the words of Rabbi Yosi son of Rabbi Yehudah**, who differs with his father Rabbi Yehudah who expressed the first view.
- 4) **And the Sages say:** Whether it is a caravan or an individual, it is a valid partition when made from **one of the two things** i.e. vertical or horizontal.

(The Gemara will clarify the difference between the first Sages and the second Sages. A clarification of all the views will appear at the end of the topic.)

GEMARA

Said Rav Hamnuna, said Rav: Note that they said in the earlier Mishnah: A caravan that camped in a valley and they surrounded it with animal utensils (animal utensils are

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usually vertical, as they stand on the ground), if **the *omed* is more than the breach in this vertical partition, it** the whole partition **is** considered *omed*.

As it was taught there: And the breaches should not be more than the building. But if the building is more than the breaches, it is surely fine

Rav Hamnuna posed an inquiry in the name of Rav: If the *omed* is more than the breach **horizontally, what** is the law?

Said Abaye: Come and hear from that which was taught: **The size of the ropes: Their total thickness should be more than a *tefach*, so that the entire thickness is ten *tefachim*.**

And if it is true that if the *omed* is more than the breach, horizontally, it is fine, **why do I** need the total thickness of all the ropes together to be **more than a *tefach*?**

Make one space less than three and a rope of any amount; and make another space of **less than three and a rope of any amount;** and make another space of any amount **less than four, and a rope of any amount.** Since the lower six *tefachim*, based on the principle of *lavud*, have a status of *omed*, the breach of four should be rendered valid by the horizontal *omed* being more than the horizontal breach.

Since the Mishnah avoided stating the case in this way, it shows that if the *omed* is more than the breach horizontally, it is not valid. That is why we require that there not be between *each* rope a distance of three, so that it is entirely *omed*, based on the principle of *lavud*.

The Gemara rejects this possibility: **And do you really think** this way, that a partition like that should be valid?

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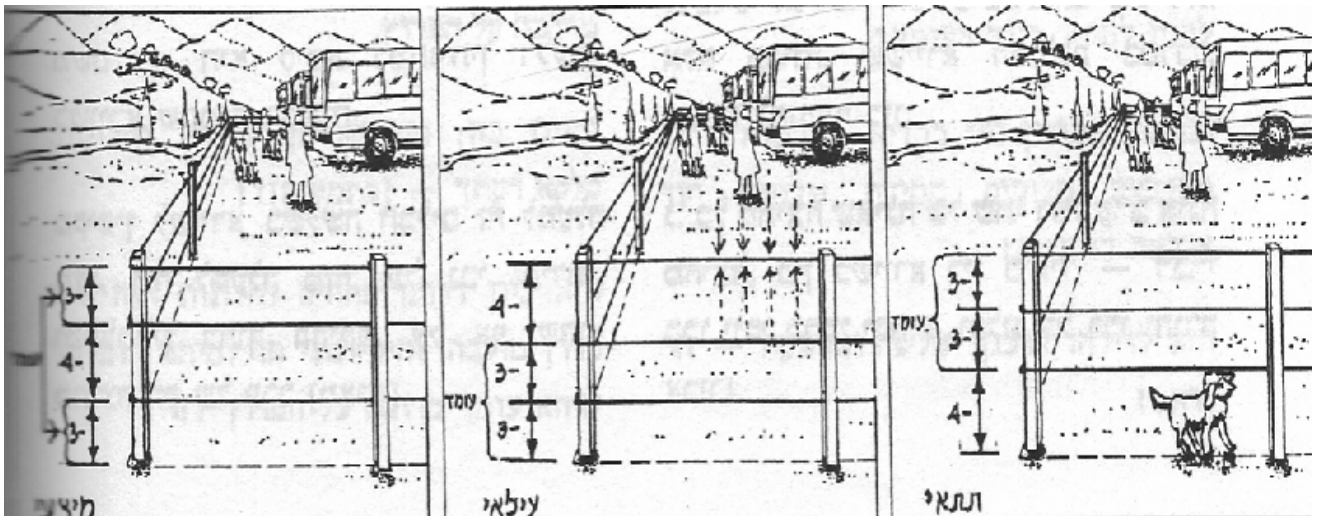
And surely **this** open section of **less than four**, how could you construct it?!

If you construct it at the bottom (close to the ground), **it will be like a partition that the lambs pass through**, since it is more than three *tefachim*. This is surely not valid. (see illustration, right)¹⁰

If you construct it (the four *tefach* space) at the top (i.e. under the top rope of the partition), **the space of this side** (i.e. above the top rope), **and** the four-*tefach* space **of that side** that is below the top rope, **come together** and **nullify it** (the top rope). With the top rope now rendered ineffective, the breach is greater than the *omed*. (see above illustration, middle)

If you construct it in the middle, there will be *omed* more than the breach only by combining **from two directions**. This is because underneath the breach, the *omed* is less than the breach (due to *lavud*), and above the breach, the *omed* is less than the breach (due to *lavud*), since each one has a width of barely three *tefachim*. (see above illustration, left)

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Were this true, **you would hear from this** a proof that indeed, when the *omed* is more than the breach only by combining from two directions, it is considered *omed*!

Yet we know that it is *not* considered *omed*.

In conclusion, Abaye's attempt to use the Mishnah to answer Rav Hamnuna's inquiry is disproved.

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Based on the above discussion, a difficulty emerges: the case that Rav Hamnuna inquired about (the horizontal *omed* is more than the horizontal breach) cannot exist, since in such a case, the *omed* will be more than the breach only by combining from two directions.

(Some have the text: **And Rav Hamnuna, what was his inquiry** about? See *Rashba* and *Ritva*.)

The Gemara resolves the difficulty: **Rather, Rav Hamnuna was inquiring** about **this**, about a case where the *omed* above is more than the breach in the middle.

For example, that he brought a mat of seven tefachim and a small amount i.e. the mat was over seven *tefachim*.

And he cut into it (along its width), in the bottom of the mat, a height of **three tefachim**.

And he left it above, a height of **four**.

And he left another small amount at the bottom of the mat, underneath the cut.

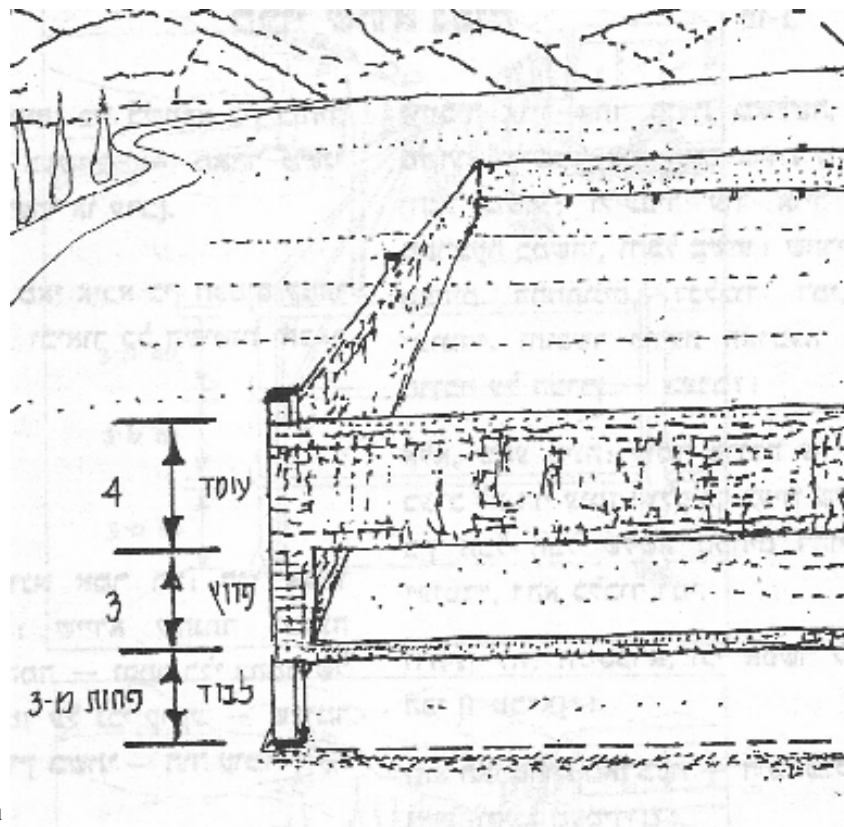
PEREK 1 – 16B

And he positioned the mat **at** a height of **less than three** *tefachim* from the ground (see illustration¹¹).

This partition relies on the following factors:

- 1) Until a height of three (this includes the small strip at the bottom of the mat), it is closed using the principle of *lavud*.
- 2) Above that is a breach of three.
- 3) Above that, it is closed four.

It is therefore a case where the *omed* above is more than the breach at the bottom of it, without combining what is below the breach.



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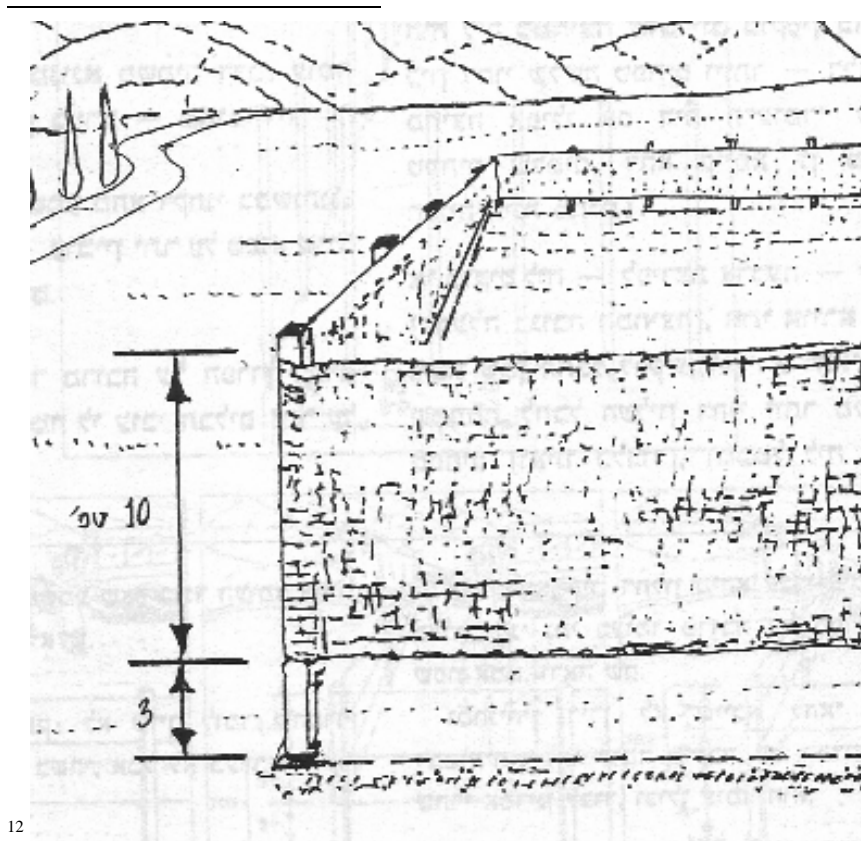
And the *omed* above will not be nullified by the spaces above and below it, since the *omed* is more than the space below.

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Rav Ashi gave a different answer. He **said: His** (Rav Hamnuna's) **inquiry was over a hanging partition** (see illustration¹²).

For example, if he positioned the mat at a height of ten, three *tefachim* above the ground.

And his question is: Does the *omed* above nullify the three *tefach* breach underneath the mat?



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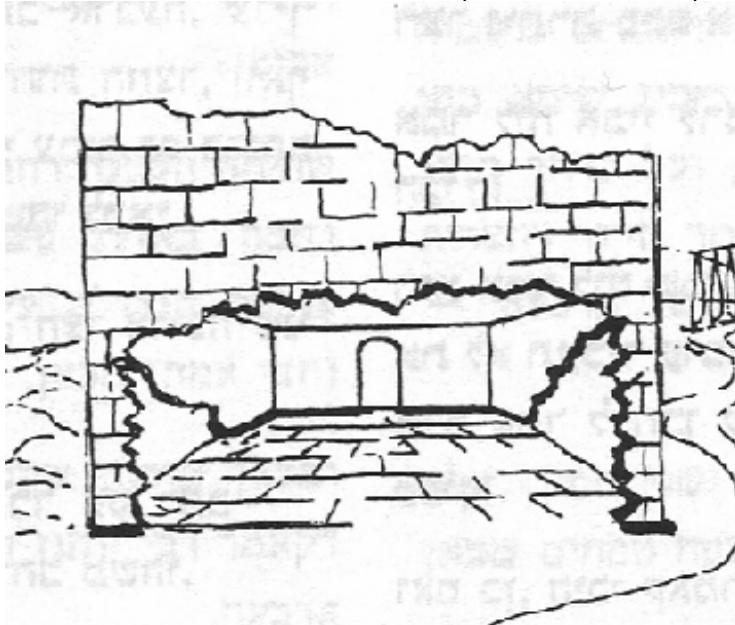
And this inquiry of Rav Hamnuna is like the same inquiry that Rabbi Tavla posed to Rav:

A **hanging partition**, which permits drawing water from the sea (which is a *carmelit*¹³) into a private domain (see earlier 12a); **what** is the law regarding a destroyed house? **Does it** a hanging partition permit **even** there (see illustration¹⁴)? In this case, the remaining upper portion of the wall constitutes a “hanging” partition, since it is closed in from the top, but open from the bottom.

He (Rav) said to him (Rabbi Tavla): A hanging partition only permits for water, since it is a special leniency that the Sages made for water.

It was stated in the Mishnah: One may surround the caravan with canes, and as long as there is not three *tefachim* between one cane and the next. They (the Sages) spoke specifically about a caravan. These are the words of Rabbi Yehudah.

¹³ An area that cannot be classified either as a public domain or as a private one.



¹⁴

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The Gemara raises a difficulty: Our Mishnah implies that the view of Rabbi Yehudah is that only **for a caravan, yes** (a vertical partition is permitted). But **for an individual, no**, a vertical partition is not permitted—even if the partition is surrounding an area of less than a *Beit Se'atayim*.

(A *Beit Se'atayim* is an area in which may be planted two *se'ah*¹⁵ of seeds, and its area is the same as the Courtyard of the *Mishkan* (Tabernacle), i.e. one hundred *amot* by fifty *amot*, totalling 5000 square *amot*.)

Yet surely it was taught in a Baraita: Rabbi Yehudah says: All partitions of Shabbat that are shaky, that are only vertical or only horizontal, they the Sages did not permit use of such partitions for an individual, when the partition is surrounding an area of more than a Beit Se'atayim!

This implies that until a *Beit Se'atayim*, it is permitted, which contradicts the Mishnah.

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The Gemara resolves the difficulty: Rabbi Yehudah in the Mishnah did not mean to exclude an individual from using such a partition.

Rather, the meaning of the Mishnah is like what Rav Nachman and some say Rav Bibi son of Abaye said: It the initial statement in the Mishnah about using canes for a partition **is only needed to give them** the members of the caravan **all** the space **that they need**, even more than a *Beit Se'atayim*.

¹⁵ A *se'ah*= 2.2 gallons or 8.3 liters.

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About this, Rabbi Yehudah said that they did not permit an individual for such a big area. But until a *Beit Se'atayim* is fine, even for an individual. Thus, the Mishnah concurs with the Baraita.

And where did Rav Nachman and some say Rav Bibi son of Abaye state this?

On that which was taught in the Mishnah: Any partition that is not both vertical and horizontal is not a partition. These are the words of Rabbi Yosi son of Yehudah.

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The Gemara raises a difficulty: **And did Rabbi Yosi son of Rabi Yehudah say this?**

But surely it was taught in a Baraita: **Both an individual and a caravan have permission to construct a partition of ropes**, which is only horizontal.

And what is the difference between an individual and a caravan?

For an individual, they give him until the area of a *Beit Se'atayim* and no more, to surround with a rope partition.

For **two** people, **they give them** one *Beit Se'atayim*, despite the fact that they are two people.

But for **three** people, **they become a caravan and they give them** an area of six *se'ah* to surround, which is a *Beit Se'atayim* for each of them.

These are the words of Rabbi Yosi son of Rabbi Yehudah.

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And the Sages say: For **both an individual and a caravan, they give them** an area to surround with a rope partition of **all that they need**.

And as long as they do **not** surround more than necessary, to the point that **there is a *beit se'atayim*** within the surrounded area **that is empty** and unused.

We see that even according to Rabbi Yosi son of Rabbi Yehudah, it is permitted to surround it with only a horizontal partition, or alternatively with only a vertical partition.

It is to solve this contradiction that **Rav Nachman and some say Rav Bibi son of Abaye** answered and **said: It is only needed** (that which Rabbi Yosi son of Rabbi Yehudah said in our Mishnah that a partition that is not both vertical and horizontal is not a partition) to teach not **to give them** permission to surround **all that they need** with this partition. It is only for this matter that it is not a partition.

But for a *Beit Se'atayim* for an individual and for a *Beit Se'ahtayim* for each person of the caravan, it is a partition.

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Rav Nachman expounded in the name of Shmuel:

An individual who wishes to surround an area, using a partition that only vertical or only horizontal, **they give him** one *Beit Se'atayim*.

For **two, they give them** one *Beit Se'atayim*.

For **three, they become a caravan and they give them** an area of **six *se'ah***.

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The Gemara challenges Rav Nachman:

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How could it be that **you left the Rabbis** of the Mishnah and Baraita, who constitute the majority of Sages, **and you instead did in accordance with** the more stringent view of **Rabbi Yosi son of Rabbi Yehudah?**

He (Rav Nachman) **retracted** his ruling. And **Rav Nachman had the announcer**¹⁶ **stand up concerning it** (this ruling), and say:

The **things that I said before you** in the previous lecture, **they are a mistake on my part.**

Really, this is what they said:

For **an individual**, they give him a *Beit Se'atayim*.

For **two**, they give them a *Beit Se'atayim*.

For **three**, they become a caravan and they give them all they need...

¹⁶ Who repeated the lesson in a loud voice so as to make the words of the sage audible to the large audience attending mass lectures

CHAVRUTA

EIRUVIN – DAF YUD ZAYIN

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

The Gemara is similarly puzzled by this answer, given that there is a contradiction between the first clause and the second clause.

Because in **the first clause** of Rabbi Nachman, he said: An individual who wishes to surround an area, using a partition that is only vertical or only horizontal, they give him one *Beit Se'atayim*¹. For two people, they give them one *Beit Se'atayim*.

And this **is** according to the view of **Rabbi Yosi bar Rabbi Yehudah!** Because if it were according to the view of the Rabbis, then even an individual would be allowed as much space as he required.

However **the end clause** of his statement, in which Rav Nachman said that a caravan may have as much space as they require, this **is** according to the view of **the Rabbis!** Because if it were according to Rabbi Yosi bar Rabbi Yehudah, then even a caravan would not be given any more than a *Beit Se'atayim* per person.

The Gemara replies: **Yes!** The various clauses of Rav Nachman's statement are indeed reflecting different views, which is not a contradiction since they are treating different issues. Rav Nachman holds that an individual is only given a *Beit Se'atayim*, for in this matter Rav Nachman rules like Rabbi Yosi bar Rabbi Yehudah, **because his father holds of his view.** I.e. Rabbi Yehudah, the father of Rabbi Yosi, also holds that an individual is given *Beit Se'atayim*.

¹ Two *Beit Se'ah* - the area in which one would sow two *se'ah* of seed (*Se'ah* = 2.2 gallons or 8.3 liters), equaling 100 *amot* by 50 *amot*, the size of the courtyard of the Mishkan. An *ammah* is 18.7 in., or 48 cm

PEREK 1 – 17A

However concerning a caravan, Rav Nachman rules like the Rabbis (and Rabbi Yehudah), and against Rabbi Yosi bar Rabbi Yehudah.

Rav Gidel said in the name of **Rav**: Concerning **three** people who are surrounded by vertical or horizontal partitions **in** an area of **five** Beit Se'ah² - there are instances in which **they are forbidden** to carry.

In contrast, there are instances in which, even if they were **in** an area of **seven** Beit Se'ah, **they are permitted** to carry.

They said to him, to Rav Gidel: And would **Rav** say such a puzzling statement as **this?**
18.7 in., 48 cm

Rav Gidel said to them: I swear by the **Torah, Nevi'im**³ and **Ketuvim**⁴ that **Rav** said **this!**

*

Rav Ashi said: What problem is there in finding an acceptable understanding of Rav's words?

Perhaps this is what he was saying: If those making the partition **needed** an area of only **six** Beit Se'ah, **and** nonetheless **surrounded** an area of **seven** Beit Se'ah, thus leaving an area of only one Beit Se'ah empty—in this instance, they are **permitted** to carry, **even in** the whole area of **seven** Beit Se'ah.

² The area in which one would sow one *se'ah* of seed (*Se'ah* = 2.2 gallons or 8.3 liters), equaling 50 ammot by 50 ammot.

³ Prophets

PEREK 1 – 17A

However if **they only needed five** Beit Se'ah, **and** nonetheless **surrounded seven** Beit Se'ah, leaving an area of two Beit Se'ah empty—in this instance, they are **forbidden** to use **even** the **five** Beit Se'ah that they require. As it was said in the Baraita above: They may have as much space as they require, “as long as a Beit Se'atayim is not left empty”!

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The Gemara is puzzled by the second part of Rav Ashi's explanation:

But concerning that which was taught in the Baraita: One may surround as much of an area as is needed **so long as a Beit Se'atayim is not left empty—**

Is it not true that the Baraita's meaning is as follows: One is permitted to surround as much of an area as is needed, in two ways:

1. One may surround as much as required for his usage – i.e. to keep his belongings etc.
2. Even if one did not need to use the whole area, we allow the group an area of one Beit Se'atayim per person, this being the standard requirement of a person.

As long as a Beit Se'atayim is not left **empty of people**. I.e. as long as there always is someone left to apportion the empty Beit Se'atayim to.

In other words, we allow the members of the caravan one Beit Se'atayim each, and if in such a circumstance a complete Beit Se'atayim is left empty, then the entire enclosure is invalid. However until such a stage as the number of Batei Se'atayim exceed the number of members in the caravan, the entire enclosure is valid, even if it were not all needed and more than a Beit Se'atayim was left empty.

⁴ Writings

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Therefore the Gemara asks: How could Rav Ashi say that if three people enclosed seven Beit Se'atayim, they are forbidden to carry?

Surely we allow three people an area of six Beit Se'atayim, and therefore only one Beit Se'atayim would be left empty here?!

The Gemara answers: **No!** The meaning of the Baraita is different. The size of the permitted enclosure is not dependent on the number of people at all; rather it is dependent upon the area that they require for their utensils. Here where they only require five Beit Se'atayim, and a Beit Se'atayim is left **empty of utensils**, the whole enclosure becomes invalid.

It was said in a statement of Amoraim, concerning a case in which **three** people (who together are considered a caravan) enclosed prior to Shabbat an area sufficient for their needs. **And one of them died** on Shabbat, and the enclosed area was thus greater than two people are permitted. For Rabbi Yehudah permits two people to surround no more than a Beit Se'atayim.

Or the following case: if **two** people, prior to Shabbat, enclosed an area greater than a Beit Se'atayim – meaning that according to Rabbi Yehudah, they were forbidden to carry inside that area. **And more people were added to their** group on Shabbat, such that they could now be considered as a caravan.

In these cases, **Rav Huna and Rabbi Yitzchak** disagree about the Halachah:

One said: The commencement of **Shabbat** is what **causes** the eiruv to be either valid or invalid.

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Therefore, if prior to Shabbat the area had been enclosed in a permitted manner, then it retains this permitted status for the whole day. If one person were to leave, then even according to Rabbi Yehudah the eiruv would still be permitted.

In contrast, if two people enclosed too large an area prior to Shabbat, it would not become permitted even if more people were to arrive on Shabbat.

And the other one said: The number of **residents** at the time the carrying takes place is what **causes** the eiruv to be either valid or invalid.

Therefore if three people enclosed more than a Beit Se'atayim prior to Shabbat, and on Shabbat one left, then the remaining two would be forbidden to use the eiruv. Conversely if two people enclosed too large an area prior to Shabbat, then the arrival of another person would permit them to use the eiruv.

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The Gemara explains further: **You may conclude that** it is **Rav Huna who says** that the commencement of **Shabbat causes** the eiruv to be valid or invalid.

For Rabbah said: If there were two courtyards separated by an opening measuring four *tefachim* by four *tefachim*⁵, their residents may make a joint *eiruv chatzerot*⁶ which would permit carrying between one courtyard and the other.

And I asked Rav Huna and I also asked Rav Yehudah: If one made an eiruv that joined the courtyards **through an opening** that was present prior to Shabbat, **and** on Shabbat **the opening became blocked**, due to a wall that collapsed, leaving an opening

⁵ 1 tefach: 3.1 in., 8 cm

⁶ Lit. Eiruv for courtyards.

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of smaller than four. Or if one made an eiruv **through a window** measuring at least four *tefachim* by four *tefachim*, **and** on Shabbat **the window became blocked**, leaving an opening of smaller than four – **what is** the Halachah? Is the joint eiruv still valid?

And he, Rav Huna said to me: Since the commencement of **Shabbat has permitted it** – **it** remains **permitted** to carry between the two courtyards for the whole of Shabbat.

Here too, Rav Huna will hold that the entry of Shabbat establishes the status of the eiruv, whether to permit or forbid its use.

The Gemara accepts this proof: **We may** indeed **conclude** so.

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The Gemara deliberates: **Let us say** that **Rav Huna and Rabbi Yitzchak are disagreeing about the** same **disagreement as Rabbi Yosi and Rabbi Yehudah—**

For it was taught in a Mishnah: Concerning **a courtyard** that was surrounded by partitions prior to Shabbat, and on Shabbat the partitions **were breached from two directions**⁷.

And similarly concerning **a house** whose wall **was breached from two directions** on Shabbat.

⁷ See Gemara 94b as to exactly why the Mishnah required breaches in two directions.

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And similarly concerning an alleyway whose crossbeam or side post was removed on Shabbat –

They are permitted to carry there **on that Shabbat**. Since the commencement of Shabbat establishes the status of an eiruv, we say that once it is permitted, it remains permitted.

And they are forbidden to carry there **in the future**, on subsequent Shabbatot.

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

Rabbi Yosi says: Whichever way we look at it, they would be forbidden to carry there also on the first Shabbat:

Because **if** we say that **they are permitted** to carry **on that Shabbat**, **they** should also **be permitted** to carry on the Shabbatot **in the future**. **And if they are forbidden** to carry **on that Shabbat**, then **they** should even **be forbidden** to carry **in the future**. For according to Rabbi Yosi we do not say “since the commencement of Shabbat has permitted it, it remains permitted”.

Now **let us say** that **Rav Huna** who holds that commencement of “Shabbat causes” the status of an eiruv to be determined, **was saying in accordance with Rabbi Yehudah**.

And Rabbi Yitzchak, who holds that its status is unrelated to the commencement of Shabbat, **was saying in accordance with Rabbi Yosi**.

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Rav Huna would say to you: I, who hold that the commencement of Shabbat causes the status of an eiruv to be established, **was saying this even according to Rabbi Yosi**, who holds that we do not say “since the commencement of Shabbat has permitted it – it remains permitted”.

Because **this far, Rabbi Yosi only said** that this principle does not apply over **there because there were no** longer **partitions** to enclose the area and permit one to carry. In such a case we do not say “since was permitted, it remains permitted”.

However **here** in our case of enclosing an area with vertical partitions, **there are** still **partitions**. It is only a lack of “residents” that causes the prohibition of carrying. In this case even Rabbi Yosi will say that we follow the status established at the commencement of Shabbat. For according to Rav Huna, the primary factor is the existence of valid partitions.

And Rabbi Yitzchak would say to you: I was saying my position **even according to Rabbi Yehudah**, who holds that we say “since the commencement of Shabbat has permitted it, it remains permitted”.

Because **this far, Rabbi Yehudah only said** his position over **there, because there were** sufficient **residents**, and it was the partition that fell. But **here, there are not** a sufficient number of **residents** present. Thus we cannot say “since the commencement of Shabbat has permitted it, it remains permitted”. For according to Rabbi Yitzchak, the primary factor is the presence of a sufficient number of residents.

PEREK 1 – 17A

We learned in the Mishnah: Any partition which is not made up of both vertical and horizontal elements is not considered a partition; these are the words of Rabbi Yosi bar Rabbi Yehudah. **And the Sages say** it is sufficient to have **one of these two things**.

The Gemara is puzzled: The view of these Sages – **It is** the same as the view of **the first Tanna** i.e. the first group of Sages mentioned in the Mishnah!

The first group of Sages said that the Mishnah spoke of a caravan only because this was a common case. They hold that an individual, too, is permitted to use a solely horizontal or vertical partition.

The Gemara replies: **There is** a difference **between them** – a case of **an individual inside a settlement**, not encamped outside of town. They disagree whether a partition made of only horizontal or vertical elements may be used for an eiruv that was large enough for all of his requirements.

According to the first group of Sages, such a partition would not be effective, as they say: The Mishnah only spoke of a caravan as this was the normal manner to travel in the wilderness. An individual is permitted to conduct himself in this manner only when he, too, is in the wilderness. But in a settled area, where he is able to make proper partitions, he may enclose an area no larger than a Beit Se'atayim, if the partition is made from only horizontal or vertical elements.

However according to the Sages of the last clause in the Mishnah, partitions made up of only horizontal or vertical elements may be used by an individual to enclose whatever area he requires, even in a settlement. For the Sages were responding to Rabbi Yosi bar

PEREK 1 – 17A

Rabbi Yehudah, who said: A partition that is not made up of both vertical and horizontal elements is not considered a partition, whether in a settlement or the wilderness. They replied that on the contrary, it may be used by either an individual or a caravan, whether in a settlement or the wilderness.

*

In summary, the Gemara has explained the four views of the Mishnah:

1. The view of Rabbi Yehudah:

Partitions of solely vertical or horizontal elements permit a caravan (made up of at least three people) to enclose as large an area as is required (so long as a Beit Se'atayim is not left empty of their belongings). An individual or two people are permitted to enclose an area no larger than a Beit Se'atayim.

2. The view of the first Sages:

In the wilderness: Both a caravan and an individual are permitted to enclose as large an area as required (so long as they do not leave a Beit Se'atayim empty).

In a settlement: An individual is permitted to enclose a Beit Se'atayim, and a caravan is permitted as large an area as they require.

3. The view of Rabbi Yosi bar Rabbi Yehudah:

A caravan is permitted to enclose an area of one Beit Se'atayim per person. An individual or two people are permitted no more than a Beit Se'atayim.

4. The view of the last Sages:

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Both a caravan and an individual, whether in the wilderness or in a settlement, are permitted to enclose as large an area as required, so long as they do not leave a Beit Se'atayim empty.

Mishnah

Four things were exempted in the encampment of Israelite soldiers going out to war, even if it were an “optional war”⁸. They were shown special leniency since they were involved with the conquest of territory for the people of Israel.

1. **They may bring wood** to supply their needs **from any place** they find it, and need not be concerned about theft.
2. **And they are exempt from washing their hands** prior to eating bread or praying. (According to Rabbeinu Yehonatan they must still clean their hands by rubbing them with dry earth or the like).
3. **And they are exempt from** the prohibition on eating *demai*. This refers to produce grown by or bought from an *Am HaAretz*⁹. With such produce, one can not be certain that all tithes were properly taken. However, since most *Amei HaAretz* do take tithes properly (and since Torah law allows us to rely on the majority), the prohibition is a Rabbinic stringency. In this circumstance the Rabbis were lenient.
4. **And they are exempt from making an *eiruv chatzerot***. If each individual enclosed his own area, with partitions separating between them but with openings

⁸ I.e. a war declared by the king and approved by the Sanhedrin, although not ordained by the Torah. The Torah ordained war only to conquer the land of Israel and to annihilate the nation of Amalek.

⁹ An unlearned person

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between the areas, they do not need to make an *eiruv chatzerot* in order to carry between one enclosure and another.

Gemara

The Rabbis taught in a Baraita: Concerning **an encampment that is going out to fight an optional war, they are exempt from** the prohibition of **theft** in a case that they take **dry wood**. They may take dry wood, which is superior, and certainly they are permitted to take still-moist wood.

Rabbi Yehudah ben Teima says: They may even encamp in any place that they wish.

And in the place that they are killed, there they are buried. They have the right to be buried there, even though the land does not belong to them.

*

The Baraita taught: **They are exempt from theft of dry wood.**

The Gemara raises a difficulty: Why does the Baraita say that only an encampment is exempt from this?

Surely **it was an enactment of Yehoshua**, who permitted it to everyone.

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For the Master¹⁰ said: Ten conditions were stipulated by Yehoshua upon the Israelites at the time that the Land of Israel was divided up amongst them:

1. **That** any person may **graze** his animals **in the forest** of his neighbor, and that the owner may not protest given that a forest is not intended for harvesting.
2. **And** that any person may **gather wood from their fields**, from Jewish-owned fields.

Thus we see that any person is permitted to collect wood from any place. If so, why did the Mishnah say that it is only permitted to an encampment of soldiers?

The Gemara replies: **There**, in the enactment of Yehoshua, it refers to **kindling wood**.

But **here**, regarding the encampment, they are permitted to gather even **other types of wood**, which are more valuable.

If you wish, one could **also** say an alternative answer:

There, in enactment of Yehoshua, they are permitted to take wood that was still **attached** to the ground.

But **here**, regarding the encampment, they are permitted to take wood even if it was already **detached** from the ground. I.e. the owners had chopped it for fire wood, and it would ordinarily be considered theft to take it, but it was permitted to an encampment.

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If you wish, one could **also** say an alternative:

There, in enactment of Yehoshua, they were permitted only **regarding moist** wood.

But **here**, regarding the encampment, it is even permitted **regarding dry** wood.

It was taught in the Baraita: **Rabbi Yehudah ben Teima says: They may even encamp in any place** that they wish. **And in the place that they are killed, there they are buried.**

The Gemara raises a difficulty: It is **obvious** that they may be buried in the place where they are killed, because if one is killed in a war, then **he is a *Meit Mitzvah*¹¹. And a *Meit Mitzvah* acquires its place**, and should be buried there.

And this law is one of the ten conditions that Yehoshua made when he divided up the land.

¹⁰ An unidentified Sage is commonly referred to simply as “Master”.

¹¹ If one finds an unattended corpse, he is obligated to attend to its burial. The corpse is termed a *Meit Mitzvah*.

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The Gemara replies: **No, it** the statement of the Baraita regarding a soldier who falls in war **is still needed.**

Ammud Bet

Because it applies **even though he has** people to **bury** him¹². In such a case he is not considered a *Meit Mitzvah*.

For it was taught in a Baraita: **Who is** considered a *Meit Mitzvah*, such that a cohen is permitted to make himself impure in order to bury him?

Any person that does not have anyone to **bury** him.

But if **one calls and others answer him**, then **it is not** considered a *Meit Mitzvah*.

*

The Gemara raises a difficulty: **And** does a *Meit Mitzvah* really **acquire his place?**

¹² According to Rashi this refers to his inheritors

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Yet surely it was taught in a Baraita, concerning **one who finds a *Meit Mitzvah* lying on a thoroughfare** – he should **move it to the right of the thoroughfare or to the left of the thoroughfare.**

If on one side of the thoroughfare there was a **fallow field, and** on the other side there was a **ploughed field, he should move it to the fallow field.**

If on one side there was a **ploughed field and** on the other side a **sown field, he should move it to the ploughed field.**

If **both of them were ploughed or both of them were sown or both of them were fallow, he may move it to any side that he wishes.**

Thus we see that a *Meit Mitzvah* does not acquire his place, because if it did, then how would it be permitted to move it from the thoroughfare? On the contrary, it should be buried in its place.

Rav Bibi said: Here, in the Baraita, we are dealing with a corpse lying on the boundary.

It is lying across the thoroughfare, extending all the way from the boundary of the field on one side to the boundary on the other side, leaving no room for cohanim or other people in a state of purity to pass.

And since permission was given to move it from the boundary to the sides of the path, in order to clear the way for cohanim etc., one may move it in any direction one wishes.

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We learned in the Mishnah: **And they are exempt from washing their hands.**

Abaye said: It only taught that an encampment is exempt from the **first-waters**, i.e. from washing prior to the meal. **However** the **after-waters** (*mayim acharonim*) **are an obligation.** And even an encampment is obliged to wash their hands after eating.

Rav Chiya bar Ashi said: Why did they, the Sages, **say** that the **after-waters are an obligation?**

Because there is Sodomite salt in the salt, **which blinds the eyes.**

The Rabbis said that one should eat salt with every meal. Therefore they also enacted that one must wash *mayim acharonim* in order to remove the salt that remains on one's fingers.

Abaye said: And it, Sodomite salt, **is found** in a proportion of **a grain in one *Kor*¹³** of normal salt.

Rav Acha the son of Rava said to Rav Ashi: If one measures out salt in order to load onto donkeys, **what** is the Halachah? Does the one who does this have to wash his hands in order to remove the Sodomite salt?

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Rav Ashi **said to him** in reply: **One need not ask this** question – he certainly must wash his hands!¹⁴

We learned in the Mishnah: **And** they are exempt from *demai*.

For it was taught in a Mishnah: **One may feed the paupers *demai*, and the troops *demai*,** referring to Jewish soldiers under the command of the King of Israel, who are coming to fight against the enemy. They are permitted to eat *demai* because it was prohibited only as a Rabbinic stringency, and in these circumstances the Rabbis were lenient.

Rav Huna said: It was taught in a Baraita that Beit Shammai and Beit Hillel disagree in this matter:

Beit Shammai say: One may not feed the paupers *demai*, and may not feed the troops *demai*.

And Beit Hillel say: One may feed the paupers *demai*, and may feed the troops *demai*.

We learned in the Mishnah: **And** they are exempt **from making an eiruv**.

¹³ 1 Kor = 7 bushels or 246 liters

¹⁴ According to Rashi's text: **All the more so** he must wash his hands!

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They said in House of Rabbi Yannai: They only taught that an encampment is exempt from making **an *eiruv chatzerot***, since this obligation is only Rabbinic. (This is because partitions exist, rendering the enclosed areas as private domains. Torah law only prohibits transferring objects from a private domain to a public domain, and vice versa.) **However, they the soldiers are obligated** to make **an *eiruv techumin***¹⁵, given that there is a Torah prohibition to go farther than two thousand ammot¹⁶ beyond one's habitation, on Shabbat.

For Rabbi Chiya taught in a Baraita: **Lashes are administered for** transgressing ***eiruvei techumin***, by **Torah law**. As the verse states: “A man *shall not* go out (*al yeitzei*) from his place on the seventh day”.

Rabbi Yonatan challenged it, the Baraita that Rabbi Chiya taught: **And is it** really true **that lashes are administered for a negative prohibition that is stated in terms of “*al*”** (shall not)?

Rav Acha bar Yaakov in turn **challenged** the challenge of Rabbi Yonatan:

But now if we accept Rabbi Yonatan's approach, a problem arises: surely **it is written** in a verse: “**You shall not (*al*) turn to the *Ovot* and the *Yid'onim***¹⁷ to inquire of them”. Shall we say that **here, too, one is not lashed** for transgressing the prohibition? Surely it is obvious that lashes are administered here.

¹⁵ There is a prohibition to go farther than two thousand ammot outside one's habitation on Shabbat. By placing an amount of food fitting for meal at a point two thousand ammot distant from one's original habitation prior to Shabbat, one thereby establishes that second point as his residence for Shabbat (even if he does not actually stay there). Thus he will be permitted to travel two thousand ammot in any direction from that second point, as well as being permitted to move around in his original habitation. Making such an arrangement is termed an *Eiruv Techumin*.

¹⁶ 1 ammah: 18.7 in., 48 cm

¹⁷ Various forms of sorcery

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The Gemara answers: Rabbi Yonatan did not intend to differentiate between the terms “*al*” and “*lo*” (which both are instructions not to do something) and to claim that only a prohibition written as *lo* is grounds for lashing. Rather, **this is Rabbi Yonatan’s difficulty** that he wishes to resolve: How could the prohibition of “A man shall not go out from his place on the seventh day” be grounds for lashing? Surely this verse does not refer to walking beyond the Shabbat boundary; rather it refers to the prohibited work of transferring objects from one domain to another.

If so, the prohibition spoken of in the verse is a **negative prohibition that is fitting for a warning of a court-imposed death** penalty. In other words, lashes are not the appropriate punishment. Rather, death at the hands of the Rabbinical court is the Torah-ordained punishment for transferring objects from one domain to another on Shabbat.

And concerning any negative prohibition that is fitting for a warning of a court-imposed death penalty, lashes are not administered for it. For the warning was given to the transgressor that he will be liable for the death penalty, and he has not been warned about lashes. Thus he will never be liable to receive them.

The Gemara answers: **Rav Ashi said:** This prohibition really refers to going out beyond the Shabbat boundary, and not to the forbidden work of transferring from domain to domain.

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Rav Ashi reasons: **Is it really written** in the verse: “**shall not take out**”, which would imply that the verse comes to prohibit transferring objects from one domain to another?

Surely **it is written**: “**shall not go out**”, which implies an exit of the person himself beyond the Shabbat boundary.

Hadran Alach Mavoi

We shall return to you, Perek Mavoi

CHAVRUTA

EIRUVIN – DAF YUD CHET

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

PEREK OSIN PASIN

17B

MISHNAH

Our Mishnah deals with wells that supply spring water. These wells are situated in the public domain. They are at least ten *tefachim*¹ deep and four *tefachim* wide, and are thus considered private domains unto themselves. Consequently, one may not draw water from them on Shabbat, as this would involve transferring the water from a private to a public domain.

This situation made it difficult for the masses of people traveling to Jerusalem for the *regalim*, the pilgrimage festivals, to obtain water for their animals on Shabbat. Therefore, the Sages issued a leniency and permitted drawing water from such wells to water the animals, by surrounding the wells with “well-boards.”

¹ 1 *tefach*: 3.1 in., 8 cm

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These boards are not proper walls, but rather “L” shaped planks that stand around the well at its corners and create what is considered a private domain according to Torah Law.

What is unique about these boards is that they create a private domain even though there is more open space than standing walls (*parutz merubeh al ha'omeid*). The reason this is permitted is because the boards are considered like walls.

However, the Sages forbade most instances of carrying inside these boards since the open space is more than the standing walls. They were lenient only for those visiting Jerusalem for the Festival. This is the background for understanding our Mishnah.

*

They may make boards around **the wells** of water.

The boards render the area around the well a private domain, so that the Festival visitors may draw water from the well and place it down within the area demarcated by the boards, for their animals to drink.

How do they surround the area with boards?

In the four corners around the well they place **four double-boards**, i.e., “L” shaped planks. They are considered “doubled” since each one looks like two boards (see

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illustration²).

And the four double-boards **appear like eight** boards.

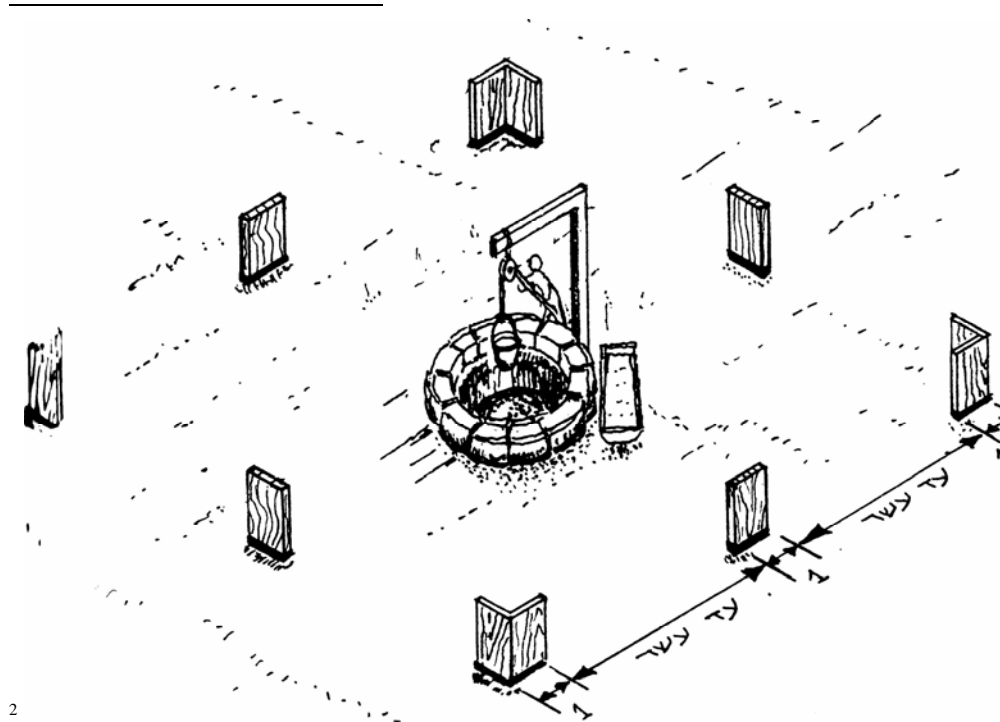
For example, when they place a double-board in the south-western corner, one plank points north and the other points east.

The width of each board is one *ammah*.³ Thus, on each side of the well, there are two *ammot* of planks, i.e., one *ammah* in each corner. The space in between them is open. These are **the words of Rabbi Yehudah**.

Rabbi Meir says: Four double-boards are insufficient for the well.

Rather, one makes **eight** boards that appear **like twelve** boards.

How is this done? Around the well they make **four double-boards** which look like eight boards, placing them in the four corners, as explained before. **And** in addition to that they



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place in between the four double-boards **four single** boards, one on each side of the well (see above illustration).

Their height, of the double and single boards, is **ten tefachim**.

And their width is six tefachim, which is one *ammah*.

And their thickness is a minimal amount.

And between them the double and single boards, it is permitted to have an open space **as wide as two teams of animals**, each team **having three cattle**, which constitutes ten *ammot*. These are **the words of Rabbi Meir**.

Rabbi Yehudah says: It is permissible to have a width of two teams of cattle, a team comprised **of four** cattle, which is thirteen and one third *ammah*.

According to both Rabbi Meir and Rabbi Yehudah, we measure the permitted space by using cattle in a team that are **tied** and hold together well in the team.

They do **not** measure with cattle that are **untied** and thus further from one another.

We measure the permitted space with **one** team that **is entering** the area of the well, **and** the other **one is exiting**.

From this way of measuring, it emerges that the *ammah*-measurement given is in generous *ammot* and not in precise *ammot*.

*

It is permitted to bring the boards **close to the well** as much as one wants, **provided** that the distance between the well and the boards on all sides is sufficient **that the cow**

³ 1 *ammah*: 18.7 in., 48 cm

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can bring **its head and the majority** of its body **inside** the demarcated area **and drink**.
(The Gemara will explain that this is two *ammot*.)

But less than this, the Sages forbade him to water the animal since he has no place to stand there. The Sages were concerned that if the majority of the cow is not inside the area, the person will be drawn after his animal and come to bring the water into the public domain, and thereby transgress the Shabbat prohibition of transferring.

*

It is permissible...

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...to distance the boards from the well as **much as he** wants, **provided that he increases the boards**, because the more distance there is between the boards and the well, the more distance there is between the boards themselves. Thus he must increase the boards so as not to exceed the permitted distance between one board and another.

The Gemara will explain whether this means to add additional boards or to widen the double boards. Either way, the purpose is so there will not be more than ten *ammot* space between the boards according to Rabbi Meir, or thirteen and one third *ammot* space according to Rabbi Yehudah.

*

Rabbi Yehudah says: One may increase the area around the well only **until** the area of *beit sa'atayim*.

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This area is the same size as the Courtyard of the *Mishkan* (Tabernacle), which was one hundred *ammot* long and fifty *ammot* wide, and having an area of five thousand square *ammah*.

They the Sages **said to him** Rabbi Yehudah: **They** the Rabbis who originally enacted the laws of eiruv **only said** that an area larger than *beit sa'atayim* is invalid for carrying with regard **to a** vegetable **garden and a karpeif** (a large outdoor area outside the town, used for wood storage). This is because these areas are not encompassed for living purposes, even though they might have proper partitions.

But if the partitions **were** for **a corral** for animals in the field, which is often moved around to enable the animals to fertilize the field;

Or for **a pen**, which is made for the animals in the town;

Or for **a muktzeh**, the storage area behind the house;

Or for **a courtyard** in front of the house;

These areas are encompassed for living purposes.

Therefore, **even** if the area is **five *beit kor*⁴** and **even ten *beit kor***, **it is permitted** to encompass it with partitions and carry objects within.

And therefore with well-boards it is **permitted to distance** as much **as he** wants from the well, since the area of the well-boards has been encompassed for living purposes, as the well water is fit for human use as well.

This is **provided he increases the boards** according to the size of the area.

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GEMARA

The Gemara suggests: **Let us say that the Mishnah** which permits using well-boards **is not in accordance with Chananya.**

Just as the Sages were lenient and permitted to surround a well with an inferior partition, so too they were lenient with a caravan traveling in the wilderness and allowed them to construct an inferior partition.

This is the subject of a disagreement between the first Tanna of the coming Baraita, and Chananya.

For it was taught in a Baraita:

They may make boards for a pit but not for a caravan. **And** they may make **ropes for a caravan**, and certainly for pits, as ropes are a better partition than boards are, since they result in a partition which is Halachically regarded as closed in, whereas boards result in a partition the majority of which is open. (One may encompass the camp or the pit with three ropes, each one higher than the other, taking care that there is less than three

⁴ 1 *beit se'ah* = 2,500 sq. *ammot*; 1 *beit kur* = 30 *beit se'ah*; 5 *beit kur* = 375,000 sq. *ammot*.

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tefachim between each rope. See illustration⁵. Nevertheless, this is considered an inferior partition since it consists only of horizontal elements.)

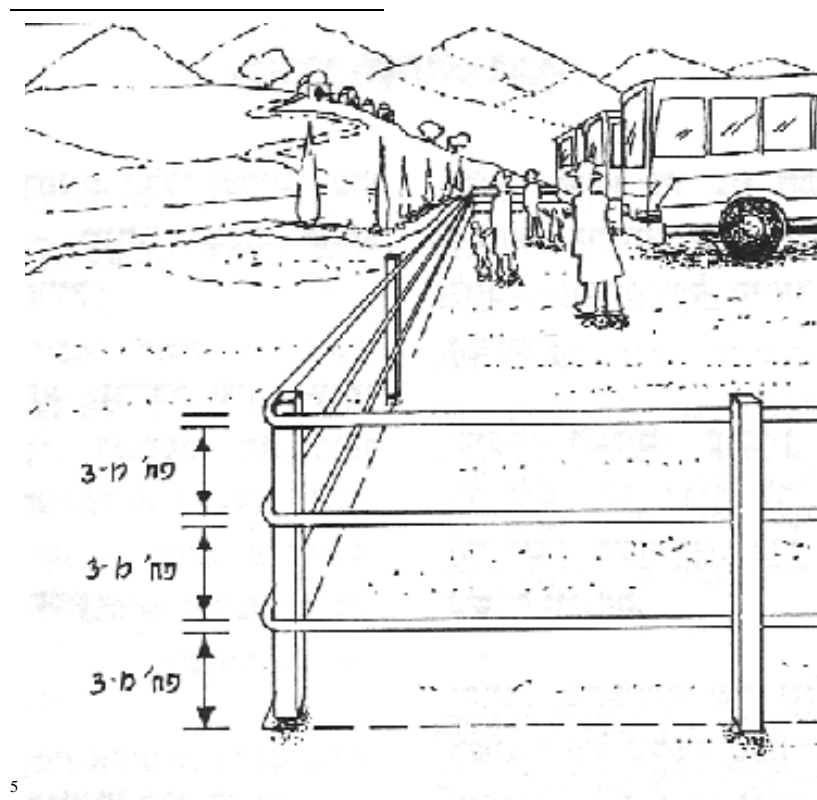
And Chananya says: Just as they permitted the caravan to use ropes but not boards, so too they permitted only a partition of **ropes** around **the pit**, but not a partition of **boards**.

Thus, our Mishnah which permitted making boards around a well is not in accordance with Chananya.

The Gemara answers: **You can even say** the Mishnah in accordance with **Chananya's view**, since one can make a distinction between the two cases.

A pit is a case on its own, a well is a case on its own.

Chananya ruled stringently and forbade use of boards only regarding a pit, which holds gathered rainwater, and is not a source of self-refreshing spring water as is a well. But



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even Chananya agrees that they may make boards for a well. Indeed, our Mishnah only mentioned boards of wells and not of pits.

For with a pit, we are concerned that the water might be used up, yet people will continue to carry in the area demarcated by the boards. This is forbidden since the Sages only permitted carrying in this area to provide water for the animals of Jerusalem's Festival visitors.

Whereas a well does not normally dry up, thus this concern is not relevant to boards of wells, and Chanaya would permit boards of wells.

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There are those that say this is the inference of the Gemara which gave rise to the above discussion:

From the fact that the Baraita did not teach: Chananya says: They make ropes for a pit and boards for a well;

This implies that according to Chananya, it makes **no difference** with a **pit and** it makes **no difference** with a **well**. In both cases, only **ropes can** be used, but **boards cannot** be used.

The Gemara thus suggests: **Let us say the Mishnah is not in accordance with Chananya.**

The Gemara answers: **You can even say** the Mishnah is in accordance with **Chananya**, since even Chananya agrees that they may make boards for a well.

And the supposed inference which was drawn from the Baraita is not difficult to refute.

It was only due to **what the first Tanna said**—"They make boards for a pit"—that

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Chananya **responds** by saying that they may *not* make boards for a pit.

Whereas a well, which is not mentioned in the words of the first Tanna, Chanaya also does not mention.

However, Chananya concurs that they may make boards for wells, as it says in the Mishnah.

The Gemara again suggests: **Let us say the Mishnah** which teaches that they may make boards for wells but does not mention pits, **is not in accordance with Rabbi Akiva.**

For it was taught in a Mishnah: **Whether a well of the public**, which does not usually run dry;

And whether a pit of the public, where even if it dries up, the people will remind each other not to carry next to it;

And whether a well of an individual, which does not usually run dry;

They may make for them boards.

But a pit of an individual, since it could run dry (and the public are not present there to remind one another not to carry), they may not make boards for it.

Rather, **they make for it a proper partition, ten tefachim high.** These are the **words of Rabbi Akiva.**

However here in our Mishnah **it teaches:** They may make boards **for wells.** This indicates that **for wells** they **do** make, but **for pits** they **do not** make boards at all, even for pits of the public.

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If so, our Mishnah does not follow Rabbi Akiva's view.

The Gemara answers: **You can even say** the Mishnah follows **Rabbi Akiva**, and even for pits of the public they may make boards.

The fact that our Mishnah speaks of “wells” and not “pits” is because with a **well of flowing water, it is a clear-cut case to him**, the Tanna of the Mishnah, and he may permit it without mentioning exceptions to the rule. For it makes **no difference** if it is a well **of the public and** it make **no difference** if it is a well **of an individual**. They may make for them boards, since there is no concern that the water might dry up. Thus, **it** the case of wells **was taught** in the Mishnah.

But a **pit of gathered water, which is not a clear-cut case to him** which he may permit without mentioning exceptions—since they may not make boards for a pit of an individual—**it was not taught** in the Mishnah.

The Gemara again suggests: **Let us say the Mishnah** which permits making boards even around a well of an individual, **is not in accordance with Rabbi Yehudah ben Bava**.

For it was taught in a Mishnah: **Rabbi Yehudah ben Bava says: They may only make boards for a well of the public**, since it has two advantages: it does not run dry and the public is present.

However, in our Mishnah **here, it is taught** that they may make boards **for wells**, in plural, which indicates various kinds of wells, and we may infer that it makes **no difference** whether it is a public well **and** it makes **no difference** if it is an individual's well.

If so, let us say the Mishnah does not follow Rabbi Yehudah ben Bava's view.

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The Gemara answers: **You can even say** our Mishnah follows **Rabbi Yehudah ben Bava's** view.

And **what is** the meaning of the term “wells” used in the Mishnah? **Wells** of the public **in general**, and this explains why it taught “wells” in plural. Thus the Mishnah does not refer to a well of an individual, and does not contradict Rabbi Yehudah ben Bava's ruling.

Now the Gemara explains an unusual word appearing in the Mishnah, “*deyumdin*” — “double-boards.”

What is *deyumdin*?

Said Rabbi Yirmeyah ben Elazar: *Deyu amudin*. *Deyu* comes from the Greek word “duo” – a pair, and *amudin* are boards.

Since the Gemara brought the words of Rabbi Yirmeyah ben Elazar, it makes a mnemonic for further teachings of his that the Gemara mentions later.

Deyu, Menudeh, Shevach, Yonah, Bayit, Shetei, Nitkaleil, Bemidah, Sheloshah.

*

1. Deyu

It was taught there in a Mishnah in Tractate *Kil'ayim*:

PEREK 2 – 18A

Rabbi Yehudah says a halachah concerning **all the inferior figs** that are *demai*. (The term *demai* refers to produce grown by or bought from an ignorant person. With such produce, one can not be certain that all tithes were properly taken. However, since most ignorant people do take tithes properly, and since Torah law allows us to rely on the majority, the prohibition is a Rabbinic stringency.) The Halachah is that such figs **are exempt** from further tithing, since they are an inferior type of fig, and the ignorant person is unconcerned about saving them for himself, thus he certainly gave all necessary tithes.

Aside from the *deyupara*, itself an inferior type of fig, but more valuable than the others. Therefore there is a concern that the ignorant person did not tithe them.

The Gemara asks: **What is *deyupara*?**

Said Ula: A fig tree that makes two crops in the year. *Deyu* is duo, and *para* is fruit or produce (*peri*).

*

We also find elsewhere in the words of Rabbi Yirmeyah ben Elazar that *deyu* means two.

Said Rabbi Yirmeyah ben Elazar: *Adam Harishon*, the first man, **had two facial figures**, one in front and one in the back. The Holy One divided him into two, and made one figure into the first woman, Chavah⁶, **as it says** (*Tehillim*⁷ 139:5), **“From the back and the front You formed me.”**

*

Being that the Gemara mentioned the view of Rabbi Yirmeyah ben Elazar that Chavah was created from the double facial figure of Adam, the Gemara cites a related disagreement between Rav and Shmuel.

PEREK 2 – 18A

It is written (*Bereishit*⁸ 2:22), “**And Hashem, G-d, built the side** which He took from the man, into a woman.”

Rav and Shmuel differ over this verse.

One said: It refers to a **figure**, and the Holy One divided Adam into two, since originally he was a male on one side and a female on the other side.

And the other one said: It refers to the fact that Adam had a **tail**, which G-d took from him and from it created Chavah.

*

The Gemara raises a difficulty: **It is all right according to the one that said** that the first man was created with a double **figure**, male on one side and female on the other. It comes out well **that which is written, “From the back and the front You formed me.”**

But according to the one that said “tail”, what is the meaning of “From the back and the front You formed me”, which indicates that Adam originally had two forms?

The Gemara answers: He can explain it **in accordance with Rabbi Ami.**

For said Rabbi Ami: The words in the verse “*achor*” and “*kedem*,” which here are translated as “back” and “front,” also can mean “last” and “first.”

“From the back” (or last) **in the work of Creation**, as will be explained.

And “the front” (or first) **for punishment**, as will be explained.

*

⁶ Eve

PEREK 2 – 18A

The Gemara explains the teaching of Rabbi Ami:

It is all right to interpret “**last**” as the last **in the work of Creation**, since man **was not created until Friday**, and he was indeed last in the work of Creation.

But, “first” for punishment, what is its meaning?

If you say this is speaking **about the curse**, referring to the fact that Adam was cursed first, before the woman and the Primordial Snake, for eating of the Tree of Knowledge, this is not true.

For **note** that Adam was not the first to be cursed. **First the Snake was cursed, and afterwards Chavah was cursed and afterwards Adam was cursed.**

Rather, this is the explanation of “first”: man is first for punishment by the **Flood** in the time of Noah⁹.

As it is written, (*Bereishit* 7:23), “**And He blotted out all existence that was on the face of the earth, from man to animals.**”

With regard to punishment, man is mentioned first.

*

The Gemara again raises a difficulty: **It is all right according to the one that said: “Figure,”** for he can explain **what is written** (ibid. 2:7), “*Vayyitzer*”. “And Hashem, G-d, **formed (*Vayyitzer*)** the man.” The word *Vayyitzer* is written with **two yuds**, which alludes to the two figures of man when he was created, male and female. Each yud represents a different *yetzira*, or form.

⁷ Psalms

⁸ Genesis

⁹ Noah

PEREK 2 – 18A

But according to the one that said: “Tail,” what is the meaning of “and He formed (Vayyitzer)” with two yuds?

The Gemara answers: He explains the verse **like Rabbi Shimon ben Pazi.**

For said Rabbi Shimon ben Pazi: “Vayyitzer,” its first two letters, vav-yud, comprise the word “vay” – “woe”. And with the second yud, it alludes to an additional woe:

Woe is to me from my evil inclination, which plagues me with contrary thoughts if I refuse its temptations and instead do the Will of my Creator.

And woe is to me from my Creator, if I do the will of my evil inclination.

*

The Gemara again raises a difficulty: **It is all right according to the one that says: “figure,”** he can explain **that which is written** (ibid. 5:2), “This is the account of the descendants of Adam on the day that G-d created man, He made him in the likeness of G-d. **He created them male and female.**” This indicates that Adam was originally created as a male and female, one on each side.

But according to the one that said: “tail,” what is the meaning of “He created them male and female?”

The Gemara answers: He explains it **in accordance with Rabbi Abahu.**

For Rabbi Abahu posed a contradiction between two verses. **It is written, “He created *them* male and female,** in plural.

And it is also written (ibid. 1:27), “**In the image of G-d, He created *him*,**” which is in singular tense. This indicates that Adam was one and not two.

PEREK 2 – 18A

Rabbi Abahu explains: **At first, it entered G-d's thoughts to create two, male and female. And in the end, only one was created.**

*

The Gemara again raises a difficulty: **It is all right according to the one that said: “figure,”** he can explain **that which is written** (ibid. 1:21), **And He took one of his sides and He closed the flesh in its place,** and Hashem, G-d built the side which He took from the man into a woman.”

After the Holy One divided Adam, He needed to close the flesh.

But according to the one that said: “tail,” what is the meaning of **“And He closed the flesh in its place?”**

The Gemara answers: **Said Rav Zevid, and some say, Rabbi Yirmeyah, and some say, Rav Nachman bar Yitzchak:**

This was required only for the place of the cut, since after He cut the tail, the Holy One closed up the cut.

*

The Gemara now poses a difficulty to the other view.

It is all right according to the one who said: “tail,” he can explain **that which is written** (ibid.), **“And Hashem, G-d, built** the side which He took from the man into a woman.” This indicates that she needed to be built.

But according to the one that said: “figure,” what is the meaning of **“And [G-d] built?”**

The Gemara answers: He will explain it **in accordance with Rabbi Shimon ben**

PEREK 2 – 18A

Menasya.

For expounded Rabbi Shimon ben Menasya: “And Hashem, G-d, built the side which He took from the man into a woman, and He brought her to the man.”

This teaches that the Holy One braided Chavah’s hair, and brought her to the first man. For in the cities abroad, they call “braiding,” “building.”

Another explanation: “And Hashem, G-d built...”

Said Rav Chisda, and some say it was taught in a Baraita: This teaches that the Holy One built the womb of Chavah like shape of a building...

AMMUD BET

...of grain-storage.

Just like as a grain-storage building is wide on the bottom and narrow on top in order to hold the weight of the produce, because if it was reversed, the walls would collapse.

So too a woman, her womb is wide on the bottom and narrow on top in order to hold the embryo.

Since the Gemara explained part of the verse, it continues to explain the rest.

PEREK 2 – 18B

It is written: “And Hashem, G-d built the side which He took from the man into a woman, **and He brought her to the man.**”

This teaches that the Holy One became a groomsman for Adam’s wedding with Chavah.

From here we see that one who is **great**, i.e. prominent, **should become a groomsman** for one who is **small**, i.e. of lower status, **and should not feel bad** about the supposed damage to his prestige.

*

The Gemara asks: **And according to the one who said: “figure,”** that originally the male and female were together, **which one of them walked in front**, the male or the female?

Said Rav Nachman bar Yitzchak: It stands to reason that the man walked in front.

For it was taught in a Baraita: **A man should not walk behind a woman on the road, even if she is his wife**, since walking behind a woman is not befitting his honor.

And if **he chances** to meet up with a woman when crossing **on a bridge, and** she is walking in front of him, **he should pass her on the side,**¹⁰ until he gets in front.

And anyone who follows behind a married woman who is crossing **in the river**, when she raises her clothes, and he looks at her, **he does not have a portion in the World to Come**, if he is accustomed to do this. For he will come to adultery.

*

The Gemara continues on a related topic.

¹⁰ Lit. Remove her to the side.

PEREK 2 – 18B

The Rabbis taught in a Baraita: **One who counts out money to a woman, from his hand to her hand, or from her hand to his hand, in order to look at her—even if that person is similar in other ways to Moshe Rabbeinu¹¹ who received the Torah on Mount Sinai, he will not be clean** when it comes **to the judgment of Gehinom¹².**

And regarding him the verse says (*Mishlei*¹³ 11:21), **“Hand to hand,”** one who counts money from hand to hand, even if he is like Moshe who received the Torah in his “hand” from the “Hand” of the Holy One, **“he will not be clean of evil.” He will not be clean of the judgment of Gehinom.**

*

The Gemara returns to the topic mentioned earlier by Rav Nachman bar Yitzchak.

Said Rav Nachman: Manoach¹⁴, the father of Shimshon¹⁵, was an ignoramus.

For it says (*Shoftim*¹⁶ 13:11), **“And he got up and Manoach went after his wife.”**

He did not follow the proper conduct of the Baraita quoted earlier: A man should not walk behind a woman on the road, even if she is his wife.

*

Rav Nachman bar Yitzchak challenged this: But according to that, regarding Elkanah, who was a prophet as taught in Seder Olam, note that it is written, “And Elkanah went after his wife.”

Here also, shall we say that Elkanah was an ignoramus? This cannot be, as he was a

¹¹ Moses our teacher

¹² Hell

¹³ Proverbs

¹⁴ Manoah

¹⁵ Samson

PEREK 2 – 18B

prophet.

And also **regarding** the righteous prophet **Elisha**, **that it is written** (ibid. 19:3), “**And he got up and he went after her**”, after the Shunamite woman. Will we say **here also** that he was an ignoramus?

Rather, we must say that Scripture means that Elkanah and Elishah went **after her words and her counsel**.

Therefore, **here also** regarding Manoach, it can be explained that he went **after her words and her counsel**.

Said Rav Ashi: And according to what Rav Nachman said, that Manoach actually walked behind his wife and **he was an ignoramus**, one must say that **even** what the school children learn, **he did not read**.

Manoach did not know what is learned from that **which is written** (*Bereishit* 24:61), “**And Rivkah¹⁷ got up, and her young women, and they rode on the camels, and they went after the man.**” This indicates: **not in front of the man**.

*

Said Rabbi Yochanan: If a person has a choice whether to walk behind a lion or a woman, he should walk **behind the lion**, even though it is dangerous, **and not behind a married woman**.

Yet if he cannot avoid it, he should prefer to walk **behind a woman and not behind an idol**, because he might be drawn after it.

¹⁶ Judges

¹⁷ Rebecca

PEREK 2 – 18B

Yet if he cannot avoid it, he should prefer to walk **behind an idol, and not behind** the back side of **the synagogue at the time when they are praying**, since he appears to be denying belief in Hashem by going behind the synagogue rather than entering to pray with the congregation.

The Gemara returns to the other statements of Rabbi Yirmeyah ben Elazar.

2. Menudeh

And said Rabbi Yehudah ben Elazar: All those one hundred and thirty years that the first man was under a ban (*nidui*¹⁸), since the Holy One rebuked him for eating from Tree of Knowledge, and He cursed him, **he Adam fathered spirits, demons and *liliths***, different types of harmful spirits.

As it says (ibid. 5:3), “And Adam was one hundred and thirty years, and he fathered in his likeness and his image.”

This implies that until now, he did not father in his image.

They contradicted him, from a Baraita: **Rabbi Meir would say: The first man was very pious.**

Since he saw that death was placed upon all mankind as a penalty, due to him, for he ate from the Tree of Knowledge, **he fasted for one hundred and thirty years and separated from his wife for one hundred and thirty years and he placed belts of fig branches on his flesh for one hundred and thirty years.**

¹⁸ Similar to *menudeh*

PEREK 2 – 18B

The question is: if he separated from his wife for one hundred and thirty years, how did he father children during those years?

The Gemara answers: **When we said that** he fathered evil spirits, we meant **with semen that he emitted involuntarily**. The spirits were created from that.

3. Shevach

And said Rabbi Yirmeyah ben Elazar: Some of a person's praise (*shevach*), they may say in front of him. And all of it his praise, they may say only not in front of him.

Proper conduct entails not to overly praise a person in his presence, since it looks like flattery. Also, perhaps the subject will become haughty.

A proof of this is the following:

One may say **part of his praise in front of him**, from that **which is written** (ibid. 7:1), **“For you, [Noach], I [Hashem] have seen to be righteous before Me in this generation.”**

The Holy One, while speaking directly to Noach, called him only “righteous”. He did not called him “righteous” and “perfect,” as He did when not speaking to him.

And one may say **all of someone’s praise not in front of him**, from that **which is written** (ibid. 6:9), **“Noach was a righteous man, perfect in his generations.”**

4. Yonah

Said Rabbi Yirmeyah ben Elazar: What is the meaning of that which is written concerning the Great Flood (ibid. 8:10-11), **“And again he sent out the dove from the ark.**

PEREK 2 – 18B

The dove came back to him in the evening **and there was an olive leaf torn in its mouth** (*taraf befihah*).”

Said the dove before the Holy One: Master of the Universe! May my sustenance be bitter like the olive tree, yet given over into Your hand;

And not sweet like honey but dependent on a mortal of flesh and blood as had been the case until now, since Noach sustained the dove while it was in the ark.

This is what the phrase “torn in its mouth,” “*taraf befihah*,” alludes to. The dove requested with its ‘mouth’ that the bitter olive should be its food (*teref* in Hebrew).

The proof that “*taraf*” is an expression of food is:

It is **written here** concerning the dove, “*taraf*,” **and it written there** (*Mishlei* 30:8), “*Hatrifeini* – give me my daily bread.”

5. Bayit

And said Rabbi Yirmeyah ben Elazar: Any house (*bayit*) in which is heard words of Torah at night, will not be destroyed.

As it says in the verse that Elihu said to Iyov¹⁹ (*Iyov* 35:10), “**He did not say**,” i.e. it was not necessary for him to complain and say, “**where is the G-d who made me?**” – the person who “**gives songs**” of Torah “**at night.**” This teaches that because Torah learning at night, the person will not have an ill occurrence that gives rise to complaint.

¹⁹ Job

PEREK 2 – 18B

6. *Shetei*

And said Rabbi Yirmeyah ben Elazar: From the day the Temple was destroyed the cohanim stopped using the Ineffable Name to bless the people, as it is sufficient for the world to use the name of two (*Shetei*) letters.

This is the Name Yud-Hey, which is read as it is written, unlike the Name Yud-Hey-Vav-Hey, which is not read as written, rather as “Adonai.”

In the Temple, the four-letter Name was read as it is written, both to praise G-d and to bless the people.

As it says (*Tehillim*²⁰ 150:6), “All souls will praise G-d (Yud-Hey), *Haleluyah*.”

I.e. this is the Name that all souls may use. But the four letter Name cannot be used by everyone, only the cohanim, as it is written (*Devarim*²¹ 10:8), “At that time Hashem separated the tribe of Levi...and to bless with His Name,” and it is written regarding the blessing of the cohanim (*Bamidbar*²² 6:27), “They will place My Name,” i.e., My unique Name.

7. *Nitkaleil*

And said Rabbi Yirmeyah ben Elazar: Babylon was cursed (*Nitkaleil*), and its neighbors were also cursed due to its curse. For woe is to the wicked and woe is to his neighbor.

²⁰ Psalms

²¹ Deuteronomy

²² Numbers

PEREK 2 – 18B

But when **Shomron**²³ in the Land of Israel **was cursed, its neighbors were blessed** by her curse.

The Gemara explains: **Babylon was cursed, its neighbors were cursed:**

As it is written (*Yeshayahu*²⁴ 14:22–23), “‘And I will arise against them,’ says Hashem of H-sts, ‘and I will cut off from Babylon a name and a remnant, a son and a grandson,’ says Hashem. ‘**And I will make it for a heritage of hedgehogs and pools of water,**’” like places that are destroyed, and wild animals go there and destroy the surrounding areas.

Shomron was cursed, and its neighbors (*Yehudah*²⁵) **were blessed.**

As it is written (*Michah*²⁶ 1:6), “**And I will make Shomron a heap in the field...**

19A

...and a place for planting vineyards,” and its neighbors will benefit. This is in praise of Shomron, as it is mentioned for good.

²³ Samaria

²⁴ Isaiah

²⁵ Judah

²⁶ Micah

CHAVRUTA

EIRUVIN – DAF YUD TET

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

...and a place for planting vineyards,” and its neighbors will benefit. This is in praise of Shomron, as it is mentioned for good.

8. Bamidah

And said Rabbi ben Elazar: Come and see how the traits (*midah*) of the Holy One are not like the traits of a human being, made of flesh and blood.

The traits of flesh and blood: If a person becomes liable to be put to death by the government, they put a piece of wood into his mouth, which makes it impossible to talk, so that he will not curse the king.

However, **the trait of the Holy One is: if a person becomes liable to be put to death by Omnipresent, he is silent.**

As it says (*Tehillim*¹ 65:2), **“For You, silence is praise,”** since everyone is silent before You.

And not only that, but he praises the Holy One that He punishes in this world, in order that the guilty person receives his portion in the World to Come.

As it says, “For You, silence is **praise.**”

And not only that, but it appears to him, the guilty person, **as if he offered a sacrifice,** since he lovingly accepts the pain that comes upon him. **As it says,** “For You, silence is

¹ Psalms

PEREK 2 – 19A

praise, G-d in Zion, **and to You will be fulfilled the vow**” to bring a sacrifice. This teaches that silence and acceptance of pain as is if he fulfilled a vow.

And this is what Rabbi Yehoshua ben Levi said: What is the meaning of that which is written (ibid. 84:7), “Those that pass in the Valley of Bacha, make it into a spring; also the early rain covers it with blessing.”

“Those that pass,” these are the people that transgress the Will of the Holy One. *“Ovrei,”* “those that pass,” also means “those that transgress.”

“In the valley,” they make Gehinom² deeper for him. *“Eimek,”* “valley,” is similar to the word *“ma’amikin,”* “they deepen.”

“Of Bacha, make it into a spring,” they cry and shed tears like a spring of shitin, which were the holes in the Altar through which the wine and water libations flowed after being poured into the basins on the top of the Altar. *“Bacha,”* also means “crying.” *“Yeshituhu,”* is similar to the word *“shitin.”*

“Also the early rain covers it with blessing,” they realize the correctness of the judgment, and they say before Him: Master of the Universe! You judged correctly, You acquitted correctly, You convicted correctly, and You correctly established Gehinom for the wicked and the Garden of Eden for the righteous.

*

The Gemara questions whether they acknowledge the correctness of the judgment.

And note that said Rabbi Shimon ben Lakish: The wicked do not repent even at the entrance of Gehinom, as it says (Yeshayahu³ 66:24), “And they went out and they saw the corpses of the people who sin against Me, because their worm [that eats their

² Hell

PEREK 2 – 19A

flesh] will not die, and their fire [that consumes them in Gehinom] will not be extinguished.”

The Gemara infers: “The people who **sinned** against Me,” in past tense, which indicates that they sinned and no longer sin, **is not** what was **said. Rather, “who sin against Me,”** in present tense, that they are still sinning against Me, even at the time of “their worm” and “their fire.” This teaches **that they continue to sin forever.**

So we see that they do not acknowledge the correctness of the judgment.

The Gemara answers: **This is not difficult.**

That which we said, that they acknowledge the correctness of the judgment, is speaking of **Jewish sinners.**

That which we said, that they continue to sin forever, is speaking of **gentile sinners.**

The Gemara brings a proof to its answer: **This also stands to reason,** that this verse is not speaking of Jewish sinners.

Because if it is so that this verse, in which is written: “and their fire will not be extinguished,” is speaking about Jewish sinners, there is **difficulty** with this statement of **Reish Lakish** when compared with a different statement of **Reish Lakish.**

Because note that **said Reish Lakish: Jewish sinners, the fire of Gehinom has no effect on them** to burn them, and it only darkens their faces. This is learned from a *kal vachomer*⁴ from the golden altar.

Just like the golden altar, which only had on it a *dinar*’s thickness of gold, lasted for many years and miraculously the fire did not effect it to diminish its gold—

³ Isaiah

⁴ A fortiori reasoning

PEREK 2 – 19A

Jewish sinners, who are full of mitzvot like a pomegranate, as it says (*Shir Hashirim* 6:7), “**Like a piece of pomegranate are your temples.**” And said Rabbi Shimon ben Lakish about this: **Do not read, “*rakatayich*,” “your temples,” rather, “*reikatayich*,” “your empty ones.” That even the empty ones amongst you are filled with mitzvot like a pomegranate,** which is filled with seeds. **All the more so** these Jewish sinners will not be affected by the fire.

Since this is so, the verse: “They went out and saw...the ones who sin against Me,” in which it says, “and their fire will not be extinguished,” cannot be referring to Jewish sinners. Rather, it is speaking of gentile sinners, as was said.

*

Now that the Gemara brought the statement of Reish Lakish, that the fire of Gehinom does not affect Jewish sinners, the Gemara is puzzled: **However, that which is written** in the verse earlier, “**Those that pass in the valley of Bacha,**” that they make Gehinom deeper for them, and the Gemara explained that it is referring to Jewish sinners, how can this be? For the verse implies that their suffering in Gehinom is intensified, whereas we just said that the fire of Gehinom does not affect them.

The Gemara explains: **That** verse speaks of **that those are condemned for a certain hour** to be punished in Gehinom, and Avraham our father comes and brings them up and receives them. Avraham does this for all Jewish sinners, **except for a Jew who had relations with a gentile woman, because she pulled his foreskin** back up, to cover his organ as it was before circumcision, **and Avraham does not recognize him** to be a Jew, since he appears uncircumcised.

*

Rav Cahana challenged that which the Gemara expounded earlier on “the ones who sin against Me”, that they are still sinners:

PEREK 2 – 19A

Now that you said: “the sinners” implies that they still sin;

But now, note that which is written, “*Hamotzi*,” and “*Hama’aleh*,” in present tense, here also, should we explain it, “who still takes out,” and “who still brings up”? These verses recount how Hashem took us out and brought us up from Egypt, an event which no longer takes place.

Rather, the intention is that He already took out and brought up in the past.

If so, here also, that which is written, “those that sin,” in present tense, the intention is that they sinned in the past.

9. Sheloshah

And said Rabbi Yirmeyah ben Elazar: There are three (*sheloshah*) entrances to Gehinom; one in the desert, and one in the sea, and one in Jerusalem.

One in the desert. as is written regarding Korach and his followers in the desert (*Bamidbar*⁵ 16:32-33), “The earth opened its mouth and swallowed them and their homes, and all the people who were with Korach and all the property. They and all that was theirs descended alive to the pit (*she’ol*)”

And *she’ol* is Gehinom, as the Gemara says later.

One in the sea, as is written by Yonah⁶ the prophet who called out to the Holy One from the stomach of the fish (*Yonah*⁷ 2:3), “From the stomach of the *she’ol* I called out, You heard my voice.”

⁵ Numbers

⁶ Jonah

PEREK 2 – 19A

From the fact that Yonah mentioned *she'ol*, which is Gehinom, this indicates that he was at the entrance of Gehinom.

One **in Jerusalem, as it is written** (*Yeshayahu* 31:9), **“The word of Hashem, who has a fire in Zion, and an oven in Jerusalem.”**

The academy of Rabbi Yishmael taught in a Baraita:

“Who has a fire in Zion,” this is Gehinom itself.

“And an oven in Jerusalem,” this is the entrance of Gehinom.

*

The Gemara raises a difficulty: Gehinom **does not have more** entrances?

Note that **Rabbi Meryon said in the name of Rabbi Yehoshua ben Levi, and some say Rabbah bar Meryon taught** a Baraita that was arranged **in the academy of Rabbi Yochanan ben Zakai:**

There are two palm trees in the valley of ben Hinom, close to Jerusalem, and smoke rises from between them. And this is what is stated, i.e. referred to, in a Mishnah of Tractate *Succah*: The palms of Har Barzel are valid for the mitzvah of lulav, and this is the entrance of Gehinom.

So we see that there is another entrance to Gehinom.

⁷ Jonah

PEREK 2 – 19A

The Gemara dismisses this: **Perhaps** this entrance in the valley of ben Hinom **is** the entrance of Gehinom **of Jerusalem**, as is written (*Yehoshua*⁸ 15:8), “The border ascended by the valley of ben Hinom, to the southern shoulder of the *Yevusi*⁹, which is Jerusalem.

*

Said Rabbi Yehoshua ben Levi: There are seven names for Gehinom, and they are: *she’ol, avadon, be’er shachat, bor she’on, tit hayavein, tzalmavet, eretz hatachtit.*

***She’ol*, as it is written** regarding Yonah in the fish’s stomach (*Yonah* 2:3), **“From the stomach of the grave (*she’ol*) I called out, You heard my voice.”**

***Avadon*, as it is written** (*Tehillim* 88:12), **“Will Your kindness be told in the grave, Your faith in destruction (*avadon*).”**

***Be’er shachat*, as it is written** (*Tehillim* 16:10), **“For You shall not forsake my soul to the grave, You shall not allow Your pious one to see the pit (*shachat*). *Shachat* and *be’er shachat* are the same.**

***Bor she’on* and *tit hayavein*, as it is written** (*Tehillim* 40:3), **“And He drew me up out of the roaring pit (*Bor she’on*), from the thick mire (*tit hayavein*).**

***Tzalmavet*, as it is written** (*Tehillim* 107:10), **“Those that sat in darkness and the shadow of death (*tzalmavet*).**

***Eretz hatachtit*, it is an orally transmitted tradition** that this refers to Gehinom.

*

⁸ Joshua

⁹ Jebusite

PEREK 2 – 19A

The Gemara raises a difficulty: **And there are no more** names of Gehinom? **Is there not** the name “**Gehinom**” itself?

The Gemara answers: This is not its name, rather it is called this because it is a **valley that is as deep as “Ge-hinom”**, like the valley (*gei*) of ben Hinom. Thus the word Gehinom is a contraction of *gei hinom*.

And also **because everyone descends there due to worthless (*chinam*¹⁰) matters**, i.e. immoral relations.

*

The Gemara again raises a difficulty: **And there is** another name, “*tafteh*”.

As it is written (*Yeshayahu* 30:33), “**For *tafteh* is set up from yesterday.**” Rashi on the verse explains *tafteh* as referring to Gehinom.

The Gemara answers: This is not its name, rather **that** name is **because anyone enticed (*mitpateh*) by his evil inclination, falls there.**

*

Where is the entrance of **Gan Eden**?

Said Reish Lakish: If it is in the Land of Israel, Beit She’an is its entrance, as its fruits are the sweetest of the entire land.

And if it is in Arabia, Beit Garam is its entrance.

And if it is between the rivers, Damasacanin is its entrance.

¹⁰ Chinam is phonetically similar to hinom.

PEREK 2 – 19A

And if it is **in Babylon**:

Abaye would praise the fruits of the right bank of the Prat (Euphrates) River (which is the south bank, as it is to the right of one facing east), for they were the sweetest and best, and the entrance of Gan Eden could be there.

Rava would praise the fruits of Harpania, and that could be the entrance of Gan Eden.

It was stated in the Mishnah: **And between them**, the double and single boards surrounding the wells, it is permitted to have an open space **as wide as two** teams of animals... tied and not untied.

The Gemara is puzzled: It is **obvious** that the teams of animals are not untied. **Since it taught that they are tied, we know that they are not untied!**

The Gemara answers: **What would you have said?** It stated **“tied,”** meaning it is **like they are tied, but not really tied. It teaches us** with the double expression **“and they are not untied”** that they need to be actually tied to properly measure the permitted distance between boards.

It stated in the Mishnah: **one team is entering and one is exiting.**

The Gemara explains: **It taught** about a case not where one cow is entering and one is exiting, as then they would not be tied. Rather, **a whole team entering and a whole team exiting.** It is not possible for one team to enter and one to exit unless there is some space between them.

PEREK 2 – 19B

The Rabbis taught in a Baraita: **How much** is the amount of **the head and majority of a cow**, regarding which the Mishnah says that one must distance the boards from the well at least that amount?

Two ammot.¹¹

And how much is the thickness of a cow, regarding what was stated about the maximum space between the boards, which is based on the thickness of a cow?

An ammah and two-thirds of an ammah...

AMMUD BET

...according to which two teams of three cows each **would be about ten ammot** (one and two-thirds *ammah* multiplied by six). These are **the words of Rabbi Meir**.

Rabbi Yehudah says: Or **about thirteen ammah** (plus one third) **or about fourteen ammah** (minus two thirds).

In other words, the maximum space between each board, which is two teams of four cattle each, according to Rabbi Yehudah, is thirteen and one third *amah*. More than thirteen, but less than fourteen.

*

The Gemara raises a difficulty with Rabbi Meir's statement: Why did Rabbi Meir say, "about ten"?

PEREK 2 – 19B

Note that **it is** exactly **ten!** Each cow is one and two thirds *ammah* thick, so six cows are exactly ten.

The Gemara answers: The Tanna of the Baraita described Rabbi Meir's measurement as "about ten," **because he wanted to teach** Rabbi Yehudah's measurement in the **latter clause**, which is indeed **"about thirteen"**. Thus **he taught** also in the **first clause**, **"about ten."**

The Gemara challenges this answer, since it raises another difficulty.

How could he say **"about thirteen"**? **Note** that **it is more** than thirteen, by a third of an *amah*. This is problematic, because when we say that something is "about" such-and-such an amount, this description implies that it is not quite reaching the stated amount.¹²

The Gemara answers: The Baraita said "about thirteen" **because it wants to teach** **"about fourteen."**

With fourteen, it is correct to say "about fourteen", since the amount is actually two thirds of an *ammah* less. Because of this, it also taught "about thirteen."

Now it is understandable that the Tanna of the Baraita said "about ten", because he wanted to teach in the latter clause "about thirteen", which itself is stated because the coming "about fourteen".

*

The Gemara raises a difficulty: The expression of "about fourteen" is also not correct.

"About fourteen," note that it is not!

¹¹ 1 *ammah*: 18.7 in., 48 cm

¹² If it exceeds the stated amount, it should be described as: such-and-such an amount, plus a little more.

PEREK 2 – 19B

For in fact the amount is closer to thirteen than it is to fourteen, since it is thirteen and one third. Thus the expression, “about fourteen,” is imprecise.

The Gemara answers: **Said Rav Pappa:** It would be right to challenge the wording of the Baraita if it would have taught either “about thirteen” alone, or “about fourteen” alone. Then the term “about” would indeed be imprecise.

But now that he taught both, “about thirteen” and “about fourteen,” it means: **more than thirteen and it does not reach fourteen.**

Now it is understandable that in the first clause it says “about ten”. It is because it says “about thirteen” in the latter clause.

The Gemara now returns to the explanation of the Mishnah.

In the Mishnah there is a disagreement between Rabbi Yehudah and Rabbi Meir as to how many boards are required. Rabbi Yehudah says that four double boards are sufficient, while Rabbi Meir requires an additional four single boards. **Said Rav Pappa** regarding what size of a pit and what size of an area they differ over:

Regarding a pit that is **eight** *ammot* by eight *ammot* wide, **all concur that** it is sufficient with four double boards at the corners, **and we do not require single boards** between them.

This is because even according to Rabbi Meir it is permitted to have ten *ammot* between each double board, as he said in the Mishnah. When the pit is eight *ammot* wide, there will be only ten *ammot* in between, so there is no need for single boards.

How so? Since one must add two *ammot* to each side of the pit, as this is amount needed to allow the cow’s head and majority of its body to enter the area, the area that needs to

PEREK 2 – 19B

be enclosed is twelve by twelve *ammot*. After placing the one *amah*-wide double boards in the corners, there is only ten *ammot* in between each set of double boards.

On the other hand, **regarding a pit that is twelve by twelve *ammot*, all concur that we do require additional single boards** between the double boards.

This is because even Rabbi Yehudah does not permit distancing more than thirteen and one third *ammot* in between the double boards, as he said in the Mishnah. If the pit is twelve by twelve *ammot*, there is more than thirteen and one third *ammot* between them, and single boards are required

How is this so? After adding two *ammot* to each side, the width of the area is sixteen by sixteen *ammot*. The double boards in the corners take up two *ammot*, thus there are fourteen *ammot* in between each set of double boards. This is not permitted even according to Rabbi Yehudah.

When do they differ? Regarding a pit that is more **than eight *ammot***, making the distance between the double boards more than ten, up **until** a pit of **twelve *ammot***, when the distance between the double boards is fourteen.

According **to Rabbi Meir**, who permits only ten *ammot*, **we require** in such a case another four **single boards**, as it says in the Mishnah.

But according **to Rabbi Yehudah**, who permits a space up to thirteen and one third, **we do not require single boards**.

*

The Gemara is puzzled by **Rav Pappa's teaching: What is he teaching us?**

Everything he said **was taught** in the Mishnah:

PEREK 2 – 19B

From the latter clause of the Mishnah it is evident that Rabbi Meir permits a distance of only ten *ammot* and Rabbi Yehudah permits only thirteen and one third. It was also taught that one must distance the boards two *ammot* from the pit. Thus it is evident on the basis of simple arithmetic that the Mishnah is dealing with a pit that is between eight and twelve *ammot* in width.

The Gemara answers: Rav Pappa is indeed shedding light on the Mishnah.

For the Mishnah does not mention distances in terms of *ammot*, rather in terms of the size of a cow.

Rav Pappa explains that Rabbi Meir's measurement comes out ten *ammot*, and Rabbi Yehudah's comes out thirteen and one third. Incidentally, we are told that they differ over a pit that is between eight and twelve *ammot* wide.

What about the fact that the above Baraita tells us the thickness of a cow and the amount of its head and majority of its body, and thus we do not need Rav Pappa to tell us this?

The answer the Gemara gives is that **Rav Pappa did not hear of this Baraita**, rather he came to the same measurements himself. And thus he **is teaching us** that the measurements are **as** it says in the **Baraita**.

The Gemara cites a series of questions that Abaye asked of Rabbah, and provides a mnemonic for them:

Arich, yoteir, beteil, chitzat, chatzeir, shibshah.

1. *Arich*

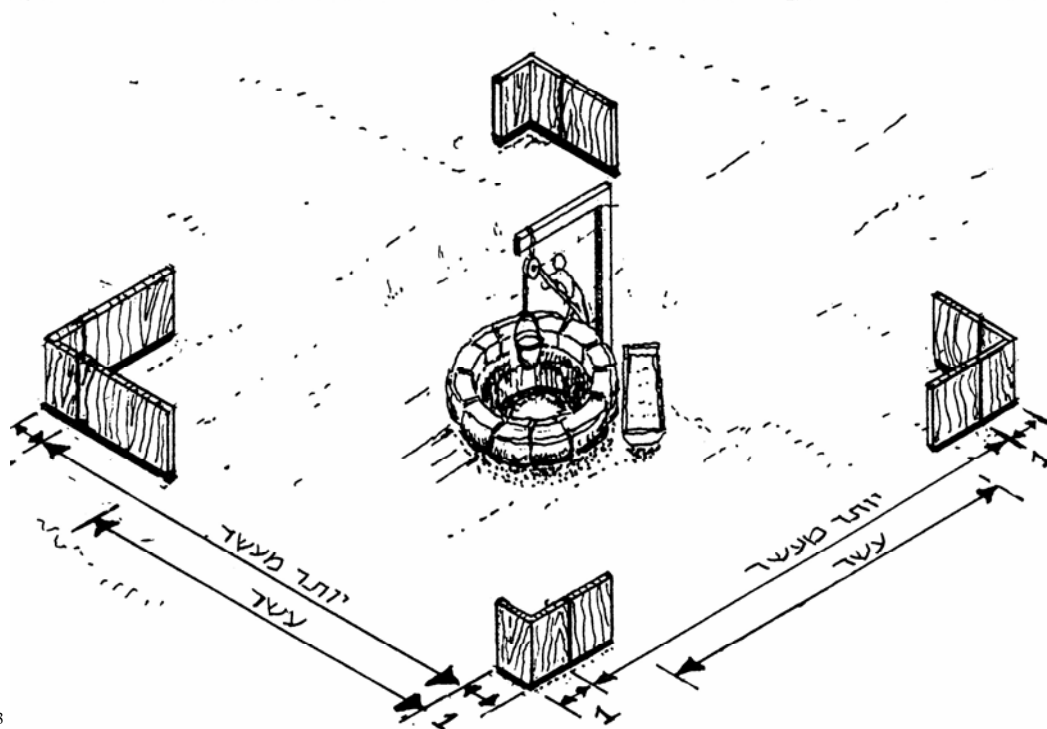
PEREK 2 – 19B

Abaye posed an inquiry to Rabbah: If the double boards encompass a large area and there is more than ten *ammot* between the double boards, in which case Rabbi Meir requires single boards in between the double boards, **and he lengthened the double board the same amount as the single board** (see illustration¹³).

In other words, instead of inserting single boards in between the double boards to diminish the space, he made the double board wide enough so that there was less than ten *ammot* between the double boards.

According to **Rabbi Meir** who said that one adds single boards, **what is** the Halachah in this case – will lengthening the double boards be sufficient?

I.e., did Rabbi Meir specifically require the addition of single boards to diminish the distance, to serve as a visual reminder, and lengthening the existing double boards is thus insufficient? Or perhaps, since there is no more than the permitted ten *ammot* between the double boards, it is sufficient.



PEREK 2 – 19B

Rabbah answered Abaye and **said to him: It**, the answer to your inquiry, **was taught** in the Mishnah.

It is permissible to distance the boards from the well as much as he wants, even more than ten *ammot*, **provided that he adds to the boards**.

Is it not true that “adds” means to make larger? In which case, this is what the Mishnah is saying: He should make the boards around the pit larger and bigger, i.e., **he lengthens the double boards**.

We thus see that he may make the boards longer.

The Gemara dismisses this: It is **not** as you said.

Rather, “adds” means to increase the number, and this is what the Mishnah is saying: **He increases and makes more single boards**. This is the meaning of “boards” in the Mishnah.

*

The Gemara is puzzled: **If so**, that which the Mishnah teaches, “**provided that he adds to the boards**,” is this a correct way of expressing the intended idea?

On the contrary: “**Until he adds boards**,” this is what **it needs** to teach, according to the suggested explanation.

For “he adds boards” indicates increasing the number of boards, rather than increasing the size of the existing boards.

The Gemara answers: **Teach** in the Mishnah: “**Until he adds boards**.” I.e. the text of the Mishnah should be modified accordingly.

PEREK 2 – 19B

*

There are those that say this is what Rabbah **said to him:**

It was taught in the Mishnah that he cannot lengthen the double boards, as it taught: **“provided that he adds to the boards.”**

Is it not true that he increases and makes single boards, and lengthening the double boards is insufficient?

The Gemara rejects this: **No.**

Rather, that which was taught: Provided he adds to the boards, means **that he lengthens the existing double boards.**

This also stands to reason.

For was taught in a Baraita: **Provided that he adds to the boards,** and it was not taught that he adds boards.

Hear from this a proof that he may lengthen the existing double boards, and does not need to place single boards in between them.

2. Yoteir

Abaye posed an inquiry to Rabbah: If the space between the double boards was **more than thirteen and one third ammah**, which is invalid according to everyone, according to **Rabbi Yehudah**, who did not mention the use of single boards, **what is** the Halachah concerning the placing of single boards to diminish the space between them?

PEREK 2 – 19B

Should he specifically **make single boards**, in order that there be a visual reminder between the double boards?

Or perhaps it is preferable **to lengthen the double boards**, in order to diminish the space to less than thirteen and one third *ammah*? For if one were to place single boards in between the double boards, the air space on each side of the single board could be viewed as joining together and nullifying the single board, and for this reason it is preferable to lengthen the **double boards**.

Rabbah said to him: It, the answer to your inquiry, **was taught** in a Baraita:

How close can the boards be to the well?

Not less than **the amount of the head and majority of the cow**.

And **how far** can they be?

Even a *beit kor*¹⁴ and even a *beit korayim*, as long as he adds boards.

Rabbi Yehudah says: If the area of the enclosure is *beit sa'atayim*¹⁵ **it is permitted**.

More than a *beit sa'atayim* is forbidden, since an enclosure of this size is generally not permitted to carry within it.

They, the Sages, said to Rabbi Yehudah: Do you not admit regarding a pen, a corral, a wood-storage and a courtyard that **even** if it is **five *kor* and even ten *kor***, **that it is permitted** to carry there? This should apply to the wells by the same logic, since they, too, have been enclosed for living purposes: their waters are fit for human consumption. Thus, if their area is larger than *beit sa'atayim*, it should be permitted.

¹⁴ 1 *beit kor*: 20,666 sq. yd., 17,280 sq. m.

¹⁵ 1 *beit se'ah*: 689 sq. yd., 576 sq. m.

PEREK 2 – 19B

Rabbi Yehudah **said to them:** **This** enclosure of the pen, etc. is formed by a proper **partition**, and that is why an area of more than *beit sa'atayim* is permitted.

But these partitions of the wells are formed by **boards** and not by proper partitions. Thus they cannot be extended beyond *beit sa'atayim*.

*

Now Rabbah shows how the above Baraita answers Abaye's inquiry.

And if it is correct that according to Rabbi Yehudah, the way to expand the enclosed area is by lengthening the double boards, **he needs** to say, **this is a partition and that is a partition**. I.e. what he responded in the Baraita—"This enclosure of the pen, etc. is formed by a proper partition... but these partitions of the wells are formed by boards and not by proper partitions"—is not right. For even in the case of a well, there will be a proper partition:

Since we are dealing with an area of *beit sa'atayim*, if he wished to lengthen the double boards until there would be less than thirteen and one third *ammah* between them, he would have more standing partitions than open space in between (*omeid merubeh al haparutz*). For a *beit sa'atayim* is seventy and a fraction by seventy and a fraction *ammot*. This would produce a proper partition by any standards. Thus, the Baraita should refer to it as such.

*

However, this proof can be dismissed. Rabbi Yehudah could indeed hold that one lengthens the double boards to expand the area.

And **this is what he** Rabbi Yehudah **said** i.e. meant: **This**, regarding the pen, etc., **is classified as a partition**, since **its openings** are only **ten** *ammot* wide and not more, which is the size of an "entrance."

PEREK 2 – 19B

And these partitions of the wells **are classified as boards** since **its openings** between the boards are **thirteen and one third** wide, which is more than the size of an “entrance”. Therefore when it is larger than *beit sa’atayim* it is invalid.

3. Beteil

Abaye posed an inquiry to Rabbah:

A pillar that is standing in a public place, if it is ten *tefachim*¹⁶ high and four *tefachim* wide, then its top is considered a private domain.

With regards to a mound in the public place that slopes to its top, the calculation is as follows.

If the incline leading to the top of the mound is not too steep and it is easy for the people in the public place to climb it, the top is not considered a private domain.

But if the incline is steep, and is not easily accessible by the people, the top is considered a private domain.

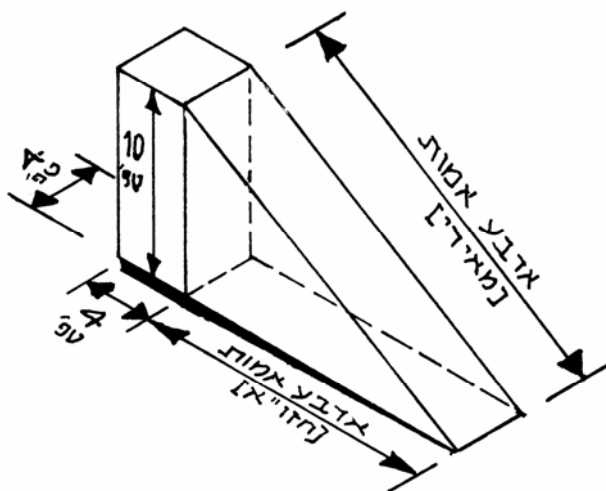
¹⁶ 1 tefach: 3.1 in., 8 cm

PEREK 2 – 19B

The steepness is determined as follows: If from the start of the incline at ground level, up to the top of the mound (which is a height of ten *tefachim*) there is less than four *ammot*, it is considered steep. (See illustration¹⁷)

But if the incline is more than four *ammot* from the ground to the height of ten *tefachim*, it is not considered steep.

If a pillar or a steep mound that is wider than one by one *ammah* is standing near a well, it might be considered like a double board, even though it is not “L” shaped as the boards would be. This is because we say that anything large enough that if it was carved out, it would form an “L” shaped structure, one *ammah* on each side, we “view it” as if it is “L”



¹⁷

Two ways to measure the 4 *ammot*: along the slant, or along the ground

PEREK 2 – 19B

shaped, and perhaps it can be used as a double board for the well boards. (See illustration, bottom center¹⁸)

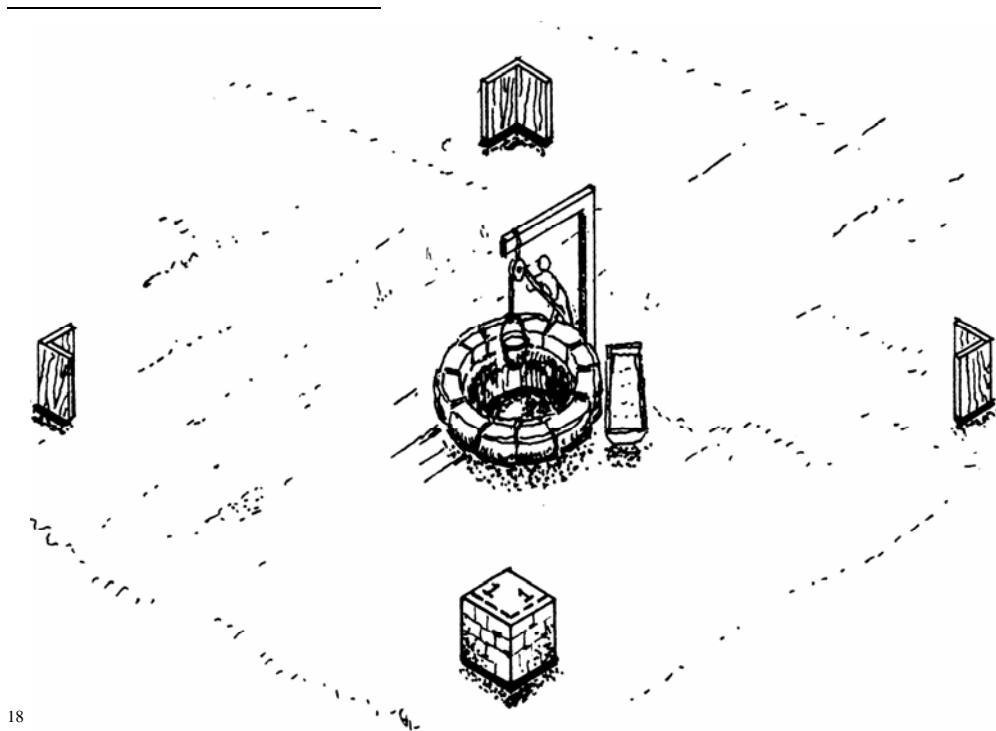
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Abaye inquired of Rabbah, concerning the above case:

A mound that rises to a height of ten *tefachim* within four *ammot*, i.e. it is too steep for people to walk up. And the width of its top is big enough so that we “view it” as if it were “L” shaped, one *ammah* on each side. Can this mound, if found next to a well, **be considered as a double board?**

Or it cannot be considered like a double board?

(If it only rose to a height of ten *tefachim* within five *ammot*, it is obvious that it is not considered a double board, since it is considered like the ground of the public place.)



PEREK 2 – 19B

Rabbah said to him: It the answer to your inquiry was taught in a Baraita:

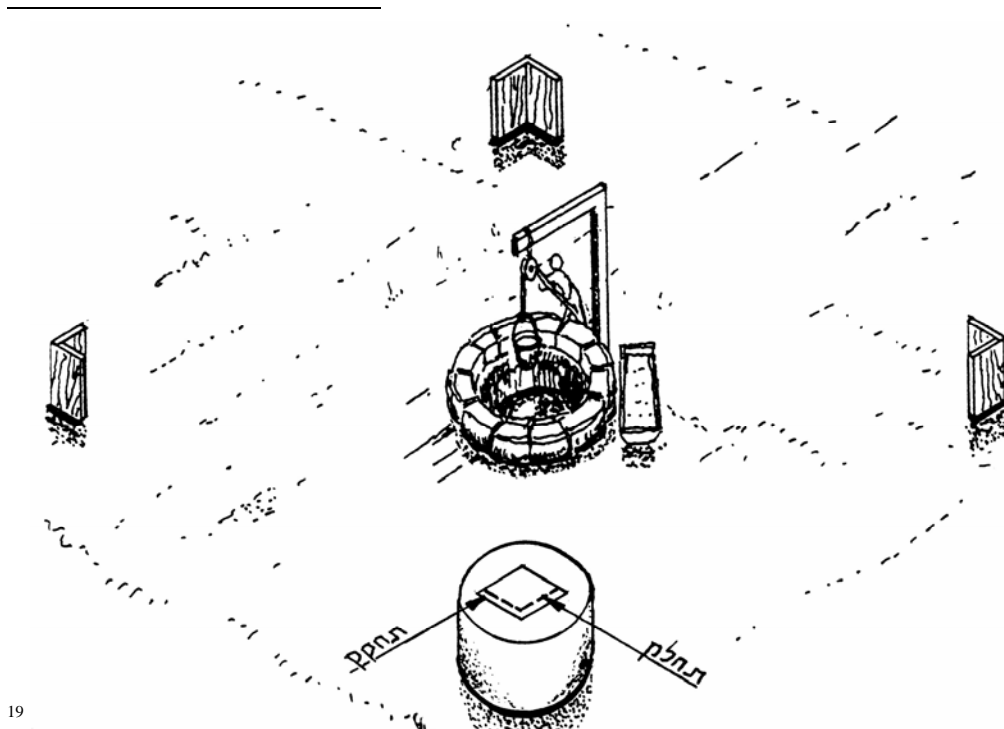
Rabbi Shimon ben Elazar says: If there was, near the well, a square-shaped rock, we view the size of the rock as follows: **If the rock could be divided** and made “L” shaped, and there is an *ammah* here, and an *ammah* here, it is considered a double board.

And if not, it is not considered like a double board.

Rabbi Yishmael the son of Rabbi Yochanan ben Berokah says: Even if there was a round rock, it could be considered like a double board (see illustration¹⁹).

Even though it requires a double hypothetical carving:

1. Its roundness must be carved away to make it square.
2. The square must be carved away to make it “L” shaped.



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Nevertheless, **we view** it as follows: If the round rock **could be carved** to remove its roundness **and** afterwards **it can be divided** and made “L” shaped, **and it will have an *ammah* here and an *ammah* here**, it is considered as a double board.

And if not, it is not considered as a double board.

*

The Gemara explains the disagreement in the Baraita: **In what are they differing?**

One **master**, Rabbi Shimon ben Elazar, **holds** that **we say** only **one** instance of “**we view**.” Therefore, only a square rock is valid, since we say, “we view” it as being divided.

But **two** instances of “**we view**,” **we do not say**. With a round rock, we do not say, “we view” it as if it were rounded, and also “we view” it is if it were divided, thus it cannot be considered a double board.

And the other **master**, Rabbi Yishmael, **holds** that **even two** instances of “**we view**,” **we also say**.

*

The answer to Abaye’s above inquiry regarding a mound hinges on this very point.

A mound is like a round rock, as it is impossible for a mound to be totally square with no additional earth added to its squareness, and we would have to say two instances of “we view.”

1. The extra earth of the roundness would have to be removed.
2. Its inside would have to be removed to form an “L” shape.

PEREK 2 – 19B

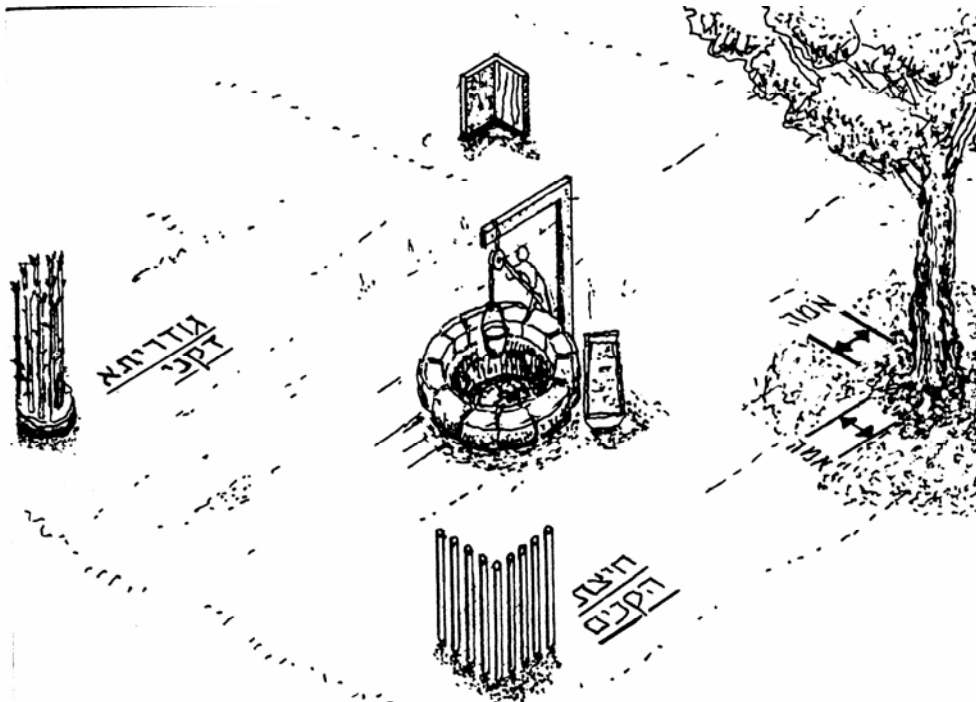
4. *Chitzat*

Abaye posed an inquiry to Rabbah: Instead of making double boards in the four corners around the well, one made **a partition of reeds**. From one **reed** to the **reed** next to it, was **less than three tefachim** between them, and the principle of *lavud*²⁰ could be applied. Is this **considered as a double board or not?** (see illustration, bottom center²¹)

Abaye's question is as follows: Since well boards permit carrying in an area even though there is more open space than standing partitions, perhaps we require these boards to be made from both horizontal and vertical elements, thus granting them extra substance. However, the reed partition is inferior since it consists of only vertical elements.

Rabbah **said to him:** **It** the answer to your inquiry **was taught** in a Baraita: If near the well **there was a tree**, which could be carved and divided and it would have an *ammah* in

²⁰ I.e. a space of less than three *tefachim* is viewed as being filled in, creating a continuous surface.



PEREK 2 – 19B

one direction and an *ammah* in another (see above illustration, right). **Or** there was a square stone **fence**, which could be divided and it would have an *ammah* in one direction and an *ammah* in another, **or a partition of reeds, it is considered a double board.**

The reed partition in the Baraita, **is it not** referring to **a reed** next to **a reed** within **less than three tefachim** of each other, and the Baraita considers it a double board?

*

Abaye dismisses this: The Baraita is **not** speaking of a reed partition where the reeds are disconnected from each other, rather it is speaking of a **hedge of reeds** (see above illustration, left). The reeds are all connected to one piece of wood, up to a height of three *tefachim*, and from that point they separate into distinct reeds, each one within three *tefachim* of the other. Since they are all attached to the same place, they are considered like one reed. However, Abaye's inquiry was about reeds that are totally separate from each other.

*

Rabbah is puzzled by this: **If so**, if the reed partition mentioned in the Baraita is where the reeds are all connected on the bottom, similar to a tree where the branches are all connected to the trunk, **this is a tree!** Why did the Tanna need to mention the reed partition after he already stated the Halachah about the tree?

Abaye answers him: **Rather, what** do you wish to say is the case of the Baraita? That the reed partition is **a reed** next to **a reed** within **less than three tefachim** of each other?

If so, a similar difficulty arises: the reed partition **is a fence**. Why did the Tanna need to mention the reed partition after he already stated the Halachah about the fence?

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For the Baraita did not specify what type of fence it is speaking of, and even a fence made of vertical elements alone is also called a fence. Therefore, a fence and a reed partition are the same.

Rather, what can you say? That the Baraita taught **two types of fence**.

1. A proper fence made of horizontal and vertical elements. (And even though it was not placed there to serve as a board, it just happened to be there, it is still valid as a well board.)

2. A reed partition made of solely vertical elements.

If you will explain the Baraita in such a way, **here also** I will make an explanation along similar lines: Even if we say that the reed partition is a “hedge of reeds,” as I said, it is still different from the case of the tree.

For **two types of tree** are taught in the Baraita.

1. A proper tree, where it is possible to say it is carved and divided and there will be an *ammah* in each direction.

2. A hedge of reeds, which is inferior for two reasons.

First, because we have to say two instances of “we view”.

We view it as if it were carved on the bottom of hedge, and we view it as if all the middle reeds have been removed, and all that remains are the reeds that form the “L” shaped double board.

And second, even after saying “we view,” it is still a partition of vertical elements at its top.

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The Baraita teaches that even though the reed partition has two drawbacks, it is still valid.

There are those that say: Abaye did not have a question regarding where each reed was less than three *tefachim* from the other, as it is certainly valid.

Rather, only with a **hedge of reeds**, that is where Abaye **had an inquiry**. **A hedge of reeds, what is the law?**

A hedge of reeds is inferior, since it has two aspects which are problematic. 1) We need to say two instances of “we view”. 2) On top, it is still a partition of vertical elements. Therefore, Abaye poses his inquiry.

Rabbah **said to him: It was taught** in a Baraita: **If there was a fence or tree or partition of reeds, it is considered a double board.**

Is it not that the reed partition is a **hedge of reeds** and it is valid?

Abaye dismisses this: **No.** The reed partition is one **reed** next to another **reed** within **less than three** *tefachim*, and it is valid regardless of the answer to my inquiry.

Rabbah is puzzled: **If so, this is a fence**, which could also include a partition of vertical elements.

Abaye answers: **Rather, what** do you want to say, that the reed partition is a **hedge of reeds?**

According to your explanation it can be said: **this is a tree!**

Rather, what can you say...

CHAVRUTA EIRUVIN – DAF CHAF

Translated by: *Rabbi Avraham Rosenthal*

Edited by: *R. Shmuel Globus*

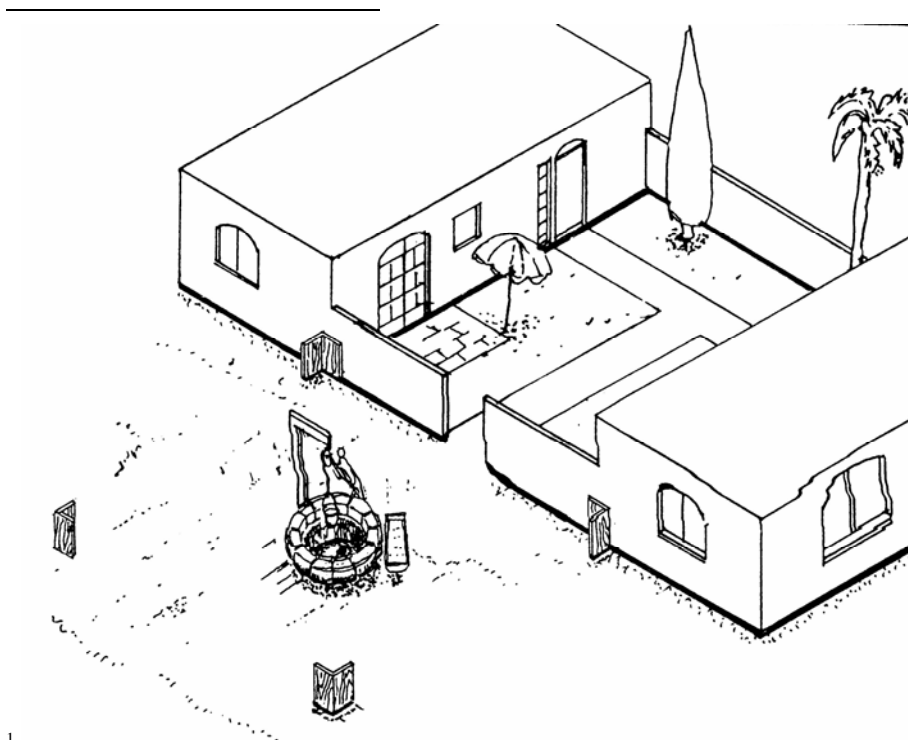
...there are **two types of tree**.

Here also, there are **two types of fence**.

5. Chatzeir

Abaye posed an inquiry to Rabbah, concerning the following case: **A courtyard whose one end enters the area between the boards**. This means, it is built next to the boards of a well and is open to it. (See illustration¹)

One may not transfer objects from one courtyard to another (unless they made a joint *eiruv chatzeirot*²). In light of this, **what is the law to carry from it**, the courtyard, **to the**



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area **between the boards**, which is not under the same ownership as the courtyard, and is thus similar to another courtyard.

And similarly, what is the law to carry **from** the area **between the boards to it** the courtyard?

Rabbah **said to him**: It is **permitted**. It is only forbidden to transfer from one courtyard to another when there are residents in each of the courtyards. However, in the area between the well boards, there are no residents who would make it as if he is transferring from his domain to his friend's.

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Abaye poses another inquiry of Rabbah, concerning the following case: **Two** courtyards that are both open to the area between the well boards. This area becomes sort of a *mavoi* (alleyway) to the courtyards. And it is forbidden to transfer objects from a courtyard to an

² *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.

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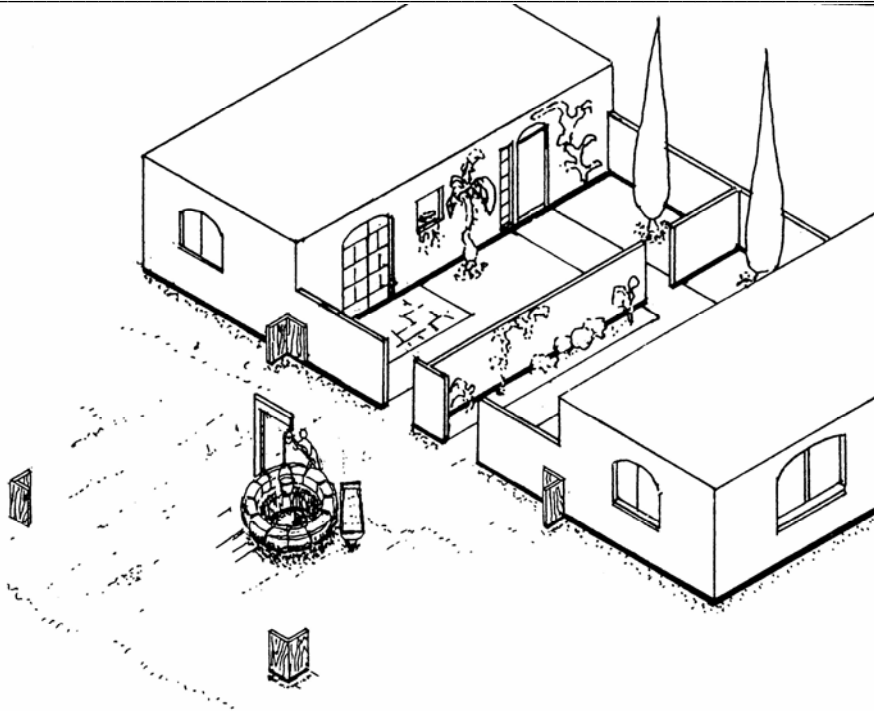
alleyway (unless they made *shitufei mev'u'ot*³). **What** is the law with regards to transferring from the courtyards to the area between the boards? (See illustration⁴)

Rabbah **said to him:** It is **forbidden** to transfer from them to the area between the boards, as Rav Huna explains.

Said Rav Huna, concerning the following case: **Two** courtyards open onto to the area between the well boards. **It is forbidden** to transfer to the area between the boards, and from between the boards to them.

Where the two courtyards did not make a joint *eiruv chatzeirot*, it certainly is forbidden to transfer to the area between the boards, just like any two courtyards that are open to an alleyway, where it is forbidden to transfer from them to the alleyway and from the alleyway to them.

³ Similar to *eiruwei chatzeirot*, except that here, the purpose is to combine the ownership of all the people who use this alleyway to access the entrance to their courtyards.



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But **even** if there was an entrance between the two courtyards, and **they made an *eiruv*** together, and in general they are considered as one courtyard and it would be permitted to transfer from these courtyards to an alleyway, here it is forbidden.

The reason is because in general, in order to permit transferring from the courtyard to the alleyway, there are two methods:

1. The courtyards that have an entrance between them make an *eiruv chatzeirot*.
2. They make a *shituf mavo'ot* and thereby join their ownership through the alleyway, even if there is no direct entrance between them.

Here, with the courtyards open to the area between the boards, the second method where they only make a *shituf* in the alleyway does not apply. This is because the Sages only instituted a *shituf mavo'ot* in a dead-end alleyway whose length is greater than its width, but here the alleyway is open on all four sides.

Since the Halachah of *shituf mavo'ot* does not apply, the Sages decreed that even where there is an entrance between them, and they made an *eiruv*, it is not effective.

This is a **decree, perhaps they will come to say: An *eiruv*, i.e. a *shituf*, is effective for the area **between the boards****. The Sages were concerned over the following: An observer who sees that they are transferring to the area between the well boards, and does not realize that there is an entrance between the courtyards enabling them to make *eiruvei chatzeirot*, will say that the reason they are transferring is because these courtyards made a *shituf mavo'ot*. He will then come to permit transferring from the courtyards to the area between the boards by making a *shituf mavo'ot* even where there is no entrance directly between them. Therefore the Sages forbade it completely.

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Rava said: If these courtyards that have an entrance between them **made an *eiruv***, it is **permitted** to transfer to the area between the boards, since the Sages did not make a decree on the basis of Rav Huna's concern.

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Said Abaye to Rava: The following **Baraita** supports you.

A courtyard whose one end enters the area between the boards, it is permitted to carry from it to between the boards and from between the boards to it.

But two courtyards that open to the area in between are **forbidden**. **When are these words said? When they did not make an *eiruv*. But if they made an *eiruv*, it is permitted.**

This Baraita clearly supports Rava's view.

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The Gemara comments: **Let us say** this Baraita **is a refutation of Rav Huna**, who forbade even if they made an *eiruv*.

The Gemara dismisses this: **Rav Huna would say to you:** This Baraita is saying the following: "Two courtyards are forbidden," even if there is an entrance between them and they made an *eiruv chatzeirot* together.

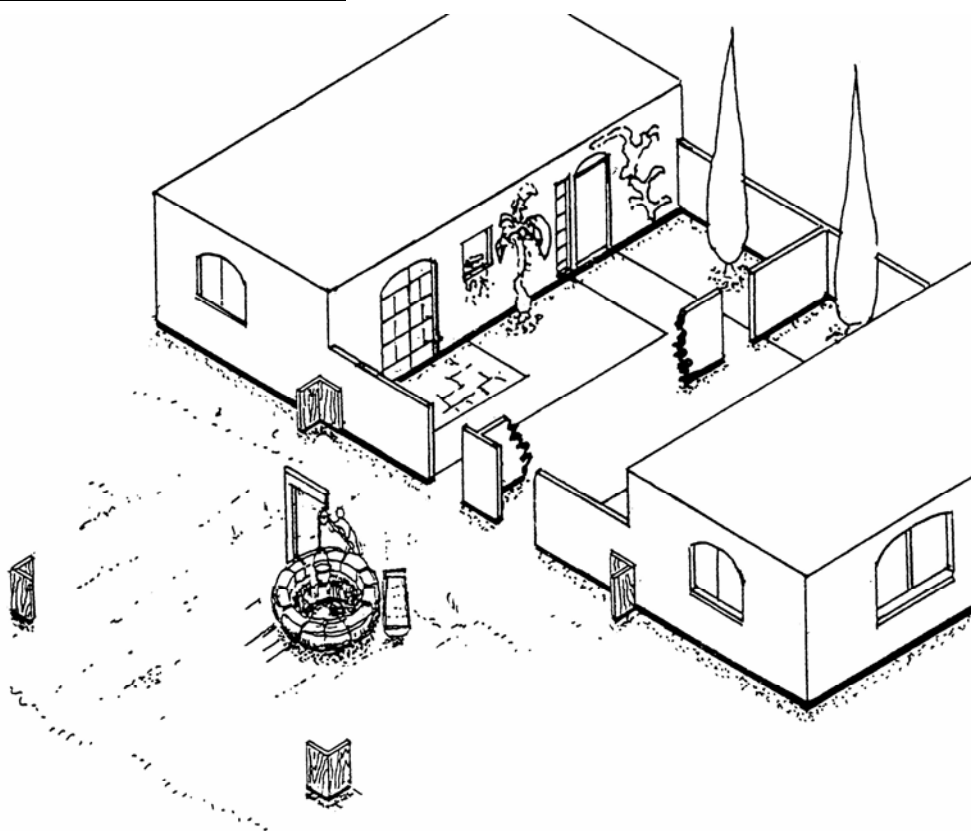
And that which they said: "But if they did make an *eiruv*, it is permitted," this is not an ordinary *eiruv chatzeirot*; rather, aside from the ordinary *eiruv* that the residents made via the entrance between them, they **went back** again **and made an *eiruv*** with each other via

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a new, large opening at the end of the wall between them (see illustration⁵). Now it is clearly recognizable that the courtyards are completely open to each other. They look like one. In this situation it is permitted to transfer to the area between the boards if they made an *eiruv chatzeirot* together as described.

6. Shibshah

Abaye posed an inquiry to Rabbah: Since the Sages only permitted making well boards in order to provide water for the people visiting Jerusalem on the pilgrimage Festivals, if one made well boards and **the water dried up on Shabbat**, what is the Halachah regarding carrying in the area between the boards?



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Do we say that since it was permitted when Shabbat commenced, it remains permitted?

Or perhaps, since the well boards are only permitted because of their water, now that the water has dried up, it is forbidden to carry there.

Rabbah **said to him: Is there** any reason why **this partition was made, except for** the sake of its **water?** This partition's permissibility is totally dependant on the water in the well.

If **water is not here**, then the **partition is not here**.

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Ravin posed two inquiries:

1. If **the water dried up on Shabbat**, may one carry between the boards? (This is the same as what Abaye inquired of Rabbah.)
2. If someone made the boards on Friday when there was no water in the pit, **and water came on Shabbat**, i.e. it rained, is it permitted to carry now?

Said to him Abaye: If it dried up on Shabbat, you do not have to inquire, as I already inquired this of Master, i.e. of Rabbah, who was Ravin's teacher. **And he answered me that it is forbidden**, as was said earlier.

If water **came** on Shabbat, **also you do not need to inquire. For it would be a partition that is made on Shabbat**, meaning the partition only became functional on Shabbat. **And it was taught in a Baraita: Any partition that was made on Shabbat, whether unintentionally, whether intentionally, whether accidentally, whether willfully, it is called a valid partition.**

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The Gemara challenges this: **And was it not said** in a statement of Amoraim **on this** above-mentioned Baraita: **Said Rav Nachman: It was taught** that a partition made on Shabbat is a valid partition **only** in regards **to throwing** from a public domain to the area surrounded by partitions. I.e. the thrower will be liable to bring a sin-offering for his act, since according to Torah Law it is certainly a partition.

But regarding **to carry** an item within the partitions made on Shabbat, he may **not**, since the Sages decreed against this.

Therefore, Abaye should have answered just the opposite. If water comes on Shabbat, making the partitions on Shabbat, it is forbidden to carry there, according to Rabbinic Law.

The Gemara dismisses this: **When was that** teaching of **Rav Nachman stated?** With regard **to** a partition that was made on Shabbat **intentionally, it was stated.**

Since it is forbidden to make it on Shabbat, the Sages penalized him. But if he did it unintentionally, it is indeed valid for purposes of carrying. This is certainly the case if the partitions were made by themselves, where there is even less reason to penalize.

Said Rabbi Elazar: One who throws from a public domain **to** the area **between the well boards is liable** a sin offering, since he threw from a public domain to a private domain.

The Gemara is puzzled: This is **obvious**, since according to Torah Law it is a proper partition.

Because **if it were not a partition** according to Torah Law, but a public domain, **how is it permitted for him to draw** water? The Sages would not have abrogated Torah Law just to serve the conveniences of the Festival visitors.

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The Gemara answers: **It was necessary** for Rabbi Elazar to teach us that he is liable **only** regarding the case **when he made** something **similar to well boards**, but **in a public domain** where there was no pit, **and if he threw into it, he is liable**.

The Gemara is puzzled: **This is also obvious**.

Because **if it is not in general a partition**, i.e. when there is not a pit, then when **there is a pit, how is it permitted for him to carry** without erecting full partitions?

The Gemara answers: **It was necessary** to teach us that **even though the masses penetrate** the area between the boards, nevertheless, if one throws into the area, he is liable.

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The Gemara raises a difficulty: **What is Rabbi Elazar informing us? That the masses do not come and nullify the partition** when they penetrate the area between the boards.

Note that Rabbi Elazar already said it one time!

As it was taught in a Mishnah: **Rabbi Yehudah says: If there was a public road** passing through between the boards, **and thus separates between them, he should remove** the public road **to the side**, in order that the masses will not come and nullify the partitions.

And the Sages say: He does not need to do so.

And we say in connection to this: **Rabbi Yochanan and Rabbi Elazar both said: Here the Sages informed you** how great **is the Halachic strength of partitions**, that they are not nullified even by the penetration of the masses.

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We see that Rabbi Elazar has already taught that the masses do not nullify the partitions, so why does he say it again?

The Gemara answers: **If from there**, from what was just cited, I would not have known Rabbi Elazar's personal view.

Because **I would have thought** to interpret it as follows: **Here** the Sages inform you of the strength of partitions. **But he**, Rabbi Elazar himself, **does not hold** like the Sages.

Therefore **he**, Rabbi Elazar, **informs us** that when he said: "Here the Sages informed you", he means: **Here** they inform you, **and he** indeed **holds of it**.

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The Gemara raises a further difficulty: **And let** Rabbi Elazar **say** only **this** statement here, where his intention is clear. **And he does not need that** other statement of "here the Sages informed you."

The Gemara answers: Actually, Rabbi Elazar did not say both. Rather, **one** statement was **inferred from the other**—that is what **was said**. Rabbi Elazar only made the statement here. The other statement was said by his disciples, who inferred it from his words here.

It was stated in the Mishnah: **It is permitted to bring** the boards **close to the well**, provided that the majority of the cow's body, and its head, are inside when it drinks.

It was taught in a Mishnah **there: A person should not stand in a public domain and drink in a private domain** by bringing his mouth into the private domain. And he should not stand **in a private domain and drink in a public domain, unless he brings in his head and his majority**, i.e. most of his body, **to the place that he is drinking**.

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Otherwise we are concerned that he will return to where his feet are, and he will take the utensil with him, and he will thereby transfer from one domain to another.

AMMUD BET

And similarly with a wine press. A person is permitted to stand in a winepress and drink its wine, without tithing it, because as long as he does not take the wine out of the press, it is like taking a chance sip, and it is exempt from tithes.

Here also, he is not permitted to stand outside the press and drink in the press without tithing, unless he brings his head and majority of his body into the press.

The Gemara wishes to pose an inquiry: **Regarding a person** who stands in one domain and drinks in another, there is no question since **it** the Mishnah **said that it requires his head and his majority** to be where he drinks.

But **regarding a cow** that he is watering in one domain, and its feet are in another, **do we require** that **its head and its majority** should be in the domain where he is watering it? Are we concerned that he might transfer the utensil to the domain where it is standing, **or** perhaps we **do not** require this, since we are not concerned?

The Gemara explains the question: **Whenever he holds** in his hand **the utensil** from which he is watering the animal, **and he does not hold** the cow itself and he cannot turn its head, **you do not have to inquire** whether its head and the majority of its body has to be where he is watering it.

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Because even if you could say that it is permitted to water it without holding on to it (which is not obvious, as we will see), it is obvious that at least **he needs its head and its majority inside**. We are concerned that the cow will turn its head and he will bring the utensil after it.

When should you inquire whether we require its head and majority inside? **Where he is holding the utensil** that he is watering from, **and he is** also **holding it** the animal by its bridle. **What** is the law?

Since he is holding the cow, there is not such a great concern that it will bring its head to the domain where it is standing, causing him to bring the utensil after the cow.

He said to him (it is not clear who said to who): **It was taught** in our Mishnah:

It is permitted to bring the boards close to the well, **provided that the cow, its head and its majority, are inside and drinks**.

When Mishnah said “provided,” **is it not** referring even to someone who always waters the animal **while holding it and also holding the utensil**, and even he must place the boards far enough away that the cow’s head and the majority of its body can enter? Since the Mishnah did not specify the case, we assume it is all-inclusive.

We thus see that even where he is holding the utensil and the cow, we require its head the majority of its body inside.

The Gemara dismisses this. **No**. Perhaps the Mishnah is speaking **where he is holding the utensil and not holding it** the animal, which is the practice of most people who water animals. And in that situation, it is only permissible when its head and majority of its body are inside.

But when he is holding both the utensil and the cow, it is permissible even without its head and majority inside.

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The Gemara responds: **And when he is holding the utensil and not holding it**, the cow, **is it permitted** to water it, even with its head and majority inside?

But note that **it was taught** in a Baraita otherwise, where he is not holding the cow: **A person may not draw water** from between the boards **and place it on Shabbat before his animal**. Meaning, he cannot hold the utensil and water it (even if its head and majority are inside). **But he can draw and pour** before it, **and it drinks on its own**.

The Baraita is saying that it is forbidden to hold a utensil and water one's animal. In order that this not contradict the Mishnah, which permits watering while holding the utensil, one must say that the Mishnah is speaking where he is also holding the animal. If so, we can conclude that even if one holds the animal, we require its head and the majority of its body inside. This answers the inquiry posed above.

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The Gemara dismisses this: In truth, the Mishnah is speaking where he is holding the utensil but not holding the cow, and that is why we require its head and the majority of its body to be inside.

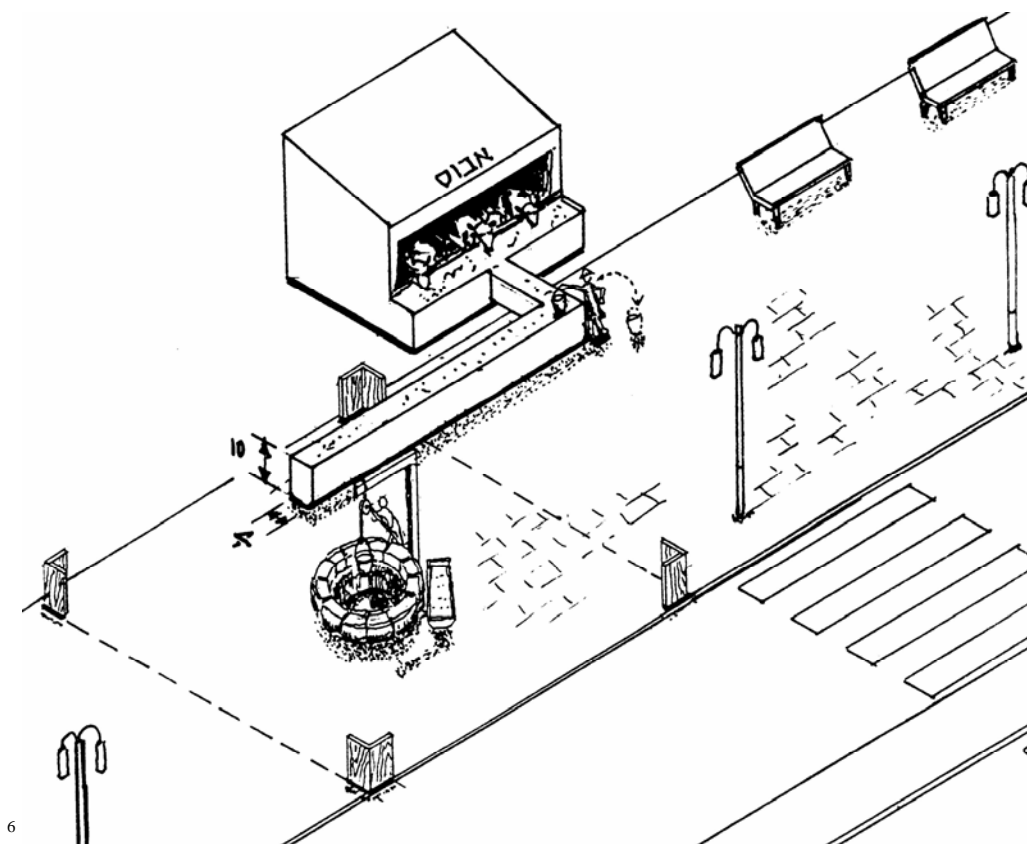
And that which we claimed before based on the Baraita, that this case should not be permitted even if its head and the majority of its body is inside, this claim is incorrect. Because **note** that **it was said** about the Baraita, in a statement of Amoraim: **Said Abaye:** The concern in the Baraita is not that he will bring the utensil out to the public domain, following the animal, rather **here** the Baraita is speaking about a **trough that is standing in the public domain**, and has a **height of ten tefachim, and width of four tefachim**, so it is a private domain. And the animal is standing inside a building with a window open to

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the trough, through which the animal accesses the trough. **And one end** of the trough **enters between the well boards** (see illustration⁶).

In this situation, the Baraita says that one should not draw water from the well, which is in a private domain created by the boards, and take the bucket with him while he walks into the public domain next to the trough, although he is holding the bucket above the trough (which is a private domain) the whole time. His intention is to bring the water close to the mouth of the cow on the other side of the trough.

In general, a person may stand in the public domain and extend his hands into a private domain in order to move objects from place to place inside the private domain. But here it is forbidden—in spite of the fact that he never actually brings the bucket into the public domain, which is held above the trough the whole time. This is because of **a decree, perhaps he will notice, while transporting the water, that the trough is falling apart** on



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the side that is in the public domain. **And he will come to fix** the trough. And during the course of his repair, **he will put the bucket** down on the ground **next to him, and he will** thereby **transfer** the bucket **from a private domain** (the pit) **to a public domain**, by putting it down on the ground.

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The Gemara challenges Abaye's explanation: **And this situation** where he did not pick up the bucket having in mind to transfer it from the private domain to the public domain, but only after he picked it up he forgot and transferred it to the public domain, **is he** really **liable** for transgressing a Torah-forbidden form of work? For only if he might come to a Torah-forbidden form of work, would the Sages make a decree.

But note that his act would not Torah-forbidden, for the following reason: **Said Rav Safra in the name of Rabbi Ami in the name of Rabbi Yochanan: One that clears away his items from one corner to another corner** in a private domain, **and he reconsiders about them** after picking them up **and takes them out** to the public domain, **he is exempt**. This is because **the original** act of **picking up was not for that purpose**. Regarding Shabbat, the Torah only forbade work that one intended to do (*melechet machshevet*). If he does not intend to do work, there is no liability.

Rather, the explanation of the Baraita is as follows: The Sages did not forbid the trough because of a decree that he might put the bucket down in the public domain.

Rather, sometimes he will fix it, the trough, after having putting the bucket down in the public domain, **and afterwards he will bring it**, the bucket, back **in**. **And** in this case, **he brings in from the public domain to the private domain**.

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There are those who say that the above inquiry was posed as follows: **Regarding a person, we said that it is sufficient for him to drink with his head and his majority in the domain in which he drinks.**

But **regarding a cow**, they inquired: **Is it sufficient with its head and majority inside, or is it not sufficient**, and even if its head and majority are inside, it is forbidden?

The Gemara explains the inquiry: **Where he holds the utensil and also holds it**, the cow, **you do not have to inquire, as it is sufficient with its head and its majority inside**, as is evident from our Mishnah. For our Mishnah only forbade when he is holding the utensil. Yet the Mishnah permits when the cow's head and majority are inside, and if there is any case that the Mishnah permits, it is where he is holding also the cow.

Rather, when should you inquire? When he is holding the utensil and not holding it, the cow. **What** is the law?

He said to him: It was taught in the Mishnah: It is permitted to bring the boards close to the well, **provided that the cow, its head and its majority, are inside and drinks. Is it not** referring to **when he is holding the utensil and not holding it**, the cow? For the Mishnah does not specify the case, so we may assume that it is all-inclusive. And the Mishnah permits when the cow's head and majority are inside. Our inquiry has been resolved.

The Gemara dismisses this: **No**. It is speaking **where he is holding the utensil and also holding it**, and that is why it is permitted.

The Gemara supports this: **This also stands to reason.**

Because if he is holding the utensil and not holding it, should it be permitted?

But note that such a case is forbidden. For **it was taught** in a Baraita: **A person may not draw water and place it before his animal. But he may draw and pour, and it drinks**

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on its own. We see that when he does not hold the cow, it is forbidden to water it directly. Therefore the Mishnah must be speaking of where he is also holding the cow.

The Gemara dismisses this: You cannot bring a proof from this Baraita: **Note that it was said** regarding the Baraita in a statement of Amoraim: **Said Abaye: Here, regarding a trough that is standing in the public domain, and has a height of ten tefachim, and width of four tefachim, and one end enters between the boards.** It is forbidden because **sometimes he will see that the trough is falling apart and he will come to fix it and he will place the bucket next to him on the ground and transfer from a private domain to a public domain.**

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The Gemara challenges Abaye's explanation: **And in this situation, will he be liable?**

But note: Said Rav Safra in the name of Rabbi Ami in the name of Rabbi Yochanan: One that clears away his items from one corner to another corner in a private domain, and he reconsiders about them and takes them out, he is exempt, because the original act of picking up was not for that. Here too, why should he be liable?

The Gemara answers: **Rather,** the concern is as follows: **sometimes he will fix it, and afterwards he will bring it in, and he brings in from the public domain to the private domain.**

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Come and hear an answer to the inquiry as presented in the first version, whether we require its head and its majority inside when he is holding both the utensil and the animal.

For it was taught in a Baraita: **A camel whose head and majority were inside the domain where the trough is, they may force-feed it inside.** When a camel goes into the

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desert and its owner is concerned that it will not find food, he force-feeds it by stuffing large quantities of food down its throat, more than it can normally eat. The Hebrew word “*ovsin*,” comes from the word “*avus*,” trough.)

The Gemara now shows how this answers the inquiry: **And note that force-feeding, it is like one who holds the utensil and also holds it**, the animal. Meaning: The only way to force-feed is to hold both the food and the animal. **And nevertheless, we require its head and majority** inside. Thus the inquiry has been answered.

The Gemara dismisses this: **Said Rav Acha bar Rav Huna in the name of Rav Sheishet:** You did not answer the inquiry regarding the cow, because here we are speaking about a camel. **A camel is different since its neck is long**, and if its body is not inside, the camel could rebel and stick its neck into the public domain, therefore we require the majority of it to be inside even though he is holding it. But this will not happen so easily with a cow, thus it could be that the law regarding a cow is more lenient, and the majority of it does not have to be inside, if he is holding it.

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Come and hear an answer, from a case of an unspecified animal. It was taught in a Baraita: **An animal whose head and majority are inside, they may force-feed it inside. And note: force-feeding is like one that holds the utensil and holds it, and we require its head and majority** inside. The inquiry is answered.

The Gemara dismisses this: **What is the “animal” that is taught** here? **A camel**, whose neck is long and it is forbidden.

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The Gemara is puzzled by this answer: **But note** that **it was taught** in one Baraita: **“Animal”**. **And note** that **it was taught** in another Baraita (which was brought earlier): **“Camel”**. This shows that they are two different things.

The Gemara answers: **Were** these two Baraitot **taught together**, that we could say that the subtle difference in language indicates that they are two different things? Since in fact they were not taught together, we may say they both intended the same thing, camel.

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The Gemara supports the answer that a camel is different: **It was also taught** in a Baraita: **Rabbi Eliezer forbids with a camel since its neck is long**.

Said Rabbi Yitzchak bar Adda: Well boards were only permitted for those ascending to Jerusalem for **the Festivals** (and for anyone going to do a mitzvah, i.e. to learn Torah, as it says later).

The Gemara raises a difficulty. **But note: It was taught** in a Baraita: **Well boards were only permitted for animals**. This indicates that for anyone's animal, it is permitted.

The Gemara answers: **What is** the meaning of **“animal”**? **The animals of those ascending** to Jerusalem for **the Festivals**. **But a person**, even on his way to Jerusalem for the Festival...

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...he grabs on and goes down and grabs on and goes up. I.e. with his hands and feet, he supports himself to climb in and out of the pit to take a drink. Since he can do this, the Sages did not permit him to rely on the well boards.

CHAVRUTA

EIRUVIN – DAF CHAF ALEF

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

[**But a person**, even on his way to Jerusalem for the Festival], **he grabs on and goes down and grabs on and goes up**. I.e. with his hands and feet, he supports himself to climb in and out of the pit to take a drink. Since he can do this, the Sages did not permit him to rely on the well boards.

The Gemara raises a difficulty, first drawing out a necessary point: **Is it really so? Did not Rav Yosef say, Rav Yehudah said, Shmuel said: They only permitted boards for spring-water wells**. This does not exclude cistern water, because if so, it should have said: “They only permitted wells.” Thus we must say that the meaning of “spring water” is: water fit for human consumption (*Ritva*).

And if you say that only **cattle** is permitted, **what is the difference between spring and collected** water (i.e. water not so fit for human consumption)?

The Gemara answers: Even though it is not permitted for people to rely on the well boards for their own drinking purposes, since they can climb down into the well, nevertheless **we require water fit for human consumption**. Since the water renders the boards as Halachically valid partitions, there is a requirement for proper water.

Regarding the above-mentioned statement **itself: But a person**, even on his way to Jerusalem for the Festival], **he grabs on and goes down and grabs on and goes up. But if they** the wells **were wide**, and one cannot hold himself on the inside walls to go down and drink, **it is even permitted for man** to draw water from the well between the boards and to drink.

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But one may not fill a vessel and give it to the cattle, but one may fill a vessel and pour it before the cattle to drink by itself (like in the Baraita we brought above, *daf* 20b).

Rav Anan challenged this: If so, as is taught in the Baraita, what is the use of the well boards?

The Gemara is puzzled by Rav Anan's comment: **What is their use?** It is to enable people **to draw water from them** the wells! What did Rav Anan mean?

Rather, this is Rav Anan's intent: **What is the use of requiring the head and the greater part of the cow** to be in the enclosure, as was taught in the Mishnah? It should be permitted to pour the water before the cow, even if its head and greater part is not within the enclosure!

And the Gemara answers: **Abaye said** (as was stated above in the Gemara): **What are we dealing with here? A trough that is standing in the public domain**, and has a **height of ten tefachim, and width of four tefachim**, so it is a private domain. And the animal is standing inside a building with a window open to the trough, through which the animal accesses the trough. **And one end of the trough enters between the well boards**—as was explained above, *daf* 20b.

Rav Yirmeyah bar Abba said, Rav said: Watchmen's huts, which are located within seventy *ammot* and a fraction of an *ammah* from the town, are considered part of the town. It is considered as if the town's limits extend to these huts, and the two thousand *ammot* of the Shabbat boundary start from there.

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“Huts” do not apply to Babylon, meaning that there, the huts are not considered part of the town, and the Shabbat boundary starts from the actual houses of the town.

And so, too, well boards were not permitted **outside the land of Israel**, with the exception of Babylon, where they are permitted.

And the Gemara explains the reason:

Huts do not apply to Babylon: because floods are frequent and they sweep away the huts. Therefore the huts are not significant and permanent fixtures.

Well boards do not apply outside the land of Israel: because they have no yeshivot. The boards were only permitted for the cattle of the people on their way to Jerusalem for the Festival pilgrims, or for the cattle of those who go perform another mitzvah. Since there were no yeshivot outside of the land of Israel and Torah students did not go from town to town, they did not permit well boards.

But the reverse, watchmen's huts outside of the land of Israel, **is applicable.**

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Some say, Rav Yirmiyah bar Abba said, Rav said: Huts and well boards do not apply either to Babylon or to the other countries outside the land of Israel.

And the Gemara explains the reason:

Huts do not apply to Babylon: because floods are frequent as explained above.

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Huts **do not apply to the** other countries **outside the land of Israel: because thieves** who rob the huts **are common**, therefore they are not considered as houses to be part of the town.

Well boards do not apply to Babylon: because they have sufficient water.

Well boards **do not apply** to other countries **outside the land of Israel: because they have no yeshivot.**

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Rav Chisda said to Mari the son of Rav Huna: People say that you walked from Barnish to Daniel's Synagogue (the synagogue where the prophet Daniel prayed, see Daniel 6–11) **on Shabbat, which is** a distance of **three parasangs¹**, about twelve times the distance permitted on Shabbat!

What did you rely upon, in order to walk out of the Shabbat boundary of Barnish? Assumedly, you relied **on the huts** which are found along the way—one being within seventy *ammot* of the next—and thus you considered all of them as included in Barnish's town limits.

But did not the father of your father, Rav Yirmeyah bar Abba, say in the name of Rav: Huts do not apply to Babylon?

He Mari the son of Rav Huna **went out and showed him** Rav Chisda **some ruins which were within seventy ammot and a fraction** from the town. These broken down houses still had some walls standing and were scattered along the way at a distance of seventy *ammot* one from the other. They were therefore considered as part of Barnish.

¹One parasang, or *parsah* = aprox. 2.7 miles or 4.3 kms.

PEREK 2 – 21A

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Rav Chisda said: Rav Mari bar Mar made this interpretation: What is the meaning of that which is written (*Tehillim*² 119:96): “I have seen an end to every purpose [You gave everything a goal and finitude]: but Your commandment [meaning the oral tradition] is exceedingly broad [I do not know its magnitude].”

David stated this but did not explain it the magnitude of Hashem's commandment. Iyov³ stated it as well but did not explain it. Yechezkel⁴ the Prophet stated it also but did not explain it, until Zechariyah the Prophet the son of Iddo came and explained it!

And the Gemara explains this:

David stated it but did not explain it, as it is written; “I have seen an end to every purpose: but Your commandment is exceedingly broad”.

Iyov stated it but did not explain it, as it is written (*Iyov* 11:9): “Its measure is longer than the earth [meaning the magnitude of Wisdom], and broader than the sea”.

Yechezkel stated but did not explain it, as it is written (*Yechezkel* 2:10): “And when I looked, behold, a hand was sent to me and a scroll of a book [a scroll of the oral tradition] was in it. And he spread it before me, and it was written inside and outside: and in it was written lamentations, and meditation, and woe”.

The Gemara interprets the above-quoted verse:

²Psalms.

³ Job

⁴ Ezekiel

PEREK 2 – 21A

“Lamentations (*kinah*)”: refers to divine retributions against the righteous in this world, for the righteous are punished in this world. And so it says (*Yechezkel* 32:16): **“It is a lamentation, and they shall make lament with it”**. Thus we see that there are lamentations for the retributions.

“Meditation (*hegeh*)”: refers to the reward of the righteous in the World to Come. And so it says (*Tehillim* 92:4): **“Upon an instrument of ten strings and upon the harp: to the melody [*higayon*] of the lyre.”** The word *hegeh* also indicates joy.

“Woe (*hi*)”: refers to divine retributions against the wicked in the future. And so it says (*Yechezkel* 7:26): **“Calamity [*howa*] shall follow upon calamity”**. The word woe (*hi*) is related to calamity (*howa*).

Until Zechariyah the Prophet the son of Iddo came and explained it, as it is written (*Zechariyah* 5:2): **“And he said to me, What do you see? And I answered, I see a folded scroll [*megilah afah* means a flying scroll but it is interpreted here as a folded scroll]; the length of it is twenty cubits [which is measured according to the divine cubit (*ammah*) of the Holy One] and the breadth of it is ten cubits.”** And when it the scroll is unfolded it measures twenty by twenty since its length is equal to its breadth. And it is written in the above words of *Yechezkel* 2:10: **“And it was written inside and outside.”** And what will be its size if you peel it? I.e. if you place the writing of the outside next to the writing on the inside, after it was unfolded. **Forty by twenty** *ammot*, which is double what there was until now.

And as it is written (*Yeshayahu*⁵ 40:12): **“Who has measured the waters in the hollow of His hand and meted out heaven with the span”**. The word span (in Hebrew, *zeret*) is understood here as a half an *ammah*. Thus we see that the universe is as great as the measurement of a span of the Holy One: half an *ammah*.

⁵Isaiah.

PEREK 2 – 21A

Let us calculate: How many times does half an *ammah* by one *ammah* fit in a scroll forty *ammot* long on twenty *ammot* wide, which is eight hundred *ammot* square (and where every square *ammah* is four times an half *ammah* square)? It is three thousand and two hundred half *ammot* (*zeratot*) in the scroll.

It follows that the entire universe, which is a half *ammah* square, is equal to a three thousand and two hundredths part of the Torah.

*

Rav Chisda said: Rav Mari bar Mar made this following interpretation. What is the meaning of that which is written (Yirmeyahu⁶ 24:1): “Hashem showed me and behold two copper baskets of figs were set ready before the Temple of Hashem, after Nevuchadnetzar⁷ king of Bavel⁸ had carried away as captives Yechonyahu⁹ the son of Yehoyakim, the king of Yehudah¹⁰ [who was righteous] and the princes of Yehudah with the carpenters and smiths [i.e. great Torah sages] from Yerushalayim¹¹, and had brought them to Bavel. One basket had very good figs, like the figs...

⁶Jeremiah.

⁷Nebuchadnezzar

⁸Babylon

⁹Jeconiah

¹⁰Judea

¹¹Jerusalem

CHAVRUTA

EIRUVIN – DAF CHAF ALEF

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

Ammud Bet

...that are first ripe. And the other basket had very poor figs, which could not be eaten, they were so poor.”

The Gemara explains the verse:

The good figs: these are the perfectly righteous ones, Yechonyahu and the smiths and the carpenters who were exiled to Bavel.

The poor figs: these are the totally wicked ones, the rest of the Jews who were with King Tzidkiyahu¹² and were not exiled.

And perhaps you may say: There is no hope for them! The verse answers (*Shir Hashirim*¹³ 7:14): **“The mandrakes** [in Hebrew, *dudaim*, bears a phonetic resemblance with the baskets, *dudim*, mentioned by *Yirmeyahu*] **give a fragrance”!**

These and those (the mandrakes are in the plural and allude to both the righteous and the wicked) **will give their fragrance in the future** (*Maharsha*).

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¹² Zedekiah

PEREK 2 – 21B

After it quoted this verse about the mandrakes, the Gemara brings Rava's interpretation of it:

Rava made this interpretation: What is the meaning of that which is written “the mandrakes give a fragrance”? These are the young men of Israel who did not taste the taste of sin, referring to illicit relations.

(Shir hashirim, ibid): “And at our gates are all manners of choice fruits” — these are the daughters of Israel who close their gates of their bodies, and do not have illicit relations with others, for their husbands.

Another version: they close their gates, when menstrual blood flows, to their husbands.

*

(Shir hashirim, ibid): “New and old, which I have laid up for you, O my Beloved”: **the Congregation of Israel declared to the Holy One: Master of the Universe! Many new restrictions I have imposed upon myself i.e. Rabbinical decrees; more than the old ones You have imposed on me through the Torah. And I observed them for the sake of Your Name.**

Rav Chisda said to he who was reciting Aggadot in front of him: Did you hear a teaching about what the meaning of “new and old” is?

He the reciter said to him Rav Chisda: These “new ones” are the light mitzvot (the prohibition of going beyond the Shabbat boundary, and of seclusion (*yichud*) with a member of the opposite gender (other than one's spouse or immediate family). These

¹³The Song of Songs.

PEREK 2 – 21B

mitzvot were surely given after the basic prohibitions of Shabbat and of illicit relations. **And those** the old ones **are the severe mitzvot** (the basic prohibitions).

He Rav Chisda said to him: Was the Torah given twice, that there are “old” and “new” mitzvot? Since they were all given at Sinai, there is no distinction between old and new!

Rather, this is the meaning of the verse: **Those** the “old ones” are derived **from the words of the Torah**, and **these** the “new ones” are derived **from the words of the Scribes** who enacted new protective decrees in every generation.

*

Rava made this following interpretation: what is the meaning of that which is written (*Kohelet*¹⁴ 12:12): “The words of the wise [which were given orally to Moshe¹⁵, and over which the Sages of Israel in later generations had disagreements] are like spurs. And like nails well driven-in are the sayings of the masters of collections. They are given by one Shepherd. **And furthermore, my son, be admonished: of making many books there is no end; and much study is a weariness of the flesh**”.

And Rava explains it:

“And furthermore” implies a greater emphasis (i.e. greater than regarding what was given in writing at Mount Sinai).

“My son, be admonished” refers to the words of the Sages, which is the Oral Law. And it comes to teach:

My son, be more careful with the words of the Scribes the Oral Law **than with the words of the Torah** the Written Law.

¹⁴Ecclesiastes

PEREK 2 – 21B

Because the words of the Torah are either positive or negative and their punishments vary.

But not so with **the words of the Scribes**, because **whoever transgresses the words of the Scribes is liable to die**, as it is written (*Kohelet* 10:8): “And whoever breaks through a fence [the protective decrees of the Sages], a snake shall bite him”, and therefore one needs to be more careful.

Perhaps you might say: If they are so substantial, why were they not written in the Torah?

The verse says why they were not written: Because “**of making many books**” for the Oral Law, “**there is no end**”. I.e. they could not be contained in the Written Law.

And since the Gemara explained the beginning of the verse, it proceeds to explain its ending:

“And much study [*lahag*] is a weariness of the flesh”:

Rav Papa the son of Rav Acha ben Adda said in the name of Rav Acha bar Ula: It teaches that whoever scoffs *la'ag* at the words of the Sages will be condemned to punishment by boiling excrement which exudes from the flesh.

Rava challenged this interpretation: It is not written “scoffing”, rather, “study” is written!

Rather, it teaches **that whoever studies (*hoge*^h, similar to *lahag*) them**, words of Torah, **tastes the taste of flesh**. I.e. whenever one studies words of Torah and reviews them, one finds new meanings (compared to the hearty taste of meat) in them.

¹⁵ Moses

PEREK 2 – 21B

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The Rabbis taught in a Baraita: **An incident once took place with Rabbi Akiva who was confined in prison, and Rabbi Yehoshua from Geres** or some say that he was a grits-maker **was attending him. Every day they Rabbi Akiva's servants would bring him a certain quantity of water** so he could wash his hands for one meal (*Maharsha*).

One day, he Rabbi Yehoshua was met by the prison guard. He the guard said to him: You have a lot of water today, perhaps you need it to dig under the prison!

He the guard poured out half of the water and gave him Rabbi Yehoshua the other half. When he Rabbi Yehoshua came to Rabbi Akiva with only half of the water, he Rabbi Akiva said to him: Yehoshua! Don't you know that I am old and that my life depends on your life? I have only what you bring me. Why do you bring me so little water? Rabbi Yehoshua **told him then the incident** with the guard.

He Rabbi Akiva said to him: Give me the water to wash my hands. He Rabbi Yehoshua said to him: There is not even enough to drink! Is there enough to wash with?

He Rabbi Akiva said to him: What can I do? For we are liable to die over it if we do not wash our hands before eating bread, as the Sages commanded! It is better that I die my “own” death from not drinking water **than to transgress my colleagues' view** and be liable to die for this sin.

They said: He Rabbi Akiva did not eat anything until he Rabbi Yehoshua brought him water to wash his hands.

PEREK 2 – 21B

When the Sages heard this, they said: If Rabbi Akiva was ready to suffer in his old age, and did not transgress the words of the Sages, how much more so in his youth did he suffer in order not to transgress the words of the Sages.

And if he behaved so in prison, how much more so when not in prison!

*

Rabbi Yehudah said, Shmuel said: When King Shlomo¹⁶ established the halachah of making an *eiruv* for courtyards (he decreed not to transfer objects from one's private domain into someone else's private domain, unless there was an *eiruv*) and the halachah of washing the hands before eating bread—

A Heavenly voice¹⁷ came out and said (*Mishlei*¹⁸ 23:15): “My son, if your heart is wise [to make a decree to protect people from transgressing the prohibition of transferring objects from the private to the public domain on Shabbat], My heart too shall rejoice [because the Torah prohibitions of Shabbat will be kept]”.

And it says (*Mishlei* 27:11): “My son, be wise, and make My heart glad, that I may answer he who taunts Me [this refers to those who despise the mitzvah of washing hands before eating]”.

*

Rava made this following interpretation: What is the meaning of that which is written (*Shir Hashirim* 7:12-14): “Come my Beloved, let us go forth into the field; let us lodge in the villages. Let us go up early in the vineyards: let us see if the vine has flowered, if the small grapes have come out, if the pomegranates are in flower: there

¹⁶ Solomon

¹⁷In Hebrew, *bat kol*.

¹⁸Proverbs.

PEREK 2 – 21B

will I give You my loves. The mandrakes give a fragrance, and at our gate are all manners of choice fruits.”

“Come my Beloved [a name for the Holy One] let us go forth into the field”. The Congregation of Israel said to the Holy One: Master of the Universe! Do not judge me as city-dwellers (in the city, peddlers and merchants are frequent) and who indulge in robbery, in adultery and in vain and false oaths.

Rather, **“let us go forth into the field”** — judge me as a farmer. **Come and I will show you there Torah scholars who indulge in Torah learning** although they are **in** a state of poverty.

“Let us lodge in the villages” — **do not read** the word as **villages**, *kefarim*, **rather** read it as **disbelievers**, *kofrim*, the descendants of Eisav¹⁹. **Come and I will show them** (the descendants of Eisav) **to You, that You have given them goodness, and** in return **they have disbelieved in You.**

“Let us go up early in the vineyards” — **these are the synagogues and the study houses** where people are arranged in rows like are vineyards.

“Let us see if the vine has flowered” — **these are the studiers of Scripture** who are like vine-flowers before the grapes are discernible. So are the Scriptures, which are not so readily understood.

“If the small grapes have come out” — **these are the studiers of Mishnah** which is more readily understood than are the Scriptures, just like the small grapes are more developed than is the flower.

“If the pomegranates are in flower” — **these are the studiers of Gemara.**

¹⁹ Esau

PEREK 2 – 21B

“There I will give you my loves” — I will show You my glory and my greatness and the praise of my sons (these are the young men who did not taste sin, as explained above) **and my daughters** (these are the modest women, as explained above). And this is the meaning of the last verse: “The mandrakes give a fragrance, and at our gate are all manners of choice fruits” (*Maharsha*).

*

Rav Hammuna said: What is the meaning of that which is written about King Shlomo (*Melachim*²⁰ I, 5:12): **“And he spoke three thousand allegories; and his poems were five and a thousand”?**

It teaches that Solomon gave “three thousand allegories” for every word in the Torah, he explained their meaning through use of parable (*Eitz Yosef*), **and “five and a thousand” explanations** without use of parable **for every word of the Scribes** i.e. Rabbinical laws.

*

Rava made this interpretation: what is the meaning of that which is written (*Kohelet* 12:9): **“And besides being wise, Kohelet [Solomon] also taught the people knowledge: he pondered and sought out and set in order many allegories”.**

And Rava explains: **“He taught the people knowledge” — He taught the people the notes of accentuation** he instituted the cantillation marks for the Scriptures²¹, and similarly for the recitation of the Mishnah, **and explained it by simile** (see Rashba”m in Bava Batra 130b, entry *ha kol*, and Maharsha here).

²⁰Kings.

PEREK 2 – 21B

“He pondered [*izein*] and sought out and set in order many allegories”.

Ula said, Rabbi Elazar said: At first, the Torah was like a basket without handles, until Solomon came and he made handles (*oznayim*, similar to *izein*) for it. He instituted the *eiruv* of courtyards, washing of the hands, he forbade the marriage of second degree relatives. Thus the people of Israel may hold on to the mitzvot and stay away from transgression, like someone who holds a basket by its handles.

*

What is the meaning of that which is written (*Shir Hashirim* 5:11): “My beloved is white and ruddy, distinguished among ten thousand. His head is as the most fine gold, **His locks** [*kevutzotav*] **are wavy** and black as a raven.”

Rav Chisda said, Mar Ukba said: It teaches that piles upon piles of halachot can be made on every little point (*kotz*, similar to *kevutzotav*) of the Hebrew letters of the Torah. I.e. the new halachot stated in every generation were already hinted at Sinai in the points which make up the shape of the Torah’s letters.

“As black [*shechorot*] as a raven [*ka'orev*]”: With whom do you find these new halachot?

With he...

²¹In Hebrew, *ta'amim*, used for the cantillation of the Torah.

CHAVRUTA

EIRUVIN – DAF CHAF BET

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

[“As black [*shechorot*] as a raven [*ka'orev*]”]: With whom do you find these new halachot?

With he] who rises up early in the morning (*shacharit*, similar to *shechorot*) and stays late (*ma'ariv*, similar to *orev*) in the study hall.

Rava said to explain: you find these new halachot with he who darkens his face i.e. suffers deprivations for the sake of learning like a raven which is black (*Maharsha*).

Rava said to explain: you find these with he who makes himself cruel to his children and his household, neglecting to care generously for their material needs, like the raven who neglects to feed its offspring.

And like Rav Adda bar Matna who went to the study hall. His wife said to him: what will happen with your young children; what will they eat?

He said to her: Are there no more wild vegetables in the marsh?

*

What is the meaning of that which is written (*Devarim*¹ 7:10): **“And He repays they that hate Him, to his face, to destroy them.** He will not be tardy to he who hates Him; He will repay him to his face.”

¹Deuteronomy.

PEREK 2 – 22A

Rabbi Yehoshua ben Levi said: Were it not that this verse was plainly written, one could not have said it about Hashem. As it were, it is like a man who carries a burden in front of himself, and wishes to throw it off. Thus, the little bit of good that the wicked person does is always in front of Hashem, i.e. He pays special notice to it and swiftly repays him for it in this world, in order to destroy him in the world to come (*Maharsha*).

“He will not be tardy to he who hates Him.” Rabbi Ila’a said: **He will not delay** to give a reward **to those who hate Him. But** we may infer that **He will delay** to give a reward **to the perfectly righteous.**

And this is the same as what Rabbi Yehoshua ben Levi said: What is the meaning of that which is written (*Devarim* 7:11): **“You shall therefore keep the commandments, and the statutes and the judgements which I command you this day, to do them”.**

“This day” in this world **“to do them”**, and, it may be inferred, **not tomorrow** in the world to come **“to do them”**. If one wants to perform mitzvot after death it is of no avail, because it is too late.

And the Gemara also interprets: **“This day to do them”**, but, it may be inferred, only **tomorrow to receive their reward.**

*

Rabbi Chagai said: and others say, Rabbi Shmuel ben Nachmani said: What is the meaning of that which is written (*Shmot* 34:6) about Hashem: **“Mighty, merciful and gracious, patient of faces** [*erech apayim*, longsuffering]”. Ostensibly, **it should have said “patient of face”,** *erech af*, in the singular.

PEREK 2 – 22A

Rather, one “**patient of face**” is **towards the righteous**, to delay recompensing them for their goodness until the world to come.

And the other “**patient of face**” is **towards the wicked**, to delay recompensing them for their wickedness until the world to come.

It was stated in the Mishnah: It is permissible to distance the boards from the well as much as he wants... **Rabbi Yehudah says:** One may increase the area around the well only **until** the area of *beit sa'atayim*.

This area is the same size as the Courtyard of the *Mishkan* (Tabernacle), which was one hundred *ammot* long and fifty *ammot* wide, and having an area of five thousand square *ammah*².

They (the scholars of the study hall) **posed an inquiry:** when Rabbi Yehudah says that it is permitted to enlarge the area of the well up to *beit sa'atayim*, does he mean **to say** the area of **the well** including the area which is between **the boards**?

Or perhaps he means **to say** the area of **the well** alone, **and not** including the area which is between **the boards**—providing that the distance between the well and the edge of this area does not exceed the size of the head of a cow and the greater part of its body (*Tosafot*). According to this understanding of Rabbi Yehudah's view, the permitted size will be slightly larger, since the maximum permitted area does not include the extra two *ammot* of space around the well, in which the cow stands when it drinks.

The Gemara explains the inquiry: **Does a man regard his well** alone and ignores the space enclosed around it, and thus **we do not** have to make a **decree lest one might come**

² 1 ammah: 18.7 in., 48 cm.

PEREK 2 – 22A

to move objects in an area that is **greater than *beit sa'atayim***, even **in a *karpeif*³**, which was not enclosed for dwelling purposes. For since a man regards his well alone, he will not view this well enclosure as an area exceeding *beit sa'atayim*.

Or perhaps, a man regards his partition i.e. the size of the whole enclosure within the partitions created by the well boards. **And therefore we have to decree perhaps one might get confused** and move objects in an area that is **greater than *beit sa'atayim*, in a *karpeif***.

*

And the Gemara answers the inquiry: **Come and hear** a proof, from a Baraita: **How near** the well may **the boards be?** As near as **the size of the head of a cow and the greater part of its body.** **And how far may they be** from the well? **Even** so far as to enclose **one *beit kor*⁴, even two *beit kor***.

Rabbi Yehudah says: An area of *beit sa'atayim* is permitted but **one larger than *beit sa'atayim* is forbidden.**

They said to Rabbi Yehudah: do you not admit that a corral, a pen, a *muktzeh* and a courtyard, which are enclosed as a dwelling, **even** an area as large as **five or ten *beit kor* is permitted,** and we do not decree due to that which has not been enclosed as a dwelling? The same applies to the well boards, which form the enclosure for the use of the well. It is a valid dwelling since the water is drinkable by man, and thus we do not decree for that which has not been enclosed as a dwelling.

He Rabbi Yehudah said to them the Rabbis: **This** partition that encloses the corral and the rest **is a proper partition, but those** partitions of the wells **are merely boards,** not proper partitions. (As explained above, *daf* 19b, the boards constitute a minority of the

³An area enclosed for the storage of wood or similar purposes, outside the town.

PEREK 2 – 22A

length of each side, leaving the majority of each side unfenced. Also, the width of each single space between the boards can be wider than what is normally permitted in a partition).

Rabbi Shimon ben Elazar says: A well which is *beit sa'atayim* by *beit sa'atayim* is permitted.

And they only said that it is permitted **to distance** the boards, and thereby add onto the *beit sa'atayim* of the well, to the distance of **the size of the head of a cow and the greater part of its body** (which is two *ammot* in every direction), but no more.

And now the Gemara brings out the point: **Note that since Rabbi Shimon ben Elazar spoke** about the dimensions of **the well** itself, **and not** of the space between **the boards**, **this implies that Rabbi Yehudah**—who disagrees with him—**spoke about both the well and the** space between the **boards**. This answers the inquiry.

*

And the Gemara rejects this: **Not so! Rabbi Yehudah spoke** also **about the well without the boards**, as did Rabbi Shimon ben Elazar.

Rather, this is the disagreement between them: It is regarding a well whose length is **long** i.e. longer than seventy *ammot* **and** whose width is **short** i.e. shorter than seventy *ammot*. And it does not amount to the five thousand square *ammot* of a *beit sa'atayim*. To Rabbi Shimon ben Elazar, since there is more than seventy *ammot* on one side, it is forbidden. But to Rabbi Yehudah, the total area is what matters. If it does not exceed *beit sa'atayim*, it is permitted.

*

⁴An area in which a *kor* of seed may be sown.

PEREK 2 – 22A

Now the Gemara finishes citing the above Baraita:

Rabbi Shimon ben Elazar stated a general rule: Any enclosed space even without a roof which is used as a dwelling where people always go in and out, as for instance, a corral, a pen, a *muktzeh* or a courtyard, even if it is as large as five or even ten *beit kor*, is permitted.

And any dwelling even with a roof which is used for the space outside of it but not for its inside. As for instance, field huts, which are not a proper dwelling but are used as shelter from the sun by watchmen guarding the fields (i.e. the space *outside* the huts is the primary purpose of the huts), it is **permitted** only if its area is up to *beit sa'atayim*. But if it is **more than *beit sa'atayim***, is forbidden.

MISHNAH

Rabbi Yehudah says: If a road which is a public domain cuts through them the well boards, **one must divert it to the side**. And if not so, the penetration of the masses annuls the partitions.

But the Sages say: there is no need to divert it, because the masses cannot annul four partitions.

PEREK 2 – 22A

GEMARA

Rabbi Yochanan and Rabbi Elazar both say: Here, they the Sages **informed you of** the extent of the Halachic **strength of partitions**. I.e., that the penetration of the masses does not annul them.

And the Gemara examines Rabbi Yochanan's statement, “Here they informed you”. Does it mean that “they informed you” **here, and he** Rabbi Yochanan also **holds** in accordance with the view of the Sages?

It cannot be so, because:

Did not Rabbah bar bar Chanah say, Rabbi Yochanan said: Jerusalem—whose public thoroughfare extended from gate to gate, and six hundred thousand people passed through this thoroughfare, and it was sixteen *ammot* wide—**were it not that its gates were closed at night**, people **would have been liable** for carrying **in it, due to** the Torah prohibition of transferring objects in a **public domain**.

Consequently, Rabbi Yochanan holds that the penetration of the masses annuls the partitions. That is why only closing the gates is sufficient, and mere partitions would not be sufficient.

And the Gemara concludes: **Rather**, Rabbi Yochanan's statement “they informed you” means: **Here** the Sages informed you, **but he** Rabbi Yochanan **does not hold of it**.

*

PEREK 2 – 22A

The Gemara raises a difficulty: **But** this statement of **Rabbi Yehudah**, who said in our Mishnah that the penetration of the masses annuls the partitions, **is contradicting** another statement of **Rabbi Yehudah!**

And this statement of **the Rabbis**, who said in our Mishnah that the penetration of the masses does not annul the partitions, **is contradicting** another statement of **the Rabbis!**

For it was taught in a Baraita: **Furthermore, said Rabbi Yehudah: If someone had two houses on both sides of the public domain, he makes for himself one side-post on one side and another on the other side** i.e. on both sides of the house **or one cross-beam on one side and another on the other side, and he may move objects in the middle** between them.

The Gemara assumes that Rabbi Yehudah holds that a side-post or a cross-beam functions instead of the third partition required by Torah law in order to render an area as a private domain. From this point of view, a side-post and a cross-beam are as valid as a partition.

They the Sages **said to him: The public domain cannot be made into an *eiruv* this way.**

That is to say: It is impossible to turn the public domain into a private one this way.

The reason is that the masses will come and annul the partitions of the side-post or of the cross-beam.

And now there is the difficulty:

Rabbi Yehudah holds in our Mishnah that the penetration of the masses annuls the partitions, while in the Baraita he holds that it does not.

PEREK 2 – 22A

And the Rabbis hold in the Mishnah that the masses do not annul the partitions, but in the Baraita, they hold that they do. And so, one statement of **Rabbi Yehudah** raises **a difficulty to** the other statement of **Rabbi Yehudah**.

Similarly, one statement of the **Rabbis** raises **a difficulty to** the other statement of the **Rabbis**.

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And the Gemara answers: **As for** one statement of **Rabbi Yehudah** raising **a difficulty to** the other statement of **Rabbi Yehudah**, **there is no difficulty**:

There, in the public domain, **there are two good partitions**, those of the house, which make a valid private domain by Torah law.

For Rabbi Yehudah holds that by Torah law, two partitions are sufficient to constitute a private domain. And these two solid partitions are not annulled by the masses, although well boards would be nullified by them. (And since the third partition is only required by Rabbinical law, it is treated more leniently, *Ritva*).

But **here** in the case of well boards **there are not two good partitions**.

As for one statement of the **Rabbis** raising **a difficulty to** the other statement of the **Rabbis**, **there is no difficulty** either:

Here in the case of well boards of the Mishnah, **it is called four partitions** since each side has a board that is one *ammah* wide. And the penetration of the masses cannot four partitions.

PEREK 2 – 22B

But **there** in the case of the public domain of the Baraita, **it is not called four partitions**, because there are only two solid partitions, and on the third or fourth side there is only a side-post or a cross-beam. And even according to the view which holds that side-posts and cross-beams work as if they were partitions, they are not actually called partitions).

Rabbi Yitzchak bar Yosef said, Rabbi Yochanan said: There is no liability for carrying in the public domain in the land of Israel.

Rav Dimi was sitting and reciting this teaching of Rabbi Yochanan.

Abaye said to Rav Dimi: What is the reason for this law?

Ammud Bet

If we say that it is because of the ladder of Tyre which surrounds it **on one side** (the mountains that surround the land of Israel on the north-eastern border have the form of the letter *kaf*⁵ and are like a wall of ten *tefachim* high. **And the slope of Gader on the other side**, which surrounds the land of Israel on the southern border and is ten *tefachim* deep and four *tefachim* wide. And since Israel is surrounded by these partitions it is not a public domain—

But this is not a plausible explanation.

Because if so, in **Babylon also** there should not be any liability for carrying in the public domain.

⁵ I.e. they are like three sides of a square.

PEREK 2 – 22B

Since **it is surrounded by the Euphrates on one side** i.e. on two sides in the shape of the letter *kaf* **and by the Tigris on the other side!**

Furthermore there is another difficulty: **Everyone's public domain is surrounded by the ocean**, and thus there is no public domain!

Rather, we must say that partitions which cannot be seen by someone standing inside of them are not partitions.

Abaye added and said: **Perhaps** you do not mean to say that there is no public domain in the land of Israel, but you mean **to say** that the **ascents and descents** of the land of Israel which are not easy to access, they have no liability as a public domain.

He Rav Dimi said to him to Abaye: You are a great **mind**, **I saw your head between the pillars** of the study hall **when Rabbi Yochanan said this teaching!** I.e. you understood it as if you were there when it was said.

It was said also in a statement of Amoraim: **when Ravin came** from the land of Israel, he said **in the name of Rabbi Yochanan**. But others say, **Rabbi Abahu said, Rabbi Yochanan said: There is no liability for the ascents and descents of the land of Israel. They are not liable as a public domain because they are not** as accessible as the domain marked by **the banners of the Wilderness** i.e. the encampment of the Israelites during the forty years they wandered in the Wilderness. For all the forbidden forms of work (including that of transferring between domains) are derived from the works of the *Mishkan*, the Tabernacle. The Wilderness was flat, since the Clouds of Glory flattened every hill and valley.

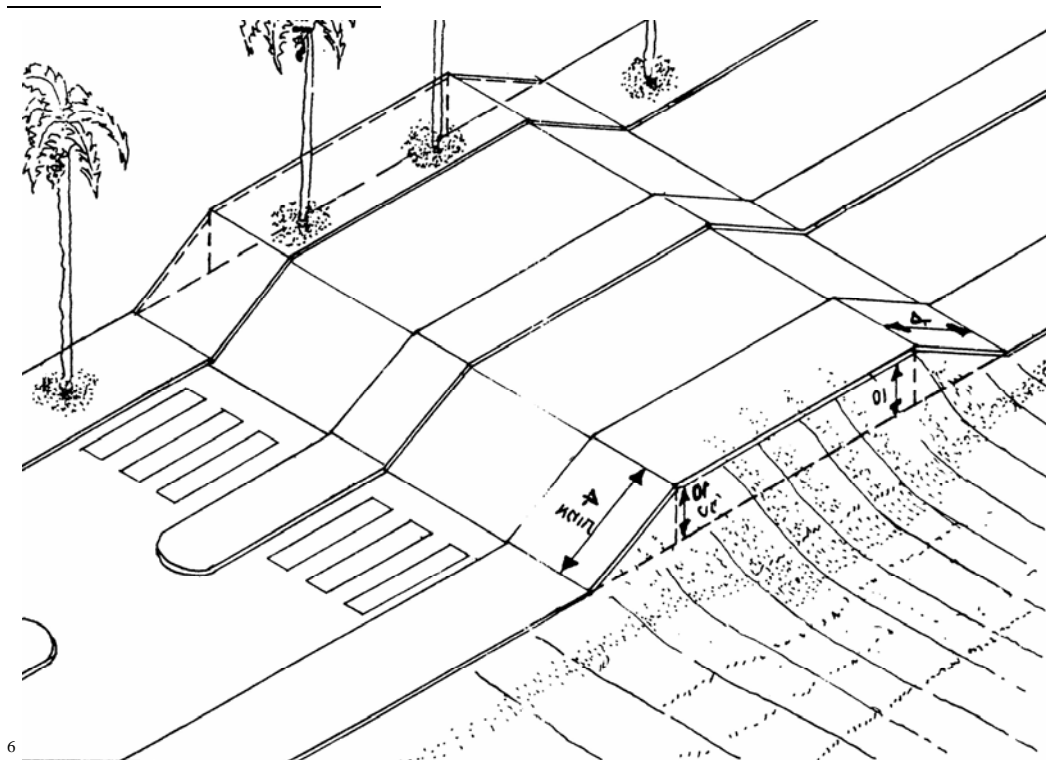
PEREK 2 – 22B

Rachavah posed an inquiry to Rabbah, concerning the following case: **A mound** that is at least ten *tefachim* high, and is considered as surrounded by partitions because of the sides of the mound which **ascends** to the height of **ten *tefachim* from a distance of only four *ammot*** (see illustration⁶). And the height of the mound is difficult for the masses to walk on. **But nevertheless, the masses pass through it.**

Do we say that the masses annul the partitions of the mound, **and is it liable as a public domain?** This is a case where the top of the mound is sixteen *ammot* wide, and where there are six hundred thousand people walking on it.

Or is it not liable as a public domain, because the access to the mound is difficult for the masses?

And the Gemara explains Rechavah's inquiry: **According to the Rabbis** who say in the Mishnah that a public road does not annul the partitions of the boards (since there are



height of mound: 10 *tefachim*. This height is attained within 4 *ammot*'s distance

PEREK 2 – 22B

four partitions, as explained above), **there is no inquiry**. For the mound, too, has four partitions.

For if there, with the boards, **where it is of easy access**, **the Rabbis said that the masses do not annul the partitions**, **here** by the mound **where it is not easy to access**, **how much more so** the masses do not annul the partitions, and it is not a public domain.

The inquiry arises according to Rabbi Yehudah who said in the Mishnah that a public road annuls the partitions of the well boards.

Does he say **there** that the boards are annulled **because it is of easy access** for the masses, but **here** with the mound **where it is not of easy access**, he would say that **the masses do not come and annul the partitions?**

Or perhaps there is no difference?

He Rabbah said to him to Rechavah: **They are liable** for carrying in the public domain in the case of the mound, because the masses annul the partitions.

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And Rechavah again posed an inquiry to Rabbah: **And even if they climb** on the mound **by a rope?**

He Rabbah said to him to Rechavah: **Indeed** they are liable because it is a public domain.

And Rechavah again posed an inquiry to Rechavah: **And even if they climb on the ascents of Beit Maron** which were so narrow and steep that only one person could go at a time?

PEREK 2 – 22B

He Rabbah said to him to Rechavah: **Indeed** they are liable.

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He contradicted him, from a Baraita: **A courtyard in which many people enter from one side** through doors or breaches **and go out from the other side** is considered as a **public domain in respect to the laws of impurity**. But it is considered as a **private domain in respect to the Shabbat**. Since it is surrounded by partitions, we do not say that the masses annul the partitions.

Whose view is this, in the Baraita?

If we say that it is the view of **the Rabbis** in the Mishnah of the well boards, it cannot be—

Because if there with the boards, where **it is of easy access**, **the Rabbis said: the masses do not come and annul the partitions**, **here** by the courtyard where **it is not of easy access** because the lower part of the wall still stands, **how much more so** would the partitions not be annulled! Thus the Halachah in this case is self-evident and we would not have to be told of it.

Rather, is it not Rabbi Yehudah's view, and he is telling us that the penetration of the masses does not annul the partitions, when the place is not of easy access?

And the Gemara rejects this possibility: **No, it is the view of the Rabbis**. **And** the law in this case is not obvious in all respects. **It was necessary** to state the law regarding **impurity in a public domain**, although it is true that the law concerning Shabbat was obvious.

PEREK 2 – 22B

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Come and hear a proof from a Baraita: **Alleyways that open out in wells, ditches or caves** have the status of **private domain in respect to the Shabbat, but as a public domain in respect to impurity.**

The Gemara is puzzled by the case brought in the Baraita: **You assume** that alleyways open out **in wells?**

Rather, this is what it meant to say: They open out on one side close **to wells,** so that anyone who wants to go out that end of the alleyway has to walk next to the edge of the well. Or they open out to ditches and caves, similarly. They have the status **of a private domain in respect to the Shabbat** because the masses do not annul the partitions of the alleyway. **But as a public domain in respect to impurity,** because the masses walks there. Thus we see that the masses do not annul the partitions where there is no easy access, such as here, where people have to walk on the edge of the well.

And **whose view is this** in the Baraita?

If we say that it is the view of **the Rabbis,** this makes no sense, as before: **Because if there** with the boards where **it is of easy access, the Rabbis said: the masses do not come and annul the partitions,** here with the alleyways that open out to wells, where **it is not of easy access, how much more so** the masses do not nullify the partitions! Thus the case is self-evident, and we would not need not be told of it.

Rather, is it not Rabbi Yehudah's view, and since it is not of easy access, he holds that the partitions are not annulled. If so, how could Rabbah say that the mound is liable as a public domain?

PEREK 2 – 22B

And the Gemara rejects this possibility: **No, it is the view of the Rabbis. And it was necessary** to state the law about **impurity in a public domain**, thus it was not self-evident.

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Come and hear a proof, from a Baraita: **The paths of Beit Gilgul** which are steep and narrow, **and the like**, have the status **of a private domain in respect to the Shabbat** because the masses do not annul the partitions. **And** they have the status **of the public domain in respect to impurity**, because the masses walk there.

And what paths may be described as similar to those **of Beit Gilgul** which are considered as a private domain in respect of the Shabbat? **The School of Rabbi Yannai say: Any path where a slave cannot carry a *se'ah* of wheat and run from a Roman officer.**

This Baraita, which holds that it is a private domain in respect to the Shabbat since the masses do not annul the partitions: **Whose view is this?**

If we say that it is the view of **the Rabbis**, it is self-evident, as before.

Because if there with the boards where **it is of easy access, the Rabbis said: the masses do not come and annul the partitions, here where it is not of easy access, how much more so** the partitions are not annulled! Thus the case need not be stated, as before.

Rather, is it not Rabbi Yehudah's view, who holds that with the boards, the masses come and annuls the partitions. While here, where it is not of easy access, the partitions are not annulled. And this contradicts Rabbah.

PEREK 2 – 22B

And the Gemara answers: **He Rabbah said to him to Rechavah: You spoke about the paths of Beit Gilgul?**

In the land of Israel, it is obvious that they are considered as a private domain and that the masses do not annul the partitions. Because **Yehoshua⁷, who loved the people of Israel, went and built roads and highways which were of easy access, and assigned them to the masses.**

Those which were not of easy access were assigned for private use. And if field owners wanted to use the paths which were not of easy access, they were free to do so. Thus these secondary paths had the status of a *carmelit*.

MISHNAH

Since the well boards were only instituted to water the animals of Jerusalem's Festival visitors, the Sages were concerned that the waters might dry up after the setting of the boards, and that people would still rely on them to move objects within the enclosure. Therefore the following Halachot were stated:

It is the same whether it is a public cistern or a public well, or a private well, they may to be enclosed with boards because there is no need to be concerned that the water of a well might dry up, since it is fed by an underground spring. And regarding a public cistern, it is permitted because even if its water dries up, people will warn one another not to move objects within the enclosure.

⁷ Joshua

PEREK 2 – 22B

But a private cistern, where there is concern that its water might dry up, is not permitted with boards. It **must be encompassed with a proper partition ten *tefachim* high**. These are the words of Rabbi Akiva.

Rabbi Yehudah ben Baba says: they may put up boards only for a public well, because it has two advantages: 1. its water usually does not dry up 2. even if does dry up, people will warn each other. **For the other cases, they must set up a belt of ropes, ten *tefachim* high.**

CHAVRUTA

EIRUVIN – DAF CHAF GIMEL

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Said Rav Yosef said Rav Yehudah said Shmuel: Halachah is like Rabbi Yehudah ben Bava, that one may make *passei bira'ot*¹ only for a public well. (statement 1)

And said Rav Yosef said Rav Yehudah said Shmuel: *Passei bira'ot* were only permitted for a well of living water i.e. the well is fed by an underground spring, as wells usually are. (statement 2)

And one needs both statement 1 and statement 2.

Because if we were only told that halachah is like Rabbi Yehudah ben Bava (statement 1), **I would say** that he allows making *passei bira'ot* for all water **of the public, and** not only a well, but **even** water that is **gathered** in a cistern.

And I would think: That which is taught in the Mishnah in Rabbi Yehudah's name, that we only make *passei bira'ot* for a **public well**, is not to exclude public cisterns. Rather, it is **to exclude that case of Rabbi Akiva** in the Mishnah, who permits *passei bira'ot* even with a private well. We may have thought that Rabbi Yehudah is saying that any public water source is permissible.

Therefore, **he** (Rav Yosef) **tells us** in statement 2 that *passei bira'ot* **only permitted for a public well**, and not for a cistern, even if it is public.

And if he (Rav Yosef) **only told us** statement 2 about a **well of living water, I would say** that concerning a well, there is **no difference** if it is a well **of the public, and no**

¹ Well boards, i.e. the boards put around a water source, to allow one to draw water to the area enclosed by the boards.

PEREK 2– 23A

difference if it is a well of a private person. So he tells us that halachah is like Rabbi Yehudah ben Bava, that only public wells are allowed this leniency.

Mishnah

And Rabbi Yehudah ben Bava also said: A vegetable garden and a *karpeif* (a large area out of town where people store wood – Rashi 18a), which were not fenced in order to live in, may not be carried in.

But **when they are** no bigger than 70 *amot* and a bit by 70 *amot* and a bit, (which is equal to *beit sa'atayim*, which equals 5,000 square *amot*²), and **they are surrounded by a fence ten tefachim high, one may carry in them—so long** as the *karpeif* was fenced in for the purpose of living in it. To fulfill this requirement, it is sufficient **that there is in it a guard hut or a temporary dwelling, or that it is close** (within 2,000 *amot*) **to town** so that its owner can easily get there and stroll around, making the area like a dwelling (*Rabbeinu Yehonatan*).

Rabbi Yehudah bar Ila'i is more lenient and **says: Even if it** (the *karpeif*) **does not have** a dwelling at all, **but only a dug cistern** for collecting rainwater, **or a si'ach** (an elongated pit), **or a cave** (which is used by people), **one may carry in it.**

Rabbi Akiva says: I disagree with two points of Rabbi Yehudah bar Ila'i. 1) **Even if one of all these things** (cisterns, caves etc.) **is not present in it** (the *karpeif*), **one may carry in it, so long as it has no more than 70 amot and a bit by 70 amot and a bit.**

² 1 ammah: 18.7 in., 48 cm

PEREK 2– 23A

2) If the *karpeif* was fenced for living purposes, it can be even bigger than that. (This is identical to the opinion of the first Tanna of the Mishnah at the beginning of the chapter, on *daf* 18a).

Rabbi Eliezer says: If the length of the garden is **more than the width**, by **even one amah**, and the garden is thus not square, **one may not carry in it**, even if the area is exactly equal to *beit sa'atayim*.

Rabbi Yosi disagrees and says: Even if the length is twice of the breadth, one can carry in it, if it is not more than *beit sa'atayim* in area.

Said Rabbi Ila'i: I heard from Rabbi Eliezer that he disagrees with all the above views and says that one can carry in a *karpeif* that was not fenced to live in, **and even it is large as a *beit kor*³**, but no larger (see later 26a).

And so too I heard from him: If one of the people living in a courtyard forgot and did not make an *eiruv* with the others, in order to allow everyone to carry in the courtyard,⁴ he can nullify his share of the courtyard (including his jurisdiction over his house),⁵ and then they can carry in the courtyard.

But it is forbidden for him to take in and take out of his house to the courtyard, because that would be as if he is resuming control of his house and retracting his nullification.

But for them (the other residents), it is **permissible** to carry even from his house to the courtyard (and certainly from their own houses).

³ 30 *sa'im*, about 15 times the size of *beit sa'atayim*.

⁴ The residents of a courtyard may only carry there if everyone participated in making the *eiruv* and makes the houses and courtyard as if one ownership.

⁵ This makes it as if his separate ownership does not exist and all the houses and the courtyard become one ownership.

PEREK 2– 23A

And so too I heard from him: That one can fulfill one's obligation in the mitzvah of *maror*⁶ **by eating *arkabalin* (a certain bitter herb) on Pesach.**

And concerning all these three things that I heard from Rabbi Eliezer, **I went to all his disciples and searched for a colleague** who concurred with what I said in Rabbi Eliezer's name, **and I did not find** anyone who had heard these teachings from him.

Because my colleagues all claimed: 1) That a *karpeif* that was not fenced to live in may not be more than *beit sa'atayim* in area. 2) If someone nullifies his share in a courtyard he does not thereby nullify his jurisdiction over his house. Therefore no one can carry from his house to the courtyard. 3) *Arkabalin* is not a species of *maror*.

Gemara

Concerning **that which was said by the Tanna** in our Mishnah, concerning a garden and *karpeif*, **that the Mishnah says: “And Rabbi Yehudah ben Bava *also* said”**—

Why does the Mishnah say “also?”

If you say that it says “also” **because he** (Rabbi Yehudah ben Bava) already **taught one stringency** in the earlier Mishnah (22a), where he said that we make *pasei bira'ot* only for a public well, **and now he taught another** stringency in this Mishnah—

And **therefore the Mishnah** here says “**and also**”, even though the two stringencies are not connected—

This is not a plausible explanation.

⁶ Bitter herbs

PEREK 2– 23A

Because Rabbi Yehudah bar Ila'i, who taught one stringency in the Mishnah (18a) when he said that we do not use *pasei bira'ot* for an area larger than *beit sa'atayim*, **and he taught another** stringency in the Mishnah (23a) when he said, "If a public road interrupted them, he should move it to the side." **And yet the Mishnah (23a) does not say "And Rabbi Yehudah bar Ila'i *also* said."**

So we see that when two stringencies involve different subjects, the Mishnah does not say "and also."

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The Gemara responds that the word "also" is indeed appropriate here: **There**, concerning Rabbi Yehudah bar Ila'i, **the** statement of the **Sages interrupted** between the two stringencies, when they stated: "They did only said (the rule of) *beit sa'atayim* for a garden and *karpeif*."

But **here**, concerning Rabbi Yehudah ben Bava, **the Sages did not interrupt** his two statements.

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The Gemara now challenges this explanation, by pointing out that the Mishnah says "and also" even when the Sages interrupt between the two statements:

And everywhere that the Sages interrupt, is it true that the Mishnah does not say, "And also?"

PEREK 2– 23A

But we see concerning Rabbi Eliezer’s statement in Tractate Succah, that the Sages interrupt two of his statements regarding succah meals, **but the Mishnah still says, “And also.”**

Because it says there: “Rabbi Eliezer says: One is obligated to eat 14 meals in a succah. And the Sages say: There is no limit for the matter. ‘And also’ Rabbi Eliezer said: Someone who did not eat on the first night of Yom Tov (in a succah), can compensate on the last night.”

This proves that the Mishnah says “and also” when the two statements of the Tanna relate to the same subject, and the fact that the Sages interrupt between them is not the determining factor. If so, why does the Tanna of our Mishnah say “and also” concerning Rabbi Yehudah ben Bava, whose two statements were unrelated?

*

The Gemara answers that, as we said before, the fact that the Sages interrupt the two statements is indeed important: **There**, concerning Rabbi Eliezer in Succah, **they** (the Sages) **interrupted him** only **concerning his subject**, when they disagreed and said, “There is not a limit to the matter.” Therefore it is not considered a true interruption, since they were in dialogue with him over the very same subject.

But **here**, concerning Rabbi Yehudah bar Ila’i, **they interrupted him concerning another subject**.

Because Rabbi Yehudah bar Ila’i said that we do not use *pasei bira’ot* for an area larger than *beit sa’atayim*. And the Sages then said: “They (the Rabbis) only said (the rule of) *beit sa’atayim* for a garden and a *karpeif*,” adding something that Rabbi Yehudah had not mentioned. Therefore it is considered an interruption, and that is why the next Mishnah does not say, “And also.”

PEREK 2– 23B

The Mishnah said: **Rabbi Akiva says:** I disagree with two points of Rabbi Yehudah bar Ila'i. 1) **Even if one of all these things** (cisterns, caves etc.) **is not present in it** (a *karpeif*), **one may carry in it**, so long as it has no more than 70 *amot* and a bit by 70 *amot* and a bit.”

Ammud Bet

The Gemara raises a difficulty: **Rabbi Akiva is** saying the same thing as **the first Tanna** on *daf* 18a, who said: “They did only said *beit sa'atayim* concerning a garden and a *karpeif*,” and then goes on to say that if the garden or *karpeif* are lived in, they can be even larger than *beit sa'atayim*.

The Gemara answers: There **is** a difference of opinion **between them** when the *karpeif* is **a small amount** larger than 70 *amot* and a bit. The first Tanna holds that one can add a “small amount” to the *beit sa'atayim* and it still has the same rule as an area of *beit sa'atayim*.

Because it was taught in a Baraita: Rabbi Yehudah says: There is a small amount more over 70 *amah* and a bit, and the Sages did not give it an exact measure.

The Gemara explains where this small amount is learnt from:

And how much is the amount of *beit sa'atayim*? Like the courtyard of the *Mishkan* (Tabernacle).

PEREK 2– 23B

The Gemara inquires: **From where are these words** derived, that the size of the *karpeif* is reflected in the dimensions of the *Mishkan*?

The Gemara explains: **Said Rav Yehudah: Because the verse says: “The length of the Courtyard [of the *Mishkan*] shall be a 100 *amah* and the breadth fifty by fifty.”**

Why does the Torah write “fifty by fifty” instead of simply saying “fifty?” Because the Courtyard consists of two adjacent areas, each one fifty by fifty *amot*. And **the Torah was saying: Take the one fifty by fifty of the *Mishkan*, and surround** with it the other **fifty by fifty**, and this will create a perfect square with sides of seventy and a bit *amot*. This is how the Torah hints to the size of the *karpeif*. (But in fact, the Courtyard of the *Mishkan* was not itself square. It only provides a hint to a square shape, as a source for the *karpeif*.)

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We can now understand the disagreement about whether a permitted *karpeif* can be 70 and a bit plus a “small amount” as follows:

The *Mishkan* courtyard was 50 by 100 *amot* in area (5,000 square *amot*). A square of the same area will have sides 70 *amot* long with a “bit” extra of $\frac{2}{3}$ of an *amah* (0.666 of an *amah*), extra, and a “small amount” extra beyond that, because it actually requires 70.710678 *amot* by 70.710678 to make 5,000 square *amot*. (Rashi explains this differently).

The first Tanna includes that “small amount”, and Rabbi Akiva does not.

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PEREK 2– 23B

The Gemara inquires further: **And what is the simple meaning of the verse**, when it says “fifty by fifty?” **About what is it written?**

The Gemara explains: **Said Abaye:** The Torah is saying: **Position the *Mishkan* itself at the edge of fifty** in the Courtyard **so that there should be 50 *amah* in front of it** (the *Mishkan*) **and 20 *amah* on each side.**

The rectangular *Mishkan* Courtyard, whose entrance was on the east and which stretched from east to west, consisted of two adjacent squares, each one fifty by fifty *amot*. The Torah instructs us to place the *Mishkan* itself (whose dimensions, not including its walls, measured 30 by 20 *amot*) within the western square, but on the edge of the eastern square. Thus the entrance of the *Mishkan* will stand on the demarcation line between the two squares, and will be accessed from the eastern square. And to the west, north and south, the *Mishkan* will be surrounded by a strip of courtyard 20 *amot* wide.

The Mishnah said: **Rabbi Eliezer says: If its** (the *karpeif*'s) **length** is more than the width even by one *amah*, and the *karpeif* is not square, one may not carry in it even if the area is exactly *beit sa'atayim*.

The Gemara suggests that this contradicts another statement of Rabbi Eliezer: **But it was taught** in a Baraita: **Rabbi Eliezer says: If its length was more than “double its width” even by one *amah*, one may not carry in it.** Because the Courtyard of the *Mishkan*, from where we learn the size of the *karpeif*, had these dimensions.

Whereas in our Mishnah, Rabbi Eliezer says that the *karpeif* must be absolutely square.

PEREK 2– 23B

The Gemara answers: **Said Rav Bivi bar Abaye: When we teach the Mishnah, too, we change the text in our Mishnah—so that it too teaches:** If the length was [more than] **double of its breadth.**

*

The Gemara raises a difficulty: **If so, it** (Rabbi Eliezer's view) **is** the same as **Rabbi Yosi's** in the Mishnah, who also says that the *karpeif* can be 100 by 50 *amot*.

The Gemara answers: **There is** a difference of opinion **between them** regarding **the square that the Rabbis squared.** We learnt before that the Rabbis arrived at the dimension of 70 and a bit by 70 and a bit by putting one 50 by 50 square of the Courtyard around the other.

Rabbi Eliezer holds that ideally, the *karpeif* should be rectangular like the shape of the *Mishkan*, and that 70 and a bit by 70 and a bit is a size and shape that is acceptable but is not preferred. Rabbi Yosi holds the opposite: The square 70 and a bit by 70 and a bit is the ideal, while the rectangular 100 by 50 is also acceptable.

The Mishnah says: **Rabbi Yosi says: Even if the length is twice of the breadth, one may carry in it.**

It was stated: Said Rav Yosef said Rav Yehudah said Shmuel: Halachah is like Rabbi Yosi who says that the *karpeif* can be twice as long as it is wide.

And Rav Bivi said Rav Yehudah said Shmuel: Halachah is like Rabbi Akiva who says that the *karpeif* does not have to be fenced in for living purposes.

PEREK 2– 23B

And both these rulings of Shmuel are **lenient**.

And he (Shmuel) **needs** to say both leniencies.

Because if he only **told us** that **halachah is like Rabbi Yosi**, **I would have said** that the *karpeif* must be fenced in for living purposes even when it is the regulation size or smaller, and that one may not carry **until there is a watchman's hut or dwelling place** in it. Therefore, **he tells us** that **halachah is like Rabbi Akiva** who does not require it to be fenced in for living purposes when it is the regulation size or smaller.

And if he only **told us** that **halachah is like Rabbi Akiva**, **I would have said** that it must be square, because Rabbi Akiva mentions it being 70 and a bit by 70 and a bit.

But long and narrow is **not** valid.

Therefore, **he** (Shmuel) **tells us** that **halachah is like Rabbi Yosi** who says that 100 by 50 *amot* is also an acceptable shape.

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In conclusion, the views expressed in this section of Gemara, according to Rashi, are as follows:

1) If the *karpeif* is less than *beit sa'atayim* in area: Rabbi Yehudah ben Bava holds that if it is fenced to live in, one may carry in it, thus it must have a watchman's hut or a dwelling. Rabbi Yehudah bar Ila'i says that a cistern or *si'ach* suffices to make it considered fenced for dwelling.

PEREK 2– 23B

2) The Sages (*daf* 18a) and Rabbi Akiva hold that if the *karpeif* is equal to or less than *beit sa'atayim* in area, it does not have to be fenced for living purposes. It only has to be fenced for living purposes if it is more than *beit sa'atayim*. This is the halachah.

3) Later (26a), Rabbi Ila'i in the name of Rabbi Eliezer and Chananya states that even a *karpeif* larger than *beit sa'atayim* does not have to be fenced in for living purposes. They argue whether the maximum regulation size is 40 *sa'im* or a *beit kur*.

If the *karpeif* is rectangular, there are three views:

1) Rabbi Yehudah ben Bava and Rabbi Akiva require a *karpeif* of *beit sa'atayim* in area to be square, or else it is invalid for carrying purposes.

2) Rabbi Elazar holds that the rectangular shape is ideal and even better than a square.

3) Rabbi Yosi holds that the rectangular is acceptable, but the square is the preferred shape.

If the length is *more* than double the breadth: Rabbi Eliezer and Rabbi Yosi agree that it is invalid. But Rabbi Ila'i in the name of Rabbi Eliezer and Chananya states that even this is good (on *daf* 26a, see *Ritva* there).

The Gemara makes a statement regarding the following case: **A *karpeif* that is over *beit sa'atayim* in area, and fenced in for living purposes.⁷ And then, most of it was sown as a vegetable garden is. It thus loses its status of being fenced in for living purposes, and behold, it is like a garden and it is forbidden to carry there.⁸**

⁷ Where one can carry according to Rabbi Akiva, whose view is the Halachah.

PEREK 2– 23B

But if **one planted** trees **in most of it**, it is still considered as fenced for living purposes because people take shelter underneath trees. **And behold, it is still like a courtyard** where one may carry.

*

The Gemara discusses this statement: We said, if **most of it was sown**, one may no longer carry in the *karpeif*.

Said Rav Huna the son of Rabbi Yehoshua: We only say that one cannot carry there **when** the area sown was **more than *beit sa'atayim* in area**, because that would constitute a *karpeif* of more than *beit sa'atayim* which is not fenced for dwelling. It thus acquires the status of a *karmelit*.⁹ And the remaining area where one is still dwelling would also be forbidden to carry in, even though that place in itself is a *karpeif* fenced to dwell in, because it is completely open to a *karmelit*.

But if the place sown in is only *beit sa'atayim* or less, it is **permitted** to carry in the whole area, because when the area not fenced to live in is less than *beit sa'atayim*, one may carry there.

Yet this raises a difficulty: The Sages (89a) hold that when two types of domains are completely open to one another (such as here, where the part where one lives in is considered a courtyard, and the part that is sown is considered as a *karpeif*), one may not carry in either of them, even if they belong to one person.

Thus the Gemara is brought to the following conclusion: Rav Huna is saying his statement **like whom? Like Rabbi Shimon**, who holds that a courtyard and *karpeif* are like one type of domain.

⁸ The minority area that is not sown is nullified to the majority that is sown.

PEREK 2– 23B

For it was taught in a Mishnah: Rabbi Shimon says: Roofs, and courtyards, and *karpeifot* are all considered one domain for utensils that were in them when Shabbat commenced, thus one may carry these utensils from one to the other.

But they are not like one domain **for utensils that were in the house when Shabbat commenced,** and these utensils may not be carried from a courtyard to a *karpeif*.

*

The Gemara challenges this conclusion: **And according to Rabbi Shimon too,** it should be forbidden to carry in any part of the *karpeif*, even though less than *beit sa'atayim* was sown. Because **since most of it was sown, that minority** that is still fenced for living in **is (nullified to the majority)...**

⁹ A placed where it is Rabbinically forbidden to carry.

CHAVRUTA

EIRUVIN – DAF CHAF DALED

Translated by: *Chavruta staff of scholars*
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[**Because** since most of it was sown, that minority **that is still fenced for living in** is (**nullified to the majority**)] that is not surrounded for residential purposes, and joins to it, and adds to its size. **And this *karpeif* is** therefore surrounding **more than a *beit sa'atayim*** that is not surrounded for residential purposes, **and it** should be **prohibited** to carry there.

Rather, if a statement was said by Rav Huna son of Rav Yehoshua, **this is what was said** by him:

One could imply from the phrase “if the majority is sown, it is prohibited” as follows: **Surely if it is a minority** (of the *karpeif* that is sown), **it is permitted!**

Said Rav Huna son of Rav Yehoshua on this:

They only said that if a minority is sown, it is permitted, **when it** (the minority that is sown) **is not a *beit sa'atayim*** and therefore the area is not significant enough to separate it from the rest of the surrounded area, to designate it separately as a “*karpeif*”. Therefore, it does not prohibit the courtyard-like area that is open to it.

But if the sown minority **is** exactly a *beit sa'atayim*, it is significant, and it was not surrounded for residential purposes. Therefore, **it is prohibited** to carry within the whole surrounded area, since the part that is surrounded for residential purposes is “a courtyard” and the part that is not surrounded for residential purposes is a “*karpeif*”. And when a courtyard and a *karpeif* are open to each other, it is prohibited to carry in both of them.

PEREK 2 – 24A

(And all the more so that it is prohibited, if it was larger than a *beit sa'atayim*, as it is open to a *carmelit*¹).

Like whose view is this stated? Like the Rabbis, who hold that a courtyard and a *karpeif* are two different types of domains, and it is prohibited to carry from one to the other. Therefore when they are open to each other, and each one is a domain on its own, it is prohibited to carry there.

*

And Rav Yirmeyah of Difti taught it the statement of Rav Huna son of Rav Yehoshua as a **lenient** ruling—and according to the view of Rabbi Shimon:

Commenting on the Gemara's above deduction, **surely if it is a minority** (of the *karpeif* that is sown), **it is permitted**—

Said Rav Huna son of Rav Yehoshua on this:

They only stated the requirement that the minority is sown **regarding an** exact size of *beit sa'atayim* or less than this, as then it is permitted to carry throughout the whole area. And even though they are like two domains (since part of it is a courtyard and part of it is a *karpeif*), nevertheless it is permitted, since a courtyard and a *karpeif* are considered one domain according to Rabbi Shimon.

But if the sown minority is **more than a *beit sa'atayim***, where that minority comprises more than a *beit sa'atayim* of area that is for non-residential purposes, its law is like a *carmelit*, and **it is prohibited** to carry throughout the surrounded area, since the second part is open into a *carmelit*, and it is prohibited to carry within it.

¹ An area which cannot be classified either as a public domain or as a private one.

PEREK 2 – 24A

And **according to whom** did they permit it, when the sown area is not more than a *beit sa'atayim*? **According to Rabbi Shimon**, who holds that a courtyard and a *karpeif* are one domain.

*

We learned earlier: **If most of the *karpeif* was planted with trees, it is like a courtyard and is permitted to carry within.**

Said Rav Yehudah, said Avimi: And that which we said that the planting of trees does not nullify the status of being for residential purposes, **it is when they** (the trees) **were made** (planted) **in rows**, which makes it pleasant to sit there, and it is still considered a place of residence.

And Rav Nachman said: Even if they were not made in rows.

Mar Yehudah visited the House of Rav Huna son of Yehudah. He saw certain *karpeifot* that were larger than a *beit sa'atayim*, that were originally for residential purposes and subsequently they planted trees there. And he noticed that they were not made in rows, and nevertheless, they were carrying within them.

He (Mar Yehudah) **said to him** (Rav Huna son of Yehudah): **And does the Master not follow that statement of Avimi**, who said that if they are not planted in rows, the *karpeifot* lose their status of dwelling places?

He (Rav Huna son of Yehudah) **said to him** (Mar Yehudah): **I follow the view of Rav Nachman**, who said: Even if they are not made in rows.

*

Said Rav Nachman, said Shmuel, concerning the following case: **A *karpeif* larger than a *beit sa'atayim*, that is not surrounded for residential purposes**, although it has partitions, and afterwards, they made an opening of a dwelling to lead into the *karpeif*. (It is prohibited to carry there unless the opening of the dwelling was there originally, and

PEREK 2 – 24A

then the partitions were erected): **What may one do** to rectify the situation in order to permit carrying?

1) He breaches it, the walls that surround the *karpeif*, with **a breach larger than ten amot²**. Such a wide breach is not considered an “opening” but rather a breach that invalidates the partitions.

2) And he then reencloses **it** the *karpeif*. **And** this is how it is done: He **brings it** the breach down to a size **of** only **ten ammot**; thereby the *karpeif* now has an “opening” rather than an invalidating breach.

And then **it is permitted** to carry there. For it is considered that he surrounded the *karpeif* only after he made an opening to it for residential purposes.

*

They the scholars of the study hall **posed an inquiry** regarding the above case: If **he made a breach** of only **an ammah** in the partitions (therefore he has not invalidated them), **and he enclosed** i.e. replaced **the** missing *amah*, (**and he** again **breached an** additional *ammah* close to the first *ammah*, **and he** then **enclosed it**) **until he completed it** through several breaches **to** a total breach of **more than ten**.

However, at no time was there a partition with a breach in one place of larger than ten *ammot*. Similarly, at the time that he enclosed it, he did not close up a breach of more than ten *ammot*.

What is the law?

² 1 ammah: 18.7 in., 48 cm.

PEREK 2 – 24A

Do we say: since he did not breach more than ten *ammot* at one time, the original enclosure was never invalidated.

Or perhaps we say: if he would not have immediately closed in the breaches, they would have joined together to be more than ten, and the enclosure would have been invalidated.

Thus, according to this way of looking at it, we may say that he surrounded the *karpeif* only after he made an opening to it for residential purposes, since the original surrounding enclosure is viewed as having been invalidated and then rebuilt.

He said to him (it is not clear who is speaking to whom): **Was it not taught** in a Mishnah: **Any wooden vessel of private owners**, the size of the hole required to remove their status as a vessel is **like** that of **pomegranates**, i.e. a hole large enough that pomegranates could fall through the vessel.

But if the hole was smaller than this, the way of private owners is to keep them to be used for holding pomegranates, and they did not lose their status as a vessel.

The Gemara will proceed to discuss this case, and on the basis of this discussion, answer the inquiry posed above, about the breach of an *ammah*.

*

And Chizkiyah posed an inquiry regarding the Mishnah of the wooden vessels: What if **he pierced** a small hole in the vessel, of a size **to let out an olive, and he then sealed it**, and then pierced it again, **until he had completed it** to the size **to let out a pomegranate**. **What** is the law?

Rabbi Yochanan said to him (Chizkiyah): **My Master, you taught us** a Mishnah that discusses a case of a sandal, and that should answer your inquiry.

PEREK 2 – 24A

For it was taught in a Mishnah (according to the text of the *Bach*): **A sandal** that was made impure by a *zav*³ who wore it, and then one of its buckles snapped off, it is still impure, until both buckles snap off. For then it is no longer suitable for walking purposes.

If one of the buckles snapped and he repaired it, it has the impurity of *midras* (the form of impurity imparted by a *zav* stepping or lying on an object fitting for such). Because even if he would not have repaired it, it remains impure, as explained.

If the second buckle snapped after he repaired the first, **and he repaired it, it is pure from *midras***. For both buckles had snapped off.

But, it is still impure due to **contact with** an object impure from *midras*. I.e. the sandal is considered as if it touched the original, impure sandal. Concerning this impurity due to contact, the sandal still has the status of a vessel, since it can be put to a different use, one other than wearing and stepping on. Thus, the impurity rendered by contact is still relevant to the sandal.

And you (Chizkiyah) said on it to explain it: What is the reason that when the **first** buckle alone snapped, it is impure? **Since** we say: **The second buckle is still intact**.

But this raises the difficulty: When the **second** buckle snapped **also**, after repairing the first, we can still say that **the repaired first buckle is intact**, and the sandal is only lacking one buckle!

And you said to us on it, to resolve the difficulty: **A new entity came here**. I.e. these new buckles are not from the same sandal on which the *zav* stepped. It was purified from the original impurity, since this is not the original sandal.

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³ A man with the impurity of a seminal-like emission.

PEREK 2 – 24A

And on the basis of this, Rabbi Yochanan said to Chizkiyah: **Here also**, concerning the vessel that was pierced and repaired and then pierced again, one could say: **A new entity came here**, and this is not the vessel that became impure.

And he (Chizkiyah) **said about him** (Rabbi Yochanan): **This is not a human being**, but rather he is an angel! **And some say** that he said about him: **This is an exemplary human being** i.e. a truly great person!

On the basis of this, we may answer the original inquiry about the case where one breached the enclosure, sealed it, and again breached it. Here also, a new entity of enclosure came here, thus we may say that he enclosed the *karpeif* only after he made an opening to it for residential purposes. Thus it should be permitted to carry within it.

Said Rav Cahana: A yard behind the houses (that is not used for household use), to which the house does not open, it is considered to be surrounded for non-residential purposes. And if the area surrounded is larger than a *beit sa'atayim*, **one may only carry four amot within it**.

And said Rav Nachman: If an opening was made into it, directly from the house into the yard, **it is permitted to carry in the entire area**, since the **opening** from the house **permits it** by transforming into an area surrounded for residential purposes.

And they only said that the opening permits the yard **when he opened it** to the house **and it was surrounded** by partitions **afterwards**. **But if it was surrounded first, and opened** to the house **afterwards, no**. This is not classified as surrounded for residential purposes, as stated earlier.

*

PEREK 2 – 24A

The Gemara is puzzled by this statement: **If he opened it and surrounded it afterwards, it is obvious** that is permitted! What is Rav Nachman coming to teach us?

The Gemara resolves the difficulty: **No**, it is not obvious. **It** Rav Nachman's teaching **is needed, since** in his case, **there was** already **in it**, before it was surrounded, **a threshing floor**.

What would you say? That even if it was first opened and afterwards surrounded, it would be forbidden. Because in this case, the opening to the house was not made with intent to subsequently surround the yard. Rather, we would say that **he made it** (the opening) not with the yard in mind, but **with the threshing floor in mind**, in order to be able to go from his house to the threshing floor. Thus, **it comes to teach us** that we may assume that he indeed opened it to his house for the sake of the yard itself.

*

The Gemara now discusses a new case: **A *karpeif* larger than a *beit sa'atayim* that was surrounded for residential purposes, and it became filled with water** that was collected in the cistern of the yard. The cistern, which was ten *tefachim* deep, overflowed and flooded the *karpeif*.

The Rabbis originally **thought to say** that the water in the *karpeif* **is like** the sowing of **seeds**, about which we stated earlier that they nullify the status of residential purposes. **And** therefore, **it** the water **prohibits** carrying items within the *karpeif*, if the majority of the *karpeif* was filled with water. This is similar to the earlier case of "if the majority was sown". (*Keren Orah* according to the second explanation of *Tosafot*).

Rav Abba, brother of Rava the son of Rav Mesharshai, said to them: This is what we said in the name of Rava: Water is not like sowing seeds. Rather, **it is like saplings** of trees, which do not nullify the status of residential purposes, as stated earlier. **And** therefore **it is permitted** to carry within the area.

PEREK 2 – 24B

Ammud Bet

Said Ameimar about this: When we said that the flooded area is considered a dwelling, this **is when the water fitting for use**, that it is drinkable. For drinking is an important aspect of dwelling. **But if it is not fitting for use, no.** The area is not considered to be for residential purposes.

And **said Rav Ashi** about this: **And even if it** the water **is fitting for use, they only said** that the area is considered a dwelling **when in the** width of the **deep section** of the water, **it is not larger than a *beit sa'atayim*. But if there is in** the width of the **deep section** of the water **more than a *beit sa'atayim*, it is prohibited.**

The reason: it is not normal for a water cistern to be larger than a *beit sa'atayim*. Thus it is not for residential purposes.

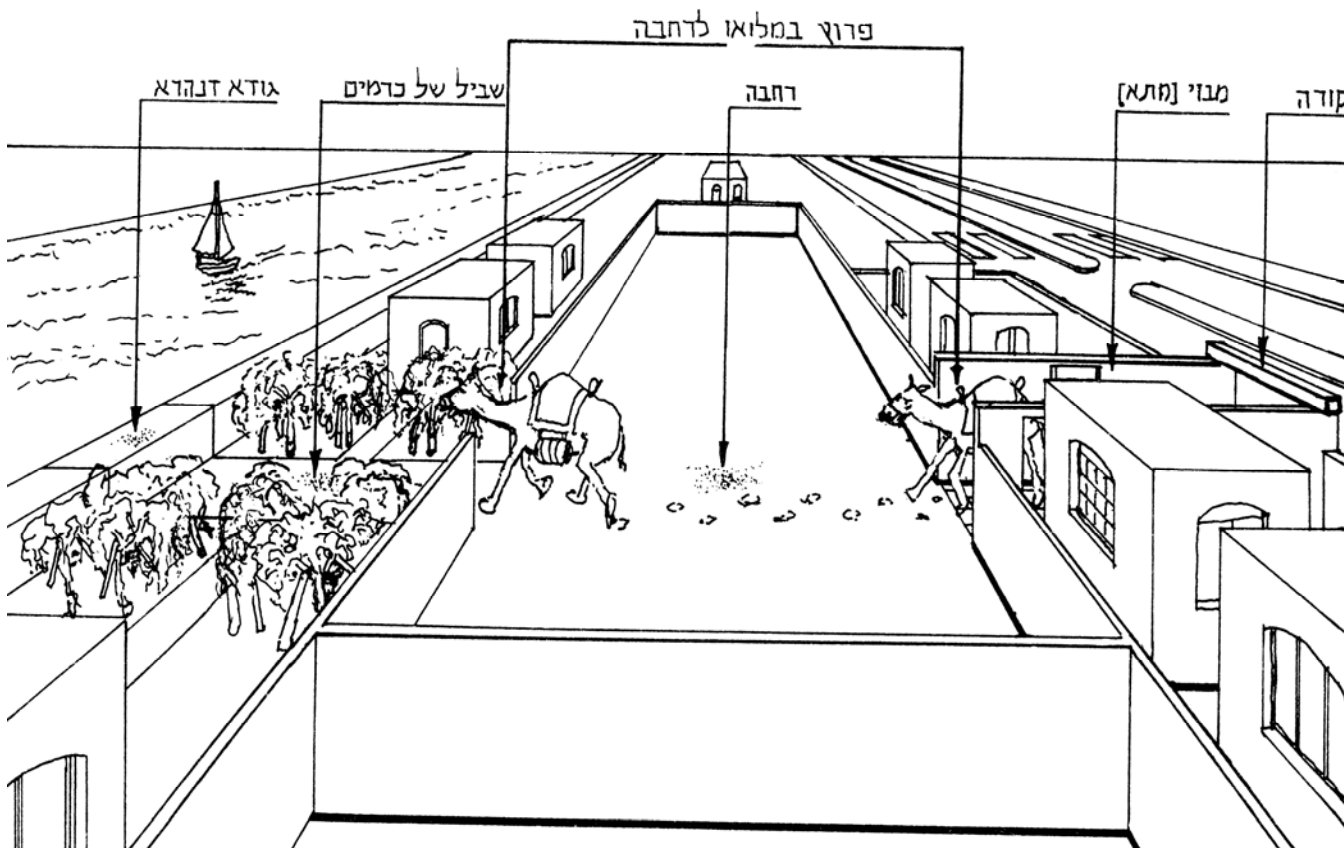
The Gemara rejects this requirement of Rav Ashi: **And it not** a consequential **matter**. Even if the width of the water was great, the *karpeif* is still considered residential, **like the case of a pile of fruit**. For even if the pile is ten *tefachim* high and very wide, it does not lose the status of a residential area.

PEREK 2 – 24B

There was a certain large yard, larger than a *beit sa'atayim* and not surrounded for residential purposes, **that was in** a place called *Pum Nahara* (see illustration⁴). **It opened on one side to an alleyway in the town.** The alleyway was entirely open to the yard. But the wall of the yard was not open entirely, rather, it was open ten *amot* wide. The alleyway is prohibited for carrying, as it is open to the yard which is a *carmelit*. The yard is a *carmelit* since it is not surrounded for residential purposes.

And one side of the yard opened to a path through vineyards (and the path was open entirely to the yard, while the yard was open to the path with an opening only ten *amot* wide).

4



PEREK 2 – 24B

And the end of the **vineyard path ended on the banks of a river**. The river was actually ten *tefachim* above the path, but was held in by a raised. It emerges that the path was surrounded on three sides, and was open on the fourth side to the *carmelit* yard. The yard prohibits carrying within the path. For this is the law of an area that is open on its fourth side to a *carmelit*, unless the situation is rectified by a side post or crossbeam.

The camels of the town would pass through that alleyway, yard and path, to reach the river to drink in order to drink.

*

Said Abaye: What should we do, if we wish to permit carrying along this whole route? For the yard must be turned into a dwelling place, since it is what presently forbids the alleyway and the path, as well as being forbidden itself. (The alleyway, on the end that opens to the public domain, may be rectified simply, by a side-post or a crossbeam.)

If they would now begin to use the yard for residential purposes, it will not validate it. For at the time of enclosing the yard, they did not make it as a residential area. (And since the walls of the yard were made of stone, it was not practical to make a breach of over ten *ammot* then enclose it again).

And if they would begin to use the yard for dwelling and afterwards **make for it** a new enclosure using **a partition** that would add to the height **on the banks of the river** (see

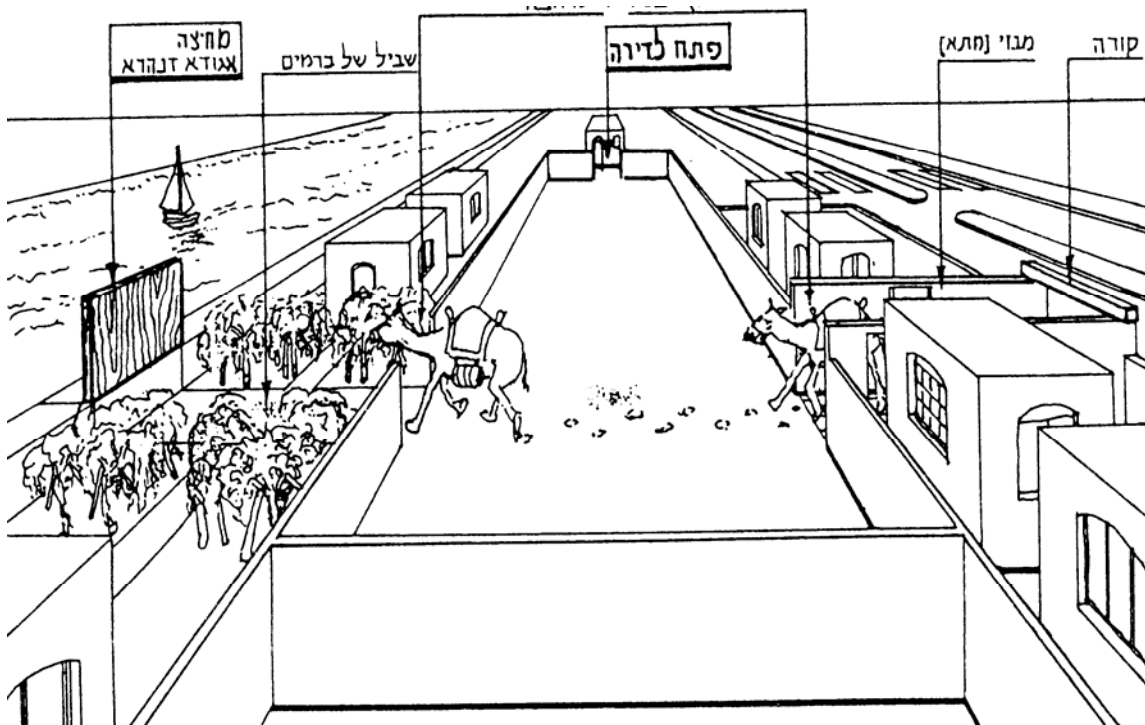
PEREK 2 – 24B

illustration⁵). And such a partition at the end of the path would be considered the partition of the yard because it is directly across from the yard, and the yard and the path are considered to be one place. This also would not be effective.

For **one cannot make a partition on top of a partition**, as the bank already has the status of a partition..

And if we will surround the yard anew, by making for it a *tzurat hapetach*⁶ (rather than a partition, which would disturb the walking of the camels) **on the mouth of the vineyard**

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⁶ Lit. the form of an entrance.

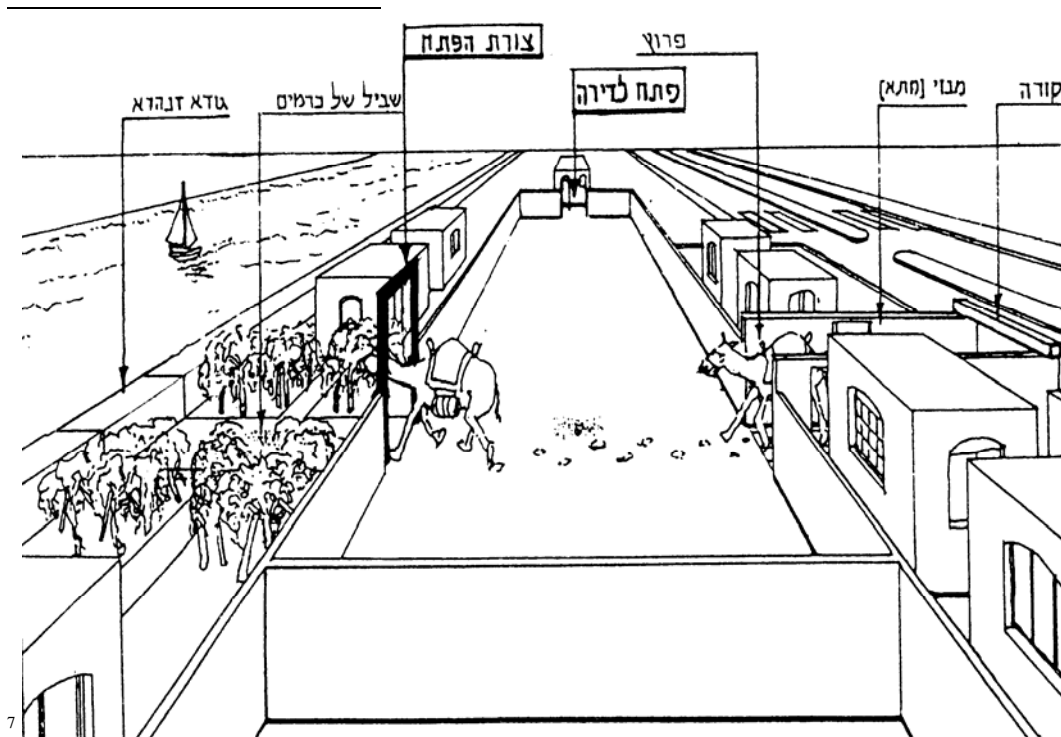
PEREK 2 – 24B

path, in the place that the yard ends and the path begins (see illustration⁷). And this *tzurat hapetach* will be considered like a new enclosure for residential purposes—

This also is not effective. For **the camels will come**, that pass that place to reach the river, and **they will pull it down** (the *tzurat hapetach*). The opening is small and there would be less room for the camels, because of the canes of the *tzurat hapetach*.

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Rather, said Abaye: They should not position a *tzurat hapetach* in that place. Rather, let them only **make a side-post** of any minimal thickness **on the opening of the vineyard**



PEREK 2 – 24B

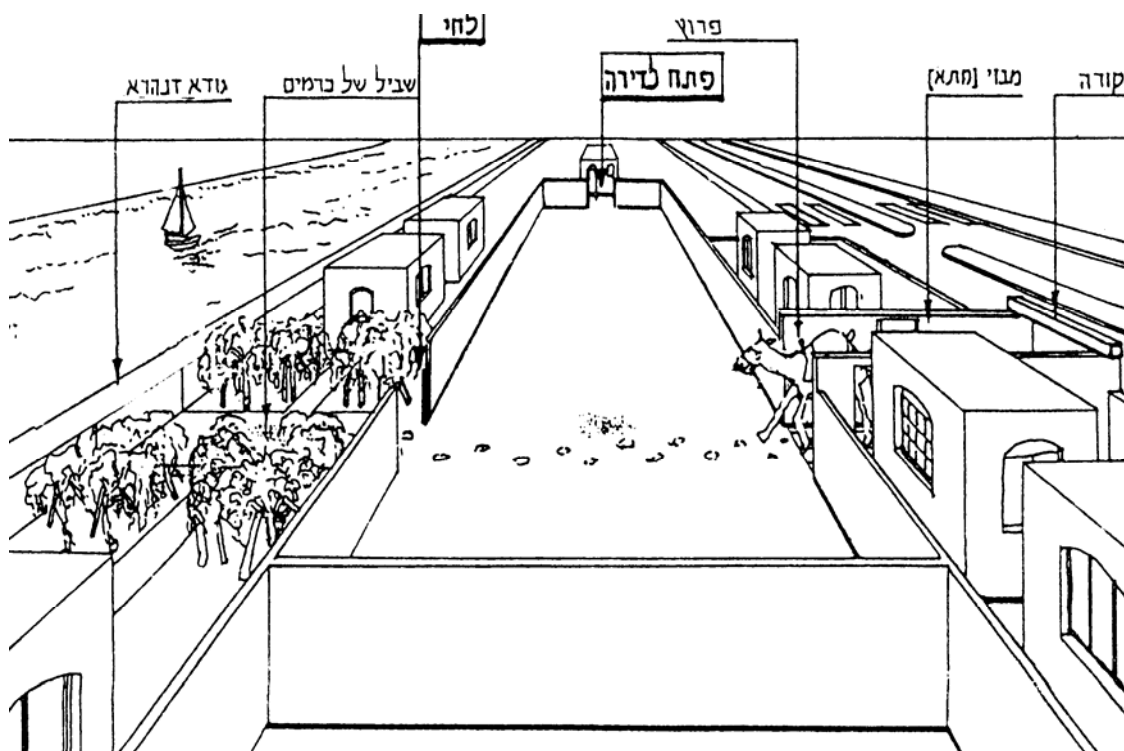
path (see illustration⁸). This will permit the path (as we are discussing a case when they were using the path for residential purposes and it is thus permitted with a side-post, as is an alleyway. And there is no need for boards, like a courtyard needs).

And we now say: **Since it** (the side-post) **is effective for the vineyard path** to permit it, **it also is effective for the yard**, as suggested earlier concerning a *tzurat hapetach*. For once we say that the side-post has Halachic validity regarding the path, this validity can be extended to apply to the yard as well.

*

Rava said to him: If we do this, **they** (the onlookers) **will say** that there is no partition at the end of the path, since the partition formed by the riverbank is not recognizable as such. Also, since most paths do not end with a partition, they will not pay attention to it. And they will view it as an open-ended alleyway (for at one end, there is a yard that is a *carmelit*, and at the other end there is a river that is also a *carmelit*). And this requires

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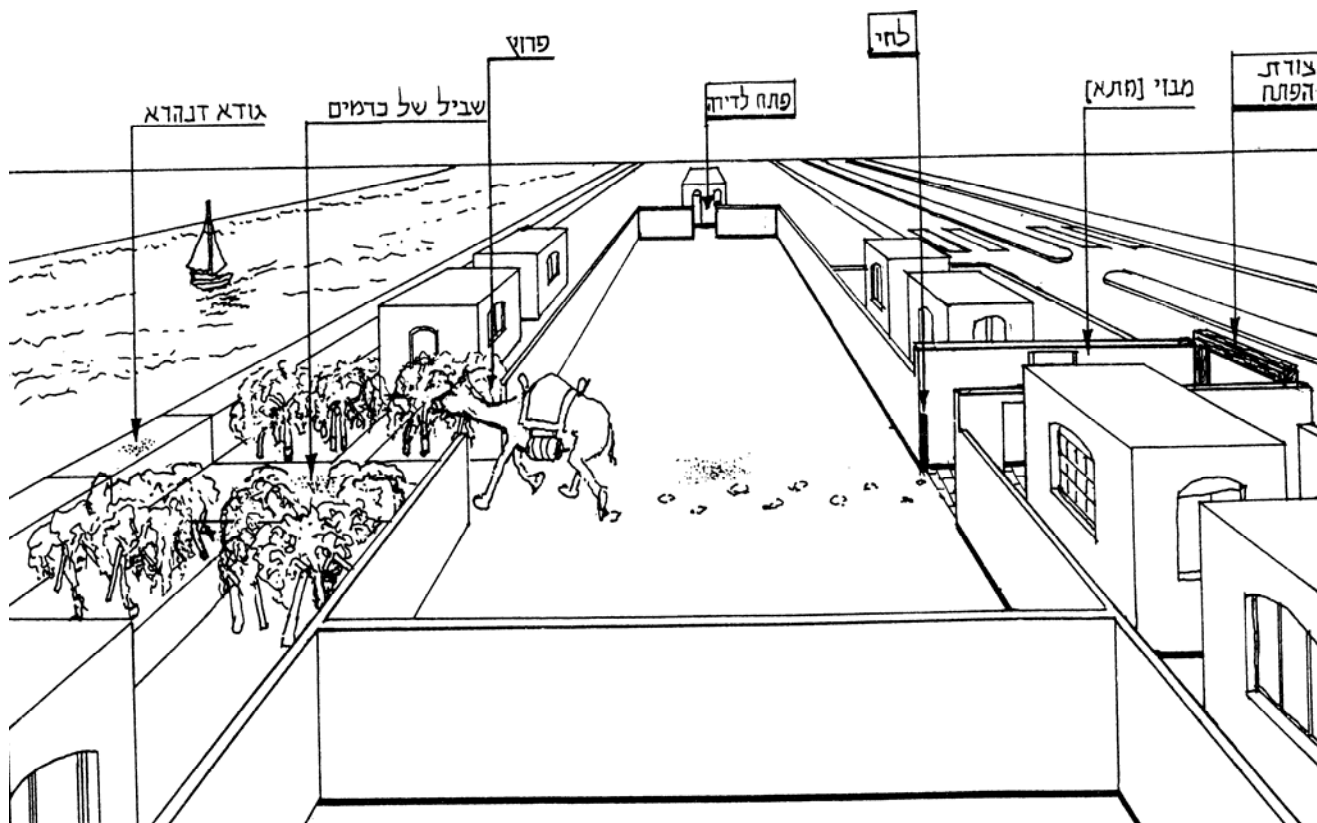
PEREK 2 – 24B

erecting a *tzurat hapetach* on one side, and a side-post on the other side (as stated earlier 7a).

Since they view it this way, they will come to the following incorrect conclusion: **A side-post alone is effective for a vineyard path in general**, which is open-ended without a partition at the end.

Rather, said Rava: We make for it for the alleyway a *tzurat hapetach* at its opening to the public domain in the town. And also, **a side-post for the opening to the yard** in order to permit carrying (see illustration⁹). It has the same law as an alleyway that is open on one side to a public domain and on one side to a *carmelit*, which is permitted using a *tzurat hapetach* on one side and a side-post or crossbeam on the other (as stated earlier 7a).

9



PEREK 2 – 24B

We now say: **Since the side-post is effective regarding** the problem caused by the public domain of **the town** on the other side of the alleyway, and the side-post helps to counteract this problem and thereby permits carrying in the alleyway, **it also helps for the yard**, to render it surrounded for residential purposes. Thus it is permitted to carry even on the path, since it is no longer open to a *carmelit*.

Therefore, after it is arranged as stated, **carrying within the alleyway itself is permitted** since a *tzurat hapetach* was positioned on one side and a side-post on the other.

And similarly, **carrying with the yard itself is permitted** as it becomes surrounded for residential purposes due to the side-post.

But to transfer objects **from the alleyway to the yard, or to bring them from the yard to the alleyway**, this is subject to **a disagreement between Rav Acha and Ravina: One prohibits and one permits**. Their reasons will be explained as the Gemara continues.

CHAVRUTA

EIRUVIN – DAF CHAF HEH

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

The Gemara explains this: **The one who permits** it, even though this seems comparable to a case of carrying between two courtyards lacking a joint *eiruv*: **Since there are no dwellers** in the yard, there is no one whose ownership needs to be joined with that of the people using the alleyway.

And the one who prohibits it: Sometimes there are dwellers in it the yard. And even if there aren't any now, there is a decree since sometimes there are dwellers in the yard, **and one will come to carry** between the alleyway and the yard, without making a joint *eiruv*.

The Gemara now discusses a new case. **A *karpeif* that is larger than a *beit sa'atayim*, that is not surrounded for residential purposes**, and it is therefore prohibited to carry there, **and one comes to reduce it**, i.e. one wishes to reduce its area to the permitted size, in order to permit carrying.

The Gemara discusses various possible solutions:

1) If he reduced it by planting trees, and the part that was left unplanted with trees is not larger than a *beit sa'atayim*, **it is not called a reduction**. This is because it is normal for *karpeifot*¹ to contain trees, and they are used for the *karpeif* (*Ritva*).

¹ Sin. *Karpeif*. An enclosed area that is not for residential purposes.

PEREK 2 – 25A

Therefore, the place of planting is still termed “*karpeif*”, thus there still is an enclosure larger than a *beit sa’atayim*, which was not surrounded for residential purposes.

2) If he built in it a pillar at least ten *tefachim* high and at least four *tefachim* wide, and the remaining area is not larger than a *beit sa’atayim*, **it is a reduction**. Since the pillar is not used for the *karpeif*, and it is significant as it ten high and four wide, it is an independent domain and is not nullified by the *karpeif*. Thus the *karpeif* now has the permitted size.

3) If he built in it a pillar ten high but of a width of less than three *tefachim*, it is not a reduction, as it is not a significant place. It is not an independent domain and it is as if it does not exist.

4) If he built in it a pillar ten high, and the width was from three *tefachim* and up to but not including four *tefachim*—.

Rabbah said: It is a reduction.

And Rava said: It is not a reduction.

The Gemara will explain their reasoning.

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Rabbah said it is a reduction. The size of three *tefachim* has Halachic significance, **since a gap of this size is generally excluded from the laws of *lavud*².**

² In a situation where there is a space of less than three *tefachim*, it is viewed Halachically as if this distance is closed up.

PEREK 2 – 25A

Rava said it is not a reduction. Since it is not a place of four, the place itself is not significant and is nullified.

A new case: There is an existing *karpeif* of more than *beit sa'atayim* that is not surrounded for residential purposes, and one then made an opening into it, from a house. Or, one made dwelling use of the *karpeif*. And now he wishes to make a new enclosure for residential purposes, but without having to make a breach of more than ten *ammot* in the partition.

The Gemara discusses various possibilities:

- 1) If he made a new wall, as follows: he **went in a distance of four tefachim from the old wall, and made a new partition** there, within the *karpeif*, **it is effective.**
- 2) If he positioned the new partition **less than three tefachim** from the existing wall: **It is not effective.** For it is like a partition on top of a partition, which is ineffective, as explained earlier. Since there is not three *tefachim* between the partitions, they are considered one big partition.
- 3) If he positioned the partition **from three and until four tefachim** from the existing wall, **Rabbah said: It is effective. Rava said: It is not effective**, as we will now explain.

Rabbah said that it is effective, since a gap of this size is generally excluded from the laws of lavud.

Rava said that it is not effective: Since there is not (between the two walls) a place of four, the gap is not significant.

PEREK 2 – 25A

Rav Simmi taught these two disagreements of Rabbah and Rava, concerning a pillar and a partition, as a **lenient** ruling.

This is how he understood their views:

All agree that a width of three is effective, since it is excluded from the laws of *lavud*. The disagreement is when it is a width of less than three. Rabbah regards such a width as effective, and Rava does not.

Now the Gemara discusses a *karpeif* larger than a *beit sa'atayim*, which in order to reduce it to the permitted size, **he smeared** a thick layer of **mortar onto it** (the walls) on the inside, until it was reduced to a *beit sa'atayim*:

- 1) If the mortar **is able to stand independently** i.e. it was made thick enough that even if the first wall was removed, the new mortar would remain standing: **It is a reduction.**
- 2) If it **is not able to stand independently**:

Rabbah said it is a reduction.

Rava said it is not a reduction.

The Gemara will now clarify their reasoning:

Rabbah said that it is a reduction. Because **now, at least, it** the mortar partition **is standing**, albeit due to the original wall.

PEREK 2 – 25A

Rava said that it is not a reduction. Since it cannot stand independently, it is considered nothing.

The Gemara will discuss a *karpeif* that is much larger than a *beit sa'atayim*, and in the *karpeif* there is a mound. The sides of the mound constitute part of the partitions of the *karpeif*. The partitions of the *karpeif* were not surrounded for residential purposes. Afterwards, he made the *karpeif* into a residential area, and wishes to enclose it anew:

- 1) **If he distanced the new partition four *tefachim* from the sides of the mound, and he made a partition** for residential purposes (and there was still an area larger than a *beit sa'atayim* in the new enclosure), **it is effective**, as explained earlier. For when he distanced the new partition four *tefachim* from the old one, it is surely considered a new and valid partition.
- 2) If he distanced the new partition **less than three *tefachim*** from the mound, **or** he added a partition **on the top edge of the mound**, there is a disagreement between **Rav Chisda and Rav Hammuna** over it:

One said: It is effective. Even though it is a partition on top of a partition, he holds that this is not problematic. (And he would also disagree about all that was said earlier, regarding the invalidity of such a partition).

The other **one said: It is not effective**, since a partition on top of a partition is invalid.

*

The Gemara comments: **You may conclude that it is Rav Chisda who said it is effective.**

PEREK 2 – 25A

For it was said in a statement of Amoraim: **One who makes a partition on top of a partition:**

Said Rav Chisda: Regarding Shabbat, i.e. for the laws of *eirubin* that are being dealt with here, **it is effective.**

But **regarding** acquiring **the property of a convert, he has not acquired** it. This is a case of a convert to Judaism who died without any Jewish relatives to inherit his property according to Torah law. His property is thus ownerless.

A person may take possession of his land through an act of *chazakah*³, by building a partition around the land. If he built a fence on top of an already existing fence, this is invalid. If another person comes to acquire the land with a proper *chazakah*, the second person acquires the land.

And Rav Sheshet said: Even regarding Shabbat also, it is not effective.

We therefore see that Rav Chisda holds that a partition on top of a partition is effective to make it a new enclosure for residential purposes.

The Gemara comments: **You may** indeed **conclude** that it was Rav Chisda who ruled “It is effective” regarding the case of the mound.

*

Said Rav Chisda: And Rav Sheshet agrees to me in a case **that** he wishes to permit carrying on the mound itself, in a case where the mound is larger than a *beit sa’atayim*. **If he made a partition on top of the mound**, Rav Sheshet would agree **that it is effective** to permit carrying on top of the mound.

³ physically taking control of the land

PEREK 2 – 25A

What is the reason?

Since the person who dwells on top of the mound, **he dwells in the air-space of the new upper partitions**, and not in the air-space of the preexisting lower ones. And even though the walls of the mound certainly are effective to make the area on top of the mound into a private domain, nevertheless, he is not dwelling in their air-space.

Rabbah bar bar Channah posed an inquiry regarding the following case: Someone made upper partitions on top of lower partitions, in order to enclose a *karpeif*, regarding which we said that it is not effective since it is a partition on top of a partition. But after he made the upper partitions, **the lower partitions sunk into the ground, and the new upper ones remained.**

What is the law?

Perhaps we say: When the new ones were constructed, they were invalid at that time. And even now they remain invalid, since their present position was created by itself. No one put them in their present, potentially valid position.

Or perhaps we say: he constructed the new partitions for residential purposes. And now they are in a valid position. The *karpeif* only has these partitions, so they should be effective.

*

Regarding what case did Rabbah bar bar Chanah pose his inquiry?

If it is regarding acquiring the property of a convert, it certainly is not effective.

CHAVRUTA

PEREK 2 – 25A

For **this** is comparable to the case of (Rabbi) Yirmeyah Bira'ah. For said (Rabbi) Yirmeyah Bira'ah, said Rav Yehudah: A certain person who wished to acquire the property of a convert through an act of *chazakah*, he **planted turnip in a furrow in the land of the convert**, but did not actually dig in the ground. **And another Jew came and dug a small amount** (which constitutes a proper *chazakah*)—

The latter acquired it, as he made the *chazakah*.

The first, who did not dig but merely planted turnip, **did not acquire** it.

What is the reason?

At the time that he planted the turnip, he **did not improve** the land, and an act of *chazakah* had not been performed. **When it** (the land) later **improved** by the turnip growing, **it improved on its own**, without his direct action, also not constituting a *chazakah*.

And here also, we will say the same: at the time of making the partitions, it did not improve at all, since it was a partition on top of a partition. And when the original walls later sunk into the ground, they sunk on their own and it does not constitute a *chazakah*.

Rather, we must say that Rabbah bar bar Channah posed his inquiry about **the matter of Shabbat**.

And if the lower partitions sunk on a weekday, the upper partitions certainly would be effective when Shabbat comes. Therefore, the inquiry must be about a case where they sunk on Shabbat.

PEREK 2 – 25A

This being the case, we can answer the inquiry, as follows: **It is judged as a partition that was made on Shabbat. And it was taught in a Baraita: Any partition that was made on Shabbat, whether unintentionally or intentionally, is called a partition.**

*

The Gemara challenges this answer: **Was it not said**, in a statement of Amoraim: **Said Rav Nachman: They only taught it** the validity of partitions made on Shabbat **for the matter of throwing** from a public to a private domain, where we say that a partition that was made on Shabbat creates a private domain and the one who threw an object into it is liable.

But to rely on a partition that was made on Shabbat to permit **carrying, it is prohibited.**

If so, how can we claim that the upper partition which came into place on Shabbat is effective for the matter of permitting carrying?

The Gemara resolves the difficulty: **When Rav Nachman said it, he said it for a partition that was intentionally** made on Shabbat. I.e. the Sages penalized this case of intentional Shabbat desecration, and invalidated the partition as regards the Rabbinic requirements of *eiruv*. But the wall which sunk into place on Shabbat is not subject to such a penalty.

*

There was a certain woman who made a partition on top of a partition, in order to acquire **the property of a convert**. **A certain man came** and made a *chazakah* by **digging a small amount** within it.

He the man **came before Rav Nachman** to issue a ruling, **and he** Rav Nachman **established it** the property of the convert **in his** the man's **ownership.**

PEREK 2 – 25A

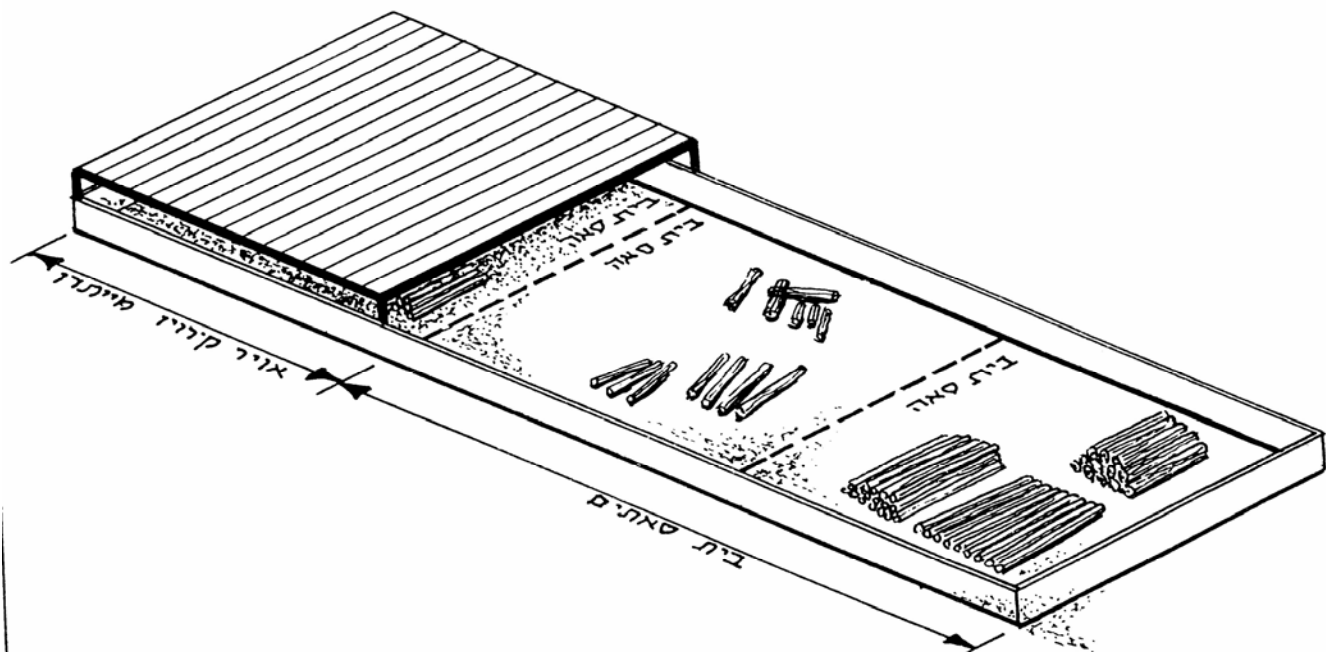
She came and cried out before him Rav Nachman, over the alleged injustice that had been done to her.

He Rav Nachman said to her: What can I do for you to help you? For you did not make a *chazakah* in the way that people make a *chazakah*. The man who correctly made a *chazakah* acquired it!

The Gemara discusses a new case: **A *karpeif* the size of three *sa'im*⁴**, which was not surrounded for residential purposes. **And he constructed a roof over a one *se'ah* area.** And the size of its uncovered area is now only *beit sa'atayim*, and the covered area was less than a *beit sa'atayim* (see illustration⁵).

⁴ larger than *beit sa'atayim*, which is only two *sa'im*

⁵



PEREK 2 – 25A

Rabbah said: He has not rectified anything, since **the air-space of its roof increases it!**
I.e. The open space on top of the roof and the enclosed space underneath the roof join with one another to make it “more” than a *beit sa’atayim*.

And Rabbi Zeira said: The air-space of its roof does not increase it.

The air space and the enclosure do not join one another, since we say: The edge of the ceiling is viewed as if it descends and closes off the sides of the enclosed area (*pi tikra yoreid vesoteim*), and thus divides between them. I.e. it is viewed as if the area underneath the roof has partitions on its sides.

*

Let us say that Rabbah and Rabbi Zeira disagree in general, over the principle of *pi tikra yoreid vesoteim*, as regards all four sides of a roofed area. Thus **they disagree over the same disagreement as Rav and Shmuel.**

PEREK 2 – 25A

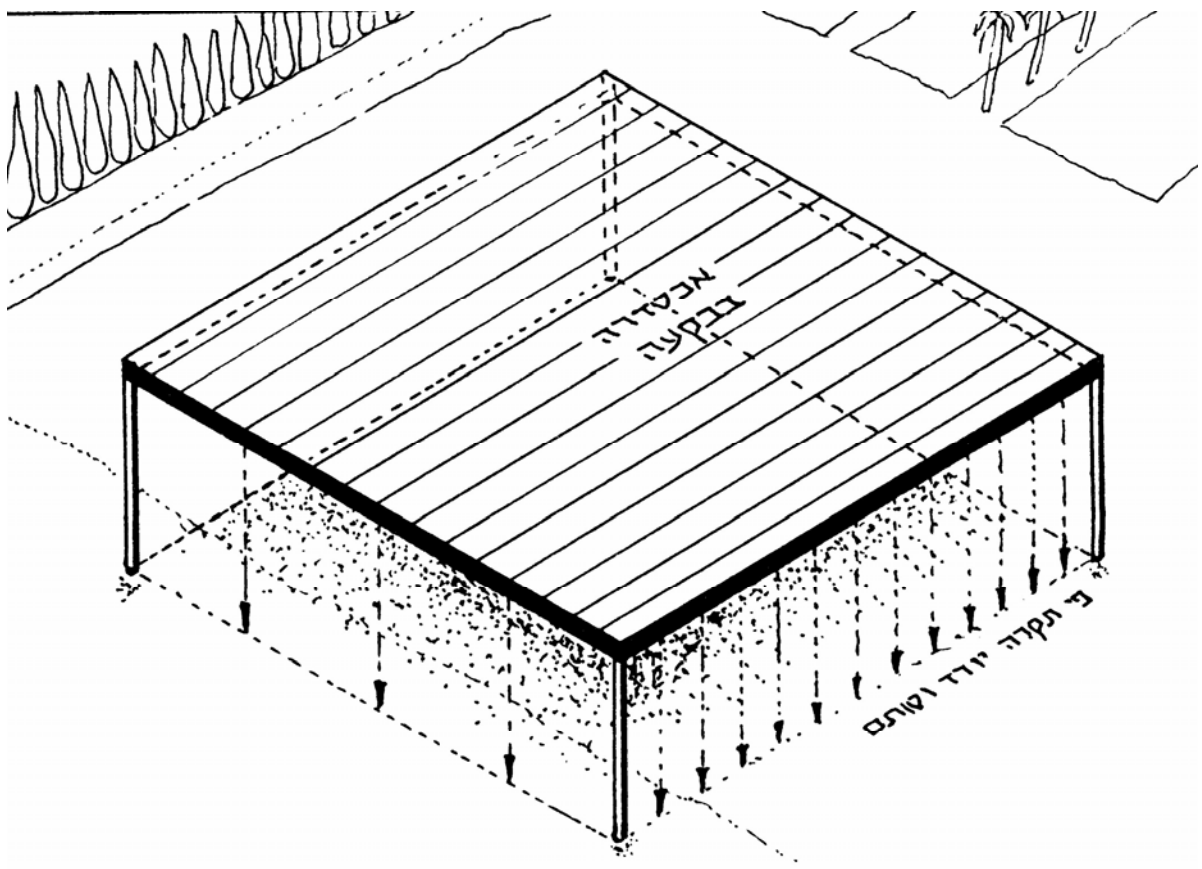
For it was said in a statement of Amoraim, concerning the following case: **A covered patio** (open on all four sides but with a roof supported by beams) that is **in a valley** which is a *carmelit* (see illustration⁶)—

Rav said that it is permitted to carry in all of it the patio, since **we say: the edge of the ceiling** of the patio **descends and closes** it in, on all four sides, and it is viewed as surrounded by partitions on all sides.

And Shmuel said one that may carry only within four *amot*, since **we do not say: the edge of the ceiling descends and closes** it in on all sides. Thus it has the same status as the valley, and it is prohibited to carry within it.

Rabbah and Rabbi Zeira would seem to be having an identical disagreement.

6



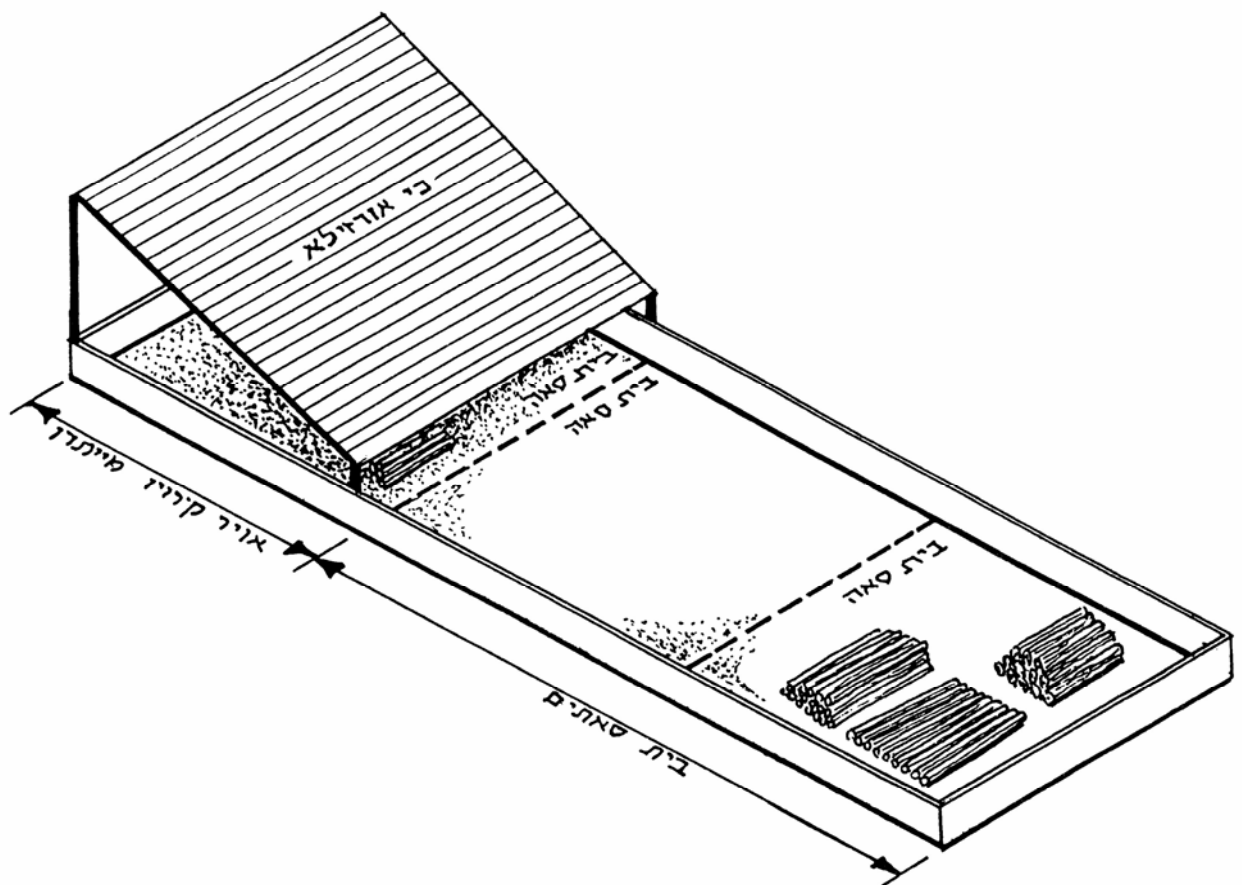
PEREK 2 – 25A

Ammud Bet

The Gemara rejects this approach: In truth, Rabbah would agree that **if it** (the roof of the *karpeif*) **was made like** is a **covered patio**, i.e. with a flat roof, we would **also** say: the edge of the ceiling descends and closes it in.

But **here we are dealing with** a different case, where **he made** the roof **like a slanted shed** (see illustration⁷), where the whole roof is sloped, and it does not have a horizontal edge. Therefore we cannot say the “edge” of the ceiling descends and closes.

7



PEREK 2 – 25B

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Said Rabbi Zeira: Even though concerning the roof of the *karpeif*, I ruled leniently, **but nevertheless, I admit that a *karpeif* of exactly *beit sa'atayim* that was broken through completely to a courtyard, that it is prohibited** to carry in the *karpeif*.

What is the reason?

Since the air-space of the courtyard increases it (the *karpeif*), and makes it larger than a *beit sa'atayim*.

*

Rav Yosef challenged this: Why is the *karpeif* prohibited? The *karpeif* was not opened to a place that is prohibited to it, but rather to a place that is permitted to it. **And does the air-space that is permitted to it, prohibit it?**

Abaye said to him Rav Yosef: **According to whose** view did you assert that the *karpeif* was opened into a place that is permitted to it?

Surely, **according to Rabbi Shimon's** view. (earlier 23b and later 89a).

For he holds that a *karpeif* and a courtyard are one type of domain, in contrast to the Rabbis, who hold that a *karpeif* and a courtyard are two different domains and it would be prohibited to carry from the *karpeif* to the courtyard.

PEREK 2 – 25B

According to Rabbi Shimon also, it is prohibited to carry in this case, as **surely there is the air-space of the place of the partitions** that were broken through, and they increase the area of the *karpeif* slightly. Therefore, there is now a *karpeif* larger than *beit sa'atayim* that was not surrounded for residential purposes, and Rabbi Zeira's statement is correct.

*

And this is similar to **that which Rav Chisda said: A *karpeif* that was entirely broken through to a courtyard, the courtyard is permitted and the *karpeif* is prohibited.** And his reason must be that the air-space of the place of the partitions increases the size of the *karpeif*.

For the alternative would be to say that Rav Chisda holds like the Rabbis, that a *karpeif* and a courtyard are two separate domains. But this is not plausible, for the following reason:

And **the courtyard** that Rav Chisda permitted carrying in, **what is the reason** that it is permitted?

Apparently, because the *karpeif* is narrower than the courtyard, and when the side partition of the *karpeif* is entirely removed, the side partition of the courtyard is not entirely gone— as **it has *gefufei*** (remainder of walls on both sides of the breach) that are wider than the *karpeif* and therefore it is permitted. (And the breach is not wider than ten *amot*, thus it is judged as an “opening”).

This is problematic, for how could Rav Chisda have said as a blanket statement: The courtyard is permitted and the *karpeif* is prohibited?

PEREK 2 – 25B

And surely sometimes you find the opposite to be true, that the *karpeif* is wider than the courtyard. In this case the *karpeif* is permitted and the courtyard is prohibited!

Rather, it must be that Rav Chisda meant as follows: The *karpeif* was exactly *beit sa'atayim* wide and it was entirely broken through to the courtyard which was wider than it, and which had *gefufei*.

And Rav Chisda did not hold like the Rabbis, that the *karpeif* and the courtyard are different types of domains.

And the reason the *karpeif* is prohibited and the courtyard is permitted is **since we say: This one** (the *karpeif*), **the air-space of the partitions increases it, and that one** (the courtyard), **the air-space of the partitions does not increase it.**

I.e. the addition of the place of the partitions does not prohibit the courtyard, since it is surrounded for residential purposes and may permissibly be larger than *beit sa'atayim*.

There was a certain orchard (i.e. not a residential area), that was wider than a *beit sa'atayim*, and **it was next to the wall of a mansion**, and this wall was one of the walls of the orchard. The shared wall had an entrance that connected the orchard to the mansion. Thus the orchard was considered as surrounded for residential purposes, and it was permitted to carry within it.

The outer i.e. the shared **wall of the orchard fell**, and the other walls of the orchard remained and the orchard was surrounded by those walls.

Rav Bivi thought to say as follows: **Let us rely on those inner walls** and therefore permit carrying in the orchard.

PEREK 2 – 25B

Rav Pappi said to him: And since you come from those who are cut off (he was a descendant of Eli the High Priest whose offspring were punished with shortened, “cut-off” life-spans), do **you say cut off words** (i.e. words without any basis on which to stand)?

The remaining, inner walls cannot permit carrying in the orchard, since **those walls were made for the inside** i.e. to serve the mansion. **For outside** i.e. for the orchard outside, **they were not made.** Therefore, they cannot render the orchard an area enclosed for residential purposes.

There was a certain sitting room that the Exilarch had in his orchard (as was common for royalty) but the orchard itself was not surrounded for residential purposes. **He the Exilarch said to Rav Huna son of Chinena: Let the Master make a rectification** that will allow us to carry through the orchard to the sitting room inside it, for **tomorrow on Shabbat we shall eat bread there.**

He Rav Huna went and made a type of path from the entrance of the orchard until the sitting room. On each side of the path, partitions were constructed from **many canes with less than three tefachim** between each one, thereby producing a partition based on the principle of *lavud*.

CHAVRUTA

EIRUVIN – DAF CHAF VAV

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

Rava went and **removed them** (the canes that had been set up), since he held that there was no need for them: the entire orchard is considered a courtyard of the sitting room, and it is therefore surrounded for residential purposes (as stated earlier, 24a).

And furthermore, **Rav Pappa and Rav Huna son of Rav Yehoshua went and took them** (the canes) **from there**, to prevent Rav Huna son of Chinena from reattaching them.

The next day on Shabbat, when they wished to eat and stroll in the orchard, **Ravina contradicted Rava** who had ruled that there was no need for the canes, from the following case:

One who rested on Shabbat night within a walled city, the entire city is considered to be like his own four *amot*, and we measure 2000 *amot* from the walls of the city as his Shabbat boundary.

If it was not a walled city, one measures 2000 *amot* from the outer houses of the city.

If one rested in **a new city** (as will be explained), **one measures it from its dwellings** and not from its walls. **And** concerning **an old city**, one measures **from its walls**.

What is a new city and what is an old city?

New: That it was surrounded with a wall **and** only **then populated**. In such a case, the wall is not considered a wall to make the entire city like his four *amot*, since the population is “new”: the walls proceeded the people.

PEREK 2 – 26A

Old: That it was **populated and then surrounded** with a wall.

And this orchard **also**, that it had already been surrounded by partitions for a long time, and later the sitting room was built, thus the enclosing of the orchard was not made with this dwelling in mind, **it is like** a city that was **surrounded and only then populated!**

*

And even Rav Pappa, who originally was following the view of Rava and even acted upon this view, he retracted his position. Thus **Rav Pappa said to Rava: And surely Rav Asi said: The partitions of builders**, who construct them only in order to partake of light refreshment within them while working, **are not considered a partition**, as they are not considered surrounded for residential purposes.

One may conclude from here that since it was made merely **for** the sake of **privacy**, and the following day they will demolish it, **it is not a partition.**

Here also, concerning the partitions of the sitting room, **since they are made** merely **for privacy** (to take light refreshment there and for privacy, so that they will not be seen from outside), **it is not a partition.** And the sitting room itself is thus not surrounded for residential purposes and it certainly will not permit the entire orchard.

*

And even Rav Huna son of Rav Yehoshua retracted. Thus **Rav Huna son of Rav Yehoshua said to Rava: And surely Rav Huna said: A partition made for the resting** of objects (not for people to dwell there but rather, for the protecting of objects that are placed to rest there), **it is not considered a partition.** And even this sitting room, which was made only to leave their coats and various vessels there, it is not a partition and it is not considered to be surrounded for residential purposes.

PEREK 2 – 26A

For Rabbah son of Avuha made an *eiruv*¹ around the entire city of *Machuza*, area by area, and he did not include the entire city within one *eiruv*.

And even though all of the open-ended alleyways that were next to the edge of the city were closed with partitions, nevertheless, *Machuza* is not considered to be one walled city (that would allow one *eiruv* to be constructed for all of the residents). This is **because of pits of the oxen** that they would dig, that would separate between the neighborhoods. In these pits, they would store fodder to feed the oxen. And these pits were deeper than ten *tefachim*.

And the partitions at the ends of the alleyways would not render all of the neighborhoods as one place, since those partitions were specifically for guarding the fodder in the pits, rather than for the residents.

And surely the pits of the oxen are like a partition that is made for the resting of objects, which is not effective to permit carrying.

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The Exilarch said about them (Rav Pappa and Rav Huna son of Rav Yehoshua, who did not say anything on Friday and thus prevented him from putting the canes back up, and only now they became “wise” and found reason to prohibit carrying in the orchard: **“They are wise to do bad, and to do good they did not know”**).

It was stated in the Mishnah: **Said Rabbi Ilai, I heard from Rabbi Eliezer** that one may carry in an area surrounded for non-residential purposes, **and even** if it has a large area of

¹ The merging of many individual domains into one single joint domain.

PEREK 2 – 26A

a *beit kor*, which is thirty *batei se'ah*, about 15 times the *beit sa'atayim* permitted by the previous Sages.

The Gemara comments: **Our Mishnah**, which mentions the size of a *beit kor*, **is not in accordance with Chananiah.**

For it was taught in a Baraita: **Chananiah says: And even if it is a *beit arbaim* (forty) *se'ah*, like the courtyard of a king** (behind his palace).

Said Rabbi Yochanan: And both of them (Rabbi Ilai and Chananiah) **expound** their views **from the same verse:**

As it says (*Melachim* II 20:1, 4–5): In those days Chizkiyahu² became deathly ill, and Yeshayahu³ son of Amotz, the prophet, came to him.... **And Yeshayahu did not** [yet] **go out** to the **middle courtyard**, and the word of Hashem came to him, saying: “Return and say to Chizkiyahu... Behold, I am healing you”.

This verse contains a word that is written in one fashion but it should be read in another:

It is written: “*HaIr*” the [middle] town. **And we read it** “*chatzeir*” the [middle] courtyard, i.e. the courtyard behind the palace.

From here we have a source **for a courtyard of a king, that they were as large as medium-sized towns.**

And **over what point are they** (Rabbi Ilai and Chananiah) **differing?**

This **master holds that medium-sized towns are a *beit kor*.**

² King Hezekiah

PEREK 2 – 26A

And that master holds that they are forty *beit se'ah*.

*

We now explain the verse: **And Yeshayahu**, who had visited Chizkiyahu, **what did he need there** in the middle courtyard?

I.e. why did he wish to exit through the middle courtyard behind the palace, which is not the normal way to leave the palace?

Said Rabbah bar bar Channah, said Rabbi Yochanan: It teaches that Chizkiyahu became sick and Yeshayahu went away from him with intent to establish a yeshivah of disciples to learn Torah at his doorway, within the middle courtyard. This was so the Angel of Death would not be able to enter (since words of Torah stop the Angel of Death. We find the same idea concerning King David: as long as he was studying Torah, the Angel of Death could not kill him. See *Shabbat* 30b).

From here we learn that for a Torah scholar who is sick, they establish a yeshivah at his doorway.

*

The Gemara rejects this approach: **And it is not a correct matter**, i.e. it is not true that a yeshivah should be established for each and every Torah scholar who falls ill. Rather, Yeshayahu did this specifically for Chizkiyahu who was a prophet and completely righteous (*Ritva*).

Regarding ordinary Torah scholars, it could be dangerous to do this: **perhaps he will come to agitate the Satan through this**. When the Angel of Death (who is the Satan)

³ Isaiah

PEREK 2 – 26A

sees that they are fighting him by preventing him from entering, he could become agitated and attack even stronger

It was stated in the Mishnah: **And so too I heard from him: If one of the people living in a courtyard forgot and did not make an *eiruv*** with the others, in order to allow everyone to carry in the courtyard,⁴ he can nullify his share of the courtyard (including his jurisdiction over his house),⁵ and then they can carry in the courtyard.

But **it is forbidden for him** to take in and take out of **his house** to the courtyard, because that would be as if he is resuming control of his house and retracting his nullification.

Whereas for them (the other residents), it is permissible to carry even from his house to the courtyard.

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The Gemara poses a contradiction to our Mishnah: **But surely it was taught** in a different Mishnah: His house is prohibited to take out and bring in, both **for him and for them!**

⁴ The residents of a courtyard may only carry there if everyone participated in making the *eiruv* and makes the houses and courtyard as if one ownership.

⁵ This makes it as if his separate ownership does not exist and all the houses and the courtyard become one ownership.

PEREK 2 – 26B

The Gemara resolves the difficulty: **Said Rav Huna son of Rav Yehoshua, said Rav Sheshet: It is not difficult.**

Ammud Bet

This, our Mishnah, is **Rabbi Eliezer's** view, as Rabbi Ilai said, "I heard from Rabbi Eliezer". **And that**, the Mishnah further on, **is the Rabbis' view**.

Rav Sheshet now explains the points over which they differ.

You are able to say after delving into their reasoning:

According to the words of Rabbi Eliezer, someone who relinquishes his domain over his courtyard, the domain of his house is also relinquished, even if he did not state this explicitly. (The Mishnayot are discussing this specific case.)

Whereas **according to the Rabbis** whose view is expressed in the second Mishnah, **someone who relinquishes his domain over his courtyard** and he did not explain that he is relinquishing also his domain over his house, **the domain of his house is not relinquished**. Therefore, it is prohibited even for the other residents of the courtyard to take out from this house into the courtyard.

*

The Gemara raises a difficulty with the statement of Rav Sheshet: **It is obvious** that this is their point of disagreement. Why, then, did Rav Sheshet say: "You are able to say after delving into their reasoning"?

PEREK 2 – 26B

The Gemara resolves the difficulty: **Said Rachavah: I and Rav Huna son of Chinena explained** the statement of Rav Sheshet: **It** (his explanation of the disagreement) **was only needed** to teach that we may go so far as to derive a general principle: that according to Rabbi Eliezer, “one who relinquishes, he relinquishes generously”. Therefore, he is assumed to have relinquished the domain of his house, despite the fact that he did not mention this specifically. And according to the Rabbis of the second Mishnah, “one who relinquishes, he relinquishes sparingly”. We may thus interpret, based on this principle, another disagreement between Rabbi Eliezer and the Rabbis:

Five people who dwell in one courtyard, and four of them joined together in an *eiruv* **but one of them forgot and did not join the *eiruv***. He is now required to relinquish his domain to each and every member of the courtyard, if he wishes to permit them to carry in the courtyard.

According to the words of Rabbi Eliezer: When he relinquishes his domain, he does not need to explicitly **relinquish to each and every one**. And even if he relinquished to only one member of the courtyard, we assume that his intent was to relinquish it to all of them, since he relinquishes generously.

And according to the Rabbis: When he annuls his domain, he must annul explicitly **to each and every one**. But if he annulled to only one person, we say that he annulled his domain only to the one that he mentioned, and not to the other members of the courtyard—and the courtyard is prohibited.

*

According to whose view was the following Baraita taught?

PEREK 2 – 26B

Five who dwell in one courtyard, and one of them forgot and did not make an *eiruv*; when he annuls his domain, he is not required to annul his domain to each and every one.

Like whose view? Like Rabbi Eliezer's.

*

Rav Cahana was the one **who taught** the words of Rav Sheshet **this way**, as stated earlier, that Rav Sheshet was speaking about our Mishnah. And Rachava and Rav Huna explained that he is coming to elucidate the point of disagreement between Rabbi Eliezer and the Rabbis regarding relinquishing his domain to each and every one.

But **Rav Tivyomi taught** the words of Rav Sheshet **this way: According to whose view was the following Baraita taught?**

Five who dwell in one courtyard, and one of them forgot and did not make an *eiruv*; when he relinquishes his domain, he is not required to relinquish his domain to each and every one.

Like whose view? Said Rav Huna son of Yehudah, said Rav Sheshet: Like whose view? Like Rabbi Eliezer's.

*

Rav Pappa said (posed an inquiry) **to Abaye: According to Rabbi Eliezer**, what would the law be **if he said** explicitly when relinquishing the domain of his courtyard: **I am not relinquishing** the domain of my house.

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And furthermore, according to the Rabbis, if he said explicitly: **I am relinquishing** even the domain of my house, **what** will the law be? Will his house be permitted to them?

The Gemara now clarifies the two sides of the inquiry. Perhaps we say: **The reason of Rabbi Eliezer is that he holds that one who relinquishes the domain of his courtyard, he** assumedly **relinquished the domain of his house** as well. This is how Rav Sheshet explained it earlier: that he relinquishes generously. **And** if this is so, **this** person **said** explicitly: **I am not relinquishing**, and his house is prohibited to them.

Or perhaps, the reason of Rabbi Eliezer is not because he relinquishes generously. Rather, **it is because people do not dwell in a house without a courtyard**, and it is therefore not considered a dwelling.

And if this is so, **when he said: I am not relinquishing** the domain of my house, **there is nothing** substantial **to it** to his statement. For his house is no longer considered a dwelling. **And even if he said: I am dwelling here, he has said nothing.**

And according to the Rabbis, if he said: I am relinquishing, the two sides of the inquiry are as follows: **What is the reason of the Rabbis?**

Perhaps we say **it is because they hold that one who relinquishes the domain of his courtyard, he has not relinquished his house.** As Rav Sheshet explained earlier, he relinquishes sparingly. **And** if this is so, it is different here. For **this one said: I am relinquishing.**

Or perhaps the reason of the Rabbis is because people do not release themselves completely from a house and courtyard, and become like a guest to them. And since this is the way of people, this one, when he said: I am relinquishing—there is nothing

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substantial **to it** to his statement. For this type of a declaration is not normal, and is disregarded.

He (Abaye) said to him (Rav Pappa): Both according to the Rabbis and according to Rabbi Eliezer, since he expressed his intent, he expressed it—and the law follows according to what he expressed.

It was stated in the Mishnah: **And so I heard from him** (from Rabbi Eliezer), that one may fulfill his obligation of *maror* on Pesach by eating *arkabalin* (a certain bitter herb).

The Gemara asks: **What are Arkabalin?**

Said Reish Lakish: *Atzavta charuziata* (a thick fiber that grows around the date-palm, which grows in dense rings), and it has the taste of bitter herbs.

The *Ritva* explains (earlier 26a) that according to Rabbi Ilai, even though it comes from a tree, one may fulfill one's obligation of *maror* with it. But the Sages hold that *maror* must grow from the ground, similar to matzah (see *Pesachim* 39a).

HADRAN ALACH OSIN PASIN

WE WILL RETURN TO YOU, PEREK OSIN PASIN

CHAVRUTA

EIRUVIN – DAF CHAF ZAYIN

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

end of 26b

Perek Bakol Me'arvin

Introduction

The upcoming chapters deal with the prohibition¹ of leaving the *Techum Shabbat* (the “Sabbath boundary”, an imaginary border at a distance of two thousand *ammot*², surrounding one’s place of habitation) on Shabbat. Although one’s place of habitation is fixed at the onset of Shabbat, one may still specify before this time where one wishes this place of habitation to be. Having done so, one may subsequently travel within the Sabbath boundary of the new habitation that one has defined, even if one does not actually stay there on Shabbat. However, in such a circumstance where one was not staying there, the Rabbis decreed that one must make an *Eiruv techumin* in order to fix his place of habitation. This consists of placing enough food for two meals in the place that one is establishing as his habitation, prior to Shabbat.

Mishnah

The Mishnah deals with two issues:

¹ Rabbi Akiva and the Rabbis disagree (*Shabbat* 69a) as to the status of the prohibition, Rabbi Akiva holds that it has the force of Torah law, while the Rabbis hold that it is a Rabbinic enactment.

² 1 ammah: 18.7 in., 48 cm.

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First, it comes to teach that water and salt are not considered *Mazon* (nourishing food), for any purpose where this is required.

Second, it discusses whether the *Eiruv techumin* is effective, in a case where one is restricted in eating the food used to make the *eiruv*.

The first issue:

One may make an *eiruv techumin* with any type of food.

And one may join together the courtyards of an alleyway (*shitufei mavu'ot*), enabling them to carry between the alleyway and the courtyards, with any type of food.

Except for water and salt, which are not considered *Mazon*, nourishing food. For the institution of *eiruv techumin* is based upon the principle that one's place of habitation is determined by where his food is. It therefore requires a nourishing type of food, not water or salt.

And all types of food may be acquired with *ma'aser sheni*³ money (since the Torah stated: "You shall give the money for anything that your soul desires"). **Except for water and salt.** The Gemara will explain the reason.

One who vows not to have any enjoyment from food is permitted to consume water and salt.

The second issue of the Mishnah:

³ The Second tithe. One was obliged to take a tenth from agricultural produce of the land of Israel, and bring it to Jerusalem to eat in a state of purity. However if one lived far away then it was possible to redeem it with money. This money was then taken to Jerusalem where food was purchased and eaten as if it were *Ma'aser Sheni*.

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One may make an *eiruv techumin* for a Nazirite with wine, even though he is forbidden to drink it. Given that it is permitted to other people, the Rabbis also permitted him to use an *eiruv* made with wine.

For the same reason, one may make an *eiruv* for **an Israelite** (i.e. a non-Cohen) **with *trumah***⁴, given that it is permitted to a Cohen to eat it.

Sumchus says: One may make an *eiruv* for an Israelite only **with *chulin***⁵. The Gemara will explain that Sumchus did not disagree in the case of the Nazirite, since he could annul his Nazirite vow and permit himself to wine. Thus he is judged as potentially permitted to wine, something which is not true with an Israelite and *trumah*.

And according to all, one may make an *eiruv* **for a cohen** even if one places the food **in a *Beit HaPrass***, a field containing a grave whose exact location is not known, such as a field where a grave was ploughed over. Normally, the Sages forbade a Cohen from entering such a field, given that he might come into contact with a bone fragment that would render him impure. If he were unable to enter, then we could not say that this was his place of habitation for Shabbat. Here, however, the *eiruv* is still valid—for a Cohen is permitted to enter such a field by first blowing away the top soil as he walks along, in order to check that he is not going to tread on any bones.

Rabbi Yehudah says: One may **even** make an *eiruv* for a Cohen **between the graves**.

⁴ 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.

⁵ Produce that has had its tithes properly separated, henceforth being permitted to all.

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Daf 27a

The reason: **Because he can make a partition** between himself and the graves, **and go** there **and eat**. The Cohen is able to enter the graveyard prior to Shabbat by riding in a closed carriage that separates him from the impurity of the graves. He can subsequently take the food from the *eiruv* and eat it.

However if he was unable to enter, he could not rely on the *eiruv*. This is true even according to the first Tanna, who permitted one to use an *eiruv* that one could not personally eat, so long as others could eat it. But here there is an additional problem: if he would be unable to get to the food in the cemetery, we regard it as: “he is in one place and his *eiruv* is in another”, which is invalid.

Gemara

Rabbi Yochanan said: One may not learn a law that applies universally **from general rules**. When a Mishnah teaches a general rule (such as: “One may make an *eiruv techumin* with *any* type of food”), this does not mean there are no exceptions. Sometimes a general rule leaves over certain cases that cannot be included in the rule.

This is surely true when a Tanna states a rule without making any exclusions. However, **even in a place where**, after stating the rule, **it was stated: “except** for such and such a case”, even so there still might be more exceptions to the rule that were not mentioned in the Mishnah.

But Rabbi Yochanan’s statement was not said in reference to our Mishnah:

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Given that Rabbi Yochanan **said** that one cannot learn from a general rule, and then added that this is true **even in a place where it was stated “except...”** this implies that the general rule that Rabbi Yochanan was immediately referring to did not include an exception.

This implies that it Rabbi Yochanan’s statement **does not refer to here**, our Mishnah. For our Mishnah indeed states an exception to the rule.

*

This being so, the Gemara asks: **To which** case does Rabbi Yochanan’s statement **refer**?

The Gemara answers: Rabbi Yochanan was **referring to there**, a Mishnah saying: Concerning **any positive mitzvah that is time-bound**⁶, **men are obligated** in the mitzvah **and women are exempt**.

And concerning mitzvot **that are not time-bound**, **both women and men are obligated**.

The Gemara now considers the Mishnah: **And** is it **a general rule** without any exceptions, **that** concerning **all positive time-bound mitzvot**, **women are exempt**?

Surely there is the mitzvah of eating **matzah** on the first night of Pesach, which is also an obligation for women. This is derived from the fact that the Torah compares the prohibition of eating chametz⁷ (which certainly applies to women) to the mitzvah of eating matzah. From this comparison we learn that whoever is prohibited from chametz is obligated in matzah.

⁶ Where the specific time causes the mitzvah to become applicable, such as shofar or succah.

⁷ Leaven

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Similarly, there is the mitzvah of **rejoicing** on the festivals, regarding which the verse states “You shall rejoice; you and your household”, which is surely meant to include women.

And the mitzvah of *Hakhel* (assembly) on the intermediate days of Succot immediately following the Sabbatical year, where the king stands on a platform in the Temple and reads sections from the book of *Devarim*⁸ to the people. In reference to this mitzvah, the Torah states *Devarim* 31:12: “Gather the people, the men the women and the small children”.

All of these are **positive mitzvot that are time-bound, yet women are obligated** in them.

*

The Gemara further questions the general rule of the above-cited Mishnah: **And** concerning **all positive mitzvot that are not time-bound** are **women obligated** in them all?

Surely there is the mitzvah of **learning Torah**, where women are exempt, as the verse states: “Teach them to your sons”, and we infer: and not to your daughters.

Similarly there is the mitzvah of **procreation**, where the verse states: “Be fruitful and multiply and fill the land, and conquer it”. From here we explicate: A man, whose manner is to conquer, is obligated in procreation. But a woman is not obligated in this mitzvah.

And the mitzvah of **redemption of the firstborn son**, where the verse states: “And each of your firstborn sons, you shall redeem.” From here we explicate that anyone who is one

⁸ Deuteronomy

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is obligated to be redeemed (i.e. males), is also obligated to redeem his son. However a woman, who does not need to be redeemed even if she is a firstborn, is not required to redeem her son.

All of these are **positive mitzvot that are not time-bound, yet women are exempt.**

Rather, due to these questions, **Rabbi Yochanan said: One does not learn from general rules, even in a place where after the rule, it was stated “except” for such and such a case.**

*

Abaye said: And some say it was **Rabbi Yirmeyah** who said: **Even we learned** the same teaching that Rabbi Yochanan stated: that one may not learn from a general rule, even if an exception was stated.

For it was taught in a Mishnah: **They said another general rule:**

Any food or drink that was carried by a Zav⁹ is rendered impure. And any thing that a Zav is carried upon remains pure. Except for something that is suitable for lying or sitting upon. Any item that is designated for lying or sitting upon is rendered impure, as the verse states: “Any bedding that the zav will lie upon is rendered impure, and any utensil that he will sit upon is rendered impure.”

And additionally, the man who carries a zav is rendered impure. As the verse states: “The one who carries *them* shall launder his clothing”. By saying ‘*them*’, the Torah means to include other articles related to a zav, amongst them being the person who carries him.¹⁰

⁹ A man impure due to a seminal-like emission.

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The Gemara points out that there are exceptions to this rule:

And are **there no other** exceptions to what the *zav* lies or sits upon?

Surely there is “**the saddle** of a *zav*”, which is beneath him when he rides, that is also rendered impure. This is in addition to his bedding and his seat that were mentioned in the Mishnah.

Thus it is clear that the general rule mentioned was not intended to be taken literally, given that there are exceptions.

*

The Gemara questions Abaye’s proof: **This** case of the **saddle** – **which** case does it **resemble?**

If the *zav* **sits upon it** – **this is** the same as **a seat**, which was taught explicitly in the Mishnah. If so, what is Abaye’s missing exception?

The Gemara answers: **We were saying**, i.e. Abaye meant, **as follows:**

Surely there is also the case of **the saddle-handle**, which a person holds onto while he is riding, which is also rendered impure even though one does not sit on it.

For it was taught in a Baraita: **The saddle** of an animal is rendered **impure** by a *zav* **sitting** upon it.

And the handle is rendered **impure** by his **riding** upon the animal. As the verse states “And any saddle that the *zav* rides upon shall be rendered impure”. Thus we see, since

¹⁰ See Rashi on Chumash

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this case was not taught in the Mishnah, that there are exceptions to the general rule that was stated.

Rather, hear from this a proof: **One does not learn from general rules, even in a place where after the rule it was stated: “except”.**

*

Ravina said: and some say it was **Rav Nachman** who said: **We also learned** that one does not learn from a general rule, even if a specific exception was mentioned.

For it was taught our Mishnah: **One may make an *eiruv techumin* and join together** the courtyards of an alleyway **with any** type of food **except for water and salt.**

And are **there no more** food-items that one may not use to make an *eiruv*?

Surely there are also **mushrooms and truffles**, that one cannot make an *eiruv* with even if they are cooked. This is because a person does not normally base his meal upon them, or even use them as a condiment, only eating them as a light refreshment.

Rather, hear from this a proof: **One does not learn from general rules, even in a place where after the rule it was stated “except”.**

We learned in the Mishnah: **And all** types of food may **be acquired with *ma’aser sheni* money**, except for water and salt:

Rabbi Elazar and Rabbi Yosi bar Chanina –

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One of them **learned** the law excluding salt and water as referring specifically **to *eiruv***.

And one learned it as referring specifically **to *ma'aser***.

The Gemara explains: **One learned** it as referring **to *eiruv***:

The Mishnah **only taught** with regards to using **water on its own or salt on its own**, **that one may not make an *eiruv*** using them.

However with water and salt that are mixed together, given that they are considered a condiment for the purpose of dipping one's bread, **one may make an *eiruv*** with them.

And the other one learned the Mishnah as referring **to *ma'aser***: It **only taught** about **water on its own or salt on its own**, **that they may not be acquired with *ma'aser sheni* money**.

However water and salt that are mixed together **may be acquired with *ma'aser sheni* money**.

*

The Gemara explains the disagreement: For **the one who learned** the exclusion of water or salt (and the permission regarding their mixture) as referring specifically **to *ma'aser***, **all the more so** will this apply **to *eiruv*** as well, even though *eiruv* was not the subject of the statement.

And as for the one who learned that it was said in reference **to *eiruv*** – he will **not** apply it **to *ma'aser***. Thus according to this view, one will not be permitted to buy a mixture of salt and water with *ma'aser sheni* money.

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What is the reason?

In the case of *ma'aser sheni* the law is stricter: **we require** it to be “**product**” (this refers to any food that “grew” from something else), as the Gemara will explain on amud bet. **And these** things, water and salt, **are not product**.

*

When Rabbi Yitzchak came from the land of Israel to Babylon, **he taught** the above exclusion of water and salt, along with the permission of their mixture, as referring to *ma'aser*.

They contradicted Rabbi Yitzchak, from a Baraita:

Rabbi Yehudah ben Gadish testified before Rabbi Eliezer: The members of my father's household used to buy fish oil with *ma'aser sheni* money.

Rabbi Eliezer **said back to him:** **Perhaps you only heard** that it is permitted to buy fish oil with *ma'aser sheni* money in a case **that the fish innards are mixed together with them**. But it is forbidden to buy the oil on its own.

The Gemara now explains how this contradicts Rabbi Yitzchak's statement: **Even Rabbi Yehudah ben Gadish**, who was lenient and permitted a food that is used merely as a condiment (as is the case with the fish oil), **only said** this **with** regard to **fish oil, which is “product”**, since it grows.

However, water and salt were **not** permitted by him. So how can Rabbi Yitzchak say that a mixture of water and salt may be acquired with *ma'aser sheni* money?

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Rabbi Yosef said in reply:

Ammud Bet

It Rabbi Yitzchak's permission to buy a mixture of water and salt with *ma'aser sheni* money **is only required**, i.e. it only applies, in a case **where one** also **put oil into** the mixture, given that oil is considered "product".

Abaye said to him Rav Yosef: According to you, who say that Rabbi Yitzhak permitted only where oil was mixed with the water and salt, the following difficulty arises: **Let him derive it**, that one is permitted to buy this mixture, **because of** the **oil** that is in it. One could certainly acquire the mixture due to its oil content. So what is Rabbi Yitzhak telling us by pointing out that there is also water and salt there?

The Gemara replies: **It** Rabbi Yitzchak's statement **is only required** i.e. it only applies in a case **that one paid for the value of the water and salt by "absorbing"** their value in the price of the oil.

I.e. one paid an excess amount for the oil, in order to cover also the cost of the water and salt in the mixture. In this manner, one "absorbs" the cost of the water and salt in the money paid for the oil. Rabbi Yitzhak teaches that this is permitted.

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The Gemara is surprised by this answer: **And** would **anyone permit** paying for the water and salt with *ma'aser sheni* money **by absorbing** their cost into the total? This would seem to be improper use of *ma'aser sheni* money.

The Gemara answers: **Yes**, it is permitted!

And note that it was taught in a Baraita that one is permitted to pay for items by absorbing their cost in something else purchased at the same time.

For it was taught in a Baraita: **Ben Bag Bag says:** The Torah writes concerning *ma'aser sheni* money “And give the money for anything that your soul desires: For cattle, and for flock, for wine, and for alcoholic beverage”. The Torah lists these particular items for the sake of the following laws that are derived from them:

For cattle: This **teaches that one** may **acquire cattle along with their hides**. One may buy cattle with *ma'aser sheni* money at a price that includes also their hides, even though the hides are not edible, and one can normally buy only food with *ma'aser sheni* money.

And for flock: This **teaches that one** may **acquire flock along with their fleece**. This teaches that one can buy the meat even along with two inedible things, the fleece and the hide.

And for wine: This **teaches that one** may **acquire wine along with its jug**. What this teaching adds will be explained later.

And for alcoholic beverage: This **teaches that one** may **acquire *temed*** (water in which the skins of pressed grapes were soaked) **once it has fermented**. In such a case the water absorbs the taste of the wine and one is permitted to acquire the “taste” along with the water, by absorbing the price of the water into the amount paid for the “taste”.

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However, prior to fermenting it is considered mere water and one is not permitted to acquire it with *ma'aser sheni* money.

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Give that the Gemara quoted this Baraita referring to an absorbed price, the Gemara proceeds to discuss it:

Rabbi Yochanan said: Whoever can explain to me why the verse wrote: “for cattle” according to Ben Bag Bag – then I will carry his clothes after him to the bathhouse!
I.e. I will serve him like a servant serves his master.

The Gemara explains what perplexed Rabbi Yochanan:

What is the reason that “for cattle” seems superfluous?

Because **all of them** (flock, wine and alcoholic beverage) **are needed, aside from “for cattle” — which** the Torah did **not need**, to impart the Halachah regarding absorbed price.

The Gemara explains: **Why are they**, flock, wine and alcoholic beverage, **needed?**

Because if The Merciful One i.e. the Torah **had** only **written “for cattle”** then **I would have said:** It is only **cattle that** may be **acquired along with their hides, because** the hide **is** an integral part of **its body**, given that it cannot be separated whilst the animal is alive.

But acquiring **flocks along with their fleece** which **is not** an inseparable part of **its body, I would say** that one can **not** buy the fleece together with the flock. Therefore the Torah wrote “for flocks”.

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And if The Merciful One had written “for flocks”, in order to permit flocks **along with their fleece**, then I would have said that this applies only to wool, **because it is attached to it**, to the animal. **However** concerning **wine along with its jug**, where the two are not attached, I would say that one is **not** permitted to absorb the price of the jug. Therefore the Torah wrote “for wine”.

And if The Merciful One had written “for wine”, thus allowing one to acquire a jug along with the wine – then I would have said that this was **because it is** serving as a **protection** for the wine. **However** concerning *temed* **once it has fermented, which is a mere acidic taste** (it is not real product, it is really just water that has absorbed the sharpness of the grape husks), I would say that one may **not** buy it with *ma’aser sheni* money. Therefore **The Merciful One wrote: “alcoholic beverage”**.

And if The Merciful One had written “for alcoholic beverage” alone, then I would have said: **what** additional case does “alcoholic beverage” come to include? I would not have learned that one is permitted to pay an “absorbed” price; rather that one is permitted to buy **pressed figs** that come from the place called **Ka’ilit**, given that **they are product**.

They are not usually eaten¹¹ since they are fermented, and consuming them causes mental confusion. Thus we might think that they are not fitting to purchase with *ma’aser sheni* money. Thus we could say that the Torah here includes an extra word to permit their purchase.

However concerning acquiring **wine along with its jug**, I would say that this is **not** permitted. Therefore the Torah wrote “for wine”.

And if The Merciful One had written that one is permitted to acquire **wine along with its jug**, then I would have said because **it is** serving as a **protection** for the wine.

¹¹ Ritva. See also Tosafot.

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However concerning acquiring **flock along with their fleece**, **I would say** that this is **not** permitted. Therefore **the Merciful One** wrote **“flock”**, to teach **that** one is **even** permitted to acquire them **along with their fleece**.

However, the question emerges: **Why do I** need the Torah to write **“for cattle”** in order to teach that one can acquire cattle along with their hides? Surely it is possible to learn this from the other cases that the Torah mentioned!

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And if you will say that **if the Merciful One had not written “for cattle”**, then **I would have said** that when the Torah wrote **“flock”**, this did not come to include the case of absorbing the price of fleece—rather, I would have said that it came to permit acquiring flock **along with their hides**. This, **yes**, one is permitted to absorb the price of the hides. But acquiring them **along with their fleece** – **no**, it is not permitted.

Therefore **the Merciful One** wrote **“for cattle”** in order **to include** the case where one absorbs the price of **its hide**. If so, **“flock”** would inevitably be **left over, to include** the case of **its fleece**.

Surely one can not say this!

Because **if the Merciful One had not written “cattle”** then still, **I would not have said: Flock along with their hides** – yes, but **along with their fleece** – no.

Because **if** this were **so**, then **the Merciful One should have written “cattle”**, which is a case of hides without fleece, instead of writing **“flock”**. Thus it emerges that **“flock”** is **inevitably left over** in order to teach about the case of fleece, even if the Torah did not write **“cattle”**.

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Since the Merciful One wrote “flock”, one is now brought to understand **that even** acquiring flock **along with their fleece** is permitted.

This brings us back to Rabbi Yochanan’s perplexing question: **Why do I** need the Torah to write “**for cattle**”?

Surely one could arrive at the same teaching through logic alone: **Here**, one may **acquire flock along with their fleece**, even though they are not an integral part of the animal’s body. **Does one need** to teach that one may acquire **cattle along with their hides**, which are an inseparable part of the animal’s body?

This is what Rabbi Yochanan meant when he **said: Whoever can explain to me** why the verse wrote “**for cattle**” **according to Ben Bag Bag** – then **I will carry his clothes** after him **to the bathhouse!**

The Gemara now returns to the Baraita above, where Rabbi Yehudah ben Gadish and Rabbi Eliezer disagreed as to whether one may acquire fish oil with *ma’aser sheni* money. Both, however, agree that one may buy the fish themselves with this money.

The Gemara enquires: **About what are they disagreeing – Rabbi Yehudah ben Gadish and Rabbi Eliezer** on the one hand, who hold that one can acquire fish with *ma’aser sheni* money, **and those Tannaim** mentioned **further on** in the Gemara, on the other hand, who hold that one cannot?

Rabbi Yehudah ben Gadish and Rabbi Eliezer explicate verses in the Torah using the principle of **inclusion and exclusion** (*ribui* and *mi’ut*).

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Whereas those Tannaim explicate verses in the Torah using the principle of a **general rule and a specific rule** (*klal* and *prat*).

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Rashi explains the difference between these two principles, in *Shavuot* 4b:

Those who explicate using the principle of inclusion and exclusion hold as follows:

When the Torah writes a general statement followed by a specific statement, which is in turn followed by another general statement, we relate to the general statement as if it is an inclusion, and the specific statement as if it is telling us to make a certain exclusion.

The specific statement that came after the initial inclusion merely limits the scope of the law to a certain extent. It comes to say that the initial inclusion has not come to include everything. It includes only cases similar in nature to the case mentioned in the specific statement.

Were it not for the final inclusion then we would leave it at that, and only derive cases that are similar in nature to the specific statement. But when the Torah proceeds to make another inclusion at the end, this tells us to include even cases that are *not* similar in nature to the case of the specific statement.

Thus, in the end, the Torah intends to include every case, aside from just one — whichever is the most fitting to exclude.

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And those who explicate using the principle of a general rule and a specific rule hold as follows:

If the Torah had only written the initial general rule and the specific rule, without mentioning the final general rule, then one would have said that the verse only comes to include cases that are exactly the same as the specific rule.

Now that the Torah brings the final general rule, we include even cases that are generally similar in nature to the specific rule, although not exactly the same.

This is what is meant by: A general rule, a specific rule and a general rule – you only explicate what is similar to the specific rule.

This way of explicating produces a narrower interpretation than does the first way of explicating.

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Rabbi Yehudah ben Gadish and Rabbi Eliezer explicate the following verse:

“And give the money – for anything that your soul desires”, which apparently comes to include everything.

The Torah however continues: “for cattle and for flock and for wine and for alcoholic beverage”, which would imply that only these items may be bought.

The Torah concludes: “and for anything that your soul seeks”, which would again seemingly include everything.

They explicate the verse, applying the principle of **inclusion and exclusion**, as follows:

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“And give the money – for anything that your soul desires” includes everything.

“For cattle and for flock and for wine and for alcoholic beverage” now excludes one item.

“And for anything that your soul seeks”, returns and includes everything.

Since the verse **included, excluded and** then returned **and included** – it has **included everything**, aside from the one item that was left out by the excluding clause.

The Gemara explains: **What has been included** by the verse?

It has **included everything**.

And what has been excluded?

According to Rabbi Eliezer, the verse **has excluded fish oil**.

And **according to Rabbi Yehudah ben Gadish**, who holds that one may acquire even fish oil with *ma’aser sheni* money, it **has excluded water and salt**.

But according to both of them, fish themselves are included in the general inclusion.

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But those Tannaim in the two Baraitot that the Gemara is about to quote **explicate** the Torah by applying the principle of **a general rule and a specific rule**.

For it was taught in a Baraita:

PEREK 3 – 27B

The Torah writes: “**And give the money – for anything that your soul desires**”, which is a **general rule**.

“**For cattle and for flock and for wine and for alcoholic beverage**”, which is a **specific rule**.

“**And for anything that your soul seeks**”, the Torah thus **returns and** states a **general rule**.

A general rule, a specific rule and a general rule – you only explicate what is similar to the specific rule.

The nature of the case in the specific rule is as follows:

1. **A product** that was created **from a product**. Here the term product refers to anything that was “created”. In the case of animals, they are born to their mothers, who were in turn “created” by their own mothers. Similarly in the case of grapes, they grew from a vine which itself originally grew from a grape that was planted.
2. **And grow from the ground**. I.e. they are either nourished from or grow from the ground.

So too, anything that is a **product from a product and grows from the ground**, may be acquired with *ma’aser sheni* money.

However, this will rule out fish—which are nourished by the sea and not the ground. Thus they may not be acquired with *ma’aser sheni* money.

PEREK 3 – 27B

And the other Tanna **taught** in a Baraita that one should explicate the verse in a different manner:

Just as the case of the **specific rule**—cattle, flock, wine and alcoholic beverage—**their nature is that they are offspring** that were born **from offspring** which were created at the time of HaShem's original creation from **the earth**. **So too, any offspring of an offspring** from **the earth** may be acquired with *ma'aser sheni* money.

This will rule out fish, which were created from the water and not the land.

*

The Gemara explains further: **What comes out** as the difference in practical Halachah **between them**, i.e. between the two explications of the Tannaim in the two Baraitot that the Gemara has quoted?

Abaye said: Fish is the practical difference **between them**. In saying this, Abaye means to disagree with what the Gemara said earlier. For the Gemara had said that *both* of these Tannaim prohibit acquiring fish with *ma'aser sheni* money.

According to the one that said it must be **a product from a product and grow from the ground**, even fish will come into this category, and one will be able to acquire them with *ma'aser sheni* money.

This is because Abaye holds that **fish “grow” from the ground**, i.e. they too are nourished from the ground.

However, **according to the one that said** that it must be **an offspring of offspring** from **the earth**, fish are excluded, given that the **fish were created from the water** and not from the land.

PEREK 3 – 27B

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The Gemara is puzzled by this answer: **And did Abaye say that fish grow from the ground?!**

Surely Abaye said:

CHAVRUTA

EIRUVIN – DAF CHAF CHET

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

[And did Abaye really say that **fish grow** (i.e. are nourished) **from the ground**?

Surely Abaye said:]

One who **ate a *potita***, a type of small fish, **is lashed four** times for transgressing four Torah prohibitions.

The Torah details varying numbers of prohibitions for those who eat different types of *Sheratzim* (small ‘creeping’ creatures).

First, two general prohibitions are mentioned, applying two sets of lashes to a person who eats any type of *sheretz*¹.

One who eats a waterborne *sheretz* is subject to two additional sets of lashes for the two prohibitions that apply specifically to such a creature².

One who eats a *sheretz* that dwells on the land is subject to three specific prohibitions and three additional sets of lashes³.

Finally, one who eats a flying *sheretz* is subject to one specific prohibition, and one additional set of lashes⁴.

Thus one who eats a waterborne *sheretz* such as a *potita* receives four sets of lashes (this is true even though it is less than a *kazayit*⁵ in size, normally the minimum amount for

¹ *Vayikra* 11:43

² *Vayikra* 11:11-12 and *Devarim* 14:10

³ *Vayikra* 11:41,42,44

PEREK 3 – 28A

lashes, since a *potita* is a complete life form, a *briyah*, thus it has importance although it is small). Two sets of lashes are due to the general prohibition of eating a *sheretz*, and two for the specific prohibition that applies to a waterborne *sheretz*.

One who ate **an ant**, a land-dwelling *sheretz*, **is lashed five** times. Twice for the general prohibition of eating a *sheretz* and three times for the specific prohibition applying to a land-dwelling *sheretz*.

And one who ate **a wasp**, which flies but is also land-dwelling, **is lashed six** times. Twice for the general prohibitions, three times for the prohibitions applying to a land-dwelling *sheretz* and once for the specific prohibition applying to a flying *sheretz*.

The Gemara therefore asks: **If it is** the case that Abaye holds that fish grow from the ground, then one who ate a *potita* should **also be lashed due to** the prohibitions that apply to **a *sheretz* that creeps on the earth**⁶, making a total of seven sets of lashes!

*

Rather, Ravina said: Birds are the difference in practical Halachah **between them**, i.e. between the two different explications expressed in the two Baraitot that were quoted at the end of 27b.

According to the one who said that one may buy only something that is **a product from a product and grows from the ground** with *ma'aser sheni*⁷ money, **they – birds – are also a product from a product that grow from the ground.**

⁴ *Devarim* 14:19

⁵ *Kazayit*: 0.9 fluid oz. or 28 cu. cm.

⁶ According to Rashi the correct text would appear to read “*sheretz* of the earth”.

⁷ The Second tithe. One was obliged to take the second tithe from agricultural produce of the land of Israel, and bring it to Jerusalem to eat in a state of purity. However if one lived far away then it was possible to redeem it with money. This money was then taken to Jerusalem where food was purchased and eaten as if it were *Ma'aser Sheni*.

PEREK 3 – 28A

However, **according to the one who said** that one may buy only **an offspring of offspring** that was created from **the earth**, birds do not fall under this category. This is because **birds were created from the mud**, which is a mixture of earth and water, not earth alone.

*

The Gemara now proceeds to further explain the reasoning of the Tannaim of the two Baraitot:

For **the one who includes birds – what is his reason?**

And for the one who excludes birds – what is his reason?

Both Tannaim explicate the Torah using the principle of “a general rule and a specific rule”. According to this principle, the following rules hold true:

1. If the Torah writes a general rule and then a specific rule – it only means to include a case that is identical to the specific rule.
2. If the Torah writes a specific rule and then a general rule – the general rule is intended to expand upon the specific rule and include every case.
3. If the Torah writes a general rule, a specific rule and then a general rule – it means to combine the above two principles. Thus the verse includes any case that is similar in nature, although not identical, to the specific rule. By explicating so, one expands upon the specific rule while at the same time limiting the general rule.

PEREK 3 – 28A

The two Tannaim differ as to which side one places the emphasis upon. Do we place more weight on the initial general rule and specific rule (as in example 1 above) and then use the final general rule to extend the specific rule only slightly? Or alternatively, do we place the emphasis upon the final general rule, thus primarily viewing the verse as a specific rule followed by a general rule (as in example 2 above)? As such, one would tend to include everything aside from some limited cases.

Thus the Gemara explains: **The one who included birds holds that the final general rule is the particular point of focus, thus one explicates the verses as if they were in the format of a specific rule and then a general rule.**

If so, the Torah's mention of **the final general rule results in an expansion of the specific rule, and any case is included.**

And nevertheless, given that the Torah did initially write a general rule, it is impossible for this Tanna to regard the verse as a simple “specific rule followed by a general rule”. Therefore **the initial general rule is effective in excluding any cases that are not similar to it, to the specific rule, in two ways.**

In the specific rule (cattle, flock, etc.) we identified three specific qualities on 27b – a ‘product’ from a ‘product’, ‘growth’ from the ground and an offspring of offspring that was created from the earth. Thus, this Tanna only excludes fish, which lack two of the three qualities, not growing from the ground and not having been created from the earth.

But birds, which are similar in two ways, being products from product and growing from the ground, are not excluded. This is true despite the fact that they lack the third quality of being an offspring of an offspring that was created from the earth.

*

PEREK 3 – 28A

And the one who excludes birds holds that the initial general rule is the particular point of focus, thus one explicates the verses as if they were in the format of a general rule and then a specific rule.

And according to this principle: There is only to be included in the general rule what is included in the specific rule.

Therefore, concerning **these** cases that are specifically mentioned by the Torah – **yes**, they are included.

But **anything else**, even if it is similar to the specific rule, **no**. It is not included in the law.

And nonetheless one cannot completely discount the final general rule. Therefore **the final general rule is effective** in order **to include any case that is similar to it** – to the specific rule – **in all three ways**. Thus, this Tanna requires all of the three qualities that were mentioned above. Only an item with all three of them may be acquired with *ma'aser sheni* money. As a result he will exclude birds, which were not created from the earth.

Rav Yehudah said in the name of Rav Shmuel bar Shilat who said in the name of Rav: One may make an *eiruv techumin* with salty cress or with *purslane* (a type of plant, see *Megillah* 18b) or with clover. Even though they were commonly used as animal fodder, a person could eat them if necessary.

However one may **not** make the *eiruv* **with immature grain**, which is not yet one-third grown, and is commonly harvested for fodder. **And not with immature dates**, given that one would never conceivably eat them.

PEREK 3 – 28A

The Gemara is puzzled by this statement: **And may one make an *eiruv* with clover?**

Surely it was taught in a Baraita: Concerning **clover**, given that it depletes a man's seed, only **those with many children should eat it**, however **those without children should not eat it**.

And if it hardened in order to seed - the stalks would harden once the seeds were ripened - then **even those with many children should not eat it**, given that it is harmful for everyone.

Since clover is not fit to eat, it should be invalid for making an *eiruv*.

The Gemara replies: It is possible to **understand** Rav's statement about clover in one of three ways:

1. It refers to clover **that has not become hardened** in order to seed. **And** the person making the *eiruv* is one of **those with many children**; therefore it would be suitable for him to eat.
2. **And if you wish, I could say** an alternative answer: **In truth**, it refers to **those without children**. Even though unhardened clover is not suitable for them to eat, since **it is suitable for those with many children**, even childless people can use it for an *eiruv*.

For **was it not taught** in our Mishnah: **One may make an *eiruv* for a Nazirite with wine, and for an Israelite with *trumah*⁸?**

Therefore we see that **even though it is not suitable for this one** – if it is **suitable for that one**, then everyone can make an *eiruv* using it.

PEREK 3 – 28A

Here too in the case of clover – **even though it is not suitable for this one**, who is without children – **it is suitable for that one**, who has many children, therefore anyone can make an *eiruv* using clover.

3. **And if you wish, I could say** as an alternative answer: **When Rav said** that one may make an *eiruv* with clover he was referring to **Median clover**, which is healthy for everyone.

*

The Gemara is still puzzled by Rav's statement: **And** is it true that Rav said that one may **not** make an *eiruv* **with immature grain**?

Surely Rav Yehudah said in the name of Rav: Concerning *cuscuta*, a plant that grows amongst the thorns, **and immature grain, one may make an *eiruv* with them. And one also recites the blessing “*borei pri ha'adamah*, Who creates the products of the ground” over them.**

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

This statement of Rav, where he said that one may not make an *eiruv* using immature grain, was said **before Rav came to Babylon** and saw that there, they eat immature grain.

⁸ 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.

PEREK 3 – 28A

And **that** statement of Rav, where he said that one may make an *eiruv* using immature grain, was said **after Rav came to Babylon**.

*

The Gemara is puzzled by this answer: **And is Babylon** considered as if it is **most of the world**, such that the rest of the people in the world, who do not eat immature grain, should be measured by their practice?

On the contrary, given that their practice is strange, it should not even be considered as a “custom” for them.

Surely it was taught in a Baraita that the practice of a minority in society is considered annulled by the customs of the majority: Concerning **beans and barley and fenugreek that were sown for their plants** - in order that one would eat their stalks (similar to the case of immature grain), rather than the normal practice of eating their seeds/grains after ripening. We ignore the objective of the person that planted them for this unusual purpose, and **his intention is** considered **annulled alongside** that of **everyone** else, given that the common practice was to eat the seeds and not the plants.

Therefore **their seeds** are **liable** for *ma'aser*, even though one did not intend to harvest them, at the time of the planting. **And their plants are exempt**, even though he intended to eat them, given that this is not the normal practice.

However concerning **cress and white mustard**, where one would commonly eat both the plant and the seeds – if **one sowed them for their plants**, then **one takes *ma'aser*** from both their **plants and seeds**.

And similarly, **if one sowed them for their seeds**, then **one takes *ma'aser*** from both their **seeds and plants**.

PEREK 3 – 28B

Thus, given that the residents of Babylon are a minority of the world populace, their consumption of immature grain is not sufficient to establish it as food for humans.

*

The Gemara therefore gives a different answer:

When Rav said that one may make an *eiruv* with immature grain, he was referring to that which is grown in the **garden**, for this variety was eaten by all.

Ammud Bet

The Gemara expands upon the Baraita that was quoted above:

Concerning **the seeds of white mustard – for what are they suitable?**

Rav Yochanan said: Because the earlier generations, which did not have pepper, would grind them, the mustard seeds, **and dip the roast meat into them!**

Tosafot explain that the seeds are suitable to eat on their own, once they have been ground, and it is for this reason that they are liable for *ma'aser*. However, the only reason that one would normally have to grind them was in order to dip one's food.

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The Gemara now expands upon the blessing that is recited over immature grain.

PEREK 3 – 28B

When Rav Zeira was too weak to learn he would go and sit at the door of Rav Yehudah bar Ami's Yeshivah.

He said that when the scholars leave and when they enter, I will stand up before them and I will thus receive reward for standing up before them.

Rabbi Zeira left for the Yeshivah.

A young student of the Yeshivah came and encountered Rav Zeira.

Rav Zeira said to him: What did your Rabbi teach you?

He said to him in reply: Concerning *cuscuta*, which grows amongst the thorns and takes its sustenance from them as opposed to the ground – one recites the blessing of “*borei pri ha'adamah*” over it.

And concerning immature grain – one recites the blessing of “*shehakol nihyah⁹ bidvaro, that everything came into being by His word*”. The Gemara will explain the reasoning later on.

Rav Zeira said back to him: On the contrary, the opposite stands to reason!

This immature grain grows from the ground and thus its blessing should be “Who creates the products of the ground”.

And that *cuscuta* grows from the air, thus its blessing should be “that everything came into being by His word”.

⁹ According to some traditions: *nihyeh*

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*

Yet the Gemara concludes: **And the Halachah is in accordance with** the view cited by the student of the yeshivah.

What is the reason?

This *cuscuta* - its products are complete. It is fully ripe, and therefore one recites the blessing “Who creates the products of the ground” over it.

And that immature grain – **its products are not complete**, because it is harvested while only its stalks have developed. Thus its blessing is “that everything came into being by His word”.

And that which Rav Zeira said: This immature grain **grows from the ground, and that *cuscuta* grows from the air – it is not so!**

Because *cuscuta* **also grows from the ground**, as it is sustained from the ground by way of the thorns.

The proof to this: **For surely we see that if one cuts the thorns, the *cuscuta* dies**, i.e. it dries out.

Thus we see that *cuscuta* is sustained from the ground, through the intermediary of the thorns.

*

The Gemara is puzzled by another aspect of Rav’s statement: **And** is it true that **one** may **not make an *eiruv* with immature dates?**

PEREK 3 – 28B

Surely it was taught in a Baraita: Date-**palm hearts**, a soft edible part of the date palm that grows each year but becomes hardened like wood in the rainy season, it may be **acquired** in Jerusalem **with *ma'aser sheni* money**. For it is a product from a product and it grows from the ground (as was explained on 27b).

And it does not become impure with the impurity of food, even if one intended to eat it, given that it is not a foodstuff.

And immature dates are acquired with *ma'aser sheni* money, and become impure with the impurity of food.

Rabbi Yehudah says: Palm hearts – Note that they are considered as wood in every respect, except that they may be acquired with *ma'aser sheni* money.

And immature dates – Note that they are like food products in every respect, except that they are exempt from *ma'aser*. This is because in order to be liable for tithes, the processing of the produce must have been completed. This is not the case here, as the dates are not yet ripe.

According to the first Tanna, however, immature dates are liable for *ma'aser* since they are considered food products in every respect.

We see that everyone holds that immature dates become impure like food, and must thus be considered a foodstuff. If so, why doesn't Rav permit one to make an *eiruv* with them?

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The Gemara replies: **There**, where the Baraita said that immature dates are considered as food, it is referring **to** the products of “**despaired-of** palms”. These are male palm trees, which produce products similar in appearance to immature dates. However these products never mature into proper dates (hence the term ‘despair’) and thus are considered fully developed even though they resemble immature dates. Given that they are ripe, they will be considered as a foodstuff in order to be susceptible to impurity and for blessings.

However when Rav said that one cannot make an *eiruv* with immature dates he was referring to the products of the female palms whose immature dates will develop into proper products. Therefore, given that the dates are not yet fully developed, they are not considered a foodstuff.

*

The Gemara rejects this answer:

If so – if one were to understand the Baraita as dealing with “immature dates” that will *never* ripen, the following difficulty arises:

Would Rabbi Yehudah say in this case that they are exempt from *ma'aser*?

Surely it was taught in a Baraita that the “immature dates” of male palms are liable for *ma'aser*: **Rabbi Yehudah said: It was only mentioned** in the Study Hall that the **small figs of** the place called **Bityoni** are considered as food products regarding **the matter** that

PEREK 3 – 28B

they are liable for *ma'aser*. These small figs are similar in nature to immature dates from a male palm, yet the Baraita taught that they are liable.¹⁰

Similarly it was stated: Concerning the **small figs of Bityoni and the “immature dates” of Tuvina**, a place where all of the date palms were males, given that they are both fully developed, **they are liable for *ma'aser***.

*

The Gemara retracts its answer.

Rather, the Gemara gives another resolution for the contradiction between Rav's forbidding an *eiruv* made with immature dates, and the Baraita's teaching that they are liable for *ma'aser* and become impure like normal food.

In truth, the Baraita is **not** referring to **despaired-of** palms.

And nonetheless it does not pose a difficulty for Rav. This is because the laws of **impurity of food are different**.

Similar to what Rabbi Yochanan said in reference to another matter – **“Given that it is possible to rectify them by fire”**. The Gemara will explain later the case that Rabbi Yochanan was referring to.

¹⁰ See Rashi, *Pesachim* 53a

PEREK 3 – 28B

Here too in the case of immature dates, they will be susceptible to impurity, **given that one can rectify them**, their bitterness, **by** roasting them in **fire**.

However in regards to using them for an *eiruv*, one requires a food that is edible at that time, and Rav is speaking of the dates before they were roasted.

And they can be acquired with *ma'aser sheni* money because they fulfill the requirements of being a product from a product and growing from the ground. Even though they are not readily edible in their present state, this is no different from wheat, barley and many other foods, which also need processing before they become edible.

*

And where was Rabbi Yochanan's above-quoted statement **said?**

In reference to the Baraita **that was taught:**

Concerning **almonds that become bitter**, although they are sweet in the earlier stages of growth, they become bitter if left on the tree.

When they are **small – they are liable** for *ma'aser*, because they are considered fully formed products, given that they would become bitter if left any longer.

However when they are **large – they are exempt** from *ma'aser*, given that one would not eat them due to their bitterness.

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Concerning almonds **that become sweet**, i.e. they do not become bitter when left on the tree when they become **large, they are liable** for *ma'aser*, when they are fully grown.

However when they are still **small, they are exempt**, given that only ripe products are liable for *ma'aser*.

Rabbi Yishmael¹¹ son of Rabbi Yosi said in the name of his father: This, almonds that will become bitter but are still in their sweet stage, **and that**, the almonds once they become bitter – **are exempt** from *ma'aser*.

According to this view, small sweet almonds are exempt because they are not yet fully grown. And large bitter almonds are exempt because they are not edible.

And there are **those that say it**, Rabbi Yishmael's statement, differently: **This and that are liable** for *ma'aser*. The Gemara will explain the reasoning shortly.

Rabbi Ilai said in the name of Rabbi Yehudah¹²: Rabbi Chanina ruled in Tzipori according to the words of the one that said: This and that are exempt.

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The Gemara considers the other version: **And according to the one that said: This and that are liable – for what** are bitter almonds **suitable?** Given that they are inedible why are they liable for *ma'aser*?

¹¹ *Masoret HaShas*. The text in front of us reads Rabbi Shimon.

¹² Emendation of the *Bach*

PEREK 3 – 28B

In response to this **Rabbi Yochanan said: Given that it is possible to rectify them** from their bitterness **by** roasting them over **fire**.

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The Master said in the above-cited Baraita: **Rabbi Yehudah says: Palm hearts – Note that they are** considered as wood in every respect, except that they may be acquired with *ma'aser sheni* money.

The Gemara is puzzled: **This is** identical to the view of **the first Tanna** who said that palm hearts may be acquired with *ma'aser sheni* money but that they do not become impure as food!

Abaye said in reply: When the palm hearts **were boiled** vigorously or **fried** in oil, this is the difference **between them**.

According to Rabbi Yehudah who said that “they are considered as wood”, this will apply even if they were boiled or fried. They will still not be susceptible to impurity. However according to the first Tanna, this preparation will render them susceptible to impurity.

Rava challenged this answer: **Is there anyone who said:** Palm hearts that **were boiled or fried** are **not** considered food?

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Surely it was taught in a Baraita: **The hide** of an animal, which is inedible, **and the amniotic sac**, which is not normally eaten, **do not become impure with the impurity of food.**

But **a hide that was boiled** vigorously until it was fit for consumption, **and an amniotic sac that one decided** to eat, they **do become impure with the impurity of food.**

The Gemara reasons as follows: Although a hide is normally inedible, still it becomes susceptible to impurity once it is boiled. Palm hearts that are somewhat edible even now, surely they should be susceptible to impurity, once boiled!

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Rather, Rava said a different answer: **The blessing is** the difference **between them**, between the first Tanna and Rabbi Yehudah.

For it was said in a statement of Amoraim: Concerning **palm hearts** –

Rav Yehudah said one recites the blessing of **“Who creates the products of the ground”** over them.

And Shmuel said: One recites the blessing of **“that everything came into being by His word”** over them.

The Gemara explains their reasoning:

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Rav Yehudah said “Who creates the products of the ground” because it is a food.

And Shmuel said “that everything came into being by His word” because its end is to become hard, the heart will eventually harden like wood and is thus not considered a food product. Therefore **one does not recite the blessing “Who creates the products of the ground” over it.**

The dispute between Rav Yehudah (the Amora) and Shmuel is the same as that between Rabbi Yehudah (the Tanna) and the first Tanna of the Baraita:

The first Tanna holds that palm hearts are food and thus one recites the blessing “Who creates the products of the ground” over them. However Rabbi Yehudah who said “they are considered as wood” holds that the proper blessing is “that everything came into being by His word”.

*

Shmuel said to Rav Yehudah: Sharp one! To say **like you** did, it **stands to reason.** One should recite the blessing of “Who creates the products of the ground” and it should be of no consequence that the palm hearts are destined to harden.

Because surely there is the example of **radish, which is also destined to harden, and one recites the blessing “Who creates the products of the ground” over it.**

The Gemara rejects this answer: **This is not** similar!

PEREK 3 – 28B

Concerning **radish**, people plant it with the intention of harvesting **the tuber**. Given that they intend to harvest it while it is still soft we do not take account of the fact that it would harden if left in the ground.

However concerning **date palms**, people do not plant them with the intention of harvesting **the palm hearts**.

The Gemara concludes: **And even though Shmuel praised Rav Yehudah**, saying that his view was reasonable, **the Halachah goes in accordance with Shmuel's** view, and the blessing on palm hearts is “that everything came into being by His word”.

Regarding the above-mentioned statement **itself: Rav Yehudah said in the name of Rav:** Concerning *cuscuta* and immature grain – one may make an *eiruv* with them, and one also recites the blessing “Who creates the products of the ground” over them.

The Gemara asks a question: Concerning *cuscuta* – when one uses it to make an *eiruv*, **how much** does one require in order to complete the prescribed amount of enough food for two meals?

The Gemara answers: **Like Rav Yechiel said**, in reference to a different food, as the Gemara will shortly mention – **a handful**. So too here in the case of *cuscuta*, one requires **a handful**.

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The Gemara asks another question: Concerning **immature grain** – **how much** does one require for an *eiruv*?

Rabbah bar Tuviah bar Yitzchak said in the name of **Rav**: An amount **similar to the bundle of** vegetables that **a farmer** would bind together.

Rav Chelkiah bar Tuviah said: One may make an *eiruv* with stalks of grass even though they are as hard as wood.

The Gemara is puzzled: **Do you think** that one can make an *eiruv* with stalks, which are not suitable as food?

Rather, this is what Rav Chelkiah was saying: One may make an *eiruv* with **the vegetables** that surround **the stalks**.

And how much of these vegetables does one require for the *eiruv*?

Rav Yechiel said: A handful.

*

Rav Yirmeyah went out to the villages. They asked him: Can one make an *eiruv* with fresh beans?

He did not have the answer **in his hands**.

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When Rav Yirmeyah came to the study hall and asked this question there, they said to him: This is what Rabbi Yannai said: One may make an *eiruv* with fresh beans. And how much does one require?

Rav Yechiel said: A handful.

Rav Hammunah said: One may make an *eiruv* with raw beets.

The Gemara is puzzled: **Is this so?**

Surely Rav Chisda said: ‘Live’ beets, i.e. beets that are uncooked, will kill a live person. So how is one able to make an *eiruv* using them?

CHAVRUTA

EIRUVIN – DAF CHAF TET

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

The Gemara answers: **That** case, which Rav Chisda referred to where beets are considered lethal, is specifically **when** they are **cooked and not cooked**, i.e. only partially cooked. However when the beets are totally raw they are fit to eat and thus one may make an *eiruv* with them.

There are those who say that **Rav Hamnunah** actually **said: One may not make an *eiruv* with raw beets, for Rav Chisda said: ‘Live’ (raw) beets will kill a live man.**

And according to this version, a challenge made was as follows: **Surely we see that people eat beets when they are raw and they don’t die!**

And the challenge was answered: **There**, in Rav Hamnunah and Rav Chisda’s case, it refers to beets that are **cooked and not cooked**, but not completely raw.

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Rav Chisda said: A cooked dish of beets is beneficial for the heart and good for the eyes and all the more so it is good for the intestines. (Note: although *silka* is rendered here and on the previous daf as beets, following the common usage, many Commentators have failed to make a positive identification of the vegetable called *silka*, while others have suggested that it is actually spinach.)

Abaye said: That which was said, that beets are beneficial, is **when they are placed on the stove and make** the sound **“tuch tuch”!** When one boils beets to the stage that they turn to pulp, they will bubble and make such a noise.

*

PEREK 3 – 29A

One day, when he was feeling particularly joyful, and his mind was particularly clear, **Rava said: Behold, I am** ready to expertly answer anyone who asks a question of me, **like Ben Azai** was capable of, an unusually sharp-minded Sage who used to lecture **in the marketplace of Tiberias!**

A certain one of the scholars said to Rava: Concerning **apples** – **how much** would be considered enough for two meals, i.e. the amount needed to make an *eiruv*?

Rava said to him: And can one make an *eiruv* with apples?

The Gemara is puzzled by Rava's challenge: **And** can one **not** make an *eiruv* with them?

Surely it was taught in a Mishnah in Tractate *Me'ilah*: **All** impure **foods join together** to make up the amount necessary **to disqualify the body** of a person who consumes them, rendering him forbidden to subsequently eat *trumah*¹.

With an amount equaling **half a *pras***² of impure food, the person is forbidden to subsequently eat *trumah*.

A full *pras* is half a *kikar* (loaf) made up of eight *kabeitzim*³, meaning that half a *pras* is equal to two *kabeitzim*.

And so too, all foods join together to make up the amount of **food for two meals**, which is necessary **for an *eiruv techumin***.

And so too, all impure foods join together to make up a *kabeitzah* in order **to render impure** another pure food when the two touch.

¹ 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.

² Lit. Piece.

PEREK 3 – 29A

*

The Gemara now explains the difficulty that this Mishnah poses for Rava:

And this Mishnah – **What refutation** of Rava’s view does contain?

If we say that the refutation comes **because it taught “all foods”** in reference to the amount of food required for two meals for an *eiruv*—

And one might say this implies that apples may be used for an *eiruv*, so long as there are enough for two meals, because **they are** also **fit for consumption**—

It is impossible to challenge Rava in this way.

Because **Rabbi Yochanan said** above, on 27a: **One does not learn** to all possible cases **from general rules, even in a place where** after the rule **it was stated “except for such and such”**. Thus we could easily say that apples are an exception to the rule mentioned in the Mishnah.

Rather, the refutation is as follows:

Because the Mishnah **taught: And** all foods join together to make up the amount of **food for two meals, for an *eiruv*, and** to make up a *kabeitzah*, **to render impure** another food.

This implies by way of comparison that any food that renders another food impure is also suitable for use as an *eiruv*.

³ *Kabeitzah*: 1.9 fluid oz. or 57 cu. cm.

PEREK 3 – 29A

And these apples are also fit to render other foods **impure** with **the impurity of food**. Thus they should also be suitable for use as an *eiruv*.

*

And how much is the amount needed for an *eiruv*?

Rav Nachman said: The amount of **apples** required is a *kav*⁴. Given that this is the amount that one would need as an accompaniment for two meals of bread.

They contradicted him, from a Baraita that taught: **Rabbi Shimon ben Elazar says:** When a pauper comes to the threshing floor to collect *ma'aser ani* (the tithe for the poor), one is obliged to give him enough food for at least two meals. Therefore one must give him an *uchla* (a small measure) of **spices**, which would be sufficient to flavor two meals, **or a litra of vegetables, or ten nuts, or five peaches, or two pomegranates, or one etrog** (citron). It is conceivable that a person would eat any of these foods as an accompaniment to two meals of bread.

And Grusak bar Deri said, commenting on the Baraita **in the name of Rav Menasiah bar Sheguvli**, who said **in the name of Rav: And similarly** the same amount is required **for an *eiruv techumin***. Given that an *eiruv* also requires enough food for two meals.

The Gemara now spells out the contradiction to Rav Nachman: **The apples also should be** considered **similar to peaches**, and five apples should be sufficient for an *eiruv*. If so, why did Rav Nachman say that one requires a whole *kav*?

The Gemara answers: **The** peaches are considered **special**, and thus one would not normally eat more than five of them.

⁴ *Kav* = 2.9 pints or 1.4 liters.

PEREK 3 – 29A

And the apples not considered **special**, therefore one would eat a *kav* over two meals.

*

Rav Yosef said: His Master i.e. HaShem should **forgive Rav Menasiah bar Sheguvli** for mistakenly saying that the amounts that Rabbi Shimon ben Elazar mentioned in the Baraita, referring to *ma'aser ani*, also apply to *eiruv*.

For I was the one that **said to him** in Rav's name: “**And similarly** the same amount is required **for an *eiruv techumin***”. However, I mentioned Rav's statement **in reference to a Mishnah**.

And he mistakenly **said it in reference to the Baraita** of Rabbi Shimon ben Elazar!

*

Rav actually said the statement in reference to a Mishnah **that was taught: One may not give a pauper**, who comes to collect *ma'aser ani* **at the threshing floor**, any **less than half a *kav* of wheat**, in a circumstance where the farmer is distributing tithes from wheat.

And one may not give any less than **a *kav* of barley**, or one and a half *kavim* of spelt.

Rabbi Meir says: One must give at least **half a *kav* of barley or one and a half *kavim* of spelt**.

And one must give **a *kav* of dried figs**, or, if one pressed the figs into a “cake”, one must give **a *maneh*⁵ of pressed figs**. Such was the practice - once figs were pressed they were sold by weight rather than volume.

⁵ Approx. 425 grams

PEREK 3 – 29A

Rabbi Akiva says: Half a *maneh* of pressed figs.

And one must give **half a *log*⁶** of wine. **Rabbi Akiva says: A quarter *log*.**

And one must give **a quarter *log* of oil. Rabbi Akiva says: An eighth** of a *log*.

And concerning one who distributes *ma'aser ani* from **any other** non-staple **fruits:**

Abba Shaul said: One gives **enough so that** the pauper can **sell them and buy with them**, the money that he receives, **food for two meals.**

And in reference to this, **Rav said:** All of the amounts mentioned in the Mishnah correspond to two meals — **and similarly** the same amount is required **for an *eiruv techumin***, thus Rav was not referring to the Baraita at all.

*

The Gemara is puzzled as to why Rav Yosef was so harsh on Rav Menasiah:

And what is the advantage of this Mishnah **over that** Baraita? I.e. Rav's statement apparently could be related to either one, producing the same Halachah.

Given that the Mishnah and the Baraita do not disagree with each other, just that one speaks about some foods and one about others, what difference does it make whether Rav commented upon the Mishnah or the Baraita? Rav Menasiah in fact should be entitled to teach it in reference to the Baraita, even if he knew that it originally related to the Mishnah.

⁶ *Log* = 0.7 pint, or 0.3 liter

PEREK 3 – 29A

If we say that Rav Yosef was harsh on him **because it was taught in this** Baraita: An “*Uchla* of **spices**”. **And spices are not suitable to eat** as they are. Therefore perhaps Rav Yosef holds that for this reason one can not make an *eiruv* with them—

But this cannot be the reason.

Because **here** in the Mishnah, **did it not teach “wheat and barley”**, **and** this is even though **they are not suitable to eat** in their present state, thus one cannot make an *eiruv* with them, if we should impose such a requirement.

*

Rather, Rav Yosef spoke harshly **because it was taught** in the Mishnah that one gives the pauper **half a log of wine**.

And we have also seen concerning *eiruv*in that **Rav said: One may make an *eiruv* with two quarters of a log of wine**, i.e. half a *log*.

This ruling differs from the expected, given that 1/4 *log* of wine (otherwise known as a *revi'it*⁷) is sufficient for most Halachot, and is considered a significant amount for most purposes.

Hear from this a proof: That **when Rav said “and similarly** the same amount is required **for an *eiruv*”, he said it in reference to the Mishnah**. He made this statement specifically in order to emphasize a not-so-well-known Halachah, that we require a minimum of two quarter *log* of wine for an *eiruv*, just as we do for *ma'aser ani*. However, one cannot extend the comparison that was made between the amounts required for *eiruv*in and for *ma'aser ani* to the other cases mentioned in the Baraita. For that was never Rav's intention.

⁷ Lit. quarter [of a log]. One *revi'it* : 86.4 gm or 2.9 fl. oz.

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The Gemara concludes: Indeed one can **hear from this a proof** that Rav's statement related to the minimum amount for wine alone.

*

The master said, in the Mishnah quoted above: All foods join together etc, **and** so too they join to make up the amount of **food for two meals** necessary **for an eiruv**.

Rav Yosef thought to say that foods do not join together **until there is** enough for one complete **meal from this** type of food, **and** one complete **meal from that** type of food. However one would not be able to make up the required two meals from three or four different types of food.

Rabbah said to him, to Rav Yosef: **Even** if there is only enough of one type of food **for a half, for a third or for a quarter** of a meal, they nonetheless join together.

*

Regarding the above-mentioned statement **itself: Rav said: One** may **make an eiruv with two revi'it** of wine, i.e. two quarters of a *log*.

The Gemara is puzzled: **And why do we need all this?**

Surely Rabbi Shimon ben Elazar says: One who uses **wine** for an *eiruv* must ensure that he has **enough to eat**, i.e. to soak, the bread of two meals **with**.

PEREK 3 – 29A

And one who uses **vinegar** must ensure that he has **enough to dip** the food of two meals **with**.

If one uses **olives and onions** then he needs **enough to eat with** it the bread of **two meals**, as an accompaniment.

Therefore the Gemara questions why Rav requires two *revi'it* of wine, which would be sufficient to be considered two “meals” on its own. Surely one needs only enough wine to steep the bread of two meals.

The Gemara replies: **There** in the Baraita when it said that one needs only enough wine to soak the bread, it was referring to **boiled wine**, which is used as a condiment to soak the bread in. However Rav was referring to uncooked wine, and there it is necessary for the wine itself to be enough for two meals, i.e. two *revi'it*.

*

The Master i.e. Rabbi Shimon ben Elazar **said**: One that uses **vinegar** must ensure that he has **enough to dip with**.

The Gemara explains: **Rav Gidel said** in the name of **Rav**: Enough to dip the **food of two meals of vegetables** with, in a case where vegetables formed the basis of one’s meal. (This would equal a *revi'it*⁸).

⁸ *Tosafot, Mishnah Berurah*

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There are those that say: This is what **Rav Gidel said** in the name of **Rav:** One requires **enough to dip the vegetables that are eaten with two meals** of bread. Accordingly one would only need a smaller amount of vinegar, enough to dip the vegetables that accompany two meals of bread.

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The Master i.e. Rabbi Shimon ben Elazar **said:** If one uses **olives and onions** then he needs **enough to eat with** it the bread of **two meals**, as an accompaniment.

The Gemara raises a difficulty: **And may one make an *eiruv* with onions?**

Surely it was taught in a Baraita: **Rabbi Shimon ben Elazar himself said: Once, Rabbi Meir spent Shabbat in Ardiskia, and a certain person came before him. The person said to him: Rabbi! I made an *eiruv techumin* with onions** in order to enable me to go to **Tivain.**

And Rabbi Meir placed him within his own four *ammot*⁹.

The man had come from his own town to Ardiskia (which was on the way to Tivain) on Shabbat. However Ardiskia was outside his own Shabbat boundary and he was only able to travel there using the *eiruv* that he had made, which turned out to be invalid.

If someone leaves his Shabbat boundary on Shabbat, then he is subsequently forbidden to leave the four *ammot* surrounding the point at which he finds himself. Therefore, given

⁹ 1 ammah: 18.7 in., 48 cm

PEREK 3 – 29A

that the man had left his Shabbat residence using an invalid *eiruv*, Rabbi Meir confined him to a boundary of four *ammot*.

We thus see that one may not use onions for an *eiruv*, and there is an apparent contradiction between the two statements of Rabbi Shimon ben Elazar.

The Gemara answers: There is **no difficulty!**

This Baraita, which taught that one may not make an *eiruv* with onions, refers to a case in which one used their **leaves**, which are not considered of any importance and are harmful to eat.

But **that** Baraita, which said that one may use onions, referred to a case in which one made the *eiruv* with the **bulbs** themselves.

For it was taught in a Baraita: If **someone ate onions** and lied down **and woke up, and then died – one does not** have to say: **From what did he die?** Because it is certain that his death was caused by the onions that he ate.

And commenting upon this Baraita, **Shmuel said: It only taught** that onions are potentially lethal in a case where one ate **the leaves. However with the bulbs there is nothing for us** to worry about.

And also, concerning the leaves we only said that they are harmful **when...**

PEREK 3 – 29B

Ammud Bet

...they have not sprouted the length of **a span** (the spread of the fingers), because at this stage the leaves are still poisonous.

However once **they have sprouted** the length of **a span** **there is nothing for us** to worry about.

Rav Pappa said: We only said that onions are harmful **when one did not drink beer** afterwards. **However** if **one drank beer**, **there is nothing for us** to worry about.

The Rabbis taught in a Baraita: **A person should not eat onions because of the snake that is contained within them**, i.e. because of the poison that they contain, which is similar to the poison of a snake.

And an incident once took place **with Rabbi Chanina [ben Dosa]¹⁰**, who ate half an onion and half of the snake that was contained therein. And he became ill and turned to die. His friends beseeched Hashem to have mercy for him, and he lived—because the time, the generation, needed him.

¹⁰ *Maharsha*

PEREK 3 – 29B

Rabbi Zeira said in the name of **Shmuel**: Concerning **beer**¹¹, one may **make an *eiruv*** with it.

And it invalidates a mikveh¹² **with three *log***, in the same way as drawn water does. A mikveh requires 40 *se'ah*¹³ of naturally gathered water, and if three *log* of drawn water enter the mikveh before it reaches the required amount, it is invalid under Rabbinic law. Thus if three *log* of beer fell into a mikveh before it was filled, it would remain invalid even if it subsequently became filled with natural water.

Rav Kahana challenged it, this ruling: It is **obvious** that beer invalidates a mikveh like drawn water!

What is the difference between this beer and colored water?

For it was taught in a Mishnah: **Rabbi Yosi says: Colored water invalidates a mikveh with three *log*.**

If so, what new law did Shmuel intend to teach us?

They said in the Study Hall that the difference was between them is as follows: **There**, with colored water, **it is called “water that is colored”**, i.e. it bears the name of water, and for this reason it invalidates a mikveh. However **here it is called** only “**beer**” and not water. One might have thought that beer does not have the status of “drawn water” that invalidates a mikveh; therefore Shmuel teaches that it does.

¹¹ According to the *Ritva* this refers to an alcoholic drink made by soaking grape skins in water. See also *Rambam Hilchot Mikva'ot* 7:4

¹² A pool used for purification.

¹³ *Se'ah* = 2.2 gallons or 8.3 liters.

PEREK 3 – 29B

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And with how much beer does one make an *eiruv*?

Rav Acha son of Rav Yosef thought to say in front of Rav Yosef: The amount required is **two quarter *kav* of beer**, equaling two *log*.

Like it was taught in a Mishnah: **One who brings out wine** on Shabbat from a private to a public domain: in order to be liable he must bring out **enough to dilute the cup**. He must bring out enough pure wine so that if it was diluted with water, as was their custom in drinking wine, the cup would be filled with wine.

And it was taught in a Baraita commenting **on it**, the Mishnah, how large the cup must be: **Enough to dilute a generous cup**.

The Gemara explains: **What is a generous cup?** The **cup of the blessing** after meals.

And Rav Nachman said in the name of **Rabbah bar Avuha: The cup of the blessing must contain a quarter of a quarter¹⁴ *kav*** of undiluted wine, **in order that one** would be able to **dilute it and the total would stand at a quarter *kav***.

Because one dilutes wine in a ratio of one part wine to three parts water. **Like that** which **Rava** said—

PEREK 3 – 29B

For Rava said: Any wine that was not diluted such that **against one** part of wine was added **three parts of water, is not called wine.**

Thus we see that one must bring out a *revi'it* (quarter *log*) of wine in order to be liable for transgressing the Shabbat laws.

And it was taught in the end clause of the same Mishnah: **And for all other drinks** (beer included), the amount that one must bring out on Shabbat in order to be liable is **a quarter kav**, equaling one *log*.

And concerning **any non-drinkable** waters, one is also liable for bringing out **a quarter kav**.

The Gemara now explains how we learn from here that the amount of beer required to make an *eiruv* is half a *kav* (two *log*).

Given that there – in the case of bringing out – the amount of beer to be liable for is four times the amount of wine. Because **against one** measure of wine (a quarter *log*) that one is liable for, are **four** measures of beer (a *log*).

So too here, regarding the amounts required for an *eiruv*: **Against one** of wine is **four** of beer. Given that one requires two *revi'it* (two quarter *log*) of wine for an *eiruv*, one will require four times this amount – two *log* (half a *kav*) of beer.

¹⁴ One *kav* is equal to four *log*, meaning that a quarter of a quarter *kav* is a quarter *log*, i.e. a *revi'it*.

PEREK 3 – 29B

The Gemara rejects this: **But it is not** so, one cannot derive the amount required for an *eiruv* from the amount relating to liability for bringing wine out on Shabbat.

Because **there** - in the case of bringing out – the reason that **this** amount is required is because **less than this is not** considered **significant**.

However here, in the case of *eiruv*, we do **not** require two *log*. Rather, two *revi'it* are sufficient, because **people commonly drink a cup in the morning and a cup in the evening, and they rely on this**. They make do with drinking two *revi'it* of beer, and thus it can be considered enough food for two meals.

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The scholars of the study hall posed an inquiry: Concerning **dates – with how many** does one make an *eiruv*?

Rav Yosef said: The amount of **dates** required is a *kav*.

Rav Yosef learns this amount from the Mishnah that was quoted on amud alef, which stated that one must give at least one *kav* of dried figs to a pauper who comes to the threshing floor to collect *ma'aser ani*. In reference to this Mishnah, Rav said: “Similarly [these are the amounts required] for an *eiruv*”, therefore Rav Yosef learns that one *kav* of dates, which are superior to figs, is surely sufficient for an *eiruv*.

Rav Yosef said: From where did I say that dates are superior to figs?

From the Baraita **that was taught**, as cited below.

PEREK 3 – 29B

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By way of introduction:

If a non-Cohen ate trumah unintentionally, he is obliged to provide compensation. This is done by taking already-tithed produce equal to the amount that was eaten, then adding on an extra fifth. The designated produce then acquires the status of trumah and it is given to a Cohen.

The Gemara (*Pesachim* 32a) mentions a Tannaic disagreement as to how the compensation is made:

Is the amount to be paid back follow the volume of trumah that was eaten, such that one who ate a *kav* must pay back a *kav* (plus a fifth), irrespective of any price fluctuations in the intervening period? Or does it follow the cost of the produce that was eaten.

*

The Baraita states: If **one ate dried figs**, which were trumah, **and paid** the Cohen **with dates – Let blessing come upon him!**

What were the specific circumstances of the case **similar to?**

If we will say that he paid for the figs he ate with dates, determined **according to the cost** of the figs—meaning **that he ate from it** (the trumah) an amount of dried figs **worth a zuz, and paid him** with dates **worth a zuz**. Then **what** does the Baraita mean when it says, “**Let blessing come upon him**”?

PEREK 3 – 29B

Surely there is no benefit to the Cohen from this, given that **he ate** figs **worth a zuz** and he **paid** dates **worth a zuz**.

Rather, no. Here it refers to a case in which one paid with dates **according to the measure**.

And it refers to a case **where one ate from it** (the trumah) **a se'ah of figs that were worth a zuz, and paid him** with a **se'ah of dates that were worth four zuz**. And therefore the Baraita **taught: “Let blessing come upon him”**.

Therefore we see that **dates are superior** to figs.

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Abaye said to him: In truth, figs are superior.

And in fact, the above Baraita refers to a case where **one ate from it**, the trumah, an amount of figs **worth a zuz, and paid** with dates **worth a zuz**, in accordance with the view of the Tanna who holds that one pays according to cost.

And regarding the difficulty raised: **What** does the Baraita mean when it says **“Let blessing come upon him”**?

I would say to you: This is because **he ate from it** figs, which are **something that buyers do not jump upon** and are thus difficult to sell. **And he paid him** with dates, which are **something that buyers jump upon**. Even though figs are superior, dates are rare, therefore buyers grab them.

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PEREK 3 – 29B

The Gemara now proceeds to detail the amounts required when making an *eiruv* using several different foods:

If one makes an *eiruv* using *shetita*, a dish made by mixing the flour of parched grain with honey:

Rav Acha bar Pinchas said: One requires **two ladles-full**.

If one uses **parched grains** themselves:

Abaye said: One requires **two Pumbeditian boni**, a certain measure that was used in Pumbedita.

Abaye said: Mother said to me (Abaye's mother died when he was young but he was accustomed to call his nurse "mother"): **These parched grains are excellent for the heart and annul worrisome thoughts.**

And Abaye said: Mother said to me: Any person who has a weakness of the heart should **bring the meat of the right thigh of a ram and he should bring cattle manure** that was produced in the month of **Nissan**.

And if there is no cattle manure, he should bring willow chips. And roast it, the meat, over a fire that he makes by burning the manure or willow chips. **And he should eat it, and afterwards drink diluted wine.**

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PEREK 3 – 29B

Rav Yehudah said in the name of **Shmuel**: The amount of **any** food **that is** regularly used as **an accompaniment** to bread, and this food is to be used to make an *eiruv*, its amount is **enough to eat with** the bread of two meals.

And the amount of **any** food **that is not** used as such **an accompaniment**, and this food is to make an *eiruv* with, its amount is **enough to eat from it**, the food itself, two meals.

The amount of **raw meat** (salted but not cooked) needed to make an *eiruv* is **enough to eat from it**, the meat itself, two meals – since it is not eaten as an accompaniment.

Concerning the amount of **roast meat** required, this is a dispute amongst the Amoraim.

Rabbah said: It is an accompaniment and therefore one requires **enough to eat with** the bread of two meals.

And Rav Yosef said: It is not an accompaniment and therefore the amount required is **enough to eat from it** itself two meals.

Rav Yosef said: **From where did I say it**, that roast meat is not an accompaniment?

Because the Persians eat pieces of roasted **meat without bread**. Therefore, even though we eat roast meat with bread, as an accompaniment, the *eiruv* requires enough for two meals when eaten alone.

Abaye said to him: **And are the Persians** considered **most of the world**, such that everyone else is judged according to their practices?

Abaye now brings a proof that the customs of a minority do not determine the Halachah.

PEREK 3 – 29B

Surely it was taught in a Baraita regarding the minimum size of a piece of garment that is susceptible to becoming impure when a *zav*¹⁵ sits upon it:

The garments of paupers, patches of cloth that measure just three fingerbreadths square, are susceptible to becoming impure when they belong **to paupers**. This is because only paupers consider these small pieces of cloth to be worth saving. However, given that wealthy people consider them insignificant, they will not be susceptible to impurity in the said circumstance, when wealthy people own them.

The garments of wealthy people, pieces of cloth at least three *tefachim*¹⁶ square, are susceptible to becoming impure when they belong to all people, even **to wealthy people**. Given that such a size is considered important even to them, and they would also save them.

¹⁵ A man impure due to having a certain emission resembling semen.

¹⁶ 1 tefach: 3.1 in., 8 cm

CHAVRUTA

EIRUVIN – DAF LAMED

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

And from this we can deduce: **But the “clothes of wealthy people” for poor people, no.**
We do not apply the same measurement.

We do not say that a poor man’s piece of garment cannot contract impurity because it is not fitting for use by the wealthy. Rather, we say: since it is fit for a poor person it contracts impurity, and imparts impurity even to utensils of wealthy people.

But if so, this presents a difficulty to Rav Yosef. Because he said earlier that roast meat used for an *eiruv* must be the amount of roast meat eaten by *itself* in two meals, and not the smaller amount eaten with bread in two meals. Why did Rav Yosef require the larger amount? Because Persians eat roast meat only by itself, not with bread. Yet most people eat roast meat with bread, and thus we should not judge most people by the standards of the Persians—just as we do not judge the poor by the standards of the wealthy.

And if you say that the rule is that we always take the more stringent amount:

And **here** concerning the clothes of the poor **we are stringent**, and say that the smaller cloth of the poor contracts impurity.

And here too concerning an *eiruv* **we are stringent**, and require the larger measure of meat eaten by Persians, before we will permit carrying beyond the Shabbat boundary—

This is not plausible.

For it was taught in a Baraita that we are lenient regarding the amount of food required for an *eiruv*.

PEREK 3 – 30A

Because the Baraita says: **Rabbi Shimon ben Elazar says: We are lenient and make an *eiruv* for a sick or old person according to his** small amount of **food** that he eats in two meals, and not according to the amount a regular person eats.

And we are also lenient and make an *eiruv* **for a glutton according to the regular meals of every person.**

So too we should be lenient and not have to use the amount of meat eaten by Persians.

The Gemara concludes: This remains **difficult**.

The Gemara now questions the statement of Rabbi Shimon ben Elazar, that a glutton's *eiruv* can be according to the size of the meals of a regular person.

Introduction: The Sages decreed that when there is a corpse in a room, not only the room itself becomes impure, but also (the space within) any openings in the room, from which the corpse might later be removed. However, if it is intended to remove the corpse specifically through one of these openings, only that opening will impart impurity.

And did Rabbi Shimon ben Elazar say this — that we go after minimum size requirements?

But it was taught in a Baraita: Rabbi Shimon ben Elazar says: If Og the king of Bashan i.e. a very large person **died, his opening** (that we assume he will be removed through) **is** the opening that is **of his size**, and the other openings leading from the room, which are too small for him, do not impart impurity.

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However, concerning a normal corpse, an opening has to be only four square *tefachim* to assume that the corpse could be removed through it.

Thus we have a contradiction, because concerning *eiruvim* Rabbi Shimon says we do not require the larger meal of a glutton, but concerning openings he requires having the larger opening fit for King Og.

The Gemara answers: **And Abaye** explained that **there**, in the case of Og, **what can one do?**

Should we cut him up [and take him out]? In other words, to “save” the other openings from imparting impurity, there must be an opening through which the corpse can actually be removed.

*

They (the scholars) **inquired: Do the Sages differ with Rabbi Shimon ben Elazar** concerning Og, **or not?**

Come and hear a proof: That said Rabbah bar bar Channah, said Rabbi Yochanan: Even **the opening of Og king of Bashan** is only **four** square *tefachim*. This proves that the Sages disagree with Rabbi Shimon ben Elazar.

The Gemara rejects the proof: **There**, in this last statement, the case is **that there are many small openings, and there is one opening that is four** square *tefachim*.

That then we assume that **certainly, when they** (the people there) **enlarge** one of the holes to remove Og’s corpse, **they enlarge that one** that is four *tefachim* square.

PEREK 3 – 30A

And Rabbi Shimon only spoke of a hole the size of Og when the other holes are four square *tefachim*.

Said Rav Chiya bar Ashi said Rav: We make an *eiruv* with raw salted meat.

Said Rav Shimi bar Chiya: We make an *eiruv* with raw eggs, because people sometimes eat them if they have nothing else.

And how many eggs?

Said Rav Nachman bar Yitzchak: Sinai said: Two. ('Sinai' refers to Rav Yosef, who was erudite in Mishnayot and Baraitot as if he received them directly from Sinai.)

Our Mishnah said: **If someone vows** that he will not partake **of significantly sustaining food (*mazon*)**, he is **permitted** to partake of **water** and salt.

The Gemara infers from this: **Water and salt are not called “significantly sustaining food”, but everything else is called “significantly sustaining food”.**

I will say that this is a contradiction to Rav and Shmuel.

Because Rav and Shmuel both say: We only recite the blessing of *borei minei mezonot* (Who created kinds of significantly sustaining food) **over the five species** of grain.

This contradicts the Mishnah that says that almost everything is considered significantly sustaining food.

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The Gemara is surprised that we are asking this question:

Because **did we not** already **once contradict him** (Rav and Shmuel) from another Baraita, in *Brachot 37a*?

The Gemara answers: Even so, **let us say that there is also a contradiction from here.**

The Gemara now answers the contradiction: **Said Rav Huna:** In our Mishnah, **he** (the vower) is not saying, “Significantly sustaining food is forbidden to me.” Rather he **is saying**, “**Everything that is** even a little **sustaining** (*zan*) **is forbidden to me.**”

And **water and salt are not** even a little **sustaining, but everything** else **is** a little **sustaining.**

However, only food of the five grains which satiate a person are called “significantly sustaining food”.

*

The Gemara challenges the above statement, that everything except water and salt sustains a little.

But Rabbah bar bar Channah said: When we went after Rabbi Yochanan to eat the sweet **fruit of Ginossar** (the area of the Sea of Galilee), **when we were a hundred** people, **we took for each one** of us **ten** fruits.

And when we were ten people, **we took for each one** a **hundred** fruits.

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And every hundred of them (the fruits) **was held by a basket of thirty *se'ah*** because the fruit was so large.

And Rabbi Yochanan used to eat them all, and said: I swear that I did not eat enough to receive even a little sustenance.

So we see that fruit does not sustain at all.

The Gemara answers: **Say** instead that Rabbi Yochanan swore as follows: that he had not eaten enough to receive **significant sustenance**.

The Gemara now discusses whether food forbidden through an oath (*shevu'ah*) may be used to make an *eiruv*. This is then compared with food forbidden by a vow (*neder*). Although oaths and vows are similar in many ways, there is an important difference between them: with an oath, the person places the prohibition on himself. I.e. he forbids *himself* to the said object or activity. Whereas with a vow, the person places the prohibition on the object. I.e. he forbids the *object* to himself. Thus, wherever a person expresses himself by mentioning “this”, the object, he assumedly is vowing. Whereas when he mentions what “I will” or “I will not” do, he assumedly is taking an oath.

Said Rav Huna said Rav: If someone says: **I take an oath that I will not eat this loaf** of bread, **we may make an *eiruv* for him with it**, because using it as an *eiruv* is a benefit and not actual eating.

But if he says: I vow (i.e. take a *neder*) that **this loaf is forbidden to me, we may not make an *eiruv* for him with it**. For this vow is interpreted to mean that he will not even benefit from the loaf, in any way.

PEREK 3 – 30A

They contradicted him, from a Baraita: If someone vows regarding a loaf of bread, we may make an *eiruv* for him with it.

Is it not the case that he said: “This loaf is forbidden **to me** by a vow,” and yet we use it for his *eiruv*?

And this proves that even when a person makes a general vow regarding a loaf, he really means that he will not eat it, but he still wants to benefit from it.

The Gemara answers: **No!** The case is that he said: “I hereby take an oath¹ that I will not eat **this** loaf.”

And this stands to reason, because it is taught in the end of the Baraita: When do we use the loaf for his *eiruv*? **When he said:** “I take an oath that I will not eat it,” because he did not forbid its benefit.

*

The Gemara questions this conclusion: **But if he said:** “I hereby vow that this loaf is forbidden **to me,**” **here too,** would the halachah be **that we may not make an *eiruv* for him with it,** as we said just before?

If so, the Baraita is difficult to understand: **Because when it says** in the end, If someone says, “**This loaf is consecrated** to the Temple,” **we do not make an *eiruv* for him with it. Because we do not make an *eiruv* with consecrated items,** since people may not benefit from them.

It the Baraita **should make a distinction in** the same case **itself,** of an oath, without jumping to the subject of consecrated items.

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And it should say as follows: **“When do we say** that one may make an *eiruv* with something forbidden by an oath? **That he** (the person) **said:** “I take an oath that I will not eat **this** loaf.”

But if he said: “This loaf is forbidden **to me** by vow,” **we may not make an *eiruv* for him with it.**

But the Baraita makes no such distinction. Thus it seems that we may make an *eiruv* for him, even if the person vows.

Rav Huna answers by pointing out, as the Gemara did earlier, that the beginning of the Baraita indeed makes a distinction between an oath and a vow:

Rav Huna says to you: But what are you suggesting? That **whenever one says,** “This loaf is forbidden **to me** with a vow,” **we make an *eiruv* for him with it?**

If so, **the beginning** of the Baraita is **difficult**, because it says: When may we use the loaf for his *eiruv*? When he said: **“I hereby *take an oath*,”** because he did not forbid its benefit.

This implies that if the person had said: “I hereby *vow*,” we do not use it for his *eiruv*.

It turns out that the inference drawn from the end of the Baraita, about consecrated items, contradicts the inference drawn from beginning of the Baraita.

To resolve this contradiction, the Gemara rejects Rav Huna’s view. There is no distinction between vow and oath. The beginning of the Baraita is **missing words, and this is how it is learnt:**

¹ Even though the Baraita said “vow”, the Gemara understands that the Baraita means it in the generic sense

PEREK 3 – 30A

If someone vows not to partake from a loaf, we make an *eiruv* for him with it. And even if he said, “I vow that this loaf is forbidden to me,” it is judged as if he said, “I take an oath that I will not eat it”. And we say that he only meant to forbid eating it.

*

The Gemara now returns to its challenge to Rav Huna—that according to him, the Baraita contradicts itself:

Nevertheless, it is difficult to Rav Huna who does distinguish between an oath and a vow: why does the end of the Baraita forbid making an *eiruv* only in the case of consecration, and not in the case of a vow?

The Gemara answers: This Baraita is indeed not in accordance with Rav Huna.

And **he** (Rav Huna) **said in accordance with** the view of **Rabbi Eliezer**, who differs with that Baraita.

Because it was taught in a Baraita: Rabbi Eliezer says: If someone says, “I hereby take an oath that I will not eat this loaf,” we may make an *eiruv* for him with it.

But if he says, “I hereby vow that **this loaf** is forbidden to me,” **we may not make an *eiruv* for him with it.**

And this is in accordance with Rav Huna.

*

of making an oath.

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The Gemara now claims that Rabbi Eliezer contradicts himself.

And did Rabbi Eliezer say this?

But it was taught in a Baraita: This is the rule: If a person forbids himself from eating food by saying, “I hereby take an oath that I will not eat,” we make an *eiruv* for him with it (the food).

But when **food is forbidden to a person** by him saying, “I hereby vow that this food is forbidden to me,” **we do not make an *eiruv* for him with it.**

Rabbi Eliezer disagrees with this distinction and **says:** If a person says, “I hereby vow that **this loaf** is forbidden to me,” **we make an *eiruv* for him with it.**

And only if he says: **“This loaf is consecrated,” we do not make an *eiruv* for him with it.**

But in the previous Baraita, Rabbi Eliezer made a distinction between oath and vow, like did the first Tanna of this Baraita.

The Gemara answers: There are **two Tanna'im** and they differ with each other, but both are speaking **according to** what they believe **Rabbi Eliezer** holds. Thus they state opposing views, both in the name of Rabbi Eliezer.

Our Mishnah says: **We may make an *eiruv* for a Nazirite with wine,** and for an Israelite, i.e. a non-cohen, with *trumah*.

The Gemara states: **Our Mishnah is not in accordance with Beit Shammai.**

PEREK 3 – 30B

Because it was taught in a Baraita: Beit Shammai say: We do not make an *eiruv* for a Nazirite with wine, and for an Israelite with *trumah*.

And Beit Hillel say: We make an *eiruv* for a Nazirite with wine, and for an Israelite with *trumah*.

*

Beit Hillel said to Beit Shammai: Do you not agree...

Ammud Bet

...that we may make an *eiruv* even for an adult, on Yom Kippur, although he may not eat the food—and we rely on the fact that a minor may eat it?

They (Beit Shammai) said to them (Beit Hillel): True!

They (Beit Hillel) said to them: Just as we make an *eiruv* for an adult on Yom Kippur, so we make an *eiruv* for a Nazirite with wine, and for an Israelite with *trumah*. For there are other people who may drink the wine and eat the *trumah*.

However, Beit Shammai answered as follows:

There, in the case of Yom Kippur, the *eiruv* is effective not because it can be eaten by a minor, but for a different reason: there, while it is still day just before Yom Kippur, it (the food) is a meal fitting to be eaten by anyone, and even an adult.

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(Beit Shammai holds like the view on *daf* 36a that the *eiruv* takes effect at the end of Friday just before Shabbat begins, and not during twilight. *Ritva*.)

But **here**, in the case of Nazirite and *trumah*, **there is no fitting meal** for the person who relies on the *eiruv*, even **while it is still day**.

*

The previously mentioned Baraita holds that an *eiruv* is made by placing food in the chosen location, even though other household utensils are not brought to that location, and that this is true according to both Beit Hillel and Beit Shammai. The Gemara now says that this Baraita apparently disagrees with Chananya over that point.

Like whose view is this Baraita?

Not like Chananya.

Because it was taught in a Baraita: Chananya says: Beit Shammai categorically held the following view: They only agreed concerning an *eiruv* that it is effective in establishing a person's residence in the chosen place when he takes out his bed and all the utensils he uses on Shabbat to there.

*

The Gemara asks further: **Like whose view does what was taught in the following Baraita go?**

If someone made an *eiruv* by going out to the chosen place with black clothes on, he may not go out of the Shabbat boundary, relying on this *eiruv*, with white clothes.

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If he made an *eiruv* by going out to the place with white clothes on, he may not go out of the Shabbat boundary with black clothes.

The Gemara answers: **Said Rav Nachman bar Yitzchak: It** (this Baraita) **is in accordance with Chananya, and according to Beit Shammai.**

The Gemara rejects this: **And according to Chananya, is the sole restriction that he is not allowed to go out in black clothes, even though he generally wears them on Shabbat—but in white clothes that he went to make the *eiruv* with, he may go out?**

But he (Chananya) **said:** He has a valid *eiruv* only **when he takes out his bed and all the utensils he uses on Shabbat to there!**

The Gemara answers: **This is what it** (the Baraita) **is saying: If he made the *eiruv* with white clothes, and needed black clothes that Shabbat, because he generally wears black clothes or because he knew that he would need them, he may not even go out beyond the Shabbat boundary with white clothes.**

And **in accordance with whose view** is this Baraita?

Said Rav Nachman bar Yitzchak: It is in accordance with Chananya, and according to how he explains the view of Beit Shammai. For the person who neglected to bring along his black clothes when he made the *eiruv* did not bring out all the utensils, i.e. the clothing, that he would need that Shabbat. Thus his *eiruv* is invalid.

Our Mishnah says: We may make an *eiruv* for a Nazirite with wine, and for an Israelite, i.e. a non-cohen, with *trumah*. But **Sumchus says** that we may make an *eiruv* for an Israelite only **with *chulin*** (regular food).

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The Gemara infers: **But concerning** making an *eiruv* **for a Nazirite with wine, he** (Sumchus) **does not disagree** with the first view.

What is the reason of Sumchus, that he agrees concerning wine?

Because it is **possible** for the Nazirite **to nullify** (lit. be questioned about)² **his Nazirite vow**. He can go to a sage and have it nullified, if necessary.

The Gemara raises a difficulty: **If so, concerning *trumah* also, one can nullify it** (his declaration that this food would be *trumah*)!

The Gemara answers: **If he nullified it** (the declaration of the *trumah* portion), **it** (the entire portion of food, including the former *trumah*) **goes back to its state of *tevel***³, and all of it may not be eaten.

The Gemara challenges this answer: **But** one may **separate *trumah* on it** (on the food that reverted to being *tevel*) **from somewhere else**, and then even the former *trumah* will be ordinary food.

(One may not separate *trumah* on Shabbat, because this is considered as “fixing” [*metaken*]. Nevertheless, during twilight at the commencement of Shabbat, when the *eiruv* takes effect, the Sages did not prohibit separating *trumah*).

The Gemara answers: ***Chaverim***⁴ **are not suspected of** following the improper practice of **separating *trumah* from food that is not next to**⁵ the food that will thereby be permitted. For this can lead to confusion. Thus, in the absence of an identical type of food

² It is called questioning because the *chacham* asks him what reason he can think of that he regrets becoming a *nazir*, and had he thought of it, he would not have become a *nazir* in the first place.

³ Before *trumah* is separated from food, the food is called *tevel* (a mixture) and is forbidden to eat.

⁴ Learned people who follow the guidelines of the Sages.

⁵ *Min hamukaf*

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right next to it—from which to separate *trumah*—the food may not be rendered permitted.

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The Gemara suggests that this *trumah* may still be rendered permitted: **Separate the *trumah* from it** (the food) **itself!** Thus, the former *trumah* portion will revert to being ordinary food, and be permitted.

The Gemara answers: The situation is **that it** (the food set aside for the *eiruv*) **does not have the** minimum **amount** required for an *eiruv*, if one takes out a portion for *trumah* from it.

The Gemara challenges this answer: **And what is the** basis for claiming that the Mishnah is discussing such a **narrowly defined case?** Why should the Tanna decide to discuss a case where the *eiruv* is exactly the minimum size, and taking off *terumah* will make it too small?

*

In response to this challenge, the Gemara now gives a different reason why Sumchus holds that *trumah* may not be used for an Israelite's *eiruv*, while wine for a Nazirite's may be used.

Sumchus holds like the Rabbis who say: Whatever is forbidden because of Rabbinical ordinance (*shevut*), they decreed on it at twilight as well. Therefore one cannot nullify the declaration of the *trumah* and take different *terumah* in its place at twilight, as suggested before.

But there is no decree against a Nazirite nullifying his vow on Shabbat.

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The Gemara now connects the previous discussion to a Mishnah in Tractate *Keilim*.

In accordance with whose view goes what was taught in the following Mishnah?

There are things whose minimum size is not uniform, **rather all is according to what kind of person** one is. The size is determined according to each individual. These things include:

- 1) **The *kometz*-full** (handful) that the Cohen takes from the *minchah* (flour offering), to burn on the Altar, is determined according to the size of each Cohen's hand.
- 2) **The *melo chofnav*** (two handfuls) of **incense** that the High Priest brings into the Holy of Holies on Yom Kippur is determined by the size of his hands.
- 3) **And someone who drinks *melo logmav*** (a cheekful) of beverage **on Yom Kippur** is liable for *karet* (spiritual excision).
- 4) **And the food of two meals** required **for an *eiruv***, which are smaller for a sick or old person.

In accordance with whose view does this Mishnah go?

Said Rabbi Zeira: It is like Sumchus, who said: We require what is “fitting for him” for an *eiruv*. Therefore, just as we do not use *trumah* for an Israelite because it is not fitting for him, so we do not require a normal meal for a sick person, since it is not what is fitting for him.

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The Gemara continues: **Let us say** that the above Mishnah **differs with Rabbi Shimon ben Elazar**.

Because it was taught in a Baraita: Rabbi Shimon ben Elazar says: We make an *eiruv* for a sick or old person according to what he eats, but for a glutton with the normal meal of every person.

And we do not say that the glutton's *eiruv* is judged by the size of his own meal.

The Gemara rejects this and says that the Mishnah can be reconciled with Rabbi Shimon ben Elazar:

Explain that when the Mishnah says that we go “according to what kind of person” one is, it is referring to **a sick or old person**, who constitute normative segments of society. **But** concerning **a glutton, his “opinion”** of how much food is eaten in a normal meal **is insignificant as against** the eating habits of **every other person**, and is disregarded.

Our Mishnah says: **And** we make an *eiruv* **for a Cohen in a *beit hapras*** (a field with a lost grave, which the rabbis forbade a Cohen to enter). And even Sumchus, who said earlier that an *eiruv* has to be fitting for the person it is made for, does not disagree here.

Why is the food in the *beit hapras* considered fitting for a Cohen?

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Because said Rav Yehudah said Shmuel: A person (a Cohen) **may blow** the dust before him as he progresses through the field, in order to identify bones so as not to move them and become impure through carrying them, **and walk** through.⁶

The Gemara mentions another way a Cohen can pass through a *beit pras*: **Rabbi Yehudah bar Ami said in the name of Rav Yehudah: A *beit pras* that was trodden** by many people is **pure** because we assume that any bones were crushed to less than the size of a barley kernel and no longer impart impurity through touching or carrying.

Our Mishnah continues: **Rabbi Yehudah says:** One may **even** make an *eiruv* for a Cohen in a **graveyard**.

It was taught in a Baraita, to explain Rabbi Yehudah's view: **Because he** (a Cohen) **can make a barrier** between himself and the graves, **and go inside a riding carriage, a box, or a cupboard** that are carried on the back of an animal.

Because **he** (Rabbi Yehudah) **holds** that **a moving *ohel*** (tent – something that makes a barrier between the Cohen and a corpse) **is called an *ohel***.

*

And it (the question whether a moving tent is considered a tent) is **a disagreement between these following Tanna'im:**

Because it was taught in a Baraita: Someone who enters the land of the gentiles (i.e. he goes outside the land of Israel. In other lands, the Sages decreed that the soil imparts

⁶ We are not concerned that he may become impure by standing over bones buried underground, because bones without flesh do not impart *tumat ohel* (impurity of a tent).

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the impurity of a corpse.) He does so by traveling **in a riding carriage, box, or cupboard** that makes a barrier between him and the ground.

Rabbi i.e. Rabbi Yehudah HaNasi **holds that he is impure, and Rabbi Yosi b’Rabbi Yehudah holds that he is pure.**

The Gemara asks: **What point are they differing over?**

One **master** (Rabbi) **holds that a moving tent is not called a tent** and does not make a Halachic barrier between the Cohen and the soil.

And the other **master** (Rabbi Yosi) holds that **a moving tent is called a tent.**

The Gemara now discusses a case where Rabbi Yehudah permits a Cohen to make his *eiruv* in a grave:

And that which was taught:

CHAVRUTA

EIRUVIN – DAF LAMED ALEF

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

[And that which was taught: Rabbi Yehudah says:] We make an *eiruv* for a pure Cohen with pure *trumah*¹ that is on a grave.

How does he (the Cohen) go there? In a riding carriage, box or cupboard that shields him from the impurity, as we said in the previous *daf*.

Nevertheless, there is still a problem:

But when it (the *trumah*) goes down on the grave, it becomes impure by being an *ohel* (tent) over the grave, and the Cohen cannot eat it.

The Gemara resolves the difficulty: It (the food of *trumah*) never became wet and therefore **did not become susceptible** (*huchshar*) to receiving impurity.²

Another answer: **Or**, we are dealing with bread **that was kneaded with fruit juice**.³

*

The Gemara raises another difficulty: **And how does he** (the Cohen) **bring it** (the food) to himself, from the grave where the food is located? In order for this to be a valid *eiruv*, the food must be accessible to the person relying on the *eiruv*. Otherwise, he is in one place and his *eiruv* is in another place, which is invalid.

¹ If the Cohen or the *terumah* are impure, the Cohen cannot eat it.

² The rule is that to become impure, food must have become wet at some time.

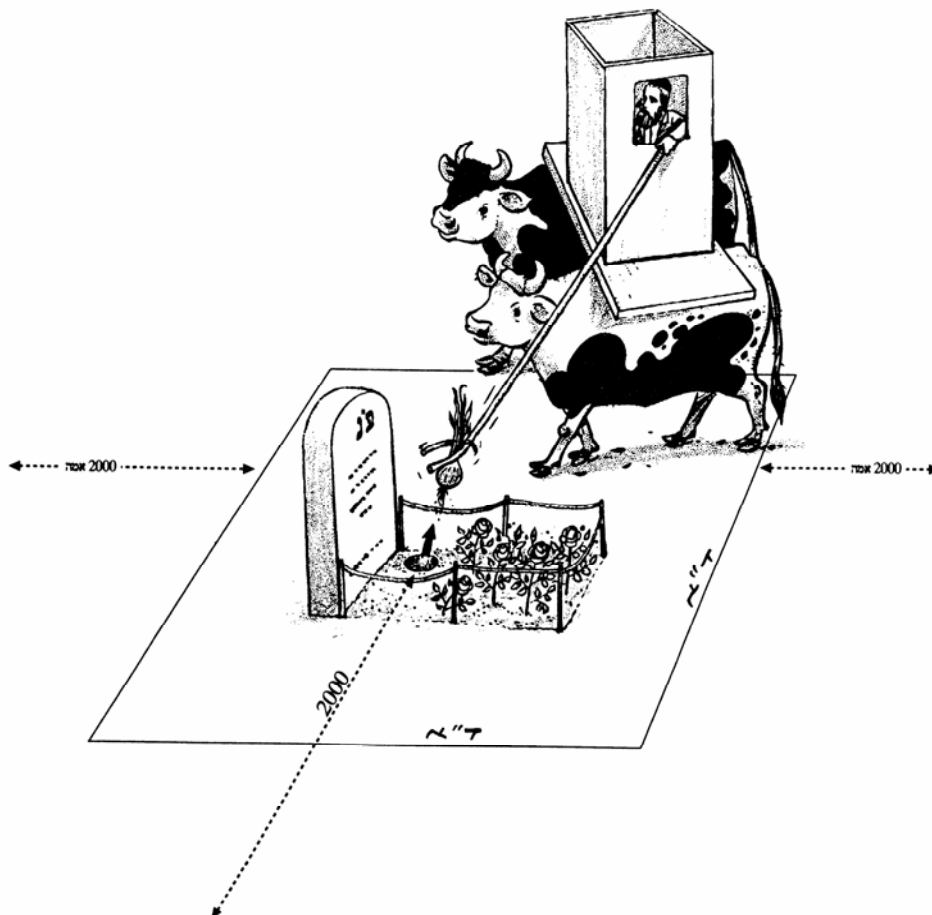
³ The food has to become wet from certain specific liquids, excluding fruit juice.

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If he reaches for it with his hand or with a utensil, he will become impure from the grave.
So how does he access it?

The Gemara answers: The Cohen brings the food from the grave **with straight wood utensils** i.e. they have no cavities, **which do not contract impurity**. For wooden utensils are susceptible to impurity only if they are concave. (See illustration.⁴)

Introduction: A utensil that is a *tefach*⁵ wide acts as a tent. If it is positioned over a grave and a person simultaneously, it transfers impurity from the grave to the person because



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the person is considered as someone in a tent with a corpse. And the Sages decreed that even if the utensil is not a *tefach* wide, but its circumference is a *tefach*, it too transfers impurity in this manner.

Therefore the Gemara raises a difficulty: **But it** (the straight wood utensil) presumably has the circumference of a *tefach*, and **acts as a tent**, rendering the Cohen impure from the grave?

The Gemara answers: We are dealing with a case **that he** (the Cohen) **brings it on its** (the wood utensil's) **point**, where it is less than a *tefach* in circumference. And the fact that the rest of the utensil is a *tefach* in circumference doesn't matter.

*

The Gemara raises an objection to all the above: **If so, what is the reason of the Rabbis** i.e. the first Tanna, who disagree with Rabbi Yehudah and say that a Cohen cannot make an *eiruv* by putting *trumah* on a grave?

The Gemara answers: **They hold that it is forbidden to acquire a house** (to create a “house” by putting down an *eiruv*⁶) **in places that one is forbidden to benefit from.**⁷

And one is not allowed to derive any benefit from a corpse or a grave.⁸

*

The Gemara asks in surprise: **From this**, shall we conclude **that Rabbi Yehudah holds that it is permitted** to acquire a “house” in a place one may not derive benefit from?

⁵ 1 tefach: 3.1 in., 8 cm

⁶ *Eiruv techumin* makes it as if this location is the person's residence for the duration of Shabbat.

⁷ Actually, the Rabbis will therefore forbid everyone to place an *eiruv* on a grave, not just Cohanim. The Mishnah mentions a Cohen to teach that Rabbi Yehudah allows even a Cohen to do this.

⁸ This is learnt with a *gezeirah shavah* from the *eglah arufah*.

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The Gemara answers: **He** (Rabbi Yehudah) **holds that mitzvot are not given to benefit** from personally. Rather, they are an obligation upon the person (*Rashi, Rosh Hashanah* 28a). And he also holds that a person may only make an *eiruv* in order to perform a mitzvah, such as going to his child's wedding or to a mourner's house. This being the case, we do not say that he has derived personal benefit from the *eiruv*; rather, he has fulfilled his obligation to perform mitzvot.

*

The Gemara finds this problematic: **But** according to this, **that statement which Rava said: Mitzvot are not given to benefit** from, **shall we say that he** (Rava) **said his teaching as** expressing only one side of **a disagreement between Tanna'im**? For the Rabbis who forbid making an *eiruv* on a grave, which one is forbidden to benefit from, apparently hold that mitzvot are indeed given for personal benefit.

The Gemara answers: **No!** Rava can say that **if they** (the Rabbis) **held that we only make an *eiruv* for a matter of a mitzvah, according to everyone mitzvot are not given for benefit**, and everyone would agree that one can put an *eiruv* on a grave.

But here, they (Rabbi Yehudah and the Rabbis) **are differing over this point:**

One **master** (Rabbi Yehudah) **holds that we only make an *eiruv* for a matter of a mitzvah.**

And the other **master** (the Rabbis) **holds that we make an *eiruv* even for a regular matter.** Therefore the Sages hold that one cannot put the *eiruv* on a grave.

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The Gemara objects that Rava's answer creates another problem:

But that which Rav Yosef said: We only make an *eiruv* for a matter of a mitzvah. Shall we say that he (Rav Yosef) said his teaching according to one side of a disagreement between Tanna'im? For Rava maintains that this is a disagreement between Rabbi Yehudah and the Rabbis.

The Gemara answers: **Rav Yosef will say to you:** I disagree with Rava. I say that **everyone** agrees that **we only make an *eiruv* for a matter of a mitzvah.**

And everyone holds that **mitzvot are not given for personal benefit.**

And here, they (Rabbi Yehudah and the Rabbis) **are differing over this:**

One **master** (Rabbi Yehudah) **holds** that **he** (the person making the *eiruv*) **is not pleased** by the fact **that it** (the food) **is guarded** afterwards by being on the grave (see

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illustration⁹). Therefore he gains no benefit from the grave. And using it to make his *eiruv* was for a mitzvah, which is not regarded as a benefit.

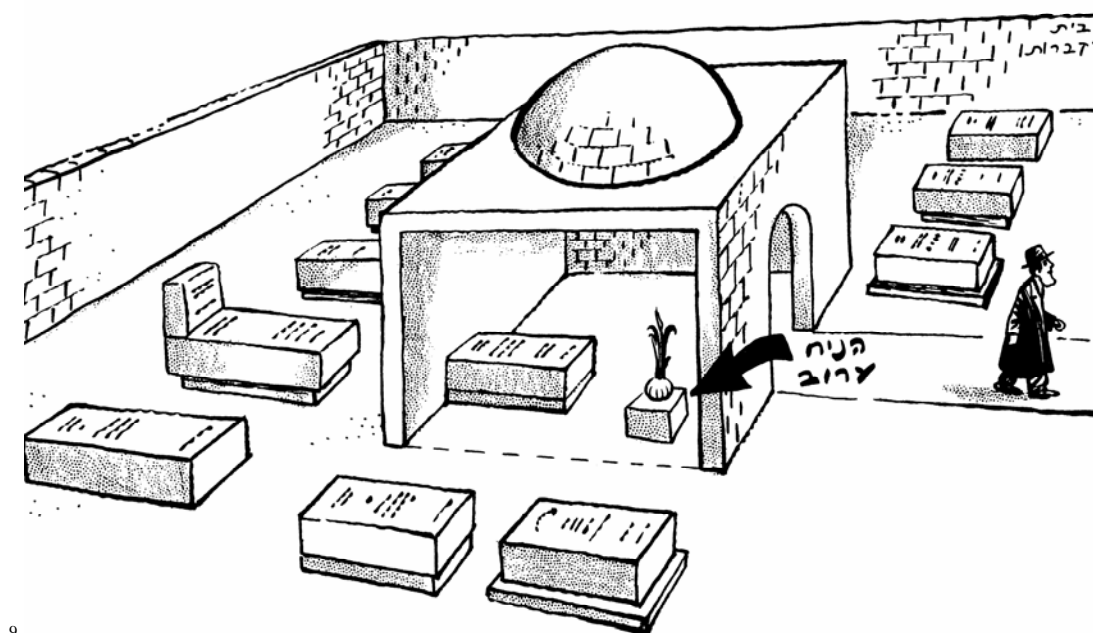
And the other master (the Rabbis) **holds** that **he is pleased** by the fact that the grave guards his *eiruv* afterwards. **Because if he requires** it for food afterwards, **he will** be able to **eat it**.

Mishnah

Introduction:

Before eating food grown in the land of Israel, one has to separate various tithes:

1) First, *trumah gedolah* (principle *trumah*), which one gives to a Cohen.



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2) Then, *ma'aser rishon* (first tithe), which one gives to a Levite. The Levite separates a tenth of this, and gives it to a Cohen as *trumat ma'aser* (the *trumah* of *ma'aser*).

3) Then, *ma'aser sheni* (second tithe), which one eats oneself. It is eaten in a state of purity, in Jerusalem (unless one redeems it on money, with which one purchases food when one arrives in Jerusalem).

4) During certain years, *ma'aser ani* (tithe to the poor) is separated instead of *ma'aser sheni*. It is given to the poor, to be consumed as they wish.

5) Before the tithes are separated, the food is *tevel* (a mixture) and may not be eaten.

6) Even though most ignorant people tithe their food properly, the Sages decreed that one must take certain tithes from what one buys from an ignoramus. The food or produce of an ignoramus is called *demai* (“doubtful”).

We may make an *eiruv* with *demai* (food bought from an ignoramus that was perhaps not tithed).

We also may make an *eiruv* with ***ma'aser rishon*** (the first tithe given to a Levite) **whose *trumah* (*trumat ma'aser*) was separated** by the Levite,¹⁰ **and** we also may make an *eiruv* **with *ma'aser sheni*** (second tithe, meant to be eaten in Jerusalem) that was redeemed on money, **and with consecrated items** (food consecrated to the Temple) **that was redeemed** on money and reverted to being regular food.

And Cohanim can make an *eiruv* **with *challah*** (the portion separated from dough and given to Cohanim).

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But one may **not** make an *eiruv* **with *tevel*** (food that was not yet tithed), **and not with *ma'aser rishon* whose *trumah* (*terumat ma'aser*) was not taken, and not with *ma'aser sheni* and consecrated items that were not redeemed**, because all these things are forbidden to benefit from.

Although one can redeem the *ma'aser sheni* and consecrated items, at the time the *eiruv* was made they were not yet redeemed. Thus they were judged as forbidden food at the time.

Gemara

The Gemara raises a difficulty: According to Sumchus in the first Mishnah of this chapter, who holds that food that is forbidden to a person cannot be used by him for an *eiruv*, even if it is permitted for other people—

How can one make an *eiruv* with *demai*? Even though poor people are allowed to eat it (the Sages did not place their decree upon them), **it is not fitting for him**, the person making the *eiruv*.

The Gemara answers: “**From the fact that**” (*migo*) **if he wants to, he can make his possessions ownerless and become a poor person—and it** (the *demai*) **will become fitting for him** to eat—we may say that **now, too, it is considered fitting for him**, even though he did not actually make his possessions ownerless.

¹⁰ The Levi has to separate a tenth of the tithe he receives and give it to a Cohen.

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For it is taught in a Mishnah: We feed the poor *demai*, because most ignoramuses separate tithes, and the law of *demai* is merely a stringency of the Sages (*Rashi, Berachot* 47a) which the Sages did not decree upon the poor.

Ammud Bet

And we also feed **the billeted soldiers** of Jewish kings *demai*, because when they are away from home and stationed to stay at the homes of the townspeople, they are considered like poor people.

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Said Rav Huna: Our Mishnah is in accordance with Beit Hillel, because **it was taught in a Baraita:**

Beit Shammai say: We do not feed poor people *demai*.

And Beit Hillel say: We feed poor people *demai*.

Introduction: There are two types of *trumah*, as explained before. Now, additional laws pertaining to them will be discussed. These are the two types:

1) *Trumah gedolah* that is separated from the produce by its owner and given to a Cohen. Normally, this is the first separation that is made from the produce.

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2) When the Levite later receives his *ma'aser rishon* (a tenth of the produce) from the owner, he has to separate a tenth of that as *trumah ma'aser* (*trumah* of *ma'aser*) and give it to a Cohen.

The owner is obligated to give the Cohen the *trumah gedolah* only after the produce is made into heaps in the granary, and the heaps are smoothed over. This represents the final stage of the agricultural process, in the case of grain. (Other forms of produce are judged according to the final stage appropriate to them.)

But if the Levite comes to the owner early, and wishes to take his *ma'aser rishon* before that final stage, the Levite does not have to give *trumah gedolah* from the grain he took as *ma'aser rishon*. Because what he took never reached the stage at which it becomes subject to the law of *trumah gedolah*.

*

The Mishnah said: We make an *eiruv* **with *ma'aser rishon* whose *trumah* was separated.**

The Gemara raises a difficulty: This is **obvious!** For this is produce which was properly handled, and it is permitted to everyone. Although it belongs to the Levite, it has no special laws attached to it.

The Gemara answers: **We only need** to state the law regarding a case **when he** (the Levite) **preceded him** (the Cohen). I.e. the Levite came to take his *ma'aser rishon* when the harvest was still **in sheaves** and had not yet been piled in a granary and smoothed out.

And this is like that rule that Rabbi Abahu said in the name of Reish Lakish:

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Concerning *ma'aser rishon*, **when he** (the Levite) **precedes him** (the Cohen) while the grain is still **in sheaves**, **he** (the Levite) **is exempt** from giving *trumah gedolah*.

Because it says: “And you shall lift from it (the *ma'aser rishon*) **a tithe** (*trumat ma'aser*) **from the tithe** (*ma'aser rishon*).”

This teaches that sometimes, **I** (Hashem) **only told you** to give **a tithe from the tithe**, and **not** to give *trumah gedolah* and also *trumat ma'aser* from the tithe.

And this is when the Levite took his tithe before the grain was piled up in the granary and smoothed down, in which case he only has to give *trumat ma'aser*.

*

Said Rav Papa to Abaye: If so, that the Torah exempts the Levite from giving *trumah gedolah*, **even if he** (the Levite) **preceded him** (the Cohen) **at the pile of grain** that had already been smoothed over, we should also say that he doesn't have to separate *trumah gedolah*. Why do we say that if the Levite took grain at this late stage he has to give both *trumots*?

Why not learn the verse of “And you shall lift from it a tithe from the tithe” more broadly, so that it applies to all *ma'aser rishon*, not just to what was separated early?

He (Abaye) **said to him** (Rav Papa): **Concerning you** (your question) **the verse says** elsewhere: **“From all your ma'asrot you shall separate all the trumah (gedolah) of Hashem.”** This teaches that there are times when the Levite must give *trumah gedolah*.

The Gemara challenges this: **And what do you see** in the verses that lead you to differentiate between when the grain is smoothed down, and when it is not smoothed down?

PEREK 3 – 31B

The Gemara explains: **This** case when the Levite came after the pile of grain was smoothed, **it** (the harvest) **has become *dagan*** (completely processed grain), and we apply to it the verse concerning *trumah gedolah*: “You shall give him (the Cohen) the first of your *dagan*.”

But that case when the Levite took it earlier, **it has not yet become *dagan***. (*Rashi, Brachot 47b*)

Our Mishnah says: **And** we make an *eiruv* **with *ma’aser sheni* and with consecrated items that were redeemed**.

The Gemara raises a difficulty: This is **obvious!** For once it is properly redeemed, it becomes permitted to all.

The Gemara answers: **It** (the Mishnah) **only needs** to tell us the law in a case **that he** (the owner of the food) **gave the principle** value of the food to redeem it, **but did not give the extra fifth** that the Torah obligates him to give when redeeming these things.

And he (the Tanna) **is informing us that** not giving **the fifth does not impede** the food from being permitted to eat.

Our Mishnah says: **But** one can **not** make an *eiruv* **with *tevel***.

The Gemara raises a difficulty: This is **obvious!** Such produce is forbidden to all.

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The Gemara answers: **It** (the Mishnah) **only has to** tell us the law **concerning *tevel* that become *tevel*** only **Rabbinically**.

And for example, that he sowed it in a pot without a hole in the bottom, such that it does not draw sustenance from the ground. And the Torah does not obligate taking tithes from the produce of a plant that was not connected to the ground.

Our Mishnah says: **And** we do **not** make an *eiruv* **with *ma'aser rishon* whose *trumah gedolah* was not separated**.

The Gemara once again raises a difficulty: This is **obvious!** Such produce is forbidden to all.

The Gemara answers: **It** (the Mishnah) **only has to** tell us the law in a case **that he** (the Levite) **preceded** the Cohen **at the pile** of grain when the pile was already smoothed over, **and he** (the Levite) **separated *trumat ma'aser* from it but did not separate *trumah gedolah* from it**.

You might have said that this is all right, **and as Rav Papa said to Abaye** above. For according to the objection that Rav Papa put forth, the Levite should never have to give *trumah gedolah* from the *ma'aser rishon*.

So it (the Mishnah) **tells us as Abaye answered him**, that sometimes the Levite does have to give *trumah gedolah*, if he preceded the Cohen after the grain was smoothed out in the granary.

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Our Mishnah says: **And** we do **not** make an *eiruv* **with** *ma'aser sheni* **and** consecrated items that were not redeemed.

The Gemara raises a difficulty as before: This is **obvious!** Such produce is forbidden to all.

The Gemara answers: **It** (the Mishnah) **only has to** tell us the law in a case that he did try to redeem them. But **that when he redeemed them, he did not redeem them according to their halachot.**

Ma'aser sheni – **that he redeemed it on an *asimon*** (a blank coin), **because the Merciful One said** in the Torah, “*Vetzarta hakesef beyadecha,*” (“You shall collect the money in your hand”), which the Sages infer as meaning: Redeem it **on money that has an image (*tzurah*) on it.**

Consecrated items – That he redeemed it on real estate.

Because the Merciful One said in the Torah: “**And he shall give the money and it** (the consecrated item) **will be established for him**”¹¹ as a mundane item once again. From here we learn (applying the principle of *prat* and *klal*) that anything used to redeem the consecrated item must be moveable, like money is. This excludes real estate.

Mishnah

If someone sends his *eiruv*, i.e. the food that he wants to use to set up his *eiruv techumin*, **in the hand of** people who are incapable of making an *eiruv* for him. For instance: **a deaf**

¹¹ This is not the actual wording of the verse.

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person, an idiot, or a minor, all of whom are Halachically incapable of making an acquisition of the place on one's behalf. (In order for the *eiruv techumin* to be valid, the person who wishes to rely on it must "acquire" the chosen place as his residence for the duration of Shabbat.) **Or**, he sends the *eiruv in the hand of someone who does not accept the validity of *eiruv* in general, i.e. he denies the validity of the entire Rabbinic enactment of *eiruv*. In all these cases, **it is not a valid *eiruv***.*

And if he told another person to receive it from him (from one of these invalidated people), and put it in the place where he wants the *eiruv* to be, **behold, it is a valid *eiruv***.

Gemara

The Gemara raises a difficulty: **And** is it true that **a minor may not** place one's *eiruv* in its place?

But Rav Huna said: A minor may collect the *eiruv* i.e. the food from people in a courtyard who want to make an *eiruv chatzeirot*, and make the *eiruv* for them.

The Gemara answers: This is **not difficult**.

Here, our Mishnah is dealing **with *eiruvei techumin***, which establishes one's Shabbat residence in order to define one's Shabbat boundary. And a minor cannot acquire the chosen place on one's behalf.

Here where Rav Huna said that a minor is valid, it is dealing **with *eiruvei chatzeirot***, the *eiruv* of courtyards, where the minor does not need to make any acquisition. He merely needs to collect the food from the courtyard's various residents, and place the jointly owned food in one place.

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The Mishnah said: **Or in the hand of someone who does not accept** the validity of *eiruv*.

The Gemara explains: **Who** is such a person?

Said Rav Chisda: *Kutim*, who only believe in the Written Torah.

We learnt in the Mishnah: **And if he told another**, a second person, **to receive it from him** (one of these invalidated people) and put it in the place where he wants the *eiruv* to be, **behold, it is a valid *eiruv*.**

The Gemara asks in surprise: **And** why don't we **worry** that **perhaps he** (the first person) **will not take it to him** (the second person)?

The Gemara answers: **As Rav Chisda said** in a case we will soon quote: **That he stands and sees him.**

Here too, that he (the person who wants the *eiruv* made) **stands and sees him** (the first person) taking the *eiruv* to the second person.

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The Gemara asks further: **And** still, **one should be worried** that **maybe he** (the second person) **did not take** the *eiruv* **from him** (the first person)?

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The Gemara answers: **As Rav Yechiel** whom we will soon quote **said:** There is a *chazakah* (assumption) that **an agent does his** appointed **errand**.

Here too, there is a *chazakah* that **an agent** (second person) **does his** appointed **errand** of taking the *eiruv* from the first person and putting it down in the chosen place.

The Gemara inquires: **And where was that** statement **of Rav Chisda and Rav Yechiel** **said?**

It was said concerning this:

For it was taught in a Baraita: If he gave it (his *eiruv*) to an elephant, and it took it, or to a monkey and it took it, behold this is not an *eiruv*.

And if he told another person to take it from him (the elephant or monkey), **behold it is an *eiruv*.**

And it was asked: **But perhaps he** (the elephant or monkey) **will not reach him** (the other person)?

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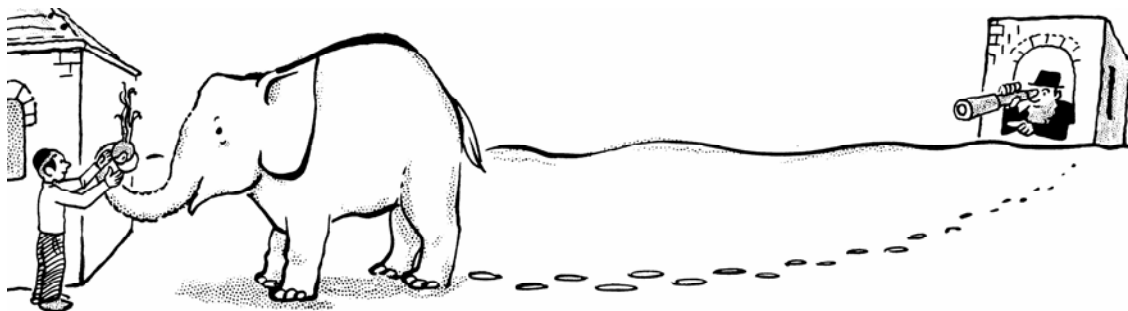
And **Rav Chisda** said in reply: **That he** (the person who wants the *eiruv*) **stands and sees it** (the elephant reaching the second person). (See illustration.¹²)

And it was asked further: **And perhaps he** (the other person) **did not receive it from him** (from the elephant or monkey)?

And **Rav Yechiel** said in reply: There is a *chazakah* that **an agent does his errand**.

Said Rav Nachman: In matters of Torah law, there is no *chazakah* that an agent does his errand.

12



CHAVRUTA

EIRUVIN – DAF LAMED BET

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

[Said Rav Nachman: In matters of Torah law, there is no *chazakah* (assumption) that an agent does his errand.]

In matters of **Rabbinic** law, like *eiruvei techumin*,¹ there is a *chazakah* that **an agent does his errand.**

And Rav Sheshet said: In both this and that, whether for Torah or Rabbinic matters, there is a *chazakah* that **an agent does his errand.**

*

Said Rav Sheshet: From where do I say it, that we always assume an agent does his errand?

Because it was taught in a Mishnah: Once the *Omer* was offered on the second day of Pesach, **new grain (*chadash*)² was permitted immediately.**

And those far away from the Temple who do not know exactly when it was offered, **are permitted** to eat *chadash* **from midday** onwards, because by then they assume that the cohanim already did their “errand” of offering the *Omer*.

This proves the point: **But** we see that *Chadash*, which **is forbidden from the Torah,** **and nevertheless it is taught in the Mishnah** that **those far away are permitted from midday onwards.**

¹ Later in the tractate, a view is stated that *eiruv techumim* is a Torah law.

² The grain harvest that took root after last year’s *Omer* was brought, can only be eaten after this year’s *Omer* offering is brought.

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Is the reason **not because** there is a *chazakah* that an agent does his errand?

And Rav Nachman, who disagrees, rejects this proof: **There, the reason is as taught in the Mishnah: “Because they** (the far-off people) **know that the court of law** of the cohanim, responsible for seeing to the offering of the *Omer*, **is not lazy concerning it** and offers it by midday. But a normal agent is not as reliable as a court of law of cohanim.

*

And some say an opposite version of the above discussion: **Said Rav Nachman: From where do I say** that we do not rely on an agent doing his errand, in Torah matters? **From that the reason taught in the Mishnah** why people may eat *chadash* after midday is **because they know that the court of law is not lazy concerning it.**

From which I infer: **The court of law is not lazy concerning it. But** we would suspect that **a regular agent is lazy concerning it.**

And Rav Sheshet says to you in reply: The Mishnah specifies **the court of law** because they offer the *Omer* **by midday. But** for a regular **agent**, although we assume he does his errand, we would only assume so after **the whole day** has passed.

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Introduction to Rav Sheshet’s next proof that even for a Torah law, an agent is assumed to have done his errand:

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1) A woman who gives birth brings a sacrifice after she becomes pure, to enable her to eat sacrifices. She brings a sheep for a burnt offering and a bird for a sin offering. A poor woman brings a bird for a burnt offering and another bird for a sin offering.

2) A *zavah*³, when she becomes pure, brings the same offering as the poor woman who gave birth. This is also to allow her to eat sacrifices.

3) In the Temple stood a box shaped like a shofar, wide at the top and narrow at the bottom, with the word *kinin* (pairs of birds) on it. People who had to sacrifice birds put money in the box, with their names attached to the money. Then cohanim bought birds with the money, and sacrificed them on the people's behalf.

Said Rav Sheshet: From where do I know it, that we rely on an agent even for a Torah law?

Because it was taught in a Baraita: A woman who has an obligation to offer the sacrifices after giving **birth or** after becoming pure from *zivah*, **brings money and puts it in the shofar, and immerses** (a second time to be allowed to eat sacrifices) **and eats sacrifices in the evening**, assuming that the cohanim offered her birds.

What is the reason?

Is it **not because we say**: There is a *chazakah* that **an agent does his errand** even in Torah matters?

And Rav Nachman replies: **There**, the reason we rely on the cohanim is **like that** statement of **Rav Shemaya**.

³ A woman impure due to a flow of blood during a time other than her menstruation.

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Because Rav Shemaya said: There is a *chazakah* that **the court of law of the cohanim does not stand** and leave from there, until all the coins are exhausted from the **shofar**. Thus we are relying on this court of law and not on regular agents.

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Said Rav Sheshet: From where do I know it, that we rely on an agent even in Torah matters?

Because it was taught in a Baraita: If someone says to his friend: **Go and gather figs for yourself from my fig tree**, without specifying how many figs.

He (the friend) may **eat from them casually** without tithing them, because one is allowed to eat casually from fruit that is not yet obligated to be tithed, as long as one does not make a proper meal of it.

And if he wants to eat them in a proper meal, **he tithes them** with **certainty**. He should not think that perhaps the owner tithed them on his behalf, without his knowledge, because the owner didn't specify how much he may eat and would not know how much tithes to separate.

But if the owner said: **Fill *this basket* for yourself with figs from my fig tree**, he may **eat of them casually**.

And if he eats them in a proper meal, he should not think that they definitely were not tithed. Rather, he should **tithe them as *demai*** (food that might have already been tithed).⁴

When do we say this, that one must tithe the figs as *demai*?

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If the owner of the field is **an ignorant person**.

But if the owner is a *chaver* (a person who accepted upon himself to scrupulously keep the laws as taught by the Sages), **he can eat** even a proper meal from the figs, **and does not have to tithe**—according to **Rabbi** i.e. Rabbi Yehudah HaNasi.

Rabban Shimon ben Gamliel (Rabbi's father) **says: When do we say this**, that before eating a proper meal, one should separate tithes as *demai*?

In a case where **the owner is an ignorant person** who perhaps already tithed the basket of figs, by taking *trumah* and *ma'aser* from different figs in a different location, having in mind to tithe this basket.

But in the case of a *chaver* we say that he certainly did *not* tithe the figs, because there is a rule that one should not take tithes except *min hamukaf* (from fruit that is lying right next to the fruit that one is tithing). Therefore **one may not eat, until he tithes** out of certainty. For the figs are definitely not yet tithed.

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Said Rabbi: My words seem more reasonable **than the words of my father**.

Because it is **better that *chaverim* should be suspected of tithing** from fruit **not next to it**, which is a mere Rabbinic stringency, **and not end up feeding an ignorant person *tevel***⁵, which is a severe Torah transgression.

Therefore we assume that the *chaver* certainly tithed the figs.

⁴ And he does not have to give the tithes to a Cohen or Levi, because they cannot prove that he has to give it to them.

⁵ Food from which tithes have not been separated. It is forbidden to all.

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Rav Sheshet will now prove from the above that an agent assumedly performs his errand even in Torah matters:

Because **until this point, they** (Rabbi and Rabban Shimon ben Gamliel) **do not differ, except that** one **master** (Rabbi) **holds** that **they** (*chaverim*) **are suspected** of taking tithes even not from next to it, in order to save the eater from sinning seriously.

And the other **master** (Rabban Shimon ben Gamliel) **holds that they are not suspected** of taking tithes not next to it, and therefore he assumes that the basket of figs was certainly not tithed.

But everyone agrees that there is a *chazakah* that **an agent does his errand**. Because the only point disputed is that of taking tithes from fruit not next to it. But otherwise, they would both agree that the owner of the field assumedly fulfilled his responsibility of tithing the basket of figs that he gave to his friend.

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And Rav Nachman refutes the proof, as follows:

There, we assume that the owner tithed the figs **according to that** rationale of **Rabbi Chanina of Chozah**.

Because **Rabbi Chanina of Chozah said**: There is a *chazakah* on a *chaver* that he **does not release something** i.e. food **that is not properly prepared** through tithing from his possession.

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In other words, any food that comes from a *chaver* may be assumed to be already tithed. This is because he carefully observes the Torah prohibition of “Do not put a stumbling block before the blind.” This Torah verse exhorts us not to cause another Jew to stumble inadvertently in his mitzvah observance.

But a normal agent does not think that he might cause the person who sent him to sin, if he fails to do his errand. Because he thinks that the person who sent him does not fully rely on him in the first place.

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The Gemara now examines a peculiarity in the disagreement between Rabbi and Rabban Shimon ben Gamliel.

The master (the Tanna of the Baraita) **said: When do we say this**, that one must tithe the figs as *demai*?

If the owner of the field is **an ignorant person**.

But if he is **a *chaver***, then **he** (the person allowed to pick the basket of figs) **can eat** even a proper meal of the figs, **and does not have to tithe** them, **according to Rabbi**.

This statement is puzzling: When **this ignorant person** i.e. the owner **said** to that person to fill a basket with figs, **to whom** i.e. to what type of a person did he say it?

If you say that he said it **to an ignorant person** who was **his friend** and ignorant like him, how can the Baraita say in the beginning that “**One must tithe them** as *demai*?” **Will he** (the ignorant person being addressed) **listen**? He surely will not act in a way that treats ignorant people (like himself) as unscrupulous and unreliable.

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But the case must be **of an ignorant person** i.e. the owner **who told a *chaver*** to take a basket of figs, and we are telling the *chaver* to take tithes as *demai*.

But if we say that the receiver of the figs is a *chaver*, that too is problematic, because **look at the end** of the Baraita where Rabbi says: **Said Rabbi: My words seem** more reasonable **than the words of my father**.

Because it is **better that *chaverim* should be suspected of tithing** from fruit **not next to it**, which is a mere Rabbinic stringency, **and not end up feeding an ignorant person *tevel***.

But **what is an ignorant person doing there**, in the case of the Baraita? We just proved that the person receiving the figs must be a *chaver*!

The Gemara resolves the paradox: **Said Ravina: The beginning** of the Baraita is **about an ignorant person who told a *chaver*** to take a basket of figs, as we said before.

And **the end** of the Baraita is **about a *chaver* who told an ignorant person** to take figs, as we saw from the words of Rabbi.

And if you ask: why is the Baraita instructing an ignorant person to treat the fruit as *demai*, when he won't listen anyway, as we explained before?

The case is that another *chaver* **overhears him** (the owner giving the figs to the ignorant person).

And **Rabbi...**

PEREK 3 – 32B

Ammud Bet

...holds that that second *chaver* may eat and does not have to tithe, because that first *chaver* certainly tithed the figs, since he gave them to an ignorant person who might not tithe them himself.

And Rabban Shimon ben Gamliel disagrees and says: He (the second *chaver*) may not eat until he tithes, because *chaverim* are not suspected of tithing not next to it.

And Rabbi said to him: Better that *chaverim* should be suspected of tithing not next to it, and not feed an ignorant person *tevel*.

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The Gemara sums up:

What point are they (Rabbi and Rabban Shimon ben Gamliel) differing over?

Rabbi holds the view: It is better for a *chaver* to do a light prohibition of tithing not next to it, so that the ignorant person does not transgress a great prohibition of eating *tevel*.

And Rabban Shimon ben Gamliel holds the view: It is better for a *chaver* that an ignorant person does a great prohibition of eating *tevel*, and that he does not even do a light prohibition of tithing not next to it.

PEREK 3 – 32B

Mishnah

If someone put it (his *eiruv*) in a tree.

If he put it above ten *tefachim*, his *eiruv* is not a valid *eiruv*.

Below ten *tefachim*, his *eiruv* is a valid *eiruv*. The Gemara will explain the difference.

If he put it in a pit, even if it is one hundred *ammot* deep, his *eiruv* is a valid *eiruv*.

Gemara

Rabbi Chiya bar Abba and Rabbi Asi and Rava bar Natan sat together, and Rav Nachman sat with them, and they sat and said:

This tree of the Mishnah, where is it standing?

If you say that it is standing in the private domain, what difference does it make to me if it is above ten *tefachim*, what difference does it make to me if it is below ten *tefachim*?

In either case, the *eiruv* is accessible and in the same domain as the ground, because the private domain is judged that it rises up to the sky. I.e. the space high above the floor of a private domain is also considered part of the private domain.

Rather, it must be that it the tree is standing in the public domain.

PEREK 3 – 32B

In that case: **He** the person making the *eiruv* **intends to spend Shabbat** in a certain chosen location—since *eiruv techumin* is based the principle that the location where the food is placed becomes his residence for the duration of Shabbat. Thus we ask: **Where** exactly is his chosen location?

If you say that he intends to spend Shabbat in the tree, **above** ten *tefachim* where the food of his *eiruv* is placed, why should the Mishnah consider this invalid?

He and his *eiruv* are in one place, up above, and this is the correct procedure.

Rather, it must be **that he intends to spend Shabbat below** the tree, on the ground of the public domain. And he cannot take the food of the *eiruv* from the tree to eat it, at twilight when the *eiruv* takes effect, because he will be transferring it from a private domain to a public domain.

Unlike a private domain, a public domain extends only ten *tefachim* up. Higher than that, it is no longer part of the same domain. Thus the upper part of the tree is judged as a private domain, from which he cannot access the *eiruv*, as he is in the public domain below. And this is why the *eiruv* is ineffective: the person (in his chosen Shabbat residence) and his *eiruv* are not in the same place.

The Gemara questions this conclusion: **But he is using a tree!** If you say that the *eiruv* is invalid because he cannot take it from high up in the tree, it should be invalid even if it is below ten *tefachim*. Because there is a Rabbinic prohibition on using a tree, especially on removing something from a tree (lest he come to pick its fruit). Therefore the *eiruv* is inaccessible even if it is placed low down on the tree, yet the Mishnah validates such a case.

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PEREK 3 – 32B

The Gemara answers: **In truth**, the case is **that it** (the tree) **is** indeed **standing in the public domain**, and that **he intended to spend Shabbat below**, as we said.

And the *eiruv* would be valid if it was below ten *tefachim*, for the following reason: **The Mishnah** is in accordance with **Rabbi, who said: Whatever is** forbidden only **because of a *shevut*** (Rabbinic enactment), **they did not decree against it during** the period of **twilight** at the commencement of Shabbat.

Therefore the person could take his *eiruv* from the tree to eat it during twilight when the *eiruv* takes effect.

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Rav Nachman said to them (the Amoraim who were with him): **Good! And so said Shmuel.**

They said to him: Do you indeed **explain the whole Mishnah like this?**

The Gemara asks in surprise: **They too explained it like this**, so why should they be surprised if Rav Nachman also does?

Therefore the Gemara alters their statement: **[Rather, this]** is what **they said to him: Did you establish it** (this interpretation) **as Gemara**, to teach it thus to future generations?

He said to them: Yes!

*

The Gemara repeats the above conclusion, but in the name of other *Amoraim*:

PEREK 3 – 32B

It was also stated: Said Rav Nachman said Shmuel: Here we are dealing with a tree that is standing in the public domain, that is ten *tefachim* high and four *tefachim* wide (which makes it into a private domain). And he has intent to spend Shabbat below. And it is in accordance with Rabbi, who said: Whatever is because of a Rabbinic decree, they did not decree against it during twilight. And therefore, if the *eiruv* is below ten *tefachim* where the person can take it during twilight, the *eiruv* is effective.

The Gemara continues discussing exactly where the tree is situated:

Said Rava: They (the Mishnah) **only taught** that the *eiruv* is invalid when above ten *tefachim*, **regarding a tree that is standing outside the environs (*ibur*)⁶ of a town.**

But if a tree is standing within the environs of a town, even of an adjacent town,⁷ **even if the *eiruv* is above ten *tefachim*, this is a valid *eiruv*.**

Because a town and its environs “**are considered as if**” **they are full** of earth. A town has many walls. Thus the whole town is considered as filled up with earth until the height of the walls, and therefore even if the person intends to make his Shabbat residence in a place below, it is as if he acquired a place high up. This places him in the same domain as his *eiruv* up in the tree.

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⁶ 70 *ammot* and a bit that surrounds a town. It is called *ibur* because it projects out of the town like a pregnant woman.

⁷ The Gemara refers to the *ibur* of another town close by. It cannot mean the *ibur* of the person's own town, because there is no purpose in putting an *eiruv* there, since a person may in any case travel 2000 *ammot* from the *ibur* of his own town.

PEREK 3 – 32B

The Gemara raises a difficulty: **If so**, that such situations are “considered as if”, then **outside the environs of the town too**, it should not matter if the *eiruv* is high up in the tree.

Because Rava (see 35a) **said: Someone who places an *eiruv* in a certain place has four *ammot* extending in all directions from that place, in which he may carry.** This extended area is considered as surrounded by a barrier. If so, this place **is like a private domain** (in this respect), **and a private domain rises up to the sky**, as mentioned before. Therefore it should be “considered as if” his *eiruv*, even if it is high up in the tree, is in a private domain, and he will be able to take it from there—thus validating the *eiruv*.

The Gemara resolves the difficulty: **Said Rav Yitzchak the son of Rav Mesharshei:** **Here** in our Mishnah, **we are dealing with a tree that** goes up a bit and then **leans horizontally outside of four *ammot*** from the place where it is rooted. And the person put his *eiruv* there, *outside* the four *ammot*.

CHAVRUTA

EIRUVIN – DAF LAMED GIMEL

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

And he had intent to spend Shabbat at its root (the tree's root). Thus the *eiruv* is outside the four *ammot* surrounded by the hypothetical "walls" that Rava spoke of, and the *eiruv* is not accessible to him in his Shabbat residence. Thus the *eiruv* is invalid.

And the Mishnah is saying that if the *eiruv* is above ten *tefachim*, the person would not be able to bring it to his resting place at the tree's root, because the *eiruv* is in the private domain created by the high tree, and he cannot bring it down to the public domain.

But if the *eiruv* is below ten *tefachim*, it too is inside the public domain. Therefore he can bring it down to the ground and move it to his place next to the tree's root, by moving it in increments of less than four *ammot*.

*

The Gemara raises a difficulty with the way the Baraita phrased the case: **And what does "above" and "below"** mean? If the essential factor is the height of this horizontal branch above the ground, the Mishnah should have spoken of the branch being "high" or "low"—and not spoken of the *eiruv* being "above" or "below", which implies that it is on something vertical

The Gemara explains: We are dealing in a case **that it** (the horizontal branch) **went vertical again** after four *ammot*. Therefore it is correct to speak of the *eiruv* being "above" or "below" on the vertical part of the branch.

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PEREK 3 – 33A

The Gemara raises another problem: **But** even if the *eiruv* is above ten *tefachim*, **if he wants, he can bring it by way of its leaves** i.e. he can climb up the tree and bring the *eiruv* close to the trunk of the tree, along the branch. And even though the middle of this branch dips below ten *tefachim* and is thus not a private domain, he may still bring the *eiruv* along this part of the branch. For this part of the branch is not a public domain either, rather a *carmelit* (*Tosafot*), which is forbidden only due to *shevut*. Thus one is permitted to carry through it during twilight when the *eiruv* takes effect.

Thus the person may bring the *eiruv* near the tree trunk in this way, although he may not bring it down to the ground, as this would transgress Torah law. And once the *eiruv* is near the tree trunk, even well above the ground, it will be within the person's four *amot* that rise up to the sky, so he and his *eiruv* will be in the same place.

The Gemara answers: The case is **that the public adjust the loads on their shoulders on it**, the part of the branch that dips below ten *tefachim*. The public make use of this part of the branch, which is at a convenient height for slipping the loads off their shoulders and readjusting the loads to a more comfortable position. This usage bestows the status of public domain on this part of the branch that dips below ten *tefachim*.

And it is in accordance with the statement of Ula, because Ula said: If there is a pillar of nine *tefachim* height in the public domain, and the public adjust the loads on their shoulders on it, and someone threw an object a distance of four *amot* within the public domain and it rested on it the pillar, he is liable¹ for transgressing a Torah prohibition.²

¹ I.e. obligated to bring a sin-offering.

² If people do not adjust their loads on this pillar, if it is less than four square *tefachim* in width, it is a *makom patur*, and if it is four square *tefachim* or more, it is a *karmelit*.

PEREK 3 – 33A

Therefore the person cannot bring the *eiruv* close to the tree trunk via the low part of the branch, because it would entail bringing the *eiruv* from a private domain into a public domain.

The Gemara now discusses a Baraita that is very similar to our Mishnah:

What is the source that **Rabbi** i.e. Rabbi Yehudah HaNasi holds that there is no decree against doing a *shevut* (Rabbinical Shabbat prohibition) during twilight (see previous daf)? **And what is** the source that **the Rabbis** differ with him over this point?

The Gemara explains: **That it was taught in a Baraita:** If someone put it (the *eiruv*) in a tree, above ten *tefachim*, his *eiruv* is not a valid *eiruv*. Below ten *tefachim*, his *eiruv* is a valid *eiruv*, as our Mishnah says.

The Baraita continues: **And it is forbidden** on Shabbat proper **to take it** (the *eiruv*) from the tree, because one is Rabbinically forbidden to use a tree on Shabbat. Yet the *eiruv* is valid nevertheless, because there is no decree of *shevut* during twilight when the *eiruv* takes effect.

But if the *eiruv* was placed **within three** *tefachim* of the ground, **one may take it off** the tree even on Shabbat proper, because there is no prohibition on using that part of the tree, since it is considered like on the ground (Mishnah 99a).

And if **one put it** (the *eiruv*) **in a basket and hanged it on** the side of a tree, **even** if the basket is **above ten** *tefachim*, the *eiruv* is a valid *eiruv*, **according to Rabbi**. The Gemara will soon explain why.

PEREK 3 – 33A

And the Sages say: Wherever it is Rabbinically **forbidden to take off** one's *eiruv* on Shabbat proper **one's *eiruv* is not a** valid *eiruv*, in spite of the fact that the *eiruv* takes effect during twilight at the commencement of Shabbat. (Baraita #1)

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The Gemara now proves that Rabbi and the Sages are differing over whether a *shevut* (Rabbinical Shabbat prohibition) is forbidden during twilight or not:

First the Gemara inquires: When the Baraita said, “**And the Sages say,**” on what point are they differing?

If you say they are differing **with** what was stated in **the end clause**, where Rabbi validated a basket above ten *tefachim*, that is not plausible., for the following reason: **Do you wish to say that the Rabbis** (Sages) **hold that** even something hanging on **the sides** of a tree, like this basket, is **forbidden** to use on Shabbat?

If so, this Baraita should be a proof for the view (on Shabbat 154b) that even the sides of a tree are forbidden, and a refutation to the one who disagrees.

Rather, we must say that the Sages are differing **with** what was stated in **the first clause** of the Baraita. They hold that even if the *eiruv* is below ten *tefachim*, it is invalid because it is Rabbinically forbidden to take the *eiruv* from there during twilight, since one may not use a tree.

And this is the source in which Rabbi and the Sages differ over whether a *shevut* is forbidden during twilight.

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PEREK 3 – 33A

The Gemara now discusses the nature of the tree mentioned in the Mishnah and the previous Baraita:

This tree, what is it like? I.e. what are its shape and dimensions?

If does not have four square *tefachim* in area on top, why do we say that the *eiruv* when placed above ten *tefachim* is resting in a private domain, from which it may not be removed to the public domain below? If the tree is less than four *tefachim* square on top, it is not a private domain but an exempt area, *makom patur*³, from which one is permitted to transfer objects to the public domain.

And if it indeed has four tefachim there at the top—if one puts it (the *eiruv*) in a basket, so what? I.e. why is the *eiruv* then valid? If the mouth of the basket is above ten *tefachim*, it will be considered as “side-areas that open into the private domain”, which themselves have the status of a private domain. (*Tosafot*)

The Gemara answers: **Said Ravina: The first clause** of the Baraita, where it says that that if the *eiruv* is above ten *tefachim*, it is invalid because the *eiruv* is in a private domain, is speaking of a case **that it** (the tree) **has four** square *tefachim* on top.

But **the end clause**, where it says that in a basket, the *eiruv* is valid, is speaking of a case **that it**, the tree itself, **does not have four tefachim** on top. And **the basket completes it**, the tree’s area on top, **to four tefachim**.

In this case, the basket is not considered a private domain. It is not next to a proper private domain, so it is not “side-areas that open into the private domain.” And as for

³ A place which is neither a public or private domain and can be carried into from both.

PEREK 3 – 33B

combining its area to the already existing area at the top of the tree, the Gemara will discuss this point later on.

Ammud Bet

The Gemara now explains that Rabbi requires the *eiruv* to be put on a place that is at least four square *tefachim*, and also explains how Rabbi considers the small basket as if it were four square *tefachim*. (If the basket really was four *tefachim* square, this would present a problem: the *eiruv* would be in a private domain, and he would not be able to take it from there.)

And this is because Rabbi holds like Rabbi Meir, and holds like Rabbi Yehudah.

He holds like Rabbi Meir who said, “We cut in to complete” (*chokekim lehashlim*) — we combine the area of the basket with that of the tree to make the basket considered as if it were four square *tefachim*.

And he holds like Rabbi Yehudah who said: We require the *eiruv* to be on a place that is **four square *tefachim*,** and indeed this is the case, since the tree helps the basket to fulfill this condition.

(Near the end of the *daf*, the Gemara will explain why the basket when combined with the tree does not become a private domain.)

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PEREK 3 – 33B

What is the source that **Rabbi Yehudah** holds that an *eiruv* must be on a place that is four square *tefachim*?

That it was taught in a Baraita: Rabbi Yehudah says: If someone stuck a pole in the public domain and put his *eiruv* on it, and the person intends to make his resting place below in the public domain—

If it (the pole) is **ten *tefachim* high and four *tefachim* wide, his *eiruv* is an *eiruv*.** Because, as we learnt on *daf* 32, the four *ammot* around the *eiruv* are considered as a private domain in this way. Therefore the person and his *eiruv* are considered in one domain. (Baraita #2)

And if it is **not** four *tefachim* wide, or if it is less than ten high, **his *eiruv* is not a valid *eiruv*.**

*

The Gemara raises a difficulty with the last line of the Baraita:

On the contrary! If the pole is less than ten high, but it is four wide, **he and his *eiruv* are surely in one place**, since both he and the *eiruv* are in the public domain, even without relying on the hypothetical four *ammot* surrounding the *eiruv* which we needed to explain the beginning of the Baraita.

Therefore the Gemara explains the last line differently: **Rather, this is what he** (Rabbi Yehudah) **said:**

If the pole was **ten *tefachim* high, it must have four *tefachim* at its top.** But if it is **not ten high, it does not need to have four *tefachim* at its top.**

PEREK 3 – 33B

Because if it is less than ten *tefachim* high, the *eiruv* is considered as lying in the public domain, which is certainly four square *tefachim*.

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The Gemara now goes back to Baraita #1 where Rabbi said: “If one put it (the *eiruv*) in a basket and hanged it on the side of a tree, even if the basket is above ten *tefachim*, the *eiruv* is a valid *eiruv*, according to Rabbi.”

The Gemara inquires: **In accordance with whose** view shall we say that a hanging basket is not considered a private domain?

And the Gemara asserts:

It is **not in accordance with Rabbi Yosi b’Rabbi Yehudah:**

Because Rabbi Yosi b’Rabbi Yehudah said: If someone stuck a pole in the public domain and put a basket on top of it that was four *tefachim* wide, and then threw something from the street and it rested on top of it (the basket), he is liable for throwing from the public to the private domain. This is because we regard it as if the sides of the basket go down all the way to the bottom (*gud achit mechitzata*), and this makes it as if there is a pillar four *tefachim* wide extending up from the street.

The Gemara rejects this assertion: **Even if you say** that the Baraita citing Rabbi is in accordance with **Rabbi Yehudah b’Rabbi Yehudah**, there is no contradiction.

Because **there**, in the case of Rabbi Yosi b’Rabbi Yehudah, **the barriers surround it** (the basket) all around, for an area of four *tefachim*.

PEREK 3 – 33B

But **here** in the case of Rabbi, **the barriers do not go all the way round** an area of four *tefachim*, since the basket is small. And to reach four *tefachim* we would have to also apply the principle of “*chokekim lehashlim*” – we dig into the tree to complete the area of four *tefachim*. I.e. this principle will be combined with the principle of *gud achit*. But the rule is that we do not combine two such hypothetical principles, *gud achit* and *chokekim lehashlim*, simultaneously.

Rabbi Yirmeyah gives a completely different answer to the Gemara’s question as to why the basket in Baraita #1 is valid for an *eiruv*.

The Gemara had suggested that if the tree-top contains an area of four *tefachim* square, and the mouth of the basket is above ten *tefachim*, then the basket will be considered as “side-areas that open into a private domain”, which themselves take on the status of a private domain. Thus the *eiruv* should be invalid for the man spending Shabbat below, in the public domain.

Until now, we have discussed at length Ravina’s answer to this question. Now the Gemara gives another, totally different answer:

Rabbi Yirmeyah said: It is different when the *eiruv* is in **a basket**, for the following reason: **Because of the possibility that (*ho’il*) one can tilt it**, the basket with the *eiruv* inside it, while it is still in its place attached to the tree, **and bring it** the mouth of the basket **to below ten tefachim**. And from there, the person standing in the public domain may take out the food of the *eiruv*. Thus the *eiruv* is in an acceptable place, even without actually tilting the basket.

*

PEREK 3 – 33B

Rav Papa sat and said this teaching of Rabbi Yirmeyah, that we say *ho'il* (because of the possibility that...).

Rav bar Sheva contradicted Rav Papa, from a Mishnah that discusses what a person should do if Yom Tov is to be followed by Shabbat, and he wants an *eiruv* on both days.

The Mishnah says: **What does he do?**

He (the messenger of the person making the *eiruv*) **takes it** (the *eiruv*) **on the first** day, i.e. on the Eve of Yom Tov, **and waits there until dark with it, and** then **he takes it** home so that it shouldn't get lost. And **on the second day** (just before Shabbat) **he waits until dark with it** (the *eiruv*), **and then he** (the messenger) **eats it** if he wants, **and comes** home.

CHAVRUTA

EIRUVIN – DAF LAMED DALED

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

If what Rabbi Yirmeyah said on the previous daf is true - that we rely on the principle of *ho'il* ("because of the possibility that"), **why** must the messenger who set up the *eiruv* ensure that the *eiruv* is actually in its proper place at twilight?

Let us say: Because he (the person making the *eiruv*) **can bring it there if he wants to bring it**, then **even though he did not bring it, this is as if he brought it**. In other words: "because of the possibility that" he could bring it, he does not actually have to bring it.

The Gemara answers: **Said Rabbi Zeira:** We do not say *ho'il* in that particular case, because of a **decree** that the Sages made **because of Yom Tov that falls after Shabbat**, when one is not allowed to carry the *eiruv* to the place, and the *ho'il* principle will not be applicable. Because if the first day is Shabbat, there is no "possibility that" the messenger could bring the *eiruv*, since it would transgress the laws of Shabbat. Therefore, the Sages decreed that even if it is the other way around, and Yom Tov is the first day, we may not rely on *ho'il*.

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(The following section is explained according to Rashi's second explanation)

They contradicted him (Rabbi Yirmeyah) **from a Baraita:**

PEREK 3 – 34A

Someone who intended to spend Shabbat in the public domain, and put his *eiruv* in a hole in a wall¹—

If he put it **below ten tefachim**, his *eiruv* is a valid *eiruv*, since the person could bring it to the place he is making into his Shabbat “residence,” in increments of less than four *tefachim*.

But if he put it in the wall **above ten tefachim** where it is considered a private domain, his *eiruv* is **not a valid *eiruv*** because he cannot take it from there to his place in the public domain.

But **if he intended to spend Shabbat at the top of a dovecote or at the top of a cupboard** next to the wall, the halachah is the other way round.

If he puts it **above ten tefachim** in the wall, his *eiruv* is a valid *eiruv*, because the top of the dovecote and cupboard are also private domains.

But if he puts the *eiruv* in the wall **below ten tefachim**,² his *eiruv* is **not a valid *eiruv*** because he cannot bring the *eiruv* from the public to private domain.

The Gemara now brings out the point: **But** according to Rabbi Yirmeyah who relies on *ho'il*, **why** is the last *eiruv* mentioned invalid?

Here too, let us say: Because of the possibility that (*ho'il*) he could tilt it (the cupboard) **and bring its top to within ten tefachim** of the ground, which would make the top of the cupboard a *carmelit*. And as explained previously, a *shevut* (a Rabbinic enactment regarding Shabbat) is not forbidden during twilight at the commencement of

¹ The wall is over four *amot* away from him, because we saw previously that the four *amot* around the person making the *eiruv* has the quasi-status of a private domain.

² According to what we learnt on *daf* 33b, the Baraita means that he put the *eiruv* that he put the *eiruv* above nine *tefachim* in the wall, in a place where people adjust the loads on their shoulders.

PEREK 3 – 34A

Shabbat. Thus one may bring the *eiruv* from the public domain to the *carmelit* on top of the cupboard, and the *eiruv* should be valid.

The Gemara answers: **Said Rabbi Yirmeyah: Here we are dealing with a cupboard that is nailed** to the wall so that it cannot be tilted over.

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An alternative answer: **Rava said: Even if you say that we are dealing with a cupboard that is not nailed down—**

And here we are dealing with a tall cupboard that cannot be tilted down below ten *tefachim*. **Because if one tilts it down a bit** below ten *tefachim*, it is so tall **that it goes out** beyond the four *amot* in which the person is resting. And then he would have to bring the *eiruv* four *amot* in the public domain, which is forbidden.³

*

The Gemara raises another question concerning the above Baraita:

The Baraita said that if the person is on a cupboard, then, if he puts the *eiruv* in the wall below ten *tefachim*,⁴ his *eiruv* is not an *eiruv* because he cannot bring the *eiruv* from the public to private domain.

³ To consider the *eiruv* valid, we would have to simultaneously apply two Halachic principles: the possibility that he could tilt the cupboard, and the possibility that he could move the *eiruv* in small increments of less than four *tefachim*. As mentioned previously, two hypothetical principles are not applied simultaneously.

Nevertheless, the *Ritva* argues that this answer of the Gemara contradicts Rashi who explained at the beginning of the Baraita that if one put the *eiruv* below ten *tefachim*, his *eiruv* is an *eiruv* because the person could bring it to his resting place in increments of less than four *tefachim*.

⁴ According to what we learnt on *daf* 33b, the Baraita means that he put the *eiruv* above nine *tefachim* in the wall, in a place where people adjust the loads on their shoulders.

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What is the case?

If the cupboard has a window and a rope, and the rope is attached to the *eiruv* in the wall, **let the person bring it** (the *eiruv*) to himself **with the window and rope**. Because the Gemara later (96b) writes that it is only a Rabbinic prohibition to bring something from the public to the private domain if it is attached with a rope.⁵

The Gemara answers: We are dealing with a case **that he does not have a window or rope**.

Our Mishnah (32b) says: If **he put it** (the *eiruv*) **in a pit, even** if it is **one hundred ammot deep**, his *eiruv* is a valid *eiruv*.

The Gemara inquires: **This pit, where is it?**

If you say it is in a private domain and the person is making his Shabbat residence in the private domain, what the Mishnah says is...

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...obvious!

⁵ And such decrees do not apply at twilight.

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Because the space above a **private domain** is also considered private domain. And this **goes up** without limit, even up to the sky. And just as it goes up to the sky, so too it goes down even a hundred *ammot*.

Rather, we must say **that it** (the pit) **is in the public domain**.

If so, **where does he have intent to spend Shabbat?**

If above in the public domain, **why** is the *eiruv* valid?

He (the place he is making into his Shabbat “residence”) **is in one place and his *eiruv* is in another place**, from which he cannot take it.

And if he intends to spend Shabbat **below** at the bottom of the pit, it is **obvious** that it will be valid. Because **he and his *eiruv* are in one place**.

The Gemara explains: **It** (the Mishnah) **only needs** to tell us this rule **when it** (the pit) **is in a *carmelit*** (a place where it is Rabbinically forbidden to carry), such as a field or valley. **And he had intent to spend Shabbat above** the pit, in the *carmelit*.

And it (the Mishnah) **is** in accordance with the view of **Rabbi** i.e. Rabbi Yehudah HaNasi, **who said: Everything that is forbidden because of a *shevut*** (a Rabbinic Shabbat prohibition), **they did not decree against it during twilight**.

And that is the very point which the Mishnah intends to teach us: a *shevut* does not apply during twilight at the commencement of Shabbat.

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Mishnah

If someone put his *eiruv* at the top of a cane or the top of a pole,⁶ when it is uprooted⁷ and then stuck back in the soil, even if it is a hundred *amot* high, this is a valid *eiruv*.

However, it must be four *tefachim* wide on top, because Halachah follows the view of Rabbi Yehudah, that an *eiruv* must be on a place that is four *tefachim* wide.⁸

Gemara

Rav Ada bar Matna posed a contradiction to Rava, concerning our Mishnah:

The Mishnah says that if the cane is **uprooted and stuck back in**, then **yes**, the *eiruv* is valid. **But** if it is **not uprooted and stuck back in**, then it is **not** valid.

Who is the Mishnah according to?

⁶ *Ra'avad*. The Rambam explains that it is a thin tree.

⁷ According to the Rambam either can be uprooted. According to the Raavad only the cane can be uprooted, because the pole was uprooted to begin with.

⁸ Even if the person is in the public domain below, the top of the pole is not considered a private domain because this Mishnah does *not* follow the view of Rabbi Yosi b'Rabbi Yehudah who says that the barriers on top are considered as going down to the earth and hypothetically creating a solid pillar. And we are dealing with a pole that narrows to less than four *tefachim*, in the part that is below the top.

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It is like **the Rabbis**, who differ with Rabbi Yehudah HaNasi over the issue of *shevut*. For the Rabbis say: **Everything that is** forbidden on Shabbat proper, even **because of a *shevut*** (Rabbinic Shabbat decree), **they decreed against it even during twilight**. Therefore one would not be able to take one's *eiruv* from a rooted cane during twilight when the *eiruv* becomes effective, because that would be using a "tree," which is Rabbinically forbidden on Shabbat.

But this is contradictory. **Because you said** (earlier on this daf) that **the first clause**, i.e. the previous Mishnah that spoke about an *eiruv* in a pit, is in accordance with **Rabbi**, who says that a *shevut* does not apply at twilight!

Do you really intend to say that **the first clause** is like **Rabbi**, and **the end clause** is like **the Rabbis** who differ with him?

He (Rava) said to him (Rav Ada) in reply: Rami bar Chama already posed that contradiction to Rav Chisda.

And he answered him: The first clause is indeed like Rabbi and the end clause like the Rabbis.

*

Another answer:

Ravina says: The whole Mishnah is like Rabbi.

And the end clause, where one may not use a rooted cane to put an *eiruv* on, is because of a special **decree** due to the high likelihood **that he might cut down the soft cane** to

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get to the food of the *eiruv*.⁹ Even though most Rabbinic decrees do not apply during twilight, here even Rabbi is stringent since the person runs such a high risk of cutting the soft cane (and thereby transgressing the Torah prohibition of *Kotzer*, Harvesting).

The Gemara relates a story connected to the above Mishnah:

A certain army of the king **once came to Nahardea**, occupying all the available space, and Rav Nachman's disciples had to learn outside the town because there was no room for them to gather.

Rav Nachman told them on Friday: **Go out and bend the canes in the marsh** onto each other so that you can sit on them on Shabbat. **And tomorrow we will go and sit on them.**¹⁰

Rami bar Chama, and some say it was Rav Ukva bar Abba, posed a contradiction to Rav Nachman from our Mishnah. For we can infer from our Mishnah as follows:

Uprooted and stuck back in, yes, one may use a cane for one's *eiruv*. But if it was **not uprooted and stuck back in, no**, it may not be used on Shabbat.

This proves that canes are judged like trees, and may not be used on Shabbat.

He (Rav Nachman) **said to him** in reply: **There** in our Mishnah, it is talking **about hardened canes** which are similar to a tree.¹¹ But I was telling my disciples to prepare soft canes for Shabbat.

⁹ This is different than the normal decree against using trees, which is based on the concern that the person might climb up the tree and pull leaves, branches or fruit off it (*Mishnah Berurah*, 336:1).

¹⁰ The *Ritva* explains why they had to be prepared before Shabbat.

¹¹ It seems that Rav Nachman is in accordance with the view of Rava, not of Ravina, in the previous section of Gemara.

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Rav Nachman explains further: **And from what source shall you say that we make a difference between canes that are hardened canes to those that are not hardened canes?**

Because it is taught in one Baraita: Canes, and thorn bushes, and *hagin* (another kind of thorn bush) are kinds of trees and are not *kilayim* (forbidden mixture of plants) in a vineyard. I.e. they are not considered as vegetables or grains, to which apply specially stringent laws of planting them with grapevines in a vineyard.

But it is taught in another Baraita: Canes and *kida* spice and *urvanin* (a kind of vegetable) are a kind of vegetable and they are *kilayim* in a vineyard.

They (the two Baraitot) **are difficult to reconcile each other** because one says that canes are trees and one says that they are vegetables.

Rather, hear from this a proof to what I said before. Thus we may resolve the contradictory Baraitot as follows: **Here**, the first Baraita, is speaking **about hardened canes**. **Here**, the second Baraita, is speaking **about when** they are **not hardened canes**.

The Gemara concludes: Indeed, **hear from this** a conclusive proof to what Rav Nachman says.

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The Gemara raises a difficulty concerning a certain point mentioned in the Baraita:

Is *kida* spice a kind of vegetable?

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But it is taught in a Mishnah: One may not graft *pagam* (a kind of vegetable) on a white kida spice tree, because that would be grafting a vegetable on a tree which is forbidden because of making *kilayim* with trees.

Thus we see that kida is a kind of tree.

The Gemara answers: **Said Rav Papa: Kida is a separate species, and white kida is a separate species.**

Mishnah

If someone put it (his *eiruv*) in a cupboard and lost the key, nevertheless this is a valid *eiruv*. The Gemara will explain why we don't invalidate this inaccessible *eiruv*.

Rabbi Eliezer says: If he does not know that the key is in its place, it is not a valid *eiruv*, because according to Rabbi Eliezer, an *eiruv* is invalid if there is any doubt as to its validity. (*Ritva*)

Gemara

The Gemara raises a difficulty: **And why** does the first Tanna say that the *eiruv* valid if the key is lost? **He is in one place and his *eiruv* is unavailable to him in another place?**

The Gemara resolves the difficulty: **Rav and Shmuel both say: Here we are dealing with a cupboard made of bricks.**

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And it (the Mishnah) is in accordance with Rabbi Meir who said: One is completely permitted to open a hole and take out its contents.

Because it was taught in a Mishnah: If a house was filled with fruit, and a hole in the wall opened on Yom Tov, one may take the fruit out from the place of the opening.¹²

Rabbi Meir says: One is completely permitted to open a hole in the wall and take out the fruit.

The Gemara raises a difficulty with this explanation of our Mishnah: **But Rav Nachman bar Ada said** in the name of **Shmuel**: The case of Rabbi Meir is **concerning arranged bricks** that are not mortared together, just lying one on top of another. And that is why Rabbi Meir does not consider it as destroying a building. How can we compare that to our Mishnah?

The Gemara answers: **Here too** in our Mishnah, we are dealing **with arranged bricks** that are not mortared together.

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The Gemara raises another difficulty with the comparison of our Mishnah to Rabbi Meir's case:

But Rabbi Zeira said: They (Rabbi Meir) said that one can make an opening in the wall **on Yom Tov, but not on Shabbat**. And our Mishnah is seemingly talking about Shabbat.

¹² We are not concerned that the fruit is *muktzeh* because the person had no intention of using it on Yom Tov, since the Mishnah is according to Rabbi Shimon who holds of a narrow application of the laws of *muktzeh*.

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The Gemara answers: **Here too** in our Mishnah, we are talking **about Yom Tov**.

The Gemara asks in surprise: **If so**, how do you explain **that which is taught in a Baraita concerning it** (our Mishnah):

If it (the key) **was lost in town**, **his *eiruv* is a valid *eiruv*** because he can bring it to the cupboard. (The Gemara will later explain how he can bring it).

And if he lost it (the key) **in a field** that was a public domain, **his *eiruv* is not a valid *eiruv*** because he cannot bring it to the cupboard.

But if the Mishnah and Baraita are speaking **about Yom Tov**, when one may transfer objects from domain to domain for Yom Tov needs, **what** difference does it make **to me** if it is a **town**, **what** difference does it make **to me** if it is a **field**?

CHAVRUTA

EIRUVIN – DAF LAMED HEH

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The Gemara resolves the difficulty by altering the text of the last Baraita: **It** (the Baraita) **is lacking words and this is what it teaches:**

If he put it (the *eiruv*) in a cupboard and locked the door on it and lost the key, this is a valid *eiruv* because, as we explained, the cupboard is made of bricks that were merely arranged one on top of the other and were not mortared in place, thus they can be dissembled on Yom Tov.

When do we say this? Concerning an *eiruv* made **on** the day before **Yom Tov. But on Shabbat his *eiruv* is not a valid *eiruv*,** since the laws of Shabbat are stricter. On Yom Tov only is it allowed, in order to enhance the joy of Yom Tov.

If the key was found far from the cupboard, **whether in the town or in a field** (which was a public domain), **his *eiruv* is not a valid *eiruv*** if it was Shabbat, because he cannot bring the key to the cupboard.

Rabbi Eliezer says: If the key is found **in the town** on Shabbat, **his *eiruv* is a valid *eiruv*** because he indeed is able to bring it, as he will explain shortly.

But **in a field, his *eiruv* is not a valid *eiruv*** because he cannot bring the key from a public to a private domain.

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The Gemara now explains why Rabbi Eliezer says that the *eiruv* is valid if the key was found in town on Shabbat.

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Rabbi Eliezer holds **like Rabbi Shimon, who said (23b): Both roofs and courtyards and *karpeifot*¹ are considered as one domain** even though they have different owners, but this is only **as regards utensils that spent Shabbat in them** i.e. they were already there when Shabbat commenced.

But they are **not** considered as one domain **for utensils that spent Shabbat inside a house** i.e. they were inside at first, and were only taken out to the courtyard etc. afterwards.

Whereas **in a field**, Rabbi Eliezer holds **that his *eiruv* is not a valid *eiruv*, (like the Rabbis' view.²)**

Until now, the Gemara explained that the *eiruv* is valid even if the key is lost, for the reason that one can make a hole in the wall, by removing bricks that are not mortared together, in order to get to the *eiruv*. The Gemara now offers an alternative explanation.

Rabbah and Rav Yosef both say: Here we are dealing with a cupboard of wood that is considered a utensil, and not with a cupboard of bricks that is attached to the ground and considered like an *ohel*. (An *ohel*, “tent”, denotes a structure that provides shelter by virtue of its roof. It is regarded in certain ways as a proper building, thus the laws of building and dismantling are more applicable to it than they are to a mere utensil.)

And the disagreement between the first Tanna, who validates the *eiruv*, and Rabbi Eliezer, who invalidates it, is as follows:

That one master (the first Tanna) **holds** that the wooden cupboard, although it is big, **it is regarded as a utensil. And there is no prohibition of building regarding utensils, and**

¹ Storage areas behind the houses.

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no prohibition of **dismantling** regarding **utensils**. Therefore one can dismantle the cupboard to get to the *eiruv*.

And the other **master** (Rabbi Eliezer) **holds** the following view: Because the cupboard is large and holds 40 *se'ah*, **it is** regarded **like an *ohel***, and the laws of building and dismantling do apply to it.

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And their disagreement about whether a large cupboard is an utensil or not, is **like the disagreement of these** following **Tannaim**, who differ over whether a large cupboard is considered a utensil and therefore susceptible to impurity:

For it was taught in a Mishnah: A *zav*³ who hit with his gloved fist **on a riding carriage, box or cupboard** (that are large enough to hold 40 *se'ah*), they are **impure** because he moved them (*heiset*) by hitting them. (But they are not impure due to contact, because he was wearing gloves.)

Rabbi Nechemiah and Rabbi Shimon regard these objects **as** remaining **pure**; the objects did not receive impurity from the *zav*.

Are they not differing over this following point?

That one **master** (the first Tanna) **holds that it** (a large container such as these objects) **is** considered **a utensil**, and becomes impure.

And the other **master** (Rabbi Nechemiah and Rabbi Shimon) **holds: It is** considered **an *ohel*** and does not contract impurity.

² The *Bach* and *Maharshah* erase this enigmatic sentence. See *Ritva*.

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The Gemara rejects the comparison: **Said Abaye: Do you think** that this is their point of difference?

But it was taught otherwise **in the** following **Baraita: An *ohel* that was moved** by a *zav* is **impure**.

A utensil that is not moved by a *zav*, because of its heaviness, remains **pure**.

So we see that even an *ohel* can contract impurity through being moved. It is not dependent on whether something is a utensil or not.

And furthermore, **it is taught in the end clause** of the above Baraita:

And if they (the cupboard etc.) **are moved** by the strike of the *zav*'s gloved fist, they become **impure**.

This is the rule:

If they are **moved by his direct force (*kocho*)**, they are **impure**.

But if they moved **because of the shaking** of the floor after the *zav* stamped his foot, they are **pure**.

So we see that everyone agrees that if the large utensils mentioned above are directly moved by the *zav*, they are impure. But if so, over what point do the first Tanna and the other Tannaim differ?

³ A man impure due to an emission that resembles semen.

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Rather, said Abaye, the disputed point is as follows:

That everyone holds that **moving** these objects **because of his** (the *zav*'s) **direct force** renders them **impure**.

And everyone holds that if they move **because of the shaking** of the floor, after the *zav* kicked the floor, they remain **pure**.

And here we are dealing with the shaking of these objects **because of his direct force**. The *zav* directly hit them, and they did not move from their place, but they vibrated.

And the dispute is as follows: **That** one **master** (the first Tanna) **holds** that vibrating an object in such a way **is** like **moving** it.

And the other **master** (Rabbi Nechemiah and Rabbi Shimon) **holds** that such vibrating **is not** considered like **moving**.

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The Gemara no longer has a source to support the idea that the Tannaim of our Mishnah are differing over whether a large container such as a cupboard is regarded as a utensil or as an *ohel*. So it gives a new explanation of the disagreement in our Mishnah over whether a hole may be made in the cupboard in order to get to the *eiruv*, thus validating the *eiruv* even though the key to the cupboard was lost:

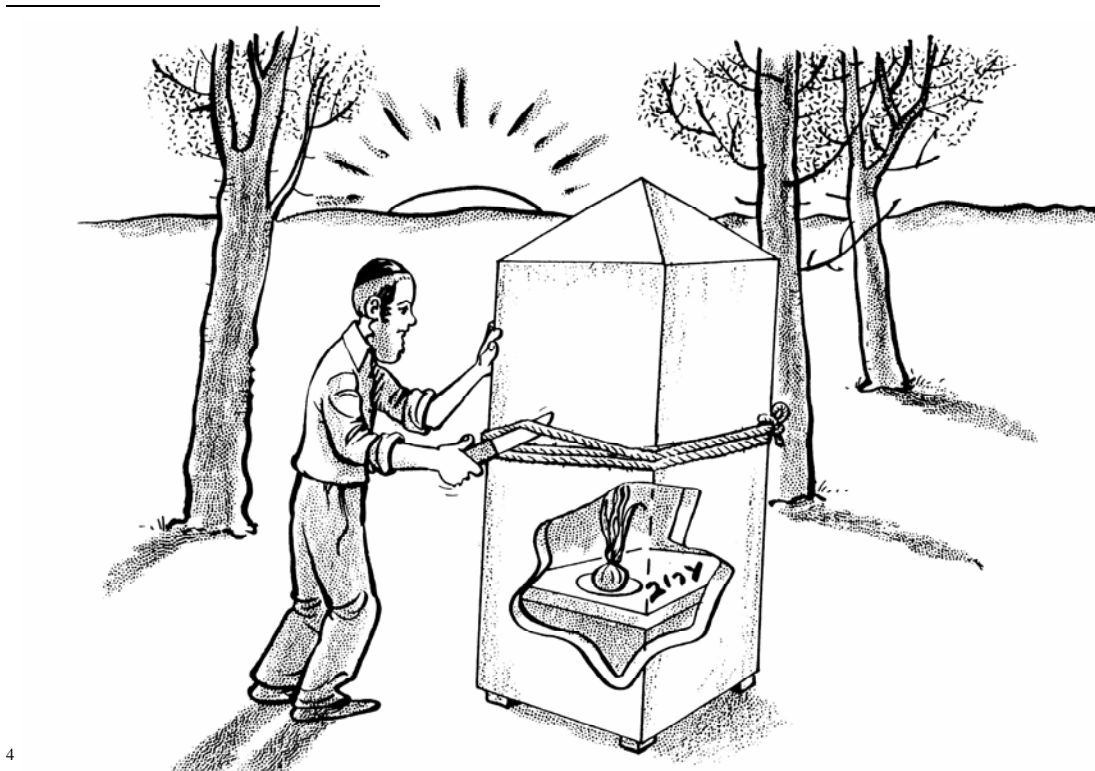
And our Mishnah, on what point of dispute **shall we set it up** as pivoting on?

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The Gemara answers: **Abaye and Rava both say:** The cupboard of the Mishnah is locked **with a lock and it** (the lock) **is tied** to the cupboard **with a rope**. And one needs **a knife to cut it** (see illustration⁴).

Cutting this rope is prohibited Rabbinically because it looks like the dismantling of a building. But they did not decree against doing this during twilight, when an *eiruv* goes into effect.

The first Tanna holds like Rabbi Yosi who says: All utensils may be moved on **Shabbat** for any permitted purpose, **except for a big saw and the blade of a plow** which are *muktzeh*⁵ because of *chisaron kis*⁶. Therefore the first Tanna allows one to use a knife, itself a utensil, to cut the rope.



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⁵ Set aside and thus may not be moved

⁶ Loss of value, due to damage. This applies to valuable utensils that are guarded and only put to their specialized use.

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And Rabbi Eliezer holds like Rabbi Nechemiah who says: Even a cloak, even a big spoon, may only be moved on Shabbat for the purpose of their usual use.

And the usual use of a knife is not to cut rope with, but rather to cut food with. Therefore one cannot take a knife to cut the rope that is holding the cupboard closed, and the *eiruv* inside is invalid.

Mishnah

Introduction:

1) A person makes an *eiruv techumin* in order to permit him to walk an additional distance on Shabbat. For the *eiruv* to take effect, he has to be within the *techum*, the area, of the place he makes into his new Shabbat “residence” with the *eiruv*, when Shabbat commences. This *techum* is 2000 *ammah* in all directions, i.e. his Shabbat boundary.

2) The food of the *eiruv* does not actually have to be in the place that he is choosing as his Shabbat “residence,” from where he wishes to start counting the 2000 *ammah*⁷ of his Shabbat boundary. It merely has to be *possible* for the food to get there at twilight. However, if the food used to make the *eiruv* is in a different place from this new Shabbat “residence,” then the person must be within the *techum* of the food, as well as within the *techum* of the new Shabbat “residence.”

Thus if a person made his Shabbat “residence” (from where his new Shabbat boundary will start) in one place, and put his food in another place, and **it** (the food) **rolled outside the *techum*** (area) where he is allowed to go to on Shabbat—

⁷ 1 ammah: 18.7 in., 48 cm

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Or if a **pile** of stones fell on the food—

Or if it was **burnt**—

Or if the food was **trumah and became impure**—

In all these cases, we say the following: If it happened **while** it was **still day**, it is **not an *eiruv*** because the *eiruv* became invalidated before it took effect.

If they became invalidated **after dark**, **behold this is an *eiruv***, because the *eiruv* took effect at twilight, at the commencement of Shabbat.

And if there is **uncertainty** when the *eiruv* became invalidated, what is the law?

Rabbi Meir and Rabbi Yehudah say: The person wishing to rely on the *eiruv* is like a **donkey-driver**, that the animal walks before him, and at the same time like a **camel-driver**, that the animal walks behind him. This is a metaphor describing a situation in which the person is “neither here nor there”.

Because we do not know if the *eiruv* was effective, the person may walk only in the area between his town and his intended Shabbat residence. For in this interim area, he could walk whether or not the *eiruv* was effective. But he cannot go past the other side of the town, because maybe the *eiruv* was effective and his true Shabbat residence is in the place he chose. And he cannot go beyond the intended Shabbat residence, because maybe the *eiruv* was not effective, and his true Shabbat residence is in town.

Rabbi Yosi and Rabbi Shimon say: An uncertain *eiruv* is **valid**, and his true Shabbat residence is in the intended place.

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Said Rabbi Yosi: The Sage named **Avtulmus** testified in the name of five elders concerning an uncertain *eiruv*, and said that it is **valid**.

Gemara

The Mishnah said: If the *eiruv* **rolled outside the *techum*** while it was still day, the *eiruv* is invalid.

Said Rava: This was only taught when it rolled four *ammot* outside the *techum*.

But if it was still **within four *ammot*** of the person's *techum*, it is valid.

Because **someone who puts down his *eiruv* has four *ammot* extra** around the *eiruv*, and one only begins counting the 2,000 *ammot* of the *techum* afterwards. So once we judge the *eiruv* as effective, it turns out that the food is within the person's *techum*, if we add on the four *ammot*.

Our Mishnah says: If **a pile of stones fell** on the *eiruv*, it is not an *eiruv*.

The Gemara says: **We thought** that the case is **that if he wants, he can take off** the stones without transgressing a Torah prohibition, and that the *eiruv* is nevertheless invalid because the stones are *muktzeh* and Rabbinically forbidden to move.

Therefore we said: **Let us say** that **the Mishnah is not in accordance with Rabbi** i.e. Rabbi Yehudah HaNasi.

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Because if it is in accordance with Rabbi, note that **he said: Everything that is forbidden because of a *shevut*** (Rabbinic Shabbat prohibition), **they did not decree against it during twilight**, and one could remove the stones during twilight of the commencement of Shabbat, when the *eiruv* takes effect.

And we rejected this conjecture: **Even if you say** that the Mishnah is **in accordance with Rabbi**, there is no contradiction. **It is only needed**, the law stated in the Mishnah regarding a pile of stones, for a case in which there is a Torah prohibition involved in removing the stones, because only in such a case is the *eiruv* invalid. And the case is **that one needs a spade and ax** to remove the stones, because they are in a big pile. If they are in a place fitting for a house, this will be the Torah prohibition of building, since in prepares the ground for the construction of the house. And in a field it will be the Torah prohibition of plowing because it makes the land fit for planting.⁸

And we need all the cases of the Mishnah.

Because if the Mishnah only taught the case of **rolling outside the *techum***, I would say that the *eiruv* is invalid because **it (the food) is not with him** at all.

But if a pile of stones fell on it, that it is with him, I would say it is a valid *eiruv*.

And if the Mishnah taught only the case that **a pile of stones fell on it**, I would say it is invalid **because it is covered** and cannot become uncovered by itself.

But the case of **rolling**, where **sometimes a wind comes and brings it back inside the *techum***, **I would say that it is a valid *eiruv***. Therefore **we need** both cases.

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Our Mishnah says: **Or** if the *eiruv* **burnt**, or if it was **trumah and became impure...**

The Gemara inquires: **Why does the Mishnah teach me** the case of **getting burnt?**

Obviously this would invalidate the *eiruv*, as it no longer exists!

Ammud Bet

The Gemara answers: **To inform you of the Halachic strength**, i.e. extent, **of Rabbi Yosi's** view. For in the end clause of the Mishnah, he validates cases of uncertainty. Since a burnt *eiruv* was previously mentioned by the Mishnah, we now know that even when the uncertainty is about when the *eiruv* was burnt, and at this point it no longer exists at all, Rabbi Yosi still validates it.

He holds that we grant an uncertain *eiruv* the assumption (*chazakah*) of validity for the longest possible time, i.e. we assume it was valid up until the time it is found to be invalid. And he applies this *chazakah* even to the case of a burnt *eiruv*, where the object to which the *chazakah* is applied no longer exists.

And similarly, **the Mishnah teaches** the case of **trumah that became impure, to inform you of the Halachic strength**, i.e. extent, **of Rabbi Meir's** view. For he invalidates the *eiruv* in a case of uncertainty, and does not rely on the *chazakah* of the

⁸ Even though this is not the person's intent, this is a case of *pesik reisha velo yamut* – it is inevitable that a *melachah* will result, and therefore it is forbidden.

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eiruv remaining valid until it is found not to be so. And he does not apply the *chazakah* even though the *trumah* is found still to be in existence, and only its status was altered.

The Gemara raises a difficulty: **And does Rabbi Meir hold that an uncertainty is treated stringently** even in the case of *eiruv techumin*, which is only Rabbinic in origin?

But it was taught in a Mishnah: An impure person who went down to immerse in a mikveh⁹, and it was uncertain if he immersed and uncertain if he did not immerse.

And even if he did immerse, it was **uncertain** whether **he immersed in** the required **40 se'ah** of water, **and uncertain** whether **he did not immerse in 40 se'ah**. Because the mikveh's water level lowered a bit in the meantime, and we do not know when it dropped to below 40 *se'ah*.

And also, there is the following case: **two mikva'ot¹⁰, in one there is 40 se'ah and in one there is not 40 se'ah, and he immersed in one of them, and he does not know in which one he immersed.**

Because of **his uncertainty** in all these cases, he remains **impure**. I.e. we invalidate his uncertain immersion.

When do we say this? When he became impure with a severe (i.e. Torah-ordained) **impurity.**

But if he became impure with **a light** (i.e. Rabbinically ordained) **impurity, for example:**

⁹ Purifying pool

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That he ate impure food, or drank impure drinks¹¹ —

Or someone who came with his head and most of his body into drawn water¹² —

Or someone that three *log* of water fell on his head and most of his body¹³ —

And then he went down to immerse. And it was uncertain whether he immersed, and uncertain whether he did not immerse.

And even if he did immerse, it was uncertain whether he immersed in the required 40 *se'ah* of water, and uncertain whether he did not immerse in 40 *se'ah*. Because the mikveh's water level lowered a bit in the meantime, and we do not know when it dropped to below 40 *se'ah*.

And also, there is the following case: two mikva'ot, in one there is 40 *se'ah* and in one there is not 40 *se'ah*, and he immersed in one of them, and he does not know in which one he immersed.

In all these cases where the law involved is a Rabbinic one, despite **his uncertainty**, he is judged as **pure**. I.e. we validate his uncertain immersion.

And we assume that this Mishnah is according to Rabbi Meir, because there is a rule that an unnamed statement in the Mishnah is generally according to Rabbi Meir.

Rabbi Yosi rules that he is impure.

¹⁰ plural of mikveh

¹¹ The Sages decreed that eating and drinking them makes one impure because they were concerned that a person might eat or drink something impure and then put *trumah* in his mouth and make the *trumah* impure from scraps left in his mouth (*Shabbat* 13b).

¹² The Sages decreed that this makes a person impure, because people used to dip themselves in drawn water to rinse themselves after having immersed in a mikveh with dirty water. The Sages were concerned that people might begin to think that the drawn water was purifying them, and would abandon immersion in a mikveh of naturally collected waters (*ibid*).

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In conclusion, we see here that Rabbi Meir is lenient regarding an uncertainty that involves Rabbinical prohibitions. So why is he strict regarding the Rabbinical law of *eiruv techumin* in our Mishnah?

The Gemara answers: **Rabbi Meir holds** that the principle of *techumin* is from the **Torah**.

*

The Gemara now objects to this answer, and brings proof that Rabbi Meir holds that the concept of *techumin* is only Rabbinic:

And does Rabbi Meir hold that the concept of *techumin* is from the Torah?

But it was taught in a Mishnah:

We measure the 2000 *ammot* of the Shabbat boundary with a rope of exactly 50 *ammot*. Two people hold the ends of the rope at the level of their hearts. They repeat this a number of times until they have reached a distance of 2000 *ammot*. (Use of a relatively short rope decreases the error caused by the slack in a long rope.)

If they reach a ditch or hill, they don't measure the upwards or downwards slope, but "swallow" the ditch by measuring straight across it in a straight line. The hill is measured from the side, where the ground is flat.

¹³ This decree was made for similar reasons as the above.

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If one comes to a hill so large that one cannot “swallow” it, concerning this¹⁴ **Rabbi Dusta’i bar Yannai said in the name of Rabbi Meir: I heard that one “drills” through mountains.**

This is done by using small ropes of four *ammot*. The person below holds his end at his heart, and the person above holds his end at his feet. This provides a relatively horizontal measurement.

And if you think that *techumin* are from the Torah, as said before, how could Rabbi Meir allow one to “drill” mountains?

But said Rav Nachman said Rabbah bar Avuha: One cannot “drill” when measuring distances for the following purposes: **not for towns of refuge** whose surrounding area as well shelters unintentional murderers, **and not for the broke-necked calf** (*eglah arufah*), i.e. to determine which town is closest to the corpse of the murder victim, **because these measurements are of the Torah.**

Thus Rabbi Meir cannot hold that *techumin* are from the Torah.

The Gemara answers: **This** (our) **Mishnah** cites Rabbi Meir expressing **his** own view, that *techumin* are from the Torah.

And that Mishnah about drilling mountains cites him expressing the view **of his master**, Rabbi Akiva, which whom he does not agree on this point.

One can infer this too, **because it is taught in the Mishnah** about drilling:

Concerning this Rabbi Dusta’i bar Yannai said in the name of Rabbi Meir: I heard that one “drills” through mountains.

¹⁴ We will see later that concerning certain other things we do not “drill” through mountains.

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This intimates that Rabbi Meir heard it from his master.

The Gemara concludes: Indeed, **hear from this** a proof that it is as you said.

The Gemara finds yet another contradiction in the statements of Rabbi Meir. In our Mishnah he says that an uncertain *eiruv* is invalid even though it started off being valid, and should have an assumption (*chazakah*) of being valid up until we know for sure that something disqualifying happened to it. Whereas elsewhere Rabbi Meir says that we indeed rely on the *chazakah*.

The Gemara raises a difficulty: **And we can pose a contradiction between** this case involving **a Torah** uncertainty **and** another case involving **a Torah** uncertainty.

Because it was taught in a Mishnah: If someone touched someone else at night, and doesn't know if he the one he touched is alive or dead, and in the morning he the one who touched him woke up and found him the one he touched dead—

Rabbi Meir rules that he the one who touched him **is pure**, because we give the person he touched the *chazakah* of being alive until he is found to be otherwise.

And the Sages rule that he is impure, because they hold that regarding **all** uncertainties of impurity, we go according to their state **at the time they are found**.

So we see that in a case of uncertainty, Rabbi Meir relies on the *chazakah*. In our Mishnah too he should rule that the uncertain *eiruv* is valid.

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The Gemara answers: **Said Rabbi Yirmeyah: Our Mishnah**, which mentions the case of trumah that became impure, is not a case of uncertainty at all. Rather it is a case **when a dead creeping creature was on it** (the *eiruv* of trumah) **the whole of twilight**, when the *eiruv* takes effect.

*

The Gemara challenges this: **If so, in this case would Rabbi Yosi say** in the Mishnah that **an uncertain *eiruv* is valid?** There is no uncertainty at all!

The Gemara therefore gives another answer: **Rabbah and Rav Yosef both say:**

Here in our Mishnah we are dealing with two groups of witnesses who contradict each other.

One group says: It (the *eiruv*) **become impure while it was still day.**

And one group says: it became impure **after dark.**

And Rabbi Meir, who normally relies on the *chazakah*, does not do so when one group of witnesses is testifying against the *chazakah*.

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Another answer to the contradiction in the statements of Rabbi Meir:

Rava says:

CHAVRUTA

EIRUVIN – DAF LAMED VAV

Translated by: *Chavruta staff of scholars*

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[Another answer to the contradiction in the statements of Rabbi Meir:

Rava says:] Indeed, our Mishnah is a case of two conflicting sets of witnesses, and that is why Rabbi Meir does not rely on the *chazakah* (assumption) that the *eiruv* is intact until found otherwise. Yet in the case of the other Mishnah, where someone touched a person at night, even if it was a case of two conflicting sets of witnesses, Rabbi Meir would still rely on the *chazakah*. Because in that case, there are **two lenient *chazakahs*** that we can take into account. Firstly, the *chazakah* that the person found dead was still alive until that point. And secondly, the *chazakah* that the one who touched him remained pure, as he was until now.

Whereas **here**, we do not rely on the *chazakah* to rule leniently if there are two sets of conflicting witnesses because there is **only one lenient *chazakah*** that we can take into account—the *chazakah* that the food of the *eiruv* is pure until found otherwise.

And now the Gemara returns to the Mishnah concerning an impure person who had an uncertain immersion, in which Rabbi Yosi said that the person retains his impure status even regarding Rabbinic types of impurity. And the Gemara is surprised by this:

There is **a contradiction** between two statements of Rabbi Yosi. In the statement **of Rabbi Yosi** regarding a person with a Rabbinic form of impurity, who then had an uncertain immersion, he ruled stringently. **And** in the statement of **Rabbi Yosi** in our Mishnah, concerning an uncertain *eiruv*, which is also a Rabbinic law, he ruled leniently.

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Said Rav Huna bar Chinena to resolve the contradiction: **Impurity is different** since it is a principle **rooted in Torah law**. This is why it is treated more strictly. Thus Rabbi Yosi rules stringently regarding an uncertain immersion, even with respect to cases of Rabbinic impurity.

And **Rabbi Yosi holds that the laws of *Techumin* are purely Rabbinic**. And here there is no need to make a decree in the case of uncertainty, because a person will not come to transgress any Torah-ordained law, since prohibited work is not similar to the laws of *Techumin* (*Rashi*).

*

And if you wish, I could say **an alternative answer**:

This case where Rabbi Yosi ruled stringently regarding Rabbinic law is **his** own view.

Whereas **that** case of our Mishnah where Rabbi Yosi ruled leniently regarding an uncertain *eiruv* is the view of **his master**.

It is also implied by our Mishnah that it is his master's view. For it is written in the Mishnah: **Rabbi Yosi said**: The Sage named **Avtulmus testified in the name of five elders, that an uncertain *eiruv* is valid**. This shows that Rabbi Yosi said this ruling in the name of his master.

And the Gemara concludes: **hear from this** a proof that this is indeed the case.

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Rava said a different resolution to the contradiction between Rabbi Yosi's rulings.

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There, regarding uncertain immersions, **this is the reason** for Rabbi Yosi's stringent ruling even regarding Rabbinic impurity. It is because we apply this approach: **Keep** the one who is impure **according to** the status indicated by **his *chazakah***, **and say that he** is still impure as before, and thus **did not immerse** in a valid mikveh.

And the Gemara challenges this: **On the contrary, keep the mikveh¹ according to** the status indicated by **its *chazakah***, **and say that it was not lacking** during the immersion, since it is assumed to have had the required amount of water until found otherwise!

And the Gemara answers: here we are dealing with a case concerning **a mikveh that had not been measured** previously, and a *chazakah* of validity had never been established.

However, in our Mishnah where Rabbi Yosi rules leniently in the case of an uncertain *eiruv*, there are two conflicting *chazakahs*. On the one hand there is a *chazakah* that his Shabbat residence is at his house, as it was before the *eiruv* was made. On the other hand, there is a *chazakah* that the *trumah* used for the *eiruv* remained pure² until found otherwise, and thus his Shabbat residence is in the chosen location. The two *chazakahs* are of equal weight, and thus cancel each other out. Since this is a case involving Rabbinic law, Rabbi Yosi rules leniently (*Rashi*).

It was taught in a Baraita: **In what case did Rabbi Yosi say that an uncertain *eiruv* is valid?**

¹ Purifying pool

² If the *trumah* is impure, it is not fitting to be eaten by anyone. Thus the *eiruv* is invalid

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If he made an *eiruv* with **trumah**, and there is an **uncertainty whether it became impure before Shabbat or if it became impure after nightfall**, it would be judged according to its *chazakah* that it is pure.

And similarly, if he had made an *eiruv* with **fruit**, and there is an **uncertainty whether they were prepared i.e. tithed before Shabbat, or, if they were prepared i.e. tithed after nightfall**.

This is what Rabbi Yosi referred to as ‘an uncertain *eiruv* that is valid’, and the Gemara will explain this further on.

But if he made an *eiruv* with **trumah**, and there is an **uncertainty whether it was pure or impure**. I.e. an uncertainty arose about the original status of the *trumah*, even before it was placed, thus there is no *chazakah* that the *eiruv* was ever valid (*Rashi*).

And similarly, if he made an *eiruv* with **fruit**, and there is an **uncertainty whether they were prepared i.e. tithed, or not prepared i.e. tithed**.

This is not what Rabbi Yosi referred to as ‘a uncertain *eiruv* that is valid’.

The Gemara raises a difficulty: **What is different** about the first case of **trumah**, that it is treated leniently? **Because he** Rabbi Yosi **said: Keep the trumah according to** the status indicated by **its *chazakah*, and say that it is pure**, and therefore the *eiruv* is valid.

But regarding the first case of **fruit also**, using the same reasoning, Rabbi Yosi should have said the opposite of what he did, and ruled stringently: that it is not a valid *eiruv*. He should have reasoned as follows: **Keep the untithed food according to** the status indicated by **its *chazakah*, that it is not yet tithed, and say that they the fruit were not prepared i.e. tithed, before Shabbat!**

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And the Gemara answers: **Do not say** that the Baraita is speaking of a case where there is **an uncertainty whether they were prepared** i.e. tithed **before Shabbat, or** whether **they were prepared** i.e. tithed **after nightfall**.

Rather say that it is a case concerning properly tithed produce into which trumah later became mixed. And there is **an uncertainty whether the trumah became mixed in before Shabbat, or** whether **they** the trumah **became mixed in after nightfall**.

Thus Rabbi Yosi judges the fruit according to its *chazakah*, and rules that it is valid.

Rav Shmuel bar Rav Yitzchak posed an inquiry to Rav Huna: If two loaves of trumah were in front of a person, one loaf impure and thus invalid for an *eiruv*, and the other one pure—

And he said: Let my *eiruv* be made with the pure loaf, wherever i.e. whichever one it is.

He wishes to use the pure loaf to establish his *eiruv*, even though he does not know which one it is. **What is** the halachah?

And the Gemara explains the inquiry: **This inquiry can be made according to Rabbi Meir, and this inquiry can be made according to Rabbi Yosi.**

This inquiry can be made according to Rabbi Meir, who ruled stringently in our Mishnah concerning an uncertain *eiruv*. For perhaps, **Rabbi Meir only says there** that we rule stringently **because there is no** food present that is definitely **pure**. But **here, there is** one loaf that is definitely **pure** and fit to make an *eiruv*, we just do not know which it is.

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And this inquiry can be made according to Rabbi Yosi. He might rule leniently here, as he did in the Mishnah regarding an uncertain *eiruv*. **Or perhaps, even Rabbi Yosi only said** a lenient ruling **there. For** in that case, **if it is true that it**, the trumah, **is pure, he knows** which one **it** is, and can use it for his meal. And the food is thus fitting to establish his Shabbat residence, since practically speaking, he could have eaten it during twilight, when Shabbat commenced and the *eiruv* went into effect.

But here, note that he does not know which loaf is his meal, and it is not practically usable.

He Rav Huna **said to him** Rav Shmuel bar Rav Yitzchak: The *eiruv* is invalid **according to both Rabbi Yosi and Rabbi Meir**—because **we require a meal that is fit** to be eaten, practically speaking, **from before Shabbat. And it is not** so here.

Rava posed an inquiry to Rav Nachman:

An *eiruv* takes effect during the twilight period when Shabbat commences, during that period of time when one day ends and the other begins. Although we cannot pinpoint the exact moment at which the days change, that moment is actually the time when the *eiruv* takes effect.

One who says about a loaf on the Eve of Shabbat: **This loaf is unconsecrated today and tomorrow it shall be consecrated** (i.e. I consecrate it but starting tomorrow, on Shabbat), it is fit to be used for an *eiruv* on the Eve of Shabbat. But once Shabbat

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commences it is not fit to be used for an *eiruv*. **And he said** to his messengers: **Let my *eiruv* be made with this** loaf for Shabbat. **What** is the halachah in this case?

He Rav Nachman said to him: His *eiruv* is a valid *eiruv*.

Rava asked him further: One who says about a loaf: This loaf **is consecrated today and tomorrow it shall be unconsecrated**, i.e. that its sanctity should be redeemed tomorrow on money that I have set aside for this purpose in my house, and thus it reverts to being an ordinary loaf. **And he says: ‘Let my *eiruv* be made with this’, what** is the halachah?

He Rav Nachman said to him: His *eiruv* is not a valid *eiruv*.

Rava responds to Rav Nachman in surprise: **What is the difference?**

Rava was surprised for the following reason: Rav Nachman, according to his answer to the first inquiry, seems to hold that we do not know the actual time of the beginning of the day, therefore the consecration of the food will not take effect during an uncertain time. For the intention of the one who consecrates the food is that the food should not become consecrated during a. uncertain period. Consequently, with respect to the *eiruv*, we view it as if the next day has begun. However, with respect to the consecration of the food, we view it as if the next day has not begun.

And since this is so, when he said ‘this loaf is consecrated today and tomorrow it shall be unconsecrated’, we should say the same: his intention was for it to be in its consecrated state only while it is definitely that day. But once an uncertainty arises, and it might already be the next day, his intention is that the redemption should definitely take place (since he does not wish to be in an uncertain situation – *Chazon Ish*). And if so,

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immediately upon the onset of twilight the food should become ordinary food, and the *eiruv* should be valid.³

He Rav Nachman said to him Rava: When you will measure me out for it a *kor* of salt, I will answer you! I.e. if you will perform some symbolic act of service to me, indicating that you accept me as a master deserving to being served, then you will be capable of accepting my answer to your question.

And this is your answer: **When he said: This loaf is unconsecrated today and tomorrow it shall be consecrated, sanctity does not descend on it because of uncertainty.** I.e. he does not have intention to place sanctity on the food during a time period that we are uncertain about, and therefore the *eiruv* is valid.

But when he said: **This loaf is consecrated today and tomorrow it shall be unconsecrated,** we say that his intention is the reverse. I.e. we say: **Its sanctity does not leave it because of uncertainty.** He had intention to remove the sanctity only when it is definitely the next day.

It was taught in a Mishnah **there: Jugs** that have the status of *tevul yom* (they have been immersed for purification but will not be completely pure until the next day begins, at nightfall), **that one filled** up these jugs with wine **from a barrel of *ma'aser rishon*** that is

³ This section is explained according to '*Chidushei Rabbeinu Chaim Halevi*' in *hilchos eiruvim*. This approach is also taken by *Chazon Ish* in *eiruvim* section 112 subsection 8. They provide essential explanation of Rashi's commentary in this section.

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untithed. (I.e. he had not yet separated *trumat ma'aser* from the barrel). **And he said:** **This** wine in the jug shall be *trumat maaser* on the contents of the barrel, but only **from** the time that **nightfall** comes. **His words are effective.** He makes this stipulation so that the *trumat ma'aser* does not become impure, for *tevul yom* will disqualify *trumah*. Since it does not actually become *trumah* until nightfall, the jug does not disqualify it, because the light impurity of *tevul yom* only affects *trumah* and consecrated items.

And if he said: Let my *eiruv* be made with this, he has not said anything effective, i.e. his *eiruv* is invalid. This is because he attempted to make an *eiruv* with as yet untithed produce.

Said Rava: This says (i.e. from this Mishnah one can learn) **that the end of the** previous day, in other words the Eve of Shabbat, is when **the *eiruv* takes effect.**

Ammud Bet

For if you would think that “the beginning of the next day, in other words Shabbat proper, **acquires the *eiruv*”,** then the *eiruv* should be valid. Because at the beginning of Shabbat proper, it becomes properly tithed. Thus, **if he said: “Let my *eiruv* be made with this”, why has he not said anything** effective?

It must therefore be that the Tanna of this Mishnah holds that “the end of the previous day acquires the *eiruv*”, and it is still untithed.

Said Rav Pappa in challenge of this conclusion: **Even if you say that “the beginning of the next day acquires the *eiruv*”,** it still will not be valid. Because **we require** the *eiruv* to be made with **a meal that is suitable “while it is still the previous day”, and there is no** such meal, in this case, since it was still untithed as of Shabbat eve.

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MISHNAH

A person may make a stipulation about his *eiruv*. I.e. a person, if he so wishes, may place two *eiruvim*, one at the end of 2000 *ammot* to the east of his house and one at the end of 2000 *ammot* to the west of his house. He may then make a stipulation **and say:**

If gentiles will come tomorrow from the east and I will be forced to flee to the west, **my *eiruv*** in the west should go into effect during twilight, in order **to flee** to the west of the town.

And if they will come **from the west**, **my *eiruv*** in the east should go into effect, in order that I may flee **to the east**.

And **if they will come from here and from here** i.e. from both sides, **I will go to the place that I wish.** In other words, during twilight, the *eiruv* should go into effect in such a way that I will be able go to the place that I will wish to go.

And if **they will not come to here or to here**, **I am like a resident of my town!** I.e. my personal *eiruv* will not go into effect at all, and my Shabbat boundary will be like that of the rest of the town's residents.

And principle behind the entire Mishnah is that “there is *bereirah*” (retroactive selection). One may retroactively select how a Halachic mechanism took effect.

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And similarly, a person may make a stipulation on his *eiruv* regarding the arrival of a Sage, since he wishes to go outside of the Shabbat boundary in order to learn Torah from him. Now, he does not know exactly where the Sage will spend Shabbat. He will find out only on Shabbat. Thus he says:

If the Sage will come tomorrow from the east, my *eiruv* is to the east.

And if he will come **from the west, my *eiruv* is to the west.**

If he will come i.e. two Sages will come, **one to here and one to here, I will go to the place that I wish.**

If they will not come, **not to here and not to here, I am like a resident of my town!**

Rabbi Yehudah says: If two come, one to here and one to here, and **one of them was his master**, we do not say that he may go to the place that he wishes. For his intent was surely to go to the side of his master. Thus, **he goes to the side of his master.**

Whereas the first Tanna holds that even if one of them was his Rabbi, he may go to which whichever side he wishes.

And if they were both his masters, even if one of them was his principal master, **he may go to the place that he wishes.**

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GEMARA

When Rabbi Yitzchak came from the land of Israel to Babylon, he brought a Baraita with him that **taught the opposite of the entire Mishnah** (all of the cases of the Mishnah are taught in reverse):

In the first case, concerning placing his *eiruv* because of gentiles, it was taught: A person may make a stipulation about his *eiruv* that he will be able to go to the side from which the gentiles are coming.

And in the end clause, concerning placing his *eiruv* because of a Sage, it was taught: A person may make a stipulation that he will be able to go to the side that is opposite the side from which the Sage is coming i.e. that if he will come from the east, his *eiruv* will be in the west.

The Gemara is surprised by this: **There is a difficulty** to reconcile the case of **gentiles** of the Mishnah **and** the case of **gentiles** of the Baraita; **and there is a difficulty** to reconcile the case of **the Sage** of the Mishnah **and** the case of **the Sage** of the Baraita!

The Gemara resolves the difficulty: The case of **gentiles against** the case of **gentiles is not difficult** to reconcile.

This, the Mishnah where he is fleeing from the gentiles, **refers to tax-collectors.**

That, the Baraita where he goes out to meet them, **refers to the town leaders.** In that case, he needs to go out to appease them or plead with them. (*Tosafot* (82a) explain that it is considered a mitzvah to do this, And one may only make an *eiruv* for a matter of a mitzvah. Here, he is going for the needs of the members of the town and he is involved in community matters.)

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Also, the case of **the Sage against** the case of **the Sage is not difficult** to reconcile:

This, the Sage of the Mishnah, **refers to a public lecturer** that this person wishes to hear.

And that, the Sage of the Baraita, **refers to a teacher** who teaches children **to pray**. In this case, two Sages are coming, one who is a Torah Scholar that gives public discourses and one who teaches children to pray. He wishes to go to hear the discourse of the Torah Scholar and he therefore makes his stipulation in a negative fashion, that he does not wish to go to greet the one that teaches children to pray, but rather, to the side of the one that gives public discourses.

It was stated in the Mishnah: **Rabbi Yehudah says: If one of them was his master**, he goes to his master; and if both of them are his masters, he may go to the whichever one he wishes:

The Gemara clarifies: **And the Rabbis** i.e. the first Tanna, who disagree, what do they say?

Sometimes he is happier with a Sage who is **his colleague, more than with his master** (either because it is natural to always look for someone new, or because he is embarrassed to question his master but he is not embarrassed to question his friend. *Meiri*.) Thus we apply the principle of *bereirah*, and we assume that yesterday at the time of the *eiruv* going into effect, his mind was on his rather than his master, since we see that now he wishes to go to his colleague.

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Said Rav on Rabbi Yehudah's statement regarding when they were both his masters: **The Mishnah** as presented **is not** correct. It cannot be that Rabbi Yehudah holds that he may go to whichever place he wishes, and that his *eiruv* takes effect retroactively at the commencement of Shabbat according to what he decides later, on Shabbat!

And the proof that it is incorrectly presented is **from** the Baraita **that Ayyu taught**.

For Ayyu taught: Rabbi Yehudah says: A person may not make a stipulation on two things as one, saying: "If they come to here and to here, I will go to the place that I wish". For according to Rabbi Yehudah, there is no such principle as *bereirah*.

But one may make a stipulation over one Sage, when one does not know where he will go (*Rashi*).

And therefore he may **only** make a stipulation as follows: **If the Sage will come to the east, his *eiruv* is in the east; and if the Sage will come to west, his *eiruv* is in the west**.

The Gemara is surprised by this: **But to here and to here, no?** He may not make a stipulation when two Sages come?

What is the difference that to here and to here, with two Sages, **that it is not** effective? Since **there is no** principle of *bereirah*. If so, even when he made a stipulation over one Sage, when he does not know where he will go, saying that his *eiruv* will be **to the east** if tomorrow he will come from there, **and** his *eiruv* will be **to the west** if he will come from there. Similarly in this case, we should say that **there is also no *bereirah***. For here as well, he wishes to retroactively determine his *eiruv*.

Said Rabbi Yochanan: In the Baraita taught by Ayyu, it is not discussing a case where there is a doubt during twilight about from which direction the Sage will come. Rather, it

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is discussing when **the Sage already came** to a certain side. However, this person did not know which side the Sage came to. Here we do not need to apply the principle of *bereirah*. Because the next morning, we merely find out what the facts of the case were. But the *eiruv* was determined properly at twilight; its status was not contingent on future events.

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We now return to the statement of Rav, that our Mishnah does not correctly present Rabbi Yehudah's view, since Rabbi Yehudah does not hold of the principle of *bereirah*. Rav's statement is based on the Baraita cited by Ayyu, in the name of Rabbi Yehudah.

The Gemara is surprised: **On the contrary**, let us say the opposite: **from the Mishnah**, we see that the Baraita that was taught **by Ayyu is not** correctly presented! A Mishnah is more authoritative than is a Baraita.

The Gemara resolves the difficulty: We cannot reject the Baraita, **since we have heard** in another place, **according to Rabbi Yehudah, that he does not hold of** the principle of *bereirah*. Thus Ayyu's version is independently corroborated.

For this was taught: One who buys a barrel of **wine** (containing one hundred *log*) **from amongst the Cuthites**. (This is speaking before the Sages forbade their wine — *Rashi*.) Most Cuthites do not tithe what they sell to others.

CHAVRUTA

EIRUVIN – DAF LAMED ZAYIN

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

And **he says** the following declaration: The **two *login***¹ that I will separate in the future from one hundred *login*, (this representing one in fifty of the total produce, the amount fitting for *trumah gedolah*). **Behold, they are** now designated as ***trumah gedolah***². Thus 98 *login* of wine remains.

And another **ten *login*** that I will subsequently separate in the future, representing about a tenth of the remaining wine, the amount fitting for *ma'aser rishon*, **are** now designated as ***ma'aser rishon***³. Thus 88 *login* of wine remains.

And another **nine *login*** that I will subsequently separate in the future, about a tenth of the now remaining wine, **are *ma'aser sheni***⁴ (in a year in which *ma'aser sheni* is applicable).

And then he redeems the *ma'aser sheni* onto money, since actual separation is not required.

And then he can drink the wine **immediately**, while leaving enough over to cover the *trumah* and *ma'aser*.

When he finally separates the *trumah* and *ma'aser*, he declares: This is the portion retroactively designated as *trumah* and *ma'aser*.

The above are **the words of Rabbi Meir**.

¹ One *log* = 0.7 pint, or 0.3 liter

² The 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.

³ The 10% tithe of produce given to Levites.

⁴ Consumed by the owners, in a state of purity, in Jerusalem.

PEREK 3 – 37A

Whereas **Rabbi Yehudah, Rabbi Yose and Rabbi Shimon prohibit** drinking from produce that has not yet actually been tithed.

The assumption of the Gemara is: These latter Tannaim hold that there is no such principle as *bereirah*, retroactive designation. Therefore one may not drink from the produce until the tithes are actually separated.

Thus the Gemara has now established that Rabbi Yehudah does not hold of retroactive designation.

*

Ula said: It is not correct, the Baraita of **Ayyu** that quoted Rabbi Yehudah as not holding of *bereirah*, retroactive designation. This can be proved **from our Mishnah** that shows Rabbi Yehudah, on the contrary, holding of retroactive designation.

The Gemara raises an objection. **But** what about **that which was taught** in the above Baraita regarding wine, that **Rabbi Yehudah, Rabbi Yose and Rabbi Shimon prohibit**, showing that Rabbi Yehudah does not hold of retroactive designation? How can Ula disregard this proof?

The Gemara answers. **Ula** taught the above Baraita regarding wine a little differently. In his text of the Baraita, instead of one Tanna (Rabbi Meir) in debate with the above three Tannaim, **he taught** that two **pairs** of Tannaim were in dispute.

Thus the Baraita reads as follows: **He redeems** the *ma'aser sheni* and he can drink the wine immediately. These are **the words of Rabbi Meir and Rabbi Yehudah**. This pair of Tannaim allow retroactive designation. **Rabbi Yose and Rabbi Shimon prohibit** drinking the wine before the tithe has actually been separated. This pair of Tannaim do not allow retroactive designation.

PEREK 3 – 37A

So we see from Ula's text of the Baraita that Rabbi Yehudah actually does allow retroactive designation. This answers the objection to Ulah.

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The Gemara raises an objection. **But** is it really true that **Rabbi Yose holds** that **there is no** such principle as **retroactive designation**?

But we have learnt in a Mishnah (*Kinnim* 1:4) as follows. **Rabbi Yose says: Two women** that had given birth or become *zavot*⁵ must each bring a pair of two pigeons or two doves as offerings when they become pure. One bird is for a sin offering and the other is for a burnt offering.

If it was the case **that they bought their nests** i.e. pair of birds **in partnership** with each other, without specifying which bird was for which woman, or for which offering.

Or they had given [the value of] their nests i.e. pair of birds **to a cohen**, who subsequently purchased for them the four birds.

Then the halachah is as follows. **Whichever one** of the birds from the two pairs **that the cohen wishes, he may offer as a burnt offering**. One for one woman and the second one for the other woman.

And whichever one of the birds from the pairs **that the cohen wishes, he may offer as a sin offering**. One for one woman and the second one for the other woman.

Now the Gemara brings out the point:

⁵ Plural of *zavah*, a woman impure due to a flow of blood not attributable to her menstrual cycle.

PEREK 3 – 37A

There is a general rule governing Temple offerings that a person's offering may not be brought in the name of someone else. If it was a sin offering, even the animal itself becomes invalid and may not be eaten. With this in mind, let us consider the fact that Rabbi Yose allows pairs of birds to be acquired in a partnership that does not initially designate the birds. If Rabbi Yose did not hold of the principle of *bereirah*, retroactive designation, then later specification by a cohen will not help to validate the offering. For at the beginning each bird could have been the property of the other woman.

Therefore, we see that Rabbi Yose does allow retroactive designation.

*

Rabbah said in reply: **There**, the Mishnah of the two women, is a case **when they** the women **made a stipulation** between them at the outset, that whatever the cohen decides is for her, is *de facto* hers.⁶

The Gemara poses a difficulty with this reply.

If that is so, then that Mishnah is obvious. **What is it coming to say** that we did not know already? Certainly, the cohen may offer a bird which is clearly owned by a specific woman.

The Gemara answers.

⁶ *Tosafot* object to this explanation, which is from Rashi's commentary: even so, the principle of *bereirah* is still at work here. See *Tosafot* for a different explanation of the Gemara's answer.

PEREK 3 – 37B

After the women had acquired the pairs of birds together, they then separated each pair with the intention that one bird therein would be for a burnt offering, while the other would be for a sin offering.

In such a case we might have thought that the cohen would be bound to preserve this specification of the owners, and make one of the birds in each pair a burnt offering, with the other as a sin offering.

Therefore, **it informs us** that since the women did not verbally specify each bird's specific purpose at the time of purchase, the cohen may act freely to decide himself. And this is true, even if the women did subsequently verbally specify their intentions. And this is **in accordance with Rav Chisda**.

For Rav Chisda said: The nests i.e. pairs of birds brought for obligation offerings **can only be specified** (which bird is a burnt offering and which is a sin offering) in one of two ways:

Ammud Bet

Or at the time of purchase by the owners, by them saying: “I am taking this one for a burnt offering, and this one for a sin offering”.

Or at the time of the service of the cohen while on the Altar, actually bringing up one bird for a sin offering and one for a burnt offering.

Therefore, if one acquires birds and only afterwards designated them, then this specification does not take effect. Rather, the action of the cohen serves to designate the offering.

PEREK 3 – 37B

Thus the Gemara has resolved the contradiction between the two statements of Rabbi Yose.

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The Gemara, nevertheless, pursues the question.

But still, does Rabbi Yose really hold that there is no such principle as retroactive designation, as is apparent from the Baraita about wine?

But it was taught in the following Baraita to the contrary.

(A *chaver* is a scrupulous person who formally accepts upon himself to keep certain stringencies. Among these stringencies is that he may not sell untithed food or doubtfully tithed food, *demai*, to another).

An ignorant person who said to a *chaver* who was going to the market to buy from another ignorant person: Buy for me, just as you are buying for yourself, a bundle of vegetables or a loaf of bread.

The *chaver* subsequently bought two bundles or loaves. However, he did not designate to whom each of the two bundles or loaves was intended.

Since the produce was acquired from an ignorant person, and therefore there is a certain degree of doubt whether it has been tithed properly, the Sages require it to be tithed before eating it or reselling it.

PEREK 3 – 37B

Nevertheless, when this *chaver* gives one of the two bundles or loaves to the ignorant person, the halachah is that **he does not need to tithe** it. These are **the words of Rabbi Yose**.

How may we understand this ruling? It must be for the reason that we do not regard the produce as ever having been in the possession of the *chaver*.

Therefore, since the produce was never owned by the *chaver*, he may pass over to the ignorant person what is his.

But this can only be true if Rabbi Yose holds that retroactive designation is effective. Meaning, that when the *chaver* gives over the produce, it retroactively belonged to the ignorant person from the time of purchase.

But the Sages say: He the *chaver* needs to tithe it, since retroactive designation is *not* effective. Hence, it could be that the *chaver* is unwittingly giving his own, untithed produce to the ignorant person. Thus he must tithe it first.

In any event, Rabbi Yose, in holding that retroactive designation takes halachic effect, seems to contradict what he ruled in the Baraita of the wine!

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The Gemara resolves the contradiction.

Interchange the opinions of Rabbi Yose and the Sages in this Baraita, so that Rabbi Yose holds that retroactive designation is not effective, and the Sages hold that it is effective.

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PEREK 3 – 37B

The Gemara again poses a difficulty.

Come and hear a proof: Regarding **one who says “*Ma’aser sheni* that I have in my house is hereby redeemed on whatever *sela* coin that happens to come into my hand when I randomly extract a coin from my purse”**. **Rabbi Yose says:** In such a case, the *ma’aser sheni* produce is validly **redeemed** at the very moment he makes his declaration, even before he pulls out a coin.

And when he takes a coin from the purse, it takes effect retroactively that this is the coin that the *ma’aser sheni* was redeemed on. Thus Rabbi Yose clearly holds that retroactive designation is effective.

For if the designation does not take effect retroactively, then his words do not achieve anything. For he did not have in mind a specific coin that he could redeem his produce on.

So, once again, we have a contradiction to the ruling of Rabbi Yose in the Baraita of the wine.

The Gemara resolves the contradiction.

Reverse the opinion of Rabbi Yose in this Baraita, **and say** that it reads as follows. **Rabbi Yose says: He did not** validly **redeem** the *ma’aser sheni*, because retroactive designation is not effective.

*

The Gemara is puzzled how the above Baraitot can be altered in order to resolve the contradiction to the Baraita regarding wine.

PEREK 3 – 37B

On what basis did you see justification to resolve the problem as you did, in **that you reversed** the views in **two** Baraitot when **faced with** the force of **one** contradictory Baraita?

Rather, you should **reverse** the views in the **one** Baraita of wine, when **faced with** the force of the **two** above contradicting Baraitot. Then we could say that Rabbi Yose actually holds that retroactive designation *is* effective.

The Gemara answers.

Regarding **this** Baraita of *ma'aser sheni*, **certainly** the view in it was **reversed** when it was originally **taught**.

For it was taught in the end of that Baraita, as follows.

But Rabbi Yose agrees with what was said **regarding** the case of **a person who says: ‘The *ma'aser sheni* that is in my house is hereby redeemed on a new sela coin that comes up into my hand from my purse’**. For Rabbi Yose holds **that he has redeemed** his produce.

And **since it says here**, in the end clause of the Baraita, that Rabbi Yose holds **that he has redeemed** his produce, **this implies that there**, in the first clause of the Baraita, Rabbi Yose holds that he has *not* redeemed his produce.

This shows that Rabbi Yose holds that retroactive designation is *not* effective, in line with the first Baraita of wine.

*

The Gemara now explains the above-quoted end clause of the Baraita.

PEREK 3 – 37B

Regarding **that ‘new sela coin’** which he is using for the redemption of the *ma’aser sheni* produce: **What is the case?**

If it is a case **where there are two or three** new *sela* coins in his purse, then the reason that his produce is redeemed is that **retroactive designation is effective**.

But that is problematic, for **that is** exactly the case of the **first clause** of the Baraita, where Rabbi Yosi rules that the redemption is *not* valid, since retroactive designation is *not* effective.

Rather, the case must be **where there is only one** such new *sela* coin in his purse. Thus the redemption is valid immediately, since it is obvious that this was the intended coin.

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The Gemara poses a difficulty.

What is the meaning of the words ‘a new *sela* coin that **comes up** into my hand from my purse’ in the Baraita? Surely, if there is no other new coin in the purse, then the redemption of the *ma’aser sheni* is completely valid even while the coin is still in the purse!

The Gemara answers.

It is true that there is only one coin, and therefore the redemption is valid. And the Baraita only uses the words ‘comes up’ for the sake of consistency in the language. **Since it states in the first clause** of the Baraita ‘comes up’, therefore **it states in the end clause** of the Baraita **also**, ‘comes up’.

PEREK 3 – 37B

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Rava, who was puzzled by the text he is about to present, **said to Rav Nachman: Who is the Tanna** of the following Baraita, who holds **that even in Rabbinic law, retroactive designation is not effective?**

For it was taught in a Baraita as follows. **Someone said to five people: I am making an *eiruv techumin*⁷ for whichever one of you that I will desire**, i.e. designate, at some later time. If it happens that **I designated** the *eiruv* to be for that person, before he starts to walk, then **he may walk** to the *eiruv* and two thousand *amot* beyond. But if **I did not designate** him to be the recipient of the *eiruv*, **then he may not walk** that distance.

The law of the *eiruv* is as follows. If **he designated** the person **from before the onset of Shabbat**, then **his *eiruv*** for this person goes into effect immediately during twilight and **is an effective *eiruv***.

However, if he designated the person **from after the onset of Shabbat**, then we do not say that it is retroactively determined that at when the *eiruv* went into effect, he intended it for this person. Rather, the halachah is that **his *eiruv* is not an effective *eiruv***, since during twilight he might not have intended this particular person to be the recipient of the *eiruv*.

From this we see that the Tanna does not rely on retroactive designation, even regarding the purely Rabbinic law of *eiruv techumin*. But who is this Tanna that holds such a view?

He Rav Nachman was silent and he did not say to him Rava anything.

⁷ Placing bread, the object that achieves an *eruv* (merging), at a certain place before Shabbat, establishes that place as a residence for Shabbat. This allows one to walk more than the maximum two thousand *amot* limit (*techum*). For he is now able to go up to two thousand *amot* from his actual location to that 'residence', and then a further two thousand *amot*.

PEREK 3 – 37B

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The Gemara is puzzled by this.

But let Rav Nachman say to him, to Rava, that **he**, the Tanna of that Baraita, **is of the study hall of Ayyu**, i.e. that the Tanna is Rabbi Yehudah as understood by Ayyu (see *daf* 36b)! For according to Ayyu, Rabbi Yehudah holds that retroactive designation is not effective in determining the *eiruv*.

The Gemara answers.

He Rav Nachman **had not heard** the Baraita of Ayyu. (Ayyu was not a primary source of Baraitic teachings.)

*

Rav Yosef was surprised by the above discussion, which implies that virtually all Tannaim apply the principle of *bereirah* to Rabbinic laws, and **said: Have you taken the Tannaim** who invalidate retroactive designation in Rabbinic law **out of the world?**

It this matter **is** actually a subject of **dispute amongst Tannaim**.

For the following **was taught** in a Baraita regarding someone who placed his *eiruv* two thousand *amot* away, in a place where it will be safe for a number of days.

He said: **I am making an *eiruv* for the Shabbatot of the whole year**. Meaning, one of all the Sabbaths of the year (*Meiri*). Therefore, **if I designate** the *eiruv* to apply for a particular Shabbat, **I will walk** outside the normal Sabbath boundary on the basis of that *eiruv*. But if **I do not designate** the *eiruv* to apply on that Shabbat, **I will not walk** that distance. Rather, I will be just like one of the other dwellers of the city.

PEREK 3 – 37B

The law regarding the effectiveness of the *eiruv* is as follows.

If he designated the *eiruv* from before the onset of Shabbat, then his *eiruv* takes effect during twilight and therefore is an effective *eiruv* for this Shabbat.

But if he designated the *eiruv* from after the onset of Shabbat, then the halachah is subject to the following dispute.

Rabbi Shimon says: His *eiruv* is a valid *eiruv* since retroactive designation is effective. Therefore we say that during twilight it was his intention for the *eiruv* to be effective.

But the Sages say: His *eiruv* is not a valid *eiruv*, for retroactive designation is not effective.

Rav Yosef raises a difficulty with this Baraita: **Surely, we learnt from Rabbi Shimon in the Baraita of wine that retroactive designation is *not* effective!** This is a **contradiction of** one statement of **Rabbi Shimon to** another statement of **Rabbi Shimon.**

Rather, we must **reverse** the words of Rabbi Shimon and the Sages here. In truth, Rabbi Shimon was the Tanna who said that the *eiruv* is *not* a valid *eiruv*, since retroactive designation is not effective even in Rabbinic law.

Thus we see that the matter is subject to a dispute amongst Tannaim, as Rav Yosef proved.

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The Gemara is puzzled by the previous difficulty that was raised.

PEREK 3 – 37B

What is the contradiction between the statements of Rabbi Shimon?

Perhaps when Rabbi Shimon in the Baraita of wine **held that retroactive designation is not effective**, that was said **regarding Torah law**. But **regarding Rabbinic law**, maybe **he holds that it is effective!**

The Gemara answers.

Rav Yosef holds that no Tanna makes a distinction between Torah and Rabbinic law.

The one who holds that retroactive designation is effective, holds that there is **no difference** in its application **regarding Torah and Rabbinic law**.

And the one who holds that retroactive designation is not effective, holds that there is **no difference** in its lack of application **regarding Torah and Rabbinic law**.

*

Rava said as follows, to reconcile the ruling of Rabbi Shimon in the Baraita of wine with his ruling in the Baraita of *eiruv*.

It was not because he held that retroactive designation is invalid, that Rabbi Shimon ruled stringently in the Baraita of tithing wine.

Rather, Rabbi Shimon holds that it is valid, but that **it is different there** in the case of the wine.

PEREK 3 – 37B

Since the Torah (*Devarim* 18:4) refers to *trumah* as “*the first* of your wheat and oil”, we **require** a special stringency: that a ‘**first**’ must be separated **whose remaining** amounts **are distinguishable**.

But in the case of the wine it is not possible to know at the time of the designation of the *trumah*, which part is the *trumah* and which part is the remaining amount.

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Abaye raised a difficulty, and **said to him**, to Rava: **But according to that** which you said, that Rabbi Shimon requires the amount of produce left after designation of the *trumah* to be distinguishable, at the time of designation—

Consider the following case, where **there were** lying **before someone two pomegranates of tevel**⁸, and he said the following declaration: **If rain will fall today, this** pomegranate **will be trumah for this** other one. **But if rain will not fall today**, then **this** other one **will be trumah for this** one.

According to you, Rava, **here also** Rabbi Shimon will not consider the separation of *trumah* to be effective. For we do not know at the time of the designation, which part of the produce is the *trumah*, and which part is the remaining amount. And therefore, **whether it rain will fall or not, there is nothing effective in his words** that will achieve the separation!

And if you say: ‘Yes, **that is so**’, i.e. Rabbi Shimon holds that the separation is not effective in this case – **but it was taught** in the following Mishnah to the contrary, that the separation *is* effective:

⁸ Untithed produce

PEREK 3 – 37B

Someone said the following. **The *trumah* of this pile, and similarly its *ma'aser*, will now be designated within it.**

Or, if he had a pile of *ma'aser* before him and said: This *trumah* *ma'aser* will now be designated within it.

Rabbi Shimon himself says: He has called the appropriate name of *trumah* upon it, and it has been effectively separated. Although at the time of the declaration, it cannot be determined which part of the produce is *trumah*, and which part is the remaining amount.

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The Gemara answers.

It is different there, since the remaining amount of produce can be distinguished. For there is the area of its (the pile's) surroundings—which were not designated as *trumah*.

If you wish, I could say a different resolution of the apparently contradictory rulings of Rabbi Shimon.

In truth, Rabbi Shimon holds that retroactive designation is effective. And the prohibition in the Baraita of wine is only a Rabbinic one, **as it states the reason** in the end of that Baraita, as follows.

They Rabbi Yose and Rabbi Shimon **said to Rabbi Meir**, who permitted drinking the wine: **Do you not agree that** we should be concerned that **perhaps the flask will split?** Then it will be impossible to separate the *trumah* in the end, **resulting** in that **this person retroactively drank *tevel*!**

PEREK 3 – 37B

For retroactive designation of *trumah* is only effective, if the separation that is to be performed later will actually take place.

He Rabbi Meir **said** in reply **to them: When it splits**, then we will investigate the need to prohibit the drinking. Meaning: We are not concerned for such an unlikely occurrence. For if there is reason to believe that something will happen to the flask, he could give the flask to someone to be looked after.

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The Gemara poses a difficulty.

And in light of the above-mentioned exchange between the Tannaim, how may it be explained **according to that which we thought initially?** For Rava had explained Rabbi Shimon as holding that **that we require a ‘first’** to be separated **whose remaining amounts are distinguishable.**

What, then, **did they** Rabbi Yose and Rabbi Shimon mean to **say to him** to Rabbi Meir, when they suggested that he should be concerned about the flask splitting? How is that relevant to their requirement of a distinct amount?

The Gemara answers.

This is what they were saying to him: According to us, the wine is forbidden because **we require a ‘first’ whose remaining amounts are distinguishable.** But **according to you**, who does not accept that reason...

CHAVRUTA

EIRUVIN – DAF LAMED CHET

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

[This is what they were saying to him: According to us, the wine is forbidden because we require a ‘first’ whose remaining amounts are distinguishable. But according to you, who does not accept that reason], do you not admit that it should be forbidden nevertheless, because we should be concerned that **perhaps the flask will break, and it will turn out retroactively that he drank *tevel*¹?**

He said to them: When it will break we will declare it forbidden, as explained previously.

Mishnah

A man’s Shabbat residence, from which his Shabbat boundary is measured, is determined during twilight of the commencement of Shabbat or Yom Tov. Afterwards, it cannot be changed for the duration of that Shabbat or Yom Tov.

There is a Tannaic dispute concerning Shabbat and Yom Tov that fall immediately one after the other. According to one view, they are considered to be one unit, and the Shabbat residence of the first continues through the second, while the other view maintains that they are two separate units, and it is therefore possible to establish one Shabbat residence for the first and another for the second.

¹ Agricultural produce from which the required tithes have not been separated.

PEREK 3 – 38A

Rabbi Eliezer said: When there is a Yom Tov adjacent to Shabbat, whether Yom Tov is before it or after it, a man may set two *eiruv*² in opposite directions of the town and say, “My *eiruv* for the first day is to the east, and my *eiruv* for the second day is to the west.” Or he may say, “My *eiruv* for the first day is to the west, and my *eiruv* for the second day is to the east.” Or, if he wishes to shift his Shabbat residence for the first day, but not the second, he may say, “This is my *eiruv* in regards to the first day, but on the second day, I am like the people of my town.” Or, if he wishes to shift his Shabbat residence only for the second day, he may say, “This is my *eiruv* in regards to the second day, and on the first day I am like the people of my town.”

Rabbi Eliezer holds that Yom Tov and Shabbat are two separate units; therefore, the *eiruv* which establishes Shabbat residence for one does not necessarily establish Shabbat residence for the other.

And the Sages say: He must either set an *eiruv* for one direction, or else not set an *eiruv* at all. He must either set an *eiruv* for both days, or else not set an *eiruv* at all.

What should he do?

The messenger³ should take the *eiruv* at the beginning of the first day to the desired location, and wait for it to get dark. Then, once it has become dark and Shabbat has begun, he may take it and come home. He should then bring the *eiruv* back to that location towards the end of the first day, wait for it to get dark, and he may then eat the *eiruv* and come home.

² A quantity of food placed at a given location prior to Shabbat or Yom Tov. By setting the *eiruv*, one defines his Shabbat residence as the location of the *eiruv*, rather than as his original location at the beginning of the day.

³ It must be a messenger who is setting up the *eiruv*, because if it were not a messenger, no *eiruv* would be necessary. The presence of the owner of the *eiruv* at the site of the *eiruv* at the onset of Shabbat would suffice to render that place his Shabbat residence.

PEREK 3 – 38A

We see that the messenger **benefits** in two ways. **In his walking** to the site of the *eiruv* he causes benefit to the owner of the *eiruv*, who is now considered to have his Shabbat residence at the site of the *eiruv*, **and** he also **benefits in** his eating of **his *eiruv***.

If the *eiruv* **was eaten on the first** day, then **his *eiruv*** is valid **for the first** day, **but his *eiruv*** is not valid **for the second** day.

Said Rabbi Eliezer to them: Since you have stated that the *eiruv* must be physically present at the onset of each day, and that if it is eaten during the first day it is valid for the first day but invalid for the second, it is evident that **you agree to me that they are two units**. For if Shabbat and Yom Tov were one lengthy unit, it should not be necessary for the *eiruv* to be physically present at the onset of each separate day. If so, why do you not agree with my ruling that one may set a separate *eiruv* for each day, one to the east and one to the west?

Gemara

The Gemara raises a difficulty: When the Sages say that he must set an *eiruv* **for one direction, what is it?** What is the intention of the Sages? They must mean that he must set one *eiruv* **for both days**. Likewise, when they say that he must set an *eiruv* **for both days, what is it?** They must mean that he must set the *eiruv* **for one direction**.

But **that is** simply a repetition of **the first** clause, reversing the wording of the case. The two clauses appear to be redundant.

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PEREK 3 – 38A

The Gemara explains: **This is what the Rabbis** (the Sages mentioned above) **were saying to Rabbi Eliezer. “Don’t you agree that one may not make an *eiruv* for one day, for half of it in the north and half of it in the south?”** Obviously, when dealing with only one day, the *eiruv* must be for the entire day, and in only one direction.

He said to them: That is **true**.

They said to him: **Just as one may not make an *eiruv* for one day, for half of it in the north and half of it in the south, so may one not make *eiruv* for two days that are meant to function one day in the east and the other day in the west.**

And the Gemara explains: According to **Rabbi Eliezer**, the cases are not similar.

There, in the case of one day of Shabbat or Yom Tov, **it is one unit**. Therefore, the *eiruv* cannot be split.

But **here**, in the case of Yom Tov followed by Shabbat, **they are two units**. Therefore, each day can have a separate *eiruv*, with the *eiruv* being in different places.

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The Gemara cites a Baraita which discusses a similar argument between Rabbi Eliezer and the Sages.

Rabbi Eliezer said to them: “Don’t you agree that if he ‘set up an *eiruv* with his feet’—i.e. walked to the site where he wishes to have his Shabbat residence—at the beginning of the first day, he must still ‘set up an *eiruv* with his feet’ at the beginning of the second day? Furthermore, don’t you agree that if his *eiruv* was eaten during the first day, he does not fulfill his obligation through it for the second day?”

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They said to him: “That is **true.**”

Rabbi Eliezer said to them: “**If so**, then you must agree with me that **they are two** separate **units.**”

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And the Gemara explains the reasoning of the **Rabbis.**

They are in doubt as to whether Yom Tov and Shabbat are considered as one unit or two. Therefore **here**, in the matter of setting two separate *eiruv* in opposite directions of town, they are **stringent**, for perhaps they are one unit. And **here**, in the matter of relying upon the *eiruv* of the first day for the second, they are again **stringent**, for perhaps they are two units.

*

The Baraita continues.

The Sages **said to him:** “**Don’t you agree that one may not set up the *eiruv* for the first time on Yom Tov for Shabbat?**” If the *eiruv* for the following Shabbat was not set up before the onset of Yom Tov, even you agree that it may not be set up during Yom Tov.

He said to them: “That is **true.**”

They said to him: “**If so**, it must be that you agree that **they are one unit.**” The reason one may not set up an *eiruv* on Yom Tov afternoon for the following Shabbat must be that they are one unit, and this would be like setting up an *eiruv* on Shabbat morning for the sake of Shabbat afternoon.

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And the Gemara explains the reasoning of **Rabbi Eliezer: There**, the reason he may not set up an *eiruv* on Yom Tov afternoon for the following Shabbat it is not because they are one unit. Rather, it is **because** of the prohibition on **preparing** on Yom Tov or Shabbat for any subsequent day.

The Rabbis taught in a Baraita: If he “**set up an *eiruv* with his feet**” **on the first day**, he must “**set up an *eiruv* with his feet**” **on the second day** as well. If he set up an *eiruv* with food, and **his *eiruv* was eaten on the first day, he may not go out because of it on the second day**. I.e. he may not go to areas within two thousand *ammot*⁴ of the *eiruv* but more than two thousand *ammot* of the town he is in. The reason for this is that the two days are regarded as two separate units; therefore, the *eiruv* which established his Shabbat residence for the first day does not necessarily do so for the second day. These are the **words of Rabbi** i.e. Rabbi Yehudah HaNasi.

Rabbi Yehudah says:

Ammud Bet

This situation is a “donkey-driver and simultaneously a **camel-driver.”** This is a metaphor for a situation in which a person is “neither here nor there”.

⁴ 1 ammah: 18.7 in., 48 cm

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A donkey-driver normally walks behind his donkey, while a camel driver normally walks in front of his camel. Therefore, if a man would be driving both a camel and a donkey simultaneously, the donkey would be “pulling” him forward, while the camel would be “pulling” him backwards. Here, too, the *eiruv* is “pulling” his Shabbat residence in one direction, while the location where he was at the beginning of Shabbat is “pulling” his Shabbat residence in the other direction, with the result that he is only permitted to go to the interim area, within two thousand *amot* of both.

Rabban Shimon the son of Gamliel and Rabbi Yishmael the son of Rabbi Yochanan the son of Broka say: If he “set up an *eiruv* with his feet” on the first day, he **does not** have to “set up an *eiruv* with his feet” on the second day. If he set up an *eiruv* with food, and **his *eiruv* was eaten on the first day, he goes out because of it on the second day.** The two days of Shabbat and Yom Tov are fully one unit; therefore, the *eiruv* set up at the beginning of the first day functions for both days, even if it no longer exists at the beginning of the second day.

*

Said Rav: The Halachah is in accordance with the view of these four elders who will be mentioned below, and in accordance with the view of Rabbi Eliezer, who said in our Mishnah that they are two units. And these are the four elders: **Rabban Shimon the son of Gamliel, and Rabbi Yishmael the son of Rabbi Yochanan the son of Broka, and Rabbi Elazar the son of Rabbi Shimon, and Rabbi Yosi the son of Yehudah the “unnamed”.** (He is called so, because there are many Mishnayot that express his view, without mentioning his name. When a view is expressed without mentioning the name of a particular Sage, this indicates that it is the normative view, and that the Halachah is in accordance.) **And some say: One of them is Rabbi Elazar.** They **exclude** from the list **Rabbi Yosi the son of Yehudah the “unnamed”.**

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The Gemara is puzzled: **But** how are **Rabban Shimon the son of Gamliel and Rabbi Yishmael the son of Rabbi Yochanan the son of Broka** in this list? **We have heard the opposite about them!** They do not hold that the two days are two units, like Rabbi Eliezer does, but that they are one unit.

The Gemara answers: **Reverse** their words. Rabban Shimon the son of Gamliel and Rabbi Yishmael the son of Rabbi Yochanan the son of Broka did not hold that the *eiruv* of the first day functions for the second day even without being renewed or existing, but that it does *not* function for the second day unless it is renewed or still in existence.

The Gemara is puzzled by this: **If so**, they **are** just like **Rabbi's** view. Over what point do Rabbi on the one hand, and Rabban Shimon the son of Gamliel and Rabbi Yishmael the son of Rabbi Yochanan the son of Broka on the other hand, differ?

The Gemara answers: **Say** that the proper text of the Baraita should be: **“and so said Rabban Shimon the son of Gamliel and Rabbi Yishmael the son of Rabbi Yochanan the son of Broka,”** indicating that indeed, there is no point of difference with the view of Rabbi.

*

The Gemara is again puzzled by the statement of Rav: Why does not Rav **also count Rabbi** amongst the elders who agree with Rabbi Eliezer?

The Gemara answers: **Rabbi taught it, but he did not hold of it.** Rabbi only said that the *eiruv* of the first day does not count for the second day in order to explain Rabbi Eliezer's view, but he does not agree with it. He agrees with the Sages who say that the two days are one unit.

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The Gemara is again puzzled: If this can be said, then perhaps the **Rabbis**, Rabban Shimon the son of Gamliel and Rabbi Yishmael the son of Rabbi Yochanan the son of Broka, **also taught it but did not hold of it**. How did Rav know that Rabban Shimon and Rabbi Yishmael agreed with Rabbi Eliezer, but Rabbi did not?

The Gemara answers: **Rav learned it**. I.e. he received this knowledge as an oral tradition from his master, he did not derive it from textual analysis.

When Rav Huna died, Rav Chisda entered the house of study **to pose a contradiction** between one statement **of Rav** and another statement **of Rav**. He asked, **“Did Rav really say that the Halachah is in accordance with the view of these four elders, and in accordance with the view of Rabbi Eliezer, who said in our Mishnah that they are two units?”**

“But it was said in a statement of Amoraim, regarding the prohibition on eating an egg laid on Shabbat or Yom Tov on that same day: **Shabbat and Yom Tov**, when they immediately follow one another, **Rav said:** An egg that was **laid on this day is forbidden even on the other day.**” Rav evidently held that the two days are one unit, and eating it on the second day is considered eating it on the day it was laid. This contradicts the first statement of Rav.

Said Rabbah: **There**, in the case of the egg, it is forbidden for a different reason to eat the egg on the second day: **because** it was **“prepared”** on the first day for the second. This prohibition is based on **that which is taught** in a Baraita: The verse says **“And it will be, on the sixth day, and they shall prepare...⁵”** This teaches us that on a **weekday** we **prepare for Shabbat**, and on a **weekday** we **prepare for Yom Tov**. **But on Yom**

⁵ The verse is speaking of preparing food on Friday for Shabbat.

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Tov we may not prepare for Shabbat, and on Shabbat we may not prepare for Yom Tov.

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Said Abaye to him, to Rabbah: But how do you explain **that which was taught** in our Mishnah, which said: “**What should he do?** The messenger should **take** the *eiruv* **at** the beginning of the **first** day to the desired location, **and wait for it to get dark.** Then, once it has become dark and Shabbat has begun, he may **take it and come** home. He should then bring the *eiruv* back to that location towards the end of the first day, **wait for it to get dark,** and he may then **eat** the *eiruv* and come home.” Why is this not forbidden, since he is **preparing on Yom Tov for Shabbat?**

Said Rabbah to him: Do you think that the end of the day preceding Shabbat is when an *eiruv* is established? The beginning of the day of Shabbat is when an *eiruv* is established. Therefore, he is **preparing on Shabbat for itself.**

*

Abaye is puzzled by this, and responds: **But now** that you say this, **he** should be able to **set an *eiruv* with jugs.**⁶ Since the *eiruv* is established only at the beginning of the following day, in that case, too, his *eiruv* will only be established once the new day has begun, by which time his *trumah* will have been separated, and the produce will be edible. If so, why can't he simply declare the food in the basket to be his *eiruv*, obviously meaning from nightfall?

⁶ See page 36a above. The Mishnah quoted there discusses jugs which had been immersed in a *mikveh* to purify them, but must still await sunset to become completely pure. It says there that if a man put *ma'aser rishon* from which *trumat ma'aser* had not yet been separated into the jugs, he can declare that a certain portion of the food shall be considered *trumah* from nightfall. However, he cannot make the food an *eiruv*, since before Shabbat it is still *tevel*, and inedible.

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Rabbah answers: He cannot simply declare the food to be his *eiruv* because **we require** the food to be **fit** to be eaten **from the previous day** i.e. since before sunset **and** that is **not** the case here.

Abaye is puzzled by this, too: **But** how do you explain **that which was taught** in our Mishnah, “**Rabbi Eliezer said:** When there is a **Yom Tov adjacent to Shabbat, whether Yom Tov is before it or after it, a man may set two *eiruvim***⁷ in opposite directions of the town **and say, ‘My *eiruv* for the first day is to the east, and my *eiruv* for the second day is to the west.’** This should not be valid. For **we require** the food to be **fit** to be eaten **from the previous day**, but in this case, it is **not**. Since on one day he cannot walk to the site of the *eiruv* for the other day, the food that makes up the *eiruv* for the other day is, in effect, inedible.

Rabbah answers: **Do you think that he set** the *eiruv* for the first day **at the end of two thousand *ammut* in this direction, and** set the *eiruv* for the second day **at the end of two thousand *ammut* in the other direction?** If he would do so, there would be four thousand *ammut* between the two *eiruvim*, and on the first day he would indeed not be permitted to walk to the site of the second day’s *eiruv*.

No! Rather, the case must be **that he set it** i.e. the first day’s *eiruv* **at the end of one thousand *ammut*** from the place where he would be at the beginning of the first day **in this direction, and at the end of one thousand *ammut* in the other direction.** Therefore, there are only two thousand *ammut* between the two *eiruvim*, and even on the first day, he is permitted to walk to the site of the second day’s *eiruv*.

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Abaye raises yet another difficulty: **But** how do you explain **that which Rav Yehudah said:** If he “set up an *eiruv* with his feet on the first day”, he must “set up an *eiruv*

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with his feet” on the second day. If he set up an *eiruv* with bread on the first day, he must set up an *eiruv* with bread on the second day. At this point, Abaye is assuming that when “setting up an *eiruv* with one’s feet,” he is establishing his Shabbat residence. Since he cannot ascertain the precise moment when the second day begins, he must make the verbal declaration during the first day. How can he do this? **He is preparing on Yom Tov for Shabbat!**

Said Rabbah to him: Do you think that he goes to the site of his Shabbat residence **and says something?** Not at all. Rather, the fact of the matter is **that he goes, keeps quiet, and simply sits** there. No verbal declaration is required. Therefore, since the Shabbat residence is established only at the beginning of the second day, he is not doing a forbidden act of preparation on the first day for the second day.

*

The Gemara asks: **Whose** view is this statement, that no verbal declaration is required, **in accordance** with? Perhaps it is in accordance with the view of **Rabbi Yochanan the son of Nuri, who said** that **ownerless objects acquire Shabbat residence** i.e. can make an *eiruv techumin*. He holds (45a below) that a man acquires Shabbat residence even if he was asleep at the onset of Shabbat, and totally unaware that Shabbat was commencing. The Gemara there explains that this is because he rules that ownerless objects may not be moved more than two thousand *ammot* from the spot where they began Shabbat. A sleeping man could be compared to such an object. Obviously, such an object neither set up food for an *eiruv* nor made a verbal declaration. Perhaps Rabbah, who holds that neither of these is required, bases himself on this ruling of Rabbi Yochanan the son of Nuri.

*

⁷ A quantity of food placed at a given location prior to Shabbat or Yom Tov. By setting the *eiruv*, one

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The Gemara rejects this: **You can even say** that Rabbah agrees with the **Rabbis** who differ with Rabbi Yochanan ben Nuri, and who hold that a sleeping man does not acquire Shabbat residence—and thus is only permitted to move to a distance of four *ammot* in all directions. But to **this extent, the Rabbis themselves do not differ with Rabbi Yochanan the son of Nuri**. They would agree with him that a man who is awake, but is merely keeping quiet, is capable of establishing a Shabbat residence through his mere presence in the chosen location. **Rather**, they only differ with him **in** the case of a **sleeping man, who is unable to say**, “my Shabbat residence shall be in my place.” **But** regarding a man who is **awake, who if he wished to, he would be able to say** it, they agree that **even though he does not say it, it is as though he said it**.

Said i.e. asked **Rabbah the son of Rav Chanin to Abaye: Has the Master** i.e. Rabbah **heard of that which was taught** in a Baraita: “**A man may not walk on Shabbat to the end of his field in order to know what it needs. Similarly...**”

defines his *shevitah* as the location of the *eiruv*, rather than as his location at the beginning of the day.

CHAVRUTA

EIRUVIN – DAF LAMED TET

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[“A man may not walk on Shabbat to the end of his field in order to know what it needs to have done for it the next day. Similarly,] a man may not walk on Shabbat or Yom Tov at the edge of a city in order to enter a bathhouse there immediately after nightfall.” It seems that Rabbah must not have heard this Baraita, otherwise he would have retracted his view. For Rabbah holds that it is permitted to walk to the site of the second day’s *eiruv* on the first day, so long as the *eiruv* is not actually established till the onset of the second day. Whereas from this Baraita it appears that even to walk to a place on Shabbat or Yom Tov in order to do something after the conclusion of the day is considered a forbidden preparation.

*

The Gemara rejects this: **It is not so.** He did hear of it, and nevertheless **did not retract his view.** He did not have to retract his view **because there,** in the Baraita, **it is clear** that he came to the field, or the city’s edge, in order to prepare for post-Shabbat activities. But **here,** in the case of the *eiruv*, **it is not clear** that he is going there in order to create an *eiruv*. An onlooker could explain his presence there in other ways. **If he is a Torah scholar,** we might say that **his learning drew him** there. He was strolling, immersed in thinking about the topic he is studying, and did not intentionally go to that place. **If he is an ignoramus,** we might say that **he lost a donkey** and is merely trying to locate it.

The Gemara returns to an earlier topic. Regarding the previously-mentioned statement itself: **Said Rav Yehudah:** If he “set up an *eiruv* with his feet on the first day”, he must “set up an *eiruv* with his feet” on the second day. If he set up an *eiruv* with

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bread on the first day, he must set up an *eiruv* with bread on the second day. Alternatively, **if he set up an *eiruv* with bread on the first day, he may “set up an *eiruv* with his feet” on the second day.** But **if he “set up an *eiruv* with his feet” on the first day, he may not set up an *eiruv* with bread on the second day, for one may not set up an *eiruv* with bread for the first time on Yom Tov, for the sake of the adjacent Shabbat.**

The Gemara sums up: **If he set up an *eiruv* with bread on the first day, he may set up an *eiruv* with bread on the second day.**

Said Shmuel: And specifically with that bread. If he uses new bread, it is considered setting up an *eiruv* with bread for the first time.

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Said Rav Ashi: The fact that one must use the same bread for the *eiruv* of both days **is also implied by our Mishnah. For it was taught in the Mishnah: What should he do?** The messenger should **take the *eiruv* at the beginning of the first day to the desired location, and wait for it to get dark.** Then, once it has become dark and Shabbat has begun, he may **take it and come home.** He should then bring the *eiruv* back to that location towards the end of the first day, **wait for it to get dark,** and he may then **eat the *eiruv* and come home.**

From this Mishnah, we see that the messenger must use the same bread for the *eiruv* of the second day as for the first, and this is why the Mishnah insists upon his taking it home once the first day has begun and bringing it back for the start of the second day.

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But what about the **Rabbis?** Why weren't Abaye and Rabbah the son of Chanin, who held that one may not do anything at all on Shabbat to prepare for the day following it,

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bothered by this point in the Mishnah? Because they could argue that **perhaps there** in the Mishnah, **it is teaching us a piece of good advice**. In order to avoid losing his bread and having to trouble himself to arrange another one on Shabbat, the Mishnah advises him to bring the first bread home.

Mishnah

Whereas the previous Mishnah discussed Yom Tov and Shabbat which are adjacent, this Mishnah discusses the laws governing the two days of Rosh Hashanah. According to Rashi, it refers specifically to the era when the Rabbinical court established the date of Rosh Chodesh (and Rosh Hashanah) on the basis of the sighting of the new moon, before the calendar now in use was established. During this era, Rosh Hashanah was a one-day Yom Tov, but it was not known in advance which day it would fall on.

Rabbi Yehudah says: On the topic of **Rosh Hashanah**. If there is someone outside of the land of Israel **who was concerned lest** the month of Elul **be declared full** i.e. to have thirty days, rather than twenty nine, what may he do with his *eiruv*, taking advantage of both possible dates of Rosh Hashanah?

Such a **man** may **set up two *eiruvim***, one to the east and one to the west, and say, “**My *eiruv* on the first day is to the east, and my *eiruv* on the second day is to the west.**” Or he may say, “**My *eiruv* on the first day is to the west, and on the second day my *eiruv* is to the east.**” Or, if he prefers, he may set up just one *eiruv* and say, “**My *eiruv* will function on the first day, and on the second day I shall be like the residents of my city.**” Finally, he may set up just one *eiruv* and say, “**My *eiruv* will function on the second day, and on the first day I shall be like the residents of my city.**” And the Sages did not agree with him, with Rabbi Yehudah.

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And Rabbi Yehudah said further: If someone has a basket of untithed fruits on Rosh Hashanah, what may he do in order to eat them during Rosh Hashanah? Such a **man** may **make a stipulation regarding the basket on the first** day of **Yom Tov** of Rosh Hashanah, saying: “If today is a weekday, then I now intend to separate trumah¹. But if today is Yom Tov, then what I now do will have no significance.” He then designates trumah, in accordance with this stipulation. On the second day, he says: “If yesterday was Yom Tov and today is a weekday, then that which I merely designated yesterday as trumah should now actually be trumah on the rest. If, on the other hand, today is Yom Tov and yesterday was a weekday, then it already became trumah yesterday.” **And** he may then **eat it** i.e. the contents of the basket, aside from what was designated as trumah, **on the second** day of Rosh Hashanah. **And likewise, an egg laid on the first** day of Rosh Hashanah **may be eaten on the second** day². **And again, the Sages did not agree with him,** with Rabbi Yehudah.

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Rabbi Dosa the son of Harkinas said: One who goes to stand before the Ark i.e. he leads the prayers **on the first day of Yom Tov of Rosh Hashanah should say** the prayer: “**Strengthen us, Hashem our G-d, on this day of Rosh Chodesh³, whether today or tomorrow.**” I.e., whether Rosh Chodesh is today or tomorrow, strengthen us on Rosh Chodesh. **And the next day he should say,** “Strengthen us etc...**whether today or yesterday.**” **And the Sages did not agree with him,** with Rabbi Dosa the son of Harkinas.

¹ 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.

² By Rabbinic decree, an egg laid on Shabbat or Yom Tov may not be eaten on that same day.

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Gemara

The Gemara explains: **Who** are the Sages that **did not agree with him**?

Said Rav: It is Rabbi Yosi. For **it was taught** in a Baraita: **The Sages⁴ agree to Rabbi Eliezer in** regards to **Rosh Hashanah, that** if there is someone outside of the land of Israel **who was concerned lest** the month of Elul **be declared full**, what may he do? Such a **man** may **set up two *eiruv***, one to the east and one to the west, and say, “**My *eiruv* on the first day is to the east, and my *eiruv* on the second day is to the west.**” Or he may say, “My *eiruv* **on the first day is to the west, and on the second day my *eiruv* is to the east.**” Or, if he prefers, he may set up just one *eiruv* and say, “**My *eiruv* will function on the first day, and on the second day I shall be like the residents of my city.**” Finally, he may set up just one *eiruv* and say, “**My *eiruv* will function on the second day, and on the first day I shall be like the residents of my city.**” But **Rabbi Yosi forbids this.**

The Sages hold that people outside of the land of Israel observe two days of Rosh Hashanah purely out of doubt as to which day was, in fact, declared Rosh Hashanah by the Rabbinical court. Whereas Rabbi Yosi holds that when witnesses who saw the new moon arrive on the first day of Rosh Hashanah after the afternoon daily offering has

³ Rosh Hashanah is actually the Rosh Chodesh of the month of Tishri.

⁴ The reference is to the Sages of the earlier Mishnah, who held that when Shabbat immediately follows Yom Tov, the two days are considered one unit, and differed with Rabbi Eliezer, who held that they are two units.

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already been brought, the court declares *both* days as Rosh Hashanah. In such a case, they are considered as one unit, and one *eiruv* must either function for both days or not at all.

Said Rabbi Yosi to them: Don't you agree that if witnesses arrive after the bringing of the afternoon daily offering, that we then observe that day as Yom Tov, and also the following day as Yom Tov?

Ammud Bet

The Gemara explains why the Sages do not accept Rabbi Yosi's argument: **And the Rabbis** i.e. the Sages who disagree with Rabbi Yosi would answer that **there**, in the case that witnesses arrive after the afternoon daily offering, the first day is observed not as an actual Yom Tov. Rather, it is observed only **in order that** people **not become lax about it**. I.e. people might treat the thirtieth day of Elul of the next year as a weekday, assuming that things will be as last year, when witnesses might in fact come earlier in the day, rendering it the true Rosh Hashanah.

The Gemara quotes the line of Mishnah which it intends to discuss: **And Rabbi Yehudah said further** etc.

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We need both cases to be mentioned, **for if** he had **taught us** only that a man may make two *eiruvim* on **Rosh Hashanah, I would think** that **in this** case alone **Rabbi Yehudah said** that it is permitted, **because he did not do anything**. He did not set up the *eiruvim*

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on Rosh Hashanah, but beforehand, and therefore Rabbi Yehudah permits him to make the *eiruv*.

But in the case of the **basket** of *tevel*⁵ fruits, **where** he is doing an act that **appears like “fixing” tevel**, I would say that he admits to the Rabbis that it is forbidden. And if he had **taught us** only **these two** cases, I would think he permits them **because there is no reason to make Rabbinic decrees concerning them**. But in the case of the egg, **where there is reason to make a Rabbinic decree concerning it**, because of “falling fruits⁶,” and also because of “liquids that flowed⁷,” I would say that he admits to the Rabbis. Therefore, it was **necessary** to mention each of these cases.

It was taught in a Baraita: **How** i.e. in what manner **did Rabbi Yehudah say** that a man may make a stipulation on the basket on the first day of Yom Tov in order to designate trumah **and eat it on the second day?**

If there were **two baskets of tevel in front of him**, he may say: **If today is a weekday and tomorrow is holy**, then **this one is trumah on that one**. And if today is holy and tomorrow is a weekday, my words shall have no effect. **He calls it by this name** of conditional trumah, **and sets it aside**.

The next day, he should say: If today is a weekday then this one is trumah (the same one he designated as trumah the previous day) **on that one, and if today is holy, my words shall have no effect**, for it already became trumah yesterday. **And he calls it by this name, and he may eat it**.

⁵ Untithed produce

⁶ This is a Rabbinic decree which states that if fruits fall off a tree on Shabbat or Yom Tov, we are not permitted to make use of them during that day. If not for Rabbi Yehudah's statement, I might have thought that an egg laid by a chicken is comparable to that decree.

⁷ This is a Rabbinic decree which states that if liquids seep out of a fruit by themselves on Shabbat or Yom Tov, we may not make use of the liquids during that day. Again, if not for Rabbi Yehudah's statement, I might have thought that an egg was laid by a chicken is comparable to that decree.

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Rabbi Yosi forbids him to do this. **And likewise, Rabbi Yosi used to forbid** him to do this **on the two days of Yom Tov of exiles** i.e. of Jews who live in the Diaspora. Certainly the court declared only one day to be the beginning Yom Tov of Pesach or Succot, and the Jews of the Diaspora observe two days of Yom Tov only out of doubt. Nevertheless, Rabbi Yosi still regards both days as one unit, and forbids them to designate trumah on condition.

There was a certain young deer, which had been captured on the first day of Yom Tov of exiles, that was brought to the house of the Exilarch. Gentiles had captured it in on behalf of Jews. (In general, we rule that a Jew may not benefit on Shabbat or Yom Tov from work performed by a gentile on his behalf. The Jew must wait until Shabbat or Yom Tov has ended, plus enough additional time so that the act of work could theoretically have been done after Shabbat or Yom Tov.) **And it** the deer **was slaughtered on the second day of Yom Tov.**

Rav Nachman and Rav Chisda ate of the meat, and **Rav Sheshet did not eat** of it.

Said Rav Nachman, “What happened to Rav Sheshet that he decided that he shall not eat deer meat?” Since Rav Nachman held that the two days of Yom Tov are two separate units, he considered it perfectly permissible to eat the meat of the deer, and was therefore puzzled by the behavior of Rav Sheshet.

Said Rav Sheshet to him, “How should I eat? For Isi taught in a Baraita...” According to a Baraita that will be quoted shortly, it was forbidden to eat this meat on the second day of Yom Tov. **And some say** that he said, **“Didn’t Isi teach** in a Baraita...?”

PEREK 3 – 39B

This is the Baraita: **And likewise, Rabbi Yosi used to forbid him to do this on the two days of Yom Tov of exiles.** Rabbi Yosi regards both days as one unit; therefore, it would not be permitted to eat the meat of the deer until some time after the end of the second day of Yom Tov.

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Said Rava: What is the question? Perhaps Isi meant to say this: **“And likewise, Rabbi Yosi used to forbid him to designate trumah conditionally on the two days of Yom Tov of Rosh Hashanah in the Diaspora.”** But he never meant to extend this law to other holidays.

The Gemara is puzzled by Rava’s interpretation: **If so,** why did Rabbi Yosi say **“of exiles?”** Rosh Hashanah, unlike other holidays, is often observed for two days even in Jerusalem. If Rabbi Yosi meant to apply this law only to Rosh Hashanah, why did he call it a Yom Tov of exiles? **He should have said “in the Diaspora.”** For it is indeed observed more commonly in the Diaspora, although it is not exclusively “of exiles”.

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Another attempt to refute Rav Sheshet: **Said Rav Asi: What is the question? Perhaps** Isi meant to say this. **“And likewise, Rabbi Yosi used to treat the supposed prohibition of two days of Yom Tov of exiles as if it were the non-prohibited two days of Yom Tov of Rosh Hashanah according to the Rabbis, who permit** a man to set up two separate *eirubin* for the two days of Rosh Hashanah. In other words, just as the Rabbis leniently treat the two days of Rosh Hashanah as two units, so too does Rabbi Yosi permit one to do so for the two days of Yom Tov in the Diaspora, since even he agrees that they are two separate units.

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PEREK 3 – 39B

Rav Sheshet came across Rabbah the son of Shmuel. He said to him, “Has the Master taught any Baraita that discusses sanctities?” Do you know any Baraita that discusses whether the two days of Yom Tov of exiles are one unit or two?

He said to him: I teach the following Baraita on the topic. **Rabbi Yosi admits** that it is permitted to make two separate *eiruvim* **on the two days of Yom Tov of exiles**, since they are two units.

Said to him Rav Sheshet: If you come across them i.e. Rav Nachman and Rav Chisda, who did eat the deer meat on the second day of Yom Tov, **do not tell them anything** about this Baraita. If you do, they might embarrass me for not agreeing to eat the meat.

Said Rav Ashi: Ameimar said to me: That deer that Rav Sheshet refused to eat **was not captured** on the first day of Yom Tov, and then subsequently slaughtered on the second day of Yom Tov.

CHAVRUTA

EIRUVIN – DAF MEM

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

[Said Rav Ashi: Ameimar said to me: That deer that Rav Sheshet refused to eat **was not captured** on the first day of Yom Tov, and then subsequently slaughtered on the second day of Yom Tov.] **Rather, it came from outside the Shabbat boundary** i.e. a non-Jew brought it from outside the Shabbat boundary, for the Exilarch. And it was eaten the day it was brought. **Those who ate** the meat on the second day of Yom Tov—Rav Nachman and Rav Chisda—**held** that in regards to something that **comes** from outside the Shabbat boundary **for the sake of a certain Jew**, only that Jew is forbidden to use it during the Yom Tov. But **it is permitted for another Jew** to make use of it. Therefore, although the Exilarch himself would not have been permitted to eat it, they were permitted.

The one who did not eat the meat—Rav Sheshet—**held** that **anything that comes** i.e. is brought **for the house of the Exilarch** is brought **with all the scholars in mind**. Since there were always scholars hosted as guests in the house of the Exilarch, whoever brought food there obviously expected they would eat some of it. Therefore, it was brought for him too, and he was not permitted to eat of it during Yom Tov.

The Gemara is puzzled by Ameimar's assertion to Rav Ashi: **But Rav Sheshet came across Rabbah the son of Shmuel and said to him**, “Has the master taught any Baraita that discusses sanctities?” According to Rav Ashi, why was Rav Sheshet interested in investigating whether the two days of Yom Tov are one unit or two? According to this version, the deer was eaten the same day it was brought, and the interrelationship of the two days of Yom Tov is irrelevant.

The Gemara answers: **It never happened**. According to Ameimar, Rav Sheshet never had the discussion with Rabbah the son of Shmuel which appears on 39b.

PEREK 3 – 40A

There was a shipment of turnips that came i.e. was brought by gentiles **to Mechuza**¹ on Yom Tov. **Rava went out and saw that** they were **withered**. **Rava permitted** people **to buy from it** i.e. to take from it, on the understanding that it will be paid for after Yom Tov. **He said:** Since the turnips are withered, the shipment **was certainly harvested yesterday**, before Yom Tov.

What reason shall you say, to forbid it? Because **it came from outside the Shabbat boundary**.

But this is not sufficient grounds to forbid the shipment. Because something **that comes** from outside the Shabbat boundary **for this Jew, is permitted to be eaten by another Jew**. **How much more so** is this true **here**, where the shipment **came** with the **expectation that gentiles** would eat from it. The merchants who brought the turnips did not bring them for the Jews of the city, but for the gentile populace of the city.

But, **when Rava saw that they were increasing** the quantities of turnips **and bringing and bringing them** i.e. the gentile merchants were bringing in larger amounts of turnips, **he forbade them** to buy the turnips. Since they were now being brought from outside the Shabbat boundary with the expectation that Jews would eat from them on Yom Tov, it became forbidden to eat them.

There were some Jewish canopy-makers, that the gentiles **cut myrtle**² **for them on the second day of Yom Tov**, since a bridegroom's canopy would be decorated with myrtle branches. **That evening, Ravina permitted them to smell the myrtle immediately**.

¹ One of the major Babylonian Jewish communities of the time. Rava was the local authority.

² They would put myrtle in some beds as a decoration.

PEREK 3 – 40A

The second day of Yom Tov is relatively lenient; therefore, he did not require them to wait the amount of time it would take to cut some myrtle after Yom Tov.

Said Rava the son of Tachlifa to Ravina: Let the Master forbid the canopy-makers to smell the myrtle until it is late enough that they could have harvested them after Yom Tov. Not because the second day of Yom Tov carries this stringency, but **because they** the canopy-makers **are not studious**³, and if you allow them to be lenient in this case, they might come to be generally lenient with the second day of Yom Tov, regarding other matters as well.

Rav Shemaya challenged it: This implies that the **reason** is only **that they are not studious**, but for people who are **studious, it is permitted**. **But** this is not the case; **we do require “enough time to do it”** according to the basic Halachah.

They went and asked it of Rava. Do the canopy-makers need to wait “enough time to do it” or not?

He said to them: We require “enough time to do it”.

The Mishnah taught: **Rabbi Dosa** the son of Harkinas said: One who goes to stand before the Ark i.e. he leads the prayers on the first day of Yom Tov of Rosh Hashanah should say the prayer: “Strengthen us, Hashem our G-d, on this day of Rosh Chodesh⁴, whether today or tomorrow.” I.e., whether Rosh Chodesh is today or tomorrow, strengthen us on Rosh Chodesh.

And the next day he should say, “Strengthen us etc...whether today or yesterday.” And the Sages did not agree with him, with Rabbi Dosa the son of Harkinas.

³ *Bnei Torah*

PEREK 3 – 40A

Said Rabbah: When we were in the House of Study of Rav Huna, we asked: **What is it** i.e. what is the Halachah—ought we **to mention Rosh Chodesh** in the prayers of **Rosh Hashanah**, saying “This day of Rosh Chodesh and this Day of Remembrance,” or not?

On the one hand, **since they differ in their *mussafin***⁵, perhaps **we should say** it. Since the day has the character of Rosh Chodesh as well as that of Rosh Hashanah, and the two are not identical, both should be mentioned in the prayers. **Or perhaps one mention of remembrance suffices for both?** Since the Torah uses the word “remembrance” in connection with Rosh Chodesh⁶ as well as in connection with Rosh Hashanah, perhaps saying only “this Day of Remembrance” should suffice for both.

He Rav Huna said to us: It was taught in our Mishnah, which states that **Rabbi Dosa says:** One **who goes to stand before the Ark** on the first day of Yom Tov of Rosh Hashanah, should say the prayer: “Strengthen us, Hashem our G-d, on this day of Rosh Chodesh, whether today or tomorrow.” But the Sages did not agree with him. **Why not** say that the Sages held that there is no need **to mention** Rosh Chodesh separately from Rosh Hashanah? And the Halachah generally follows the view of the Sages.

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Rabbah rejected Rav Huna’s understanding of the Mishnah: **No!** The Sages do not hold that there is no need to mention Rosh Chodesh. Rather, they hold that it is not necessary **to make a stipulation** in the wording of the blessing, by saying “whether today or tomorrow.”

⁴ Rosh Hashanah is actually the Rosh Chodesh of the month of Tishri.

⁵ On Rosh Chodesh, Shabbat, and Yom Tov, special “additional” sacrifices, called “*mussafin*”—literally, additions—were brought. The *mussaf* for Rosh Chodesh differs from that of Rosh Hashanah. Therefore, since Rosh Hashanah is also Rosh Chodesh, it was necessary to bring both the *mussaf* of Rosh Chodesh and that of Rosh Hashanah.

⁶ Vayikra 10:10

PEREK 3 – 40A

The Gemara supports Rabbah's interpretation: **This stands to reason, because it is taught in a Baraita: So did Rabbi Dosa do on every Rosh Chodesh of the year, and the Sages did not agree with him.**

If you say they were differing over whether there is a requirement **to make a stipulation, it is all right. For this reason** the Sages **did not agree to him** in regards to every Rosh Chodesh of the year, although it would be plausible to make the stipulation every Rosh Chodesh, since every Rosh Chodesh entails a similar uncertainty involving two possible days.

However, if you say that they differed over whether **to mention** Rosh Chodesh on Rosh Hashanah, **why did** the Sages **not agree to him** in regards to every other Rosh Chodesh of the year? Surely Rosh Chodesh should be mentioned on every Rosh Chodesh, other than that of Rosh Hashanah.

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The Gemara is puzzled by this: **Rather, what** do you wish to say? That they differ over whether **to make a stipulation**. If so, **why do I need** them **to differ twice?** Why do we need a Mishnah discussing Rosh Chodesh/Rosh Hashanah, as well as a Baraita discussing every other Rosh Chodesh? Rather, there must be two separate disagreements: one concerning whether to mention Rosh Chodesh on Rosh Hashanah, and another concerning whether to make a stipulation in the prayer on every other Rosh Chodesh.

The Gemara responds: It is **necessary** to have them differ twice, even if it is only about whether to make a stipulation. **For if it had taught us** the disagreement over stipulation only in the case of **Rosh Hashanah, I would have said** that only **in this case the Rabbis** i.e. the Sages **say that** one should **not** make a stipulation in the prayer, **because** people might come **to treat it** i.e. Rosh Hashanah **lightly**. Since they are saying “whether today

PEREK 3 – 40A

or tomorrow,” people might rationalize that “today might not be Rosh Hashanah,” and come to desecrate the Yom Tov in one way or another. **But on every other Rosh Chodesh of the entire year, I would say that they agree to Rabbi Dosa**, since no harm will come from the stipulation. Therefore, the Baraita needs to inform us that they differ with him not only in regards to Rosh Hashanah, but even in regards to every Rosh Chodesh.

And if it had only been stated that they differ **in this** case regarding an ordinary Rosh Chodesh, I would think that only **in this** case, where no harm will come from it, **Rabbi Dosa says** that one should make a stipulation the prayer. **But in that** case, of Rosh Chodesh/Rosh Hashanah, **I would say that he agrees to the Rabbis**, lest people begin to be overly lenient with Rosh Hashanah.

Therefore it is **necessary** for both the Mishnah and the Baraita to be taught.

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They contradicted him, Rabbah, from a Baraita: On a **Rosh Hashanah that falls on Shabbat, Beit Shammai say:** He must **pray ten** blessings in the *Amidah*⁷ prayer of *Mussaf*. The first three and the last three are as usual. In the middle section, he must recite a separate blessing mentioning Shabbat, as well as the three blessings unique to the *Mussaf* of Rosh Hashanah (*malchuyot*, *zichronot* and *shofarot*). Altogether, ten blessings. **And Beit Hillel say:** He must **pray nine** blessings. Instead of adding a tenth blessing discussing Shabbat, Beit Hillel hold that phrases mentioning Shabbat are simply added where the sanctity of Rosh Hashanah is mentioned, in the blessing of *malchuyot*.

The Gemara now brings out the contradiction: **And if it is true** that Rabbi Dosa and the Sages agree on the point that Rosh Chodesh must be mentioned on Rosh Hashanah, then **it this Baraita should say, “Beit Shammai say:** He must pray **eleven** blessings.” Just as

⁷ The prayer commonly called *shemoneh esrei*.

PEREK 3 – 40B

Shabbat warrants the addition of a blessing, so Rosh Chodesh should also warrant the addition of a blessing.

Ammud Bet

Said Rabbi Zeira: Rosh Chodesh is different: since it is included in the standard Rosh Hashanah prayers of *shacharit*⁸ and *arvit*⁹, without need for a special blessing, it **is included also** in the standard Rosh Hashanah prayer of *mussaf*. I.e. Rosh Chodesh does not warrant a separate blessing the same way that Shabbat does. For should Rosh Chodesh fall on Shabbat, it does not warrant a special blessing. Even in *mussaf* of Shabbat, Rosh Chodesh and Shabbat are mentioned together in the same blessing.

Though Shabbat itself does not warrant a special blessing in the standard Rosh Hashanah prayers of *shacharit* and *arvit*, yet Beit Shammai still say that Shabbat does require a separate blessing in the *mussaf* of Rosh Hashanah, Shabbat has reason to warrant a separate blessing, for the following reason:

When Shabbat comes, the middle section of the daily *amidah* prayer is replaced by a special blessing mentioning Shabbat, even in *shacharit* and *arvit*. But this not so with Rosh Chodesh, which is merely included in the standard daily prayers of *shacharit* and *arvit*, without a separate blessing. This shows that Shabbat merits a special, separate blessing, whereas Rosh Chodesh does not.

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The Gemara raises a difficulty: according to this reasoning, Beit Shammai should hold that when Rosh Chodesh falls on a Shabbat, the mention of Rosh Chodesh should be

⁸ The morning prayer

PEREK 3 – 40B

included in the blessing that mentions Shabbat. **Does Beit Shammai really hold** that Rosh Chodesh is **included** in the blessing of Shabbat, in such a case?

But it was taught in a Baraita: On a **Rosh Chodesh that falls on Shabbat, Beit Shammai say:** He must **pray eight** blessings in *mussaf*. In addition to the blessing that mentions Shabbat, Beit Shammai hold that he must add an additional blessing mentioning Rosh Chodesh. **And Beit Hillel says:** He must **pray seven** blessings. The mention of Rosh Chodesh is included in the blessing that mentions Shabbat.

The Gemara concludes: this is indeed a **difficulty** with the answer of Rabbi Zeira. It is more plausible that Beit Shammai did not designate a blessing for Rosh Chodesh in the *mussaf* of Rosh Hashanah because they held that, in fact, it is not mentioned at all—as Rav Huna said before.

The Gemara says: The concept of “**including**” **itself**, i.e. that when Rosh Chodesh falls on Shabbat, it is included in the blessing that mentions Shabbat, is subject to a disagreement of **Tannaim**.

For it was taught in a Baraita: On a **Shabbat that falls on Rosh Chodesh or *chol hamoed***¹⁰, **in arvit, shacharit, and minchah**¹¹, he must **pray seven** blessings, **as is normal** for every Shabbat; **but** he should **mention the special occasion** i.e. Rosh Chodesh or *chol hamoed*, **in the *avodah***¹² **blessing**, in the paragraph of *ya'aleh veyavo*. This is just as he would on a weekday.

⁹ The evening prayer

¹⁰ The intermediate days of Passover and Succot.

¹¹ The afternoon prayer.

¹² *Retzei*.

PEREK 3 – 40B

Rabbi Eliezer says: He should mention the occasion in the *hoda'ah*¹³ blessing. For according to Rabbi Eliezer, *ya'aleh veyavo* is always mentioned in *modim*. **And if he did not say *ya'aleh veyavo*, we make him go back** to the beginning of the *amidah* and pray it again.

And in regards to *mussaf*, he begins the fourth blessing with a mention of **Shabbat, and concludes it with** a discussion of **Shabbat, and speaks** about the **sanctity of the day** of Rosh Chodesh **in the middle**. This Tanna holds that with the exception of *mussaf*, we do not “include” references to Rosh Chodesh in the blessing for Shabbat. Rather, we place them in another blessing, either the blessing of *avodah* or the blessing of *hoda'ah*.

Rabban Shimon the son of Gamliel and Rabbi Yishmael the son of Rabbi Yochanan the son of Broka say: Anywhere that he needs to say seven blessings, **he starts with** a mention of **Shabbat, and concludes with** a mention of **Shabbat, and speaks** about the **sanctity of the day** of Rosh Chodesh **in the middle**. These Sages hold that in every *amidah* we “include” references to Rosh Chodesh in the blessing for Shabbat.

*

What is the Halachah in regards to it? When it comes to the Rosh Chodesh that falls on Rosh Hashanah, do we “include” references to Rosh Chodesh in the middle blessing?

Said Rav Chisda: One mention suffices for both. Rosh Chodesh does not need to be mentioned separately.

And likewise said Rabbah: One mention suffices for both.

¹³ *Modim*

PEREK 3 – 40B

And said Rabbah: When I was in the house of study of Rav Huna, we asked: What is the Halachah regarding **saying** the blessing for a special **time** i.e. the blessing of *shehecheyanu* **on Rosh Hashanah and Yom Kippur?** Do we say: **since they come** only at **long intervals**, we say the blessing for a special time. Or perhaps we say: **since they are not called “pilgrimage festivals” (*regalim*)**, which require a special visit to the Temple in Jerusalem, **we do not say** the blessing.

Rav Huna **did not know** the answer.

And when I i.e. Rabbah **came to the house** of study of Rav Yehudah, **he said:** Even on a **new gourd** i.e. upon seeing a gourd for the first time of the growing season, **I say** the blessing for a special **time**. Certainly we should say it regarding Rosh Hashanah and Yom Kippur!

He Rabbah said to him Rav Yehudah: The fact that one has **permission** to say the blessing regarding Rosh Hashanah and Yom Kippur **is not a question to me**. Of course one *may* say the blessing. What was a **question to me** was whether one has an **obligation** to say it. **What** is the halachah?

He Rav Yehudah said to him Rabbah: Rav and Shmuel both said: One only says the blessing for a special **time on the three *regalim***. There is no obligation to recite the blessing on Rosh Hashanah and Yom Kippur.

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They the scholars of the study hall **contradicted** this, from a Baraita. It is written in Scripture, **“Give a portion to seven and also to eight.”** Rabbi Eliezer says: **“Seven”** is a reference to the **seven days of Creation**. Of the seven days of Creation, one, Shabbat, is elevated above the others. **“Eight”** is a reference to the **eight days of circumcision**. Of the first eight days of a newborn boy's life, the eighth is elevated by

PEREK 3 – 40B

being designated for his circumcision. **Rabbi Yehoshua says: “Seven”** is a reference to the **seven days of Pesach**. The nature of the “portion” that is “given” to Pesach will be explained below.” **“Eight”** is a reference to the **eight days of Succot**. **And when it** i.e. the verse **says “also,”** the intention is to include **Shavu’ot, Rosh Hashanah and Yom Kippur**.

Why not say that Rabbi Yehoshua’s interpretation of the verse implies that on these days one must say the blessing for a special **time**, i.e. *shehecheyanu*? Thus we see that one must say the blessing even on Rosh Hashanah and Yom Kippur.

The Gemara rejects this: **No!** He meant that all of these days have the same conclusion to the middle **blessing** in the *Amidah*: “...He Who sanctifies Israel and the appointed times.”

This interpretation **also stands to reason, for if you would assume** that the reference is to the blessing for a special **time, is there** a blessing for a special **time** on **all seven** days of Pesach? We only say the blessing on the first day. Therefore, the reference must be to the middle blessing of the *amidah*, which is said in all prayers of the first and last days of Pesach, and in the *mussaf* prayer of the intermediate days as well.

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The Gemara rejects the objection that was raised to the first interpretation: **That is not a difficulty**. Although one does not repeat the blessing each day, **if he did not bless now** i.e. on the first day, **he blesses tomorrow or on a later day**. Rabbi Yehoshua did not mean that one says the blessing of *shehecheyanu* on each day of Pesach or Succot. Rather, he meant that if one forgot to say it on the first day, he may still say it on a later day.

PEREK 3 – 40B

The Gemara is puzzled by this explanation: **Nevertheless, we need** to say the blessing while holding a **cup** of wine, and not everyone has a cup of wine available after the first day. **Let us suggest** that this is a **support** to the ruling of **Rav Nachman, for Rav Nachman said: He may say** the blessing for a special **time even** while walking **in the marketplace**. Yet this source was never mentioned as a proof for Rav Nachman's view, implying that we have not correctly interpreted the source.

The Gemara answers: **This is not a difficulty**. Even if we do not accept Rav Nachman's ruling, we can explain the Baraita as referring to a case where **a cup** of wine **came to him**. I.e., he happens to have a cup of wine, even though it is no longer the first day of the holiday.

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The Gemara poses yet another difficulty with saying that Rabbi Yehoshua is referring to the blessing of *shehecheyanu*. **It is fine** to say this in reference to **Shavu'ot and Rosh Hashanah**, but on **Yom Kippur what does he do?** Since he needs to drink a cup of wine when he says the blessing of *shehecheyanu*, and Yom Kippur is a fast day, how can Rabbi Yehoshua rule that he must say the blessing then?

If he says the blessing of *shehecheyanu* **on it**, even before sunset on the Eve of Yom Kippur **and drinks it** i.e. the cup of wine, he will have violated Yom Kippur—**since when he said** the blessing on a special **time, he** thereby **accepted it** the sanctity of Yom Kippur upon himself, even though it is still a little early. **And** it is henceforth **forbidden for him** to drink anything due to the sanctity of Yom Kippur. **For Rav Yirmeyah the son of Abba said to Rav: Did you separate** yourself from doing acts that are forbidden on Shabbat, after you accepted Shabbat early? **And he said to him: Yes, I separated** myself from doing them.

PEREK 3 – 40B

Regarding Yom Kippur, too, someone who accepts the day early is then obligated to observe all of the laws of the day.

Perhaps you will suggest that he should **say the blessing** on a special time **on it** i.e. the cup of wine **and** then **set it down** without drinking it? That would also be forbidden, for the Halachah is that **the one who says the blessing** of *shehecheyanu* on a cup of wine **must taste** i.e. drink from it. The blessing of *shehecheyanu* must be recited in conjunction with the blessing of *hagefen*¹⁴, and once that blessing has been recited, someone—but not necessarily the one who actually the blessing of *hagefen*—must drink some of the wine.

Thus we might suggest that the solution is as follows: he should **give it to a child** who may drink it. That, too, cannot be the explanation, for **the Halachah is not in accordance with the view of Rav Acha the son of Yaakov**¹⁵, and we are concerned that **perhaps he** the child **will follow** this precedent. I.e. perhaps when he grows up, he will continue to drink wine on Yom Kippur, not realizing that he was only permitted to do so at the time because he was just a child.

Therefore, Rabbi Yehoshua cannot be referring to the blessing of *shehecheyanu* on Rosh Hashanah and Yom Kippur, and must mean that the middle blessing of the *amidah* on all of these days has the same ending, as explained above.

Consequently we have no proof whether there is an obligation to recite the blessing of *shehecheyanu* on Rosh Hashanah and Yom Kippur.

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What is the Halachah in regards to it? Is one in fact obligated to say the blessing of *shehecheyanu* on Rosh Hashanah and Yom Kippur?

¹⁴ The blessing said before drinking wine.

PEREK 3 – 40B

The scholars sent Rav Yeiva¹⁶ to Rav Chisda on the day prior to Rosh Hashanah, and they said to him to Rav Yeiva, “Go and see what he Rav Chisda does, and then come back and tell us.”

When he Rav Chisda saw him Rav Yeiva, he said to him: Someone who picks up a damp piece of wood which is unsuitable for use as firewood must need its place. With this metaphor, Rav Chisda meant: I understand that you did not come here for nothing, but rather in order to see how I conduct myself in some matter.

They Rav Chisda’s attendants brought him a cup of wine. He made kiddush¹⁷ and said the blessing over a special time.

The Halachah is that one must say the blessing over a special time on Rosh Hashanah and Yom Kippur, and the Halachah is that one may say the blessing over a special time even in the marketplace, i.e. if one recalls while walking through the marketplace that one previously neglected to recite it, one may recite it then and there, although one is now without a cup of wine.

And said Rabbah: When I was in the house of study of Rav Huna, we asked: What is the Halachah regarding a disciple who is fasting on Friday? Should he complete his fast, or should he eat something just prior to Shabbat so that he not go into Shabbat while suffering?

Rav Huna did not know the answer.

¹⁵ Rashi states simply that this line is left unexplained.

¹⁶ Although the text of the Gemara that we have says "Rav Yemar," Rashi's version is "Rav Yeiva."

¹⁷ The blessing that mentions the sanctity of the day.

PEREK 3 – 40B

I came before Rav Yehudah, and he also did not know the answer.

Said Rava: Let us look into it. For it was taught in a Baraita: When Tish'ah b'Av¹⁸ falls on Shabbat...

¹⁸ The twenty-four hour fast day on the Ninth of Av.

CHAVRUTA

EIRUVIN – DAF MEM ALEF

Translated by: *Chavruta staff of scholars*

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[When Tish'ah b'Av¹ falls on Shabbat] and likewise when the day before Tish'ah b'Av falls on Shabbat, one may eat and drink as much as he needs, and he may serve on his table even a feast equivalent to those served by King Shlomo² in his time of greatness, i.e. a lavish banquet. And when Tish'ah b'Av falls on Friday, he does not conclude his fast. Rather, someone brings him a *kabeitzah*³ of food before Shabbat and he eats, in order that he not go into Shabbat while he is fasting.

And it was taught in a Baraita⁴: Said Rabbi Yehudah: One time we were sitting before Rabbi Akiva, and it was a Tish'ah b'Av that fell on Friday, and they brought him a soft-fried egg, and he swallowed it without salt—not because he wanted it, but in order to show the disciples the Halachah, that one does not complete a fast on Friday.

And Rabbi Yosi says: One fast and completes the fast. Rabbi Yosi said to them i.e. to the Rabbis who agreed with Rabbi Yehudah: Don't you agree with me that when Tish'ah b'Av falls on Sunday i.e. immediately after Shabbat, that he must break off his Shabbat meal during the daytime, and begin the fast then, even though it is still Shabbat?

They said to him: Yes.

He said to them: What is the difference between going into it Shabbat while he is fasting, and going out of it Shabbat while he is fasting?

¹ The twenty-four hour fast day on the Ninth of Av.

² Solomon

³ *Kabeitzah*: 1.8 fluid oz. or 56 cu. cm.

⁴ This Baraita is also being cited by Rava.

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They said to him: The two are not comparable. Even **if you say** that it is permitted **to go out of it** Shabbat while fasting, there is a good reason for it. **For note that he ate and drank the whole day!** Thus, curtailing the end of his last meal does not cause him suffering. Does it follow that **you will say** that it is permitted **to go into it while he is fasting, when he did not eat or drink the whole day**, and indeed he is suffering from lack of food and drink?

Rava concludes his proof: **And Ula said:** The **Halachah is in accordance with** the view of **Rabbi Yosi**. Therefore, we see that one completes a fast on Friday.

*

The Gemara raises a difficulty to the above conclusion: **Do we actually act in accordance with Rabbi Yosi?** **They** the scholars of the study hall **posed a contradiction**, from a Mishnah⁵: **We do not decree a fast on the community on Rosh Chodesh, Chanukah or Purim. But if they already began** a series of fasts, they **do not break off** the series in order to avoid fasting on those days. These are the **words of Rabban Gamliel**.

Said Rabbi Meir: **Even though Rabban Gamliel** that they do not **break off** the series, he **used to agree that they do not complete** the fast that falls on one of those days. **And likewise**, when **Tish'ah b'Av falls on Friday**, they do not complete the fast.

And it was taught in a Baraita: **After the death of [Rabban Gamliel], Rabbi Yehoshua brought up** in the study hall this Halachah, with intention **to nullify his** Rabban Gamliel's **words**. For Rabbi Yehoshua held that they should complete the fast on Friday.

⁵ The last lines of the Mishnah that begins on *Ta'anit* 15a and concludes on 15b.

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Rabbi Yochanan the son of Nuri stood on his feet and said: It seems to me that the body should go after the head. With this metaphor, he meant: we must follow the opinion of the earlier authorities. **All the days of Rabban Gamliel, we established that the Halachah is in accordance with him, and now you seek to nullify his words? Yehoshua! We shall not listen to you, for the Halachah has already been established in accordance with the view of Rabban Gamliel. And no man disputed the matter at all.**

We see that the Tannaim concurred that we do *not* complete a fast that falls on Friday, contradicting the Gemara's conclusion that Halachah follows Rabbi Yosi's view.

*

The Gemara answers: **In the generation of Rabban Gamliel, it the accepted practice was done in accordance with the view of Rabban Gamliel. But in the generation of Rabbi Yosi, that followed the generation of Rabban Gamliel, it was done in accordance with Rabbi Yosi.**

The Gemara questions the above Baraita: **And is it true that in the generation of Rabban Gamliel, it the accepted practice was done like Rabban Gamliel?**

But it was taught in a Baraita: Said Rabbi Elazar the son of Rabbi Tzaddok: I am of the descendants of Sinah the son of Binyamin, who had the responsibility to bring wood for the Altar on the tenth day of Av. As a result, this day was a Yom Tov for them even after the destruction of the Holy Temple. One time, Tish'ah b'Av occurred on Shabbat, and the Sages delayed it the fast until after Shabbat, and we fasted on it the tenth day of Av, and we did not complete it, because it was our Yom Tov.

The Gemara analyzes the Baraita: The **reason that** they did not complete the fast was that the day of the fast was *on* a **Yom Tov; that** implies that if it had occurred **on the day**

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before a Yom Tov, they would have **completed** it. This shows that they completed a fast that fell before Yom Tov even in the times of Rabbi Elazar the son of Rabbi Tzaddok, who was a contemporary of Rabban Gamliel.

Said Ravina: It is different when it is a Yom Tov that was established on the basis of **their** the Sage's words. Such a Yom Tov is more lenient. **Since they may fast on it for hours** i.e. for less than the entire day, as the above Baraita testified, they also **complete** the fast **on the day prior to it**. But **Shabbat**, since they **may not fast on it for hours**, rather, the fast is delayed to Sunday, they also **do not complete** the fast **on the day prior to it**.

*

Said Rav Yosef, who had been ill, and had forgotten much of his Torah knowledge: **I have not heard this discussion**. He did not remember having previously heard that Ula held that the Halachah is in accordance with the view of Rabbi Yosi.

Said to him Abaye: **You said it to us, and you said it to us concerning this teaching:** It was stated in the above Mishnah: **We do not decree a fast on the community on Rosh Chodesh...**

Abaye quotes Rav Yosef as having said: **And we say about it: Said Rav Yehudah in the name of Rav:** **These are the words of Rabbi Meir, but the Sages say:** He fasts **and completes** the fast.

Why not say that on all of them, the Sages say he must complete the fast? Whether it is a fast that occurs on Rosh Chodesh, Chanukah, or Purim, or whether it is a Tish'ah b'Av that fell on Friday, the Sages hold that one must complete the fast.

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Since Rav said quoted this as being the opinion of “the Sages”—that is to say, the majority view—we understand that the Halachah follows suit, in accordance with Rabbi Yosi’s view.

*

The Gemara rejects this: **No.** The Sages did not mean that he must complete all of these fasts. Rather, they were only referring to Rosh Chodesh, **Chanukah, and Purim**, when one of a series of fasts falls on one of these days. But if Tish’ah b’Av falls on Friday, they hold that one does not complete the fast.

This interpretation also stands to reason.

Ammud Bet

For if you would assume that they are referring to **all of them**, you would have a problem: **Rabbah asked it**, this same question, **of Rav Yehudah⁶, and Rav Yehudah didn’t answer him.** Yet Rav Yehudah himself is the one who conveyed to us the view of the Sages. If he had understood them to be referring also to a Tish’ah b’Av that fell on Friday, he surely would have answered Rabbah’s question by quoting them. The fact that he did not indicates that he knew that the Sages did not mean to speak of this case.

*

The Gemara raises a difficulty: **According to your reasoning**, you should also challenge **that** statement which **Mar Zutra taught in the name of Rav Huna:** The **Halachah** is

⁶ 40b above

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that he must **fast and complete** the fast when Tish'ah b'Av falls on Friday. **But Rabbah asked it of Rav Huna⁷, and he did not answer him!**

Rather, you must explain that **this**, the question that was asked, came **before he** Rav Huna **heard it** the statement of Rav. **And that**, i.e. Rav Huna's teaching regarding the Halachah, came **after he heard it**. First Rabbah asked Rav Huna, and he did not know the Halachah. Then he heard the Halachah in the name of Rav, and later taught it to Mar Zutra.

Here, too, in the case of Rav Yehudah, **this** was **before he heard it**, and **that** was **after he heard it**.

Mar Zutra taught in the name of Rav Huna: The **Halachah** is that he must **fast and complete** the fast when Tisha b'Av falls on Friday.

Hadran Alach Bakol Me'arvin

We Will Return to You, Perek Bakol Me'arvin

⁷ ibid.

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Perek Mi Shehotzi'uhu

Mishnah

Someone who is in a deserted area at the onset of Shabbat has an area of four *ammot*⁸ in every direction. From that point on, he is permitted to walk up to two thousand *ammot*. If he is in a town at the onset of Shabbat, the entire town is regarded as his “four *ammot*.” From the town’s edge he may then walk another two thousand *ammot*. Likewise, someone in a fenced-in area at the onset of Shabbat may walk up to two thousand *ammot* from the fencing during Shabbat. The area in which he is permitted to walk during Shabbat is called the Shabbat boundary.

Someone who was removed by **gentile** bandits from the Shabbat boundary, **or** who left the Shabbat boundary while **insane, only has** permission to walk within **four *ammot*** of the spot where he finds himself.

If **they** i.e. the gentile bandits **returned him**, or if he returned while still insane, it is **as though he did not leave**. Since he is now within his original Shabbat boundary, he may walk through the entire Shabbat boundary.

*

If they, either the gentiles or his state of insanity, **made him go to another town**, or they **put him in an animal’s pen, or even in a particularly large pen, Rabban Gamliel and Rabbi Elazar the son of Azaryah say:** He may walk throughout **all of it**. These areas

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are considered as four *ammot*, thus he may walk throughout their entirety. **Rabbi Yehoshua and Rabbi Akiva say: He only has four *ammot*.** Notwithstanding that the entire town or fenced-in area is as four *ammot*, here it is different: he only came to the town or fenced-in area during Shabbat, and it is outside of his original Shabbat boundary. Thus he is only permitted to walk up to four *ammot* from the place at which he finds himself, not throughout the entire town or fenced-in area.

*

It once happened that the following Sages **were coming** i.e. traveling by sea from a place called **Plandarsin, and their ship traveled** outside the Shabbat boundary. **Rabban Gamliel and Rabbi Elazar the son of Azaryah walked throughout all of it** i.e. the ship, and **Rabbi Yehoshua and Rabbi Akiva did not move from four *ammot* of their spot, for they wanted to be stringent on themselves.**

*

The Halachah is that someone who is within the Shabbat boundary of a town at the onset of Shabbat is considered to have his residence within that town for Shabbat, even if he didn't realize at the time that he was nearby it.

One time they did not enter the harbor until dark. They said to Rabban Gamliel: **May we descend** from the ship during Shabbat? Were we within the Shabbat boundary of the town when Shabbat began, in which case we are considered to have our residence in the town, and we may descend from the ship, or were we outside the Shabbat boundary, in which case we may not leave the ship? He **said to them: You are permitted, for I was already gazing** when Shabbat began with a makeshift measuring instrument, **and I saw that we were within the Shabbat boundary before dark.**

⁸ 1 ammah: 18.7 in., 48 cm

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Gemara

The Rabbis taught in a Baraita: **Three things cause a man to go against his own will and the will of his Creator, and these are they: Gentiles, insanity, and the deprivations of poverty.**

The Gemara asks: **What** practical difference **comes out** from this teaching?

The Gemara answers: **To tell us to pray for mercy concerning them.** Since these three things cause a person to act wrongly, he should pray to be spared of them.

*

The Gemara continues the Baraita: **Three** types of people **do not see the face of Gehinom⁹, and these are they:** One who suffers **the deprivations of poverty, intestinal disease, and debtors. And some say: Even someone who has a bad wife.**

The Gemara explains: **And the other one**, i.e. the first view, why does he not hold that having a bad wife saves one from seeing the face of Hell? Because **it is a mitzvah to divorce a bad wife**, and once he has divorced her, he will no longer suffer because of her. **And the other one**, i.e. the second view, which includes the bad wife in the list, why does he not say that the man should divorce her? Because **sometimes her ketubah¹⁰ is excessive**, and he is unable to divorce her due to his inability to pay the sum fixed in her *ketubah*. **Alternatively, he has children from her, and he is unable to divorce her.**

The Gemara asks: **What** practical difference **comes out** from teaching this list?

⁹ Hell. Not only are they spared the punishment of Hell, they do not even have to view it from afar.

¹⁰ Predetermined settlement in case of divorce.

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The Gemara answers: It is **to** teach that one must **accept** these situations **with love**. Since these situations grant him such great atonement, he should accept them willingly.

*

The Baraita continues: **Three** types of people **die while they are** in the middle of **speaking** i.e. suddenly, **and these are they**: Someone who suffers from **intestinal disease, and woman in childbirth, and** someone who suffers from **hadroken**¹¹.

The Gemara asks: **What** practical difference **comes out** from teaching this list?

The Gemara answers: It is to teach us to **prepare supplies** i.e. shrouds **for them**.

Said Rav Nachman in the name of Shmuel: If he **left** his Shabbat boundary **intentionally, he only has** permission to walk within **four ammot**.

The Gemara raises a difficulty: This is **obvious!** Our Mishnah taught that even someone who **was removed by gentile** bandits **against his will only has** permission to walk within **four ammot**; does he even **need** to mention that this applies to someone **who left intentionally?**

Rather, I will say that this is what Rav Nachman actually said in the name of Shmuel: If he **returned** to his Shabbat boundary **of his own will**, in violation of the Halachah which requires him to remain within his four *ammot*, **he only has** permission to walk within **four ammot**. He does not regain permission to walk throughout the entire Shabbat boundary if he returned to it illegitimately.

¹¹ A kind of disease that afflicts the mouth.

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*

The Gemara again raises a difficulty: **That was also taught** in the Mishnah. For the Mishnah taught: **If they returned him**, it is as though he did not leave. This implies that only if *they* returned him is it as though he did not leave. **But if gentile bandits removed him, and he returned of his own will, he only has four *ammot*.**

Rather, I will say that Rav Nachman actually said this: If he **left** the Shabbat boundary **intentionally, and gentile bandits returned him, he only has** permission to walk within **four *ammot*.**

*

Again, the Gemara raises a difficulty: **That is also taught** in our Mishnah! For the Mishnah taught: Someone that gentile bandits **removed... and returned** is as though he **did not leave**. This implies that only if they both **remove him and return him** is it as though he **did not leave**. **But** if he **left intentionally**, even if gentile bandits then forcibly return him, it is **not** as though he did not leave.

The Gemara rejects this: **What would you have said?** You might have assumed that the Mishnah **taught** about **separate cases**, and that it should be read like this: **Someone that was removed by gentile bandits and returned of his own will only has** permission to walk within **four *ammot***. **But** if he **left intentionally and gentile bandits forcibly returned him**, it is as though he did not leave.

The teaching of Rav Nachman **informs us** that this is not the correct way to read the Mishnah.

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They **posed an inquiry to Rabbah**: If gentile bandits forcibly removed him from the Shabbat boundary, so that he only has permission to walk within the four *ammot* area, and **he needed to relieve himself, what** is the Halachah? Is he permitted to walk to some private area?

He **said to them**: **Great is human dignity, for it supersedes a prohibition in the Torah**. The Torah prohibition that is superseded is the one that obligates us to fulfill the words of the Sages: “You shall not turn aside from the matter that they will tell you...”¹² Thus, the Gemara is saying that human dignity supersedes a Rabbinic ordinance, such as the one prohibiting this man from walking more than four *ammot*.

*

The **Nehardean** scholars **say**: **If** the one who needs to relieve himself **is clever**, he will **enter the original Shabbat boundary** from which he was removed, while he is searching for a private place. And **since he has entered** the Shabbat boundary, he has **entered**. I.e. since he entered the Shabbat boundary permissibly, he regains permission to walk throughout its area.

Produce that was removed from its Shabbat boundary by a Jew may not thereafter, for the duration of that Shabbat, be moved more than four *ammot* from the spot upon which it sits. It is also forbidden to be eaten.

Said Rav Papa: **Produce that left its Shabbat boundary and returned** i.e. a Jew took it out and then brought it back in, **even** if he did so **deliberately, it has not lost its place**

¹² See *Brachot* 20b

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i.e. it is still regarded as being within the Shabbat boundary. Thus, one has permission to move it about anywhere within the Shabbat boundary. It may also be eaten.

Why? It was “forced”. The produce is judged as someone who was forcibly removed, and then returned, would be judged.

*

Rav Yosef the son of Shemaya contradicted Rav Papa, from a Baraita: Rabbi Nechemiah and Rabbi Eliezer the son of Yaakov say: It the produce is always forbidden, unless the following conditions are fulfilled:

1) **It returns**, i.e. is brought back, **to its place**.

2) **And** both the removal of the produce from the Shabbat boundary and its return was done **unintentionally**.

The Gemara brings out the point: If it is done **unintentionally**, then **yes**, the produce is permitted. But if it is removed and returned **deliberately**, then **no**, the produce is not permitted.

The Gemara answers: **It is a Tannaic disagreement. For it was taught** in a Baraita: **Produce that left its Shabbat boundary** and was not brought back, if it was removed **unintentionally, it may be eaten** where it is. But if it was removed **deliberately, it may not be eaten** by anyone.

CHAVRUTA

EIRUVIN – DAF MEM BET

Translated by: *Chavruta staff of scholars*

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[For it was taught in a Baraita: **Produce that left its Shabbat boundary** and was not brought back, if it was removed **unintentionally, it may be eaten** where it is. But if it was removed **deliberately, it may not be eaten** by anyone.]

Rabbi Nechemiah says:

If the produce that was taken out of the Shabbat boundary¹ was **in its place**, i.e. if it was returned to within the Shabbat boundary, you may **eat it**.

But if it is still **not in its place**, rather it is still outside the Shabbat boundary, **do not eat it** there, even if it went outside the Shabbat boundary unintentionally.

*

The Gemara asks: **What** did Rabbi Nechemiah mean when he said the produce has to be back **in its place**, in order to be eaten? Is it enough that it returned to its place, and we do not care if it was brought out intentionally (and even returned intentionally)?

Or perhaps we need two positive reasons to permit it: not only that it returned to its place inside the Shabbat boundary, but also that the produce originally went out of the Shabbat boundary unintentionally.

If you want to say: in its place is permitted even if it went out of Shabbat boundary **intentionally**, this is not plausible, for the following reason:

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And note that it is taught expressly– in a Baraita that is taught on the previous daf – **Rabbi Nechemiah and Rabbi Eliezer ben Yaakov say:** The produce that went out of the Shabbat boundary is **always forbidden** to eat **until it returns to its place unintentionally**.

If the condition of **unintentionally** is fulfilled, and thus there are two positive reasons to permit it – **yes**, the produce may be eaten. But if the produce was **intentionally** brought back within the Shabbat boundary, then **no**, it may not be eaten.

Rather, is it not true that Rabbi Nechemiah permits them in **their place** only when they were also returned **unintentionally**? And this contradicts what Rav Pappa said on the previous daf, that produce is always judged as if it was “forcibly removed”.

*

The Gemara resolves the contradiction to Rav Pappa, as follows: The Baraita as quoted **is missing words, and this is how it is taught** in its full form:

Produce that went outside the Shabbat boundary, even if it was not yet returned within the Shabbat boundary: if they went out **unintentionally, it may be eaten. If** it went out **deliberately, it may not eaten**.

What case is spoken of, when it says that deliberately removed produce is forbidden to eat? When it is still **not in its place**, but is still outside the Shabbat boundary. **But** if it was returned within the Shabbat boundary and is **in its place**, this alone is enough to permit it. **And even** if it went out of the Shabbat boundary (and was returned) **deliberately**, the produce **may be eaten**.

And comes Rabbi Nechemiah to say: I differ on both points:

¹ *Techum*. This is the distance a person is allowed to walk from his “Shabbat residence”. This distance is

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1. When it is not in its place, there is no reason to permit it, even if it was taken out of the Shabbat boundary unintentionally.

2. **When in its place also**, where there is reason to permit it, this only applies when it was **unintentionally** brought out and brought back into the Shabbat boundary. Then we will say: **yes**, it may be eaten. But if it was **deliberately**, then **no**, it may not be eaten.

Although Rabbi Nechemiah's view still contradicts that of Rav Pappa, this is no longer problematic. For according to this explanation of the Baraita, Rav Pappa is in line with the first Tanna, whose view is expressed without a name and is apparently the normative view.

*

The Gemara now refutes this explanation of the Baraita: **No**, there is no necessity to say that the first Tanna and Rabbi Nechemiah are differing on two points. Rather, the first Tanna never spoke of produce that was returned to its place. And if it was returned **intentionally** to within the Shabbat boundary, even though it is now **in its place**, **all concur** that it is **forbidden** to eat.

And here, in the Baraita, the sole point of discussion is over produce taken out of the Shabbat boundary **unintentionally**, and **not in its place**.

The first Tanna holds that if the produce was taken out of the Shabbat boundary **unintentionally**, it is **permitted** to eat it **not in its place**.

And Rabbi Nechemiah holds that even if it was taken out of the Shabbat boundary **unintentionally**, this is not a reason to permit eating it. Rather, there are two

2000 *ammah*.

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requirements: unintentional, **and** also that it is now **in its place**. Then we will say: **yes**, it may be eaten. Bit **not in its place**, **no**, it may not be eaten.

*

The Gemara defends Rav Pappa's view: **And note that** a different Baraita, which the Gemara mentioned earlier, proves that the first Tanna is speaking even about returning the produce to within the Shabbat boundary. This Baraita proves that according to the first Tanna, returning the produce to its place is sufficient reason to permit eating it, even if it was done deliberately.

The proof is **from that which is taught in the end clause** of that Baraita: **Rabbi Nechemiah and Rabbi Eliezer Ben Yaakov say:** The produce that went out of the Shabbat boundary **is always forbidden** to eat **until it returns to its place unintentionally**.

And we can infer from this Baraita: **Unintentionally** brought back within the Shabbat boundary, then **yes**, the produce may be eaten. But **deliberately** brought back, **no**, it may not be eaten. This **implies that the first Tanna holds that** produce that is **deliberately** returned to within the Shabbat boundary **is also permitted** to eat.

Hear from this a proof that the first Tanna holds that the produce brought back deliberately to within the Shabbat boundary is permitted, as Rav Pappa said.

Said Rav Nachman, said Shmuel:

Someone who is walking in an uninhabited area, **and does not know** until where the **boundary of Shabbat** reaches, what should he do? **He should walk two thousand**

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medium-size steps [the step of a person is an *ammah*], **and this is the boundary of Shabbat.**

And said Rav Nachman, said Shmuel, concerning the following case:

Someone who **spent Shabbat in a valley** (an uninhabited area) which is not surrounded by walls or partitions, and he may walk two thousand *ammah* in any direction from the spot where he is located. **And gentiles surround it,** the valley, with a **partition on Shabbat.** Since the partition was not erected until Shabbat had already commenced, he may **walk only two thousand *ammah*** from his spot, even if the two thousand *ammah* end before they reach the partition surrounding him.

Nevertheless, the partition is effective in transforming the valley (which was until then a *carmelit*²) into a private domain. This is because the Halachah was established that a partition made during Shabbat is considered a partition.

Thus he may carry an object anywhere within two thousand *ammah* of the spot where he is. (*Rashi*)

And he may even **carry in the entire** enclosed area, even beyond his two thousand *ammah*, **by means of throwing.** I.e. he may throw from within the two thousand *ammah* to outside the two thousand *ammah*, since the entire valley is a private domain. Yet he himself cannot go beyond two thousand *ammah* from where he is, due to the Halachah of the Shabbat boundary.

And Rav Huna said:

The valley is considered as if it does not have a partition (*Rashi*). Therefore:

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He may walk two thousand *ammah* from his spot, but he may carry only within four *ammot* (i.e. up to four *ammot*). For this is the law of a *carmelit*.

*

The Gemara questions Rav Huna: **Let us carry in the entire** enclosed area **by means of throwing** the object, as said before, since a partition made on Shabbat is considered a partition.

And the Gemara answers: The prohibition on carrying beyond four *ammot* is not because we truly regard the area as a *carmelit*. Rather, **it is a special Rabbinical decree**, due to the concern that **perhaps he will follow after his object** which he threw, and he will go out of the Shabbat boundary.

The Gemara continues to question Rav Huna: **Within two thousand**, where he himself is permitted to walk in, **at least here let him carry in his normal fashion** without having to throw the object.

The Gemara answers: Since it is forbidden according to Rav Huna to carry outside of two thousand *ammah*, it is forbidden to carry even within two thousand *amah*. This is **because it is like a partition** that separates two domains from each other. I.e. we view it as if there are two distinct domains within the enclosed area: one domain which is permitted to walk in, and another domain which is forbidden to walk in. These domains are separated from one another by a hypothetical partition.

And since the hypothetical partition is not constructed of physical materials, we view the situation as if the permitted domain has a partition **that is broken open completely to the place that is forbidden to walk in it**, i.e. the other domain. Thus, because of the

²Carmelit - an area that cannot be classified as a public domain or a private one, in which carrying objects is Rabbinically forbidden.

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“breach” in the hypothetical partition, it is forbidden to carry a full four *ammot* even in the domain that should be permitted.

*

Chiya bar Rav said regarding the above case:

A person may **walk two thousand *ammah*, and carry** within those **two thousand *ammah*** as he normally carries. But outside of two thousand *ammah* it is forbidden to carry even by throwing the object.

The Gemara is puzzled: **In accordance with whose** view does Chiya bar Rav hold?

Shall we say **that he does not hold like Rav Nachman** who permits throwing objects beyond two thousand *ammot*, **and he also does not hold like Rav Huna** who limits carrying to within four *ammot* of his spot?

It is impossible to say that he disagrees with both Rav Nachman and Rav Huna. For if he agrees that a decree exists to prohibit throwing outside of two thousand *ammah*, lest he follow after the object, then it should be prohibited to carry even within this area. For the hypothetical partition is completely breached, as explained before. And if such a decree does not exist, let him throw the object even outside of two thousand *ammah*.

The Gemara answers: I will **say** that when Chiya bar Rav said: “One may carry two thousand *ammah*”, this is what he meant:

One may **carry** within two thousand *ammah*, but only **within four *ammot***.

The Gemara is puzzled by this: **If so, this is the same as Rav Huna’s view!**

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The Gemara answers: I will say that this is the correct citation: **And so said Rabbi Chiya bar Rav**, indicating that he concurs to Rav Huna.

*

Rav Nachman said to Rav Huna: Do not differ with this statement of Shmuel that I said in his name, that one can carry within the entire enclosed area, even outside two thousand *amah*, by throwing the object. **For it is taught in a Baraita in accordance with him**, with Shmuel.

For it is taught in a Baraita, concerning the following case:

Ammud Bet

Someone places his *eiruv*³ in a certain place and intends to walk from his *eiruv* two thousand *ammah*'s distance, **and measures** the distance from his *eiruv* **and comes** to the place which is two thousand *ammah* from his *eiruv*, **and** he finds that **his measurement** of the distance of two thousand *ammah* **ends halfway** through **the next town**. The Halachah is that **it is permitted to carry in the entire town** (assuming there is an *eiruv chatzeirot*⁴, **providing that he does not cross the Shabbat boundary by foot**.

The Baraita supports Shmuel. For **regarding what** manner of carrying did the Baraita say that he may **carry** within the entire town, although he may not walk there himself

³ *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 residence". This is done so that on Shabbat, one may walk another 2000 *ammot* from where one left the food.

⁴ *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. This arrangement may be extended to include the whole town, if the town is surrounded by partitions.

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(since it is outside his Shabbat boundary)? **Is it not by means of throwing** from within two thousand *ammah* to outside two thousand *ammah*, as Shmuel said?

[According to the version of the *Bach*, the Gemara continues as follows: **And Rav Huna would say to you: No.** The carrying is not by means of throwing, rather **by means of pulling** the object, without him going out of his Shabbat boundary. (Rashi deletes this section)]

Said Rav Huna, about the following case: **A person was in the process of measuring** the two thousand *ammah* from the spot where he is, **and his measurement ended at halfway through a courtyard.** The Halachah is that **he only has half the courtyard** that he is permitted to walk in, and he is forbidden to go beyond the two thousand *ammah* and enter the other half of the courtyard.

The Gemara questions this statement: **This is obvious**, since his two thousand *ammah* ended at half of the courtyard!

The Gemara answers: I will **say** that Rav Huna meant: **He does have half a courtyard** to walk in, putting the emphasis on the permission to walk within half of the courtyard.

The Gemara is puzzled by this answer: **This is also obvious!**

And the Gemara answers: **What would you have said?** That even this should be forbidden because **we should be concerned** that **he might come to carry** an object **in the entire courtyard.** And to avoid this possibility the Sages forbade him to carry in the entire courtyard. Thus Rav Huna **informs us** that it is permitted for him to walk in half of the courtyard.

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Now the Gemara returns to the disagreement on Amud Alef, over whether it is forbidden to throw an object from within two thousand *ammah* to outside of two thousand *ammah*, based on the concern that the thrower might follow the object and walk beyond his Shabbat boundary. Rav Nachman permitted, and Rav Huna forbade.

Said Rav Nachman: “You should agree with me, Rav Huna, in the following case: **He is in the process of measuring** how far he can walk, **and his measurement** of how far he can walk **ends on the edge of a roof** of a house. A wall of the house has fallen down and only the roof remains on this side, and the two thousand *ammah* that he is allowed to walk ends at the beginning of the house. Even though he is forbidden to enter the house, **it is permitted for him to carry inside the entire house**, which is outside his Shabbat boundary, by throwing the object from the courtyard in front of the house into the house itself. And we do not decree against throwing because he might follow the object into the house.”

What is the reason that even Rav Huna would permit throwing into the house?

Since the roof of the house “presses down”.

Which means to say: The edge of the roof appears to go down and close the open side of the house, so there is a visual reminder where his Shabbat boundary ends. Thus he will not continue walking into the house.

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Said Rav Huna son of Rav Natan: This disagreement between Rav Nachman and Rav Huna is actually **a disagreement among the Tannaim** in our Mishnah.

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For it is taught in the Mishnah: Gentiles **force him to walk to a different town, and place him in a shed or stable.**

Rabban Gamliel and Rabbi Elazar ben Azariah say: He can walk around **all** of the shed or stable. The Sages regarded the entire shed or stable as if they are his four *ammot* permitted to him in this situation.

And Rabbi Yehoshua and Rabbi Akiva say: He only has four *ammot* within the shed or stable that he is allowed to walk in.

Is it not that they differ over the same point that Rav Nachman and Rav Huna differ over? I.e. all the Tannaim in the Mishnah agree that according in principle, since the gentiles placed him in a location with partitions, that the entire location is considered as if it is his four *ammot*. And this is the point of difference between the Tannaim:

Rabban Gamliel and Rabbi Elazar ben Azariah that said he can walk around **all** the shed or stable because **they did not make a decree forbidding walking** around the entire **shed or stable** that has partitions. Why would we think that there should be such a decree? **Because of** its similarity to the case of a person **walking in a valley** that does not have partitions, where he would only be able to walk within four *ammot* (and might come to think that he can freely walk in the valley, as he can walk in a shed or stable).

And if so, **since walking** in a shed or stable—**because of** concern over the case of **walking** in a valley—**they did not make a decree** to forbid it, thus we may conclude that **carrying** outside of two thousand *ammah* by throwing—**because of** concern over **walking** outside two thousand *amah*— they also **did not make a decree to** forbid it.

And this agrees with Rav Nachman.

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And Rabbi Yehoshua and Rabbi Akiva, that said: He only has four *ammot* to walk within the shed or stable, may be understood as follows: that they decreed to forbid walking in the entire shed and stable because of concern over the case of a person walking in a valley.

And if so, **since walking in the shed or stable—because of walking in a valley—they made a decree to forbid it, thus we may conclude that carrying past two thousand *ammah* by throwing—because of concern over walking outside of two thousand *ammah*—they also made a decree to forbid it.**

This agrees with Rav Huna.

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The Gemara challenges this understanding of our Mishnah: **From what** logic were we brought to understand the Mishnah in that way?

Perhaps we could explain as follows:

When Rabban Gamliel and Rabbi Elazar ben Azaria did not decree against walking throughout the entire shed and stable because of concern over a person walking in a valley, this issue of not decreeing applies specifically to the case there. For they are two places that do not resemble each other. A shed and stable is surrounded by partitions, whereas a valley is not surrounded by partitions, thus there is no reason to suspect that people will confuse the two cases.

However, decreeing against carrying by throwing past two thousand *ammah*, because of walking past two thousand *ammah*—which are both in one place—this is indeed grounds for making a decree. Thus they decreed against throwing an object in that case, perhaps he will follow his object and walk further than two thousand *ammah*.

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And regarding **Rabbi Yehoshua and Rabbi Akiva also**, their view may be explained along the same lines.

From what logic were we brought to understand **that** their view **is because of a decree** against walking throughout the entire shed and stable, lest he follow after his object?

Perhaps they say this **because they hold** that it is forbidden for a more basic reason:

When we say “the entire house is considered like a person’s four *ammot*”, on which basis we until now assumed that the person should be allowed to walk throughout the shed or stable, were it not for a special decree, **these words are where he began to spend Shabbat in an area surrounded by partitions when it was still daytime** (before the Shabbat began). **But where he did not begin to spend Shabbat in the area of partitions when it was still daytime**, then **no**, the whole enclosed area is not considered as his four *ammot*.

Thus it is forbidden to walk throughout the shed or stable, according to Rabbi Yehoshua and Rabbi Akiva

Said Rav: The **Halachah is in accordance with Rabban Gamliel** as regards the person **in a shed, in a stable and in a boat**, that he may walk throughout it entirely.

And Shmuel said: The **Halachah is in accordance with Rabban Gamliel regarding a boat**, that one can walk around the entire boat. **But a shed and a stable, no**, the Halachah is not in accordance with him. There, one cannot walk more than four *ammot*.

The Gemara sums up: **For everyone agrees at least** on this point, that the **Halachah is in accordance with Rabban Gamliel regarding a boat**.

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And **what is the reason** that a boat is different?

Said Rabbah: It is **because he** began to **spend Shabbat in the area of** the **walls** of the boat **while it was still daytime**, before Shabbat came in. Whereas in the case involving a shed and a stable, where the gentiles brought him there during Shabbat, this is not the case.

Rabbi Zeira said a different reason why a boat is different:

The Tannaim of the Mishnah are addressing a case where the boat is moving. According to Rabban Gamliel (who the Halachah definitely follows, regarding a boat at least), one can walk around the entire boat even if it did not have walls, although it is moving.

Rabban Gamliel's reason is: **Since the boat removes him from the beginning of these four ammot, and places him at the end of** a different **four ammot**. In other words, every time he lifts up his foot, the boat takes him within a different four *ammot*, whether he likes it or not, before he places his foot down again. Thus he is like someone that gentiles had taken him out of his four *ammot* and put him in another four *ammot*, in which case he is given four *ammot* within which he is allowed to walk. And this applies anew to every step he takes.

Rabbi Yehoshua and Rabbi Akiva differ with Rabban Gamliel, because they hold that the boat is resting and it is the water which moves. In other words, the boat is viewed as always constituting the same four *ammot*. It turns out that when a person walks on a boat more than four *ammot*, he goes out of his four *ammot*, into a different four *ammot*, which are not his (*Ritva*).

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The Gemara asks: **What is** the practical difference **between them**, between Rabbah's and Rabbi Zeira's explanations? In what cases would their respective explanations produce different rulings?

The Gemara answers: **There are** these cases **between them**, that they would differ on:

1. **That** the **walls of the ship were diminished** and the boat has no valid partitions.

According to Rabbah, who holds that because the boat has walls it is permitted to walk around the entire boat, here where there are no walls, it is forbidden to walk more than four *ammot*.

Whereas according to Rabbi Zeira, who holds that because the boat is moving it is permitted to walk around the entire boat (in accordance with Rabban Gamliel), here also, since the boat is moving, it is permitted to walk more than four *ammot*.

2. **Also** there is a difference in the following case: **Regarding jumping from a boat** in which he started to spend Shabbat to a different **boat**, if it is permitted to walk more than four *ammot* on the second boat when it is moving.

According to Rabbah, it is forbidden because he did not make his "Shabbat residence" within the walls of this boat.

According to Rabbi Zeira it would be permitted. As long as the boat is moving, it makes no difference on which boat he is walking.

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The Gemara asks: **And Rabbi Zeira, what is the reason he does not say** i.e. explain **like Rabbah** does?

Rabbi Zeira **would say to you:** Walls of the boat are not considered valid partitions to make the entire boat considered as an area of four *ammot*.

CHAVRUTA

EIRUVIN – DAF MEM GIMEL

Translated by: *Rabbi Reuven Bloom*

Edited by: *R. Shmuel Globus*

[And Rabbi Zeira, what is the reason he does not say i.e. explain like Rabbah does?

Rabbi Zeira **would say to you:** Walls of the boat are not considered valid partitions to make the entire boat considered as an area of four *ammot*] since **they are made to keep out water** from entering the boat, not to be used as normal partitions.

The Gemara asks: **And Rabbah, what is the reason he does not say like Rabbi Zeira?**

[Rabbah **would say to you:** **Regarding a boat which is moving, everybody** i.e. Rabban Gamliel and Rabbi Akiva who differ in our Mishnah **agrees** that he can walk around the entire boat, for the reason the Rabbi Zeira gives (because the boat is moving-see the previous *daf*).

Rather, the case **that they are differing** over in our Mishnah is **when it** the boat **stood** still, so Rabbi Zeira's reason for permitting walking around the entire boat does not apply. According to Rabban Gamliel and Rabbi Elazar Ben Azaria it is still permitted, because he began to spend Shabbat in the area enclosed by the walls of the boat before Shabbat commenced. Whereas according to Rabbi Yehoshua and Rabbi Akiva it would be forbidden.

Said Rav Nachman Bar Yitzchak:

It is also implied from the Mishnah that the case is as Rabbah would say, **that** when the boat is **moving**, the Tannaim of the Mishnah **are not differing**, and everybody agrees that one is permitted to walk around the entire boat.

From what wording of the Mishnah is this implied?

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From what the Mishnah teaches: It happened that they the four Tannaim of our Mishnah **came from Flandersin and their boat sailed on the sea. Rabban Gamliel and Rabbi Elazar Ben Azaria walked** around the **entire** boat, **and Rabbi Yehoshua and Rabbi Akiva did not move from their four *ammot***, “because they wanted to be strict with themselves.”

It is alright if you say that when the boat **is moving, they** Rabbi Yehoshua and Rabbi Akiva **do not disagree**, rather, they agree to the ruling that walking is permitted. Then we may say, **this is what the Mishnah teaches: “they wanted** to be strict with themselves” – which implies that according to the basic Halachah, even they held that it is permitted to walk. But they wanted to be strict with themselves.

And what was the basis for their stringency? Because even though the boat is moving, **perhaps** the boat **stood** in place during the trip without them noticing and it will turn out that they went past their four *ammot*.

However, if you say that when the boat is moving, **they** Rabbi Yehoshua and Rabbi Akiva **are differing**, and they absolutely forbid walking around the entire boat even in this case, what **is this** that the Mishnah taught: “**they wanted to be strict**”? On the contrary, **it is an absolute prohibition** and not a mere stringency!

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Said Rav Ashi:

It is also implied in the Mishnah like Rabbah would say, that the Tannaim are differing when the boat is standing still, and not like Rabbi Zeira said, that when the boat is standing still, everybody agrees that one cannot walk around the entire boat.

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The inference is from the fact **that** our Mishnah **teaches** a case of **a boat**, after discussing a shed and stable. This is to teach that a boat **resembles a shed and a stable. Just like a shed and a stable is fixed in place** and does not move, **so the boat also**, that is mentioned in the Mishnah, is a case **that it is fixed in place** and does not move.

Rav Acha son of Rava said to Rav Ashi, regarding what Rav and Shmuel said earlier (on the previous *daf*): “The **Halachah is in accordance with Rabban Gamliel regarding a boat**”:

Is this statement of “**Halachah**” meant to **imply that** Rabbi Yehoshua and Rabbi Eliezer **differ** about a boat, thus there is a need to state the Halachah? How do Rav and Shmuel know that they differ over this case? Perhaps the Tannaim do not differ over a boat at all. In fact the Mishnah implies that they did *not* differ over the basic Halachah regarding a boat, since they merely wanted to be strict with themselves.

Rav Ashi answered Rav Acha son of Rava: **Yes**, they in fact differ over this case, **and it is taught in a Baraita** that they differ over it: **Chananya said: That entire day** that they – the Tannaim of our Mishnah – were on the boat, **they sat and discussed** what is **the Halachah**.

In the **evening, my uncle** Rabbi Yehoshua **decided**: The **Halachah is in accordance with Rabban Gamliel regarding a boat**, and the **Halachah is like Rabbi Akiva regarding a shed and a stable**.

Since he said “Halachah” is in accordance with Rabban Gamliel regarding a boat, it is clear that Rabbi Akiva differs with Rabban Gamliel about a boat, and it is not just a matter of a stringency.

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Summary of the different views:

1. According to Rabbah:

A shed and stable: According to Rabban Gamliel and Rabbi Elazar ben Azaria they are considered as if they are only four *ammot* and one can walk around them entirely. According to Rabbi Yehoshua and Rabbi Akiva, since he did not enter the enclosed area before Shabbat, they are not considered as if they are only four *ammot*, and one may not walk more than four actual *ammot*.

A boat which is standing still: According to Rabban Gamliel and Rabbi Elazar ben Azaria it is considered as if it is only four *ammot*. According to Rabbi Akiva it is not considered as if it is four *ammot* even if he entered there before Shabbat.

A moving boat: According to everyone the basic Halachah is that one can walk around the entire boat. But Rabbi Akiva, because he is concerned that the boat might stand still, is stringent and does not walk on the boat more than four *ammot*. Rabban Gamliel and Rabbi Elazar ben Azaria, who permit walking around the entire boat even if it stands still, are not stringent.

The final Halachah:

A shed and stable: One cannot walk around them entirely (only four *ammot*).

A boat which is standing still: One can walk around the entire boat because he entered there before Shabbat.

A moving boat: One can walk around the entire boat. Since one is permitted to continue walking there even if the boat would stop moving, there is no reason to be stringent.

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2. According to Rabbi Zeira:

A shed and a stable: A disagreement among the Tannaim, the same as Rabbah above.

A boat which is standing still: According to everyone one can only walk four *ammot* because the walls of the boat were made only to keep the water out of the boat.

A boat which is moving: According to Rabban Gamliel and Rabbi Elazar Ben Azaria, one can walk around the entire boat because it is moving. According to Rabbi Akiva one can only walk four *ammot*.

Final halachah:

A shed and a stable: one cannot walk around them entirely (only four *ammot*).

A boat which is standing still: one cannot walk around the entire boat (only four *ammot*).

A boat which is moving: one can walk around the entire boat.

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Rav Chananya posed an inquiry: Are there Shabbat boundaries **above ten tefachim, or there are not Shabbat boundaries above ten tefachim**? The Gemara will explain what this means:

If there was a **column ten tefachim high and four tefachim wide**, and the Shabbat boundary ends at the middle of the column, this **is not** something for **you** to **pose an inquiry** about. Although the column is above ten *tefachim*, this clearly would not be a reason to permit walking on top of it, to the part of it that is outside the Shabbat

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boundary. Because **that** the column is **solid earth**, and is thus easy to walk on. Thus it is considered “a proper walking” so it is forbidden to walk outside the Shabbat boundary.

That case which you have reason to pose an inquiry about is:

1. A column which is **ten tefachim high and is not wide four tefachim** and the Shabbat boundary ends in the middle of the column, since “it is inconvenient to use” [Rashi – it is not easy to walk on] there is a question if it is permitted to walk on top of the column outside of the Shabbat boundary.

2. Or also, there is another questionable case, **that he goes** out of the boundary **by jumping** above ten tefachim.

The question in both these cases is whether the person is considered to be walking. It is possible that in both cases he is not considered to have walked, for one of two reasons:

1. The place is not considered a “place for walking” even though he has walked properly.
2. He has not walked in the normal way that a person walks.

If a person is not considered to have walked, even he goes past the Shabbat boundary, it is not considered as if he “walked” past the Shabbat boundary.

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(**Another version: On a boat** – that it is more than ten tefachim above the river bed, and does not stop, and is similar to jumping in the air – **what** is the Halachah, is there a prohibition to walk further than the Shabbat boundary also on a boat? [Rashi deletes this section of the Gemara])

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Said Rav Hoshea: Come and hear from our Mishnah: **It once happened that they came from Flandersin and their boat embarked on the sea,** Rabban Gamliel and Rabbi Elazar Ben Azaria walked around the entire boat, Rabbi Yehoshua and Rabbi Akiva did not move from more than four *ammot*.

It is well if you say there are Shabbat boundaries above ten *tefachim*, **because of this they wanted** to be stringent.

But if you say there are not Shabbat boundaries above ten *tefachim*, **why did they want** to be stringent, “a normal boat sails above ten *tefachim* without stopping, and can be compared to a person jumping in the air” [Rashi] thus let them walk on the boat as much as they want!

The Gemara rejects this proof: It may be explained **like Rava said**, that the Mishnah is talking about **a case of** the boat **traveling in a marsh** [a place on the shore of a river which is not ten *tefachim* deep, *Ritva*], **here also** it is possible to answer that this incident occurred **in a case of** the boat **traveling in a marsh**, and since the boat is less than ten *tefachim* above the ground it has a Shabbat boundary.

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Come and hear a proof from the end clause of our Mishnah: **One time they did not enter the harbor until nightfall**, they said to Rabban Gamliel should we go down (and go off the boat)? He said to them: You are permitted, I was already looking and we were within the Shabbat boundary before nightfall.

It is all right if you say there are Shabbat boundaries above ten *tefachim*, thus Rabban Gamliel had to prove that they were within the Shabbat boundary in order to permit them to enter the city. For had they not been within the Shabbat boundary of the port, they would have established their Shabbat residence on the boat.

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But if you say there are not Shabbat boundaries above ten *tefachim*, it turns out that the whole time they are on the boat which is above ten *tefachim* they did not make their “Shabbat residence” at all, since this requires the existence of Shabbat boundaries. Only when they came within ten *tefachim* did they make their “Shabbat residence”, which could take place even in the middle of Shabbat, since they had not previous Shabbat residence to prevent the establishment of this one.

If so, Rabban Gamliel would not need to tell them “we were within the Shabbat boundary”. For **if we would not be within the Shabbat boundary, what does it matter?** When they leave the boat they will make their “Shabbat residence” in their place, and they are considered like anyone else who lives in the city (*Ritva*).

Said Rava to refute this proof: It is **in the case of** the boat **traveling** from the beginning of Shabbat **in a marsh**, a place within ten *ammot* of the ground, which is why they had a doubt if they had made their “Shabbat residence” within the Shabbat boundary of the port city.

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Come and hear a proof that there are not Shabbat boundaries above ten *tefachim*: From **these seven Halachot that were said on Shabbat morning in front of Rav Chisda in Sura, and near twilight on that same Shabbat** these seven Halachot were said by the same speaker **in front of Rabbah in Pumbedita** which is outside the Shabbat boundary of Sura.

Who was it that **said them**, these seven Halachot, and then went outside of the Shabbat boundary? Was it **not Eliyahu**¹ the prophet, who is obligated to keep Shabbat, who **said them?** **It follows that there are not** Shabbat boundaries **above ten** *tefachim*. Therefore

¹ Elijah

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Eliyahu was permitted to go out of the Shabbat boundary of Sura, by jumping above ten *tefachim*. (*Me'iri*)

The Gemara rejects this proof: **No**, it is not Eliyahu who said them. **Maybe** the **demon Yosef**, who is not obligated to keep Shabbat, **said them**.

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Come and hear a proof that there *are* Shabbat boundaries above ten *tefachim*:

Someone who says: **I hereby undertake to be a Nazirite on the day that Mashiach² ben David comes**, he is **permitted to drink wine on Shabbat and Yom Tov**, because he does not have to take into consideration that he will come on those days as the Gemara will explain.

Ammud Bet

And he is forbidden to drink wine all the weekdays.

You might have thought that it was obvious to us that Mashiach will not come on Shabbat and Yom Tov. Since it is forbidden to go beyond the Shabbat boundary, he is unable to come then. Therefore we bring this as a proof.

It is all right if you say there are Shabbat boundaries above ten *tefachim*, this is why on Shabbat and Yom Tov, drinking wine is permitted to the would-be Nazirite.

² the Messiah

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But if you say there are not Shabbat boundaries above ten *tefachim*, than Mashiach can come **on Shabbat and Yom Tov** without transgressing the prohibition of the Shabbat boundary, by jumping above ten *tefachim*. So **why** is the person **permitted** to drink wine?

The Gemara rejects this proof: **There it is different**, for there is a different reason why we are not concerned perhaps Mashiach will come on Shabbat and Yom Tov.

For the verse said: “Behold, I send you Eliyahu the Prophet before the great and awesome day of Hashem”. And we learn from this verse that the day before Mashiach comes, Eliyahu will come to bring us the good tidings.

And note that Eliyahu did not come yesterday, thus Mashiach will not come today.

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The Gemara raises a difficulty: **If so**, that if Eliyahu did not come yesterday, then Mashiach will not come today, then **on a week-day, every day, also let him be permitted** to drink wine. **For note that Eliyahu did not come yesterday!**

Rather, the reason drinking wine is forbidden during the week is because **we say** perhaps **to the great Rabbinical Court** in Jerusalem, Eliyahu **came** yesterday, and we did not know it.

If so, **here** – on Shabbat and Yom Tov – drinking wine should **also** be forbidden: **perhaps to the great Rabbinical Court**, Eliyahu **came** yesterday.

The Gemara answers: **It is already assured to Israel, that Eliyahu does not come on the Eve of the Shabbat or the Eve of Yom Tov, because of the disturbance** it would

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cause to people's preparations for Shabbat, since people would go to greet him. And since Eliyahu does not come on the Eve, thus Mashiach does not come on Shabbat and Yom Tov itself, therefore he is permitted to drink wine on those days.

You would assume, from the fact that Eliyahu does not come on the Eve because of the disturbance it would cause, that **Mashiach also does not come** on the Eve. This raises the following difficulty:

If so, **on the Eve of Shabbat** or Yom Tov, we should **permit** the would-be Nazirite to drink wine, since Mashiach will certainly not come today. So why is it taught that he cannot drink wine on *all* of the weekdays?

The Gemara answers: **Eliyahu does not come** on the Eve of Shabbat, but **Mashiach may come. For as soon as Mashiach comes, everyone** all the gentiles **become servants to Israel**, and they will make the preparations for Shabbat, and we could go out to greet him without disturbing the preparations.

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The Gemara raises a further difficulty: **On the first day of the week**, we should **permit** the would-be Nazirite to drink wine. Yet, since the Baraita forbids him to drink during the entire week including Sunday, we may **bring an answer from this that there are not Shabbat boundaries** above ten *tefachim*. **For if there are Shabbat boundaries** above ten, **on the first day of the week** we should **permit** drinking wine, **for** certainly **Eliyahu does not come on Shabbat**, since he cannot come from outside the Shabbat boundary—and Mashiach will not come if Eliyahu does not precede him the day before.

The Gemara rejects this proof: Perhaps **this Tanna is in doubt if there is a Shabbat boundary** above ten **or there is not a Shabbat boundary** above ten. **And he is stringent** regarding the prohibition of a Nazirite drinking wine, taking into the account

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the possibility that Eliyahu might be allowed to arrive on Shabbat and announce that Mashiach is coming on Sunday.

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The Gemara now discusses the Baraita of “I undertake to be a Nazirite”.

The Gemara asks: **When is it** on which day of the week **that he made the Nazirite vow?**

If we say he is on a weekday and said: I undertake to be a Nazirite on the day Mashiach comes, since he does not know when Mashiach will come and perhaps he already came, his vow takes effect as soon as he says it.

This raises the following difficulty: **Since the Nazirite vow takes effect on him**, and lasts for a minimum of thirty days, **how does Shabbat come and remove it** the vow from him, to permit him to drink wine on Shabbat and Yom Tov? Perhaps Mashiach came yesterday?

The Gemara answers: **Rather**, because of this very reason he is not allowed to drink wine even on Shabbat and Yom Tov. And when the Baraita says he is permitted to drink on Shabbat it means **that he is on Shabbat and vows then, or that he is on Yom Tov and vows then. And on that day** – that very Shabbat or Yom Tov that he vows –**it is permitted for him** to drink wine. **From then and onwards** - even on Shabbat and Yom Tov – **it is forbidden for him** to drink wine. Because we are concerned that maybe Mashiach came the day before, and this person did not yet hear about it.

* * *

It is taught in the Mishnah: **One time** the boat **did not enter to the harbor until nightfall**. They said to Rabban Gamliel: are we to go down (and go off the boat)? He said

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to them You are permitted, I was already looking and we were within the Shabbat boundary before nightfall.

The Gemara now explains how Rabban Gamliel was able to measure the distance from the boat to the harbor to know that the boat had entered the Shabbat boundary of the city before Shabbat commenced.

It was taught in a Baraita: There was **a tube** (the distance one could see with it depended on its length, the shorter it was the farther one could see with it) that **Rabban Gamliel had**, and it was fashioned to the exact length to see as far as two thousand *ammah* on the sea.

How did he make the tube the proper length? **He would look and watch with it two thousand *ammah* on dry land**, he measured two thousand *ammah* on dry land and made the tube the right length to see as far as the two thousand *ammah* he measured but no further.

And corresponding to it the two thousand *ammah* he measured on dry land he measured **two thousand *ammah* on the sea**, with this tube he was able to decide where two thousand *ammah* on the sea ended because the farthest point that he could see with this tube was two thousand *ammah*.

And with this tube Rabban Gamliel knew that they were within the Shabbat boundary of the city when Shabbat commenced, because when the Shabbat commenced he could already see the city. (*Rabbeinu Chananel*)

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One who wants to know how much is the depth of a valley, let him **bring a tube and look through it** on flat land, and measure how far he can see with this tube. Then he

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should go to the edge of the valley and look down to the bottom and move backwards until he reaches the place where the bottom of the valley is the furthest point he can see with the tube. **And he will know much is the depth of a valley.** Because the depth of the valley and the distance he moved back from the valley together equals the distance he can see with the tube.

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And the one who wants to know how much is the height of a palm tree and he is reluctant to climb up the tree to measure it, he can figure out the height by measuring the length of the shade of the palm tree and by calculating the relationship of the height of an object of known height to the length of its shade. However, the length of the shade varies during the day according to the position of the sun, when the sun is towards the center of the sky the shade is shorter and if the sun is to the side the shade is longer, so the shade of the known object and of the palm tree must be measured at the same time of day:

Let him **measure his own height, and** at the same time measure **its** the palm tree's **shade and the shade of his own height, and he will know how much is the height of a palm tree.**

For example: If his shade is twice as long as his height, than he will know that the palm tree is half the height of its shade.

*

And the following is advice for **someone who does not want a preying animal to rest in the shade of a grave.** They would make a monument for the grave by piling up dirt into a pillar and the wild animal would go there to rest in the shade of this pillar to escape the heat of the sun, and there was a concern perhaps the animal will smell the dead person

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and dig him up. Thus he should build this pillar where it will not make shade at the time of day when the sun is hot and the shade is cool, which is the fourth hour of the day.

What should he do? Let him **stick in** the ground **a reed at four hours of the day**, where he wants to build the monument. **And** he should **look where its** the reed's **shade leans**. And in the direction that the shade leans, he should build the monument so that it is **slanting upwards and slanting downwards**, i.e. it should be gently sloping and not a high mound so that it will not have any shade.

Nechemiah son of Rav Chanilai, his study of Halachah carried him away i.e. he was completely immersed in Torah thoughts **and he went out of the Shabbat boundary**. And since he went out of the Shabbat boundary he can only walk four *ammot* from where he is, for the rest of the Shabbat.

Rav Chisda said to Rav Nachman: Nechemiah your disciple is in distress, because he cannot move from his place for all of Shabbat!

He Rav Nachman **said to him** Rav Chisda:

Make for him a partition of people. Take a group of people who made an *eiruv techumin* and can thus go out of the town's Shabbat boundary. Line them up in two facing rows, from the end of the town's Shabbat boundary until just past where Rav Nechemiah is.

Now that Rav Nechemiah is within these human "partitions", the whole area that is thereby enclosed is considered as if it is only four *ammot* and he can walk around the entire area even though he did not begin Shabbat there, like we learned in the Mishnah in

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the case of someone whom gentiles took out of the Shabbat boundary and put him in a shed or stable.

Here, since the partitions continue until the Shabbat boundary of the town, Rav Nechemiah can walk between the partitions **and enter** within the Shabbat boundary of the town, and he can then walk around the entire town as any other resident.

*

Rav Nachman bar Yitzchak sat behind Rava, and Rava sat before a different **Rav Nachman**, Rav Nachman bar Yaakov, who was their master. This was the situation when Rav Chisda came to Rav Nachman bar Yaakov the master to tell him about his disciple Rav Nechemiah's plight. And when **Rav Nachman bar Yitzchak** heard about the suggested human partition, **he said to** i.e. he asked **Rava** to explain to him the issue at hand:

What was the question of Rav Chisda, due to which he did not decide on his own to employ the human partition, and instead requested instruction from their master concerning it?

Rav Chisda's question can be explained in two ways, depending on the details of the case at hand:

1. **If we say that we are dealing with** a case where there was a **full** number of **men** who had made an *eiruv*, enough men to create a partition from Rav Nechemiah's location to the Shabbat boundary of the town, **and** therefore, **it** the following point is what **was questionable to him** to Rav Chisda: **Is the Halachah in accordance with Rabban Gamliel**, who says that an area surrounded by partitions, in which a person did not begin Shabbat, is permitted for him to walk around the entire area?

CHAVRUTA

EIRUVIN – DAF MEM DALED

Translated by: *Rabbi Avraham Rosenthal*

Edited by: *R. Shmuel Globus*

Or perhaps, thought Rav Chisda, **the Halachah is not in accordance with Rabban Gamliel**. Thus someone who was forcibly placed within an enclosed area is not permitted to walk throughout it. And this was the inquiry he posed to Rav Nachman.

Or perhaps Rav Chisda's inquiry was about a different point: had there been sufficient people to create a partition until the actual boundary of the town, Rav Chisda would not have a doubt, as it is clear to him that the Halachah follows Rabban Gamliel.

Rather, **we are dealing** with a case **where there are not enough people** to make a partition until the actual boundary of the town, and there were only enough people to create a partition until two *ammot*¹ before the boundary. It is stated in the Mishnah later (52b): One who leaves the boundary, even one *ammah*, may not enter more than his four *ammot*. Rabbi Eliezer says: Two (i.e. if he goes two *ammot* beyond the boundary) he can enter the boundary of the town and be like the residents of the town. But if he went three *ammot* beyond the boundary, he cannot enter.

We see that according to Rabbi Eliezer, it is sufficient for Rav Nechemiah to walk in the human partitions until he is no more than two *ammot* from the town boundary, and from there he can enter the town according to the reasoning of Rabbi Eliezer. But according to the view of the Sages, he may not enter unless he has a partition until the actual boundary.

And since this is so, we can say that Rav Chisda's **inquiry was** as follows: Is the **Halachah in accordance with Rabbi Eliezer, or** is the **Halachah is not in accordance with Rabbi Eliezer?** This is what he asked Rav Nachman.

The Gemara clarifies: **It is obvious that we are dealing** with a case **where there are not**

¹ 1 *ammah*: 18.7 in., 48 cm

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enough people, and his inquiry is whether the Halachah is like Rabbi Eliezer.

Because if it enters your mind that we are dealing with a case **where there are enough people**, and his inquiry is whether the Halachah is like Rabban Gamliel, **what is** the basis for Rav Chisda posing such an **inquiry**? The answer is obvious, for the following reason:

Note that Rav said (42b): The **Halachah is in accordance with Rabban Gamliel** as regards the person **in a shed, in a stable and in a boat**, that he may walk throughout it entirely.

Rather, certainly we are dealing with a case **where there are not enough people**, and he **is inquiring about Rabbi Eliezer's** view, whether the Halachah follows it or not.

*

It may be inferred from the wording of the Mishnah **also** that the case is as we explained, that the human partition only reaches until close to the boundary.

For he said to him, i.e., Rav Nachman to Rav Chisda: Make for him a partition of people and **he may enter**. **What is** it that Rav Nachman added to our understanding with the phrase “**he may enter**”? Does it **not** mean: Make for him a partition of people, so he may come until close to the boundary, “and he may enter” from that place to the boundary of the town, even **without a partition**?

*

We now return to Rav Nachman's main point:

Rav Nachman bar Yitzchak again **contradicted Rava**, over Rav Nachman bar Yaakov's permission to make a partition on Shabbat. Rav Nachman bar Yitzchak cites the following Baraita:

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If **its wall**, of a succah, **fell** on Yom Tov, **he may not place there**, in the place of the wall, **a person or an animal or utensils**. And he may not even **stand up a bed in order to spread on it a sheet** in place of the missing wall, and even if it only appears like he is clearing out the succah. **Because one may not make a temporary tent in the first place**, i.e., a new tent as opposed to an addition to an existing tent **on Yom Tov**. And it goes **without saying** that this is forbidden **on Shabbat**. And making a partition is included in the prohibition of making a tent.

If so, how did Rav Nachman bar Yaakov permit making a partition on Shabbat?

Rava **said to him**, to Rav Nachman bar Yitzchak: **You said to me** a proof that it is forbidden, **from that** Baraita. **And I say to you** a proof that it is permitted, **from this** Baraita.

For it was stated in the Baraita: **A person can make his friend into a wall** of the succah, **so that he can eat and drink and sleep** in the succah (these activities comprise the main mitzvah of succah). **And he may stand up a bed and spread on it a sheet in order that the sun will not shine on the dead body and on the people who eat**. We see that it is permitted to make a partition.

*

The Gemara raises a difficulty: If so, the two Baraitot **are difficult** to reconcile with **each other**. From one Baraita it is evident that one may make a partition, while in the other Baraita it is evident that it is forbidden.

The Gemara answers: The Baraitot **are not difficult** to reconcile each other. According to everyone, it is forbidden to make a permanent partition. Whereas the Baraitot differ regarding a temporary partition.

This Baraita that permits is **Rabbi Eliezer** who permits a temporary partition.

And **that** Baraita that forbids is the **Rabbis** who forbid even a temporary partition.

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For it was taught in a Mishnah, regarding the following case: When they wished to close their windows, they did so by placing a wooden piece in the window opening. This was called the **window stopper**.

Rabbi Eliezer says: When the stopper is **tied** to the window before closing the window, **and** it is also **suspended** and not dragging on the ground, since the rope holding it is short, **one may stop with it. And if not, one may not stop with it**, even though this is only a temporary partition, as he will reopen it.

And the Rabbis say: Whether this and whether that, one may stop with it since it is only a temporary partition.

We see that there is a disagreement between Rabbi Eliezer and the Rabbis regarding making a temporary partition on Shabbat.

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The Gemara raises a difficulty with the above conclusion: **But note that it was said** in a statement of Amoraim **in regards** to this Mishnah: **Said Rabbah bar bar Channah in the name of Rabbi Yochanan:**

Everyone i.e. Rabbi Eliezer and the Rabbis **concurs that one may not make even a temporary tent to begin with on Yom Tov, and it goes without saying** that it is forbidden **on Shabbat**. Rabbi Eliezer and the Rabbis **are only differing** over whether it is permitted to **add** to an existing tent. The window stopper, for example, is only an addition to an existing structure. **That Rabbi Eliezer says: One may not add on Yom Tov, and it goes without saying on Shabbat; and the Rabbis say: One may add on Shabbat and it goes without saying on Yom Tov.**

That being the case, we cannot say that the Baraita permitting making one's friend into a succah wall and standing up a bed is the view of the Rabbis, because even the Rabbis did not

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permit making a new partition. Thus the Baraitot still contradict, i.e. they are difficult to reconcile with one another.

*

The Gemara now offers a different answer: **Rather**, the two Baraitot **are not difficult** to reconcile with each other. The explanation is as follows: Both Baraitot hold that it is permitted to make a temporary partition on Shabbat and Yom Tov. And both agree that it is forbidden to make a wall that validates a succah. And the two Baraitot disagree whether a person can be utilized as a succah wall.

This Baraita that invalidates a person from being a succah wall is **in accordance with Rabbi Meir**, and therefore it is permissible to use a person as a wall on Shabbat, since it will not thereby validate the succah.

And **that** Baraita that validates a person to be a Succah wall is **in accordance with Rabbi Yehudah**, and therefore it is forbidden to use a person as a wall on Shabbat, since it will validate the succah.

For it was taught in a Baraita: If **he made an animal into a wall for the succah**, **Rabbi Meir invalidates and Rabbi Yehudah validates**. This being so, the contradiction between the Baraitot has been resolved:

Rabbi Meir who invalidates an animal **there, it follows that it is not a valid partition**. Therefore, **here he permits** to place a person as a succah wall (since a person and an animal are the same in this regard, according to the Gemara's current reasoning), **since he is not doing anything**.

And Rabbi Yehudah who validates an animal **there, it follows that it is a valid partition**. Therefore, **here he forbids** to place a person or an animal, and certainly utensils, as a succah wall.

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The Gemara is puzzled: **And do you think** that it is possible to explain the permitting Baraita in this way?

I will **say that you heard** that **Rabbi Meir** invalidates **an animal** as a succah wall, since we are concerned it will run away. But what about **a person** (“one can make his friend into a succah wall”) who has intelligence to know to stay? **And** what about **utensils** (“and he can stand up a bed and spread on it a sheet”)? **Did you hear** from **him** that they, too, are not valid as succah walls?

*

And furthermore, there is another difficulty with this answer: **Rabbi Meir**, who we said permits making a partition, **is** saying this **according to whose** view in the disagreement between Rabbi Eliezer and the Rabbis over the window stopper?

If you say **he is** speaking **according to Rabbi Eliezer** in that Baraita, note that even **to add** on to a temporary partition, **he** Rabbi Eliezer **also forbids**. And certainly he would forbid making a temporary partition in the first place, even if it would not validate the succah.

Rather, you will say that Rabbi Meir was speaking **according to the Rabbis** who permit stopping the window since it is a temporary partition.

But also this cannot be true. Because I will **say that the Rabbis say: To add** to a temporary partition, like a window stopper, it is permitted. But to make it **in the first place**, i.e. standing up a succah wall, where **did** they **say** that this is permitted?

*

The Gemara now offers a different answer: **Rather**, the contradiction between the Baraitot can be resolved as follows:

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This and that, i.e., both Baraitot, are according to the view of the **Rabbis** (of the Baraita of the window stopper), who forbid making a temporary partition in the first place, but who permit adding to an existing partition.

And the first case of **utensils**, **as regards** the other case of **utensils**, **is not difficult** to reconcile. (I.e. the bed and sheet are referred to as utensils. In one Baraita it is taught: He may not stand up a bed, to spread on it a sheet. And in the other Baraita it was taught: And he may stand up a bed, and spread on it a sheet.).

This Baraita that forbids is speaking **about a third wall** that fell (since a structure of two walls is not called a “tent”.) Thus when he makes the third wall he is making a tent, and the Rabbis concur with Rabbi Eliezer that it is forbidden to make a temporary partition in the first place.

And that Baraita that permits is speaking about a case where he stands up the bed **in** place of a **fourth wall**. Since without this wall it is already considered a tent, the fourth wall is judged as a mere addition, and is permitted.

It is implied also by the wording of the forbidding Baraita that the case is where he stands it up as a third wall. **For it is taught** in that Baraita: If “**its wall**” fell, he should not stand it up. This indicates that we are speaking of a wall intrinsic to it, the succah. I.e. a wall that validates the succah—the third wall. Whereas the fourth wall is not “its wall” since the succah exists without it.

Hear from this a conclusive proof that the case is as we said.

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AMMUD BET

But one case of **a person, as regards** the other case of **a person**, is still **difficult** to reconcile. (In one Baraita it was taught: If its wall fell, he cannot place there a person; and in the second Baraita it was taught: A person can make his friend into a wall). We cannot answer here like we answered regarding the utensils, that he makes it into the fourth wall of the succah. For in the Baraita that permits it was taught, “in order that he eats, and drinks and sleeps.” I.e. through the person acting as a wall, the succah becomes valid. Thus the Baraitot contradict each other.

A person as regards a person is also not difficult to reconcile.

Here, the Baraita that forbids to place a person as a wall, it is because they placed him **with** his **knowledge** and consent. Although this is not the normal way to do construction, and theoretically should be permitted, here it is forbidden because it is an activity that attracts attention. Thus people might come to permit partitions even when made of utensils.

Here, the Baraita that permits placing a person as a wall, it is because they placed him **without** his **knowledge**. And since placing a person is not a method of construction, it is permitted.

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The Gemara is puzzled: According to this explanation, the following difficulty arises:

But note that in the incident of **Rabbi Yehoshua the son of Rabbi Chanilai**, who placed people as walls, **it was with the knowledge** of those people. So how was it permitted to do

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this on Shabbat?

The Gemara answers: In actuality, it **was without** their **knowledge**, and therefore it was permitted to place them on Shabbat.

*

The Gemara is still puzzled: But note that **Rav Chisda, at least**, who planned the partition, his participation **was with** his **knowledge**. So how did he join the partition?

The Gemara answers: **Rav Chisda** himself **was not among them**. Meaning, Rav Chisda himself did not join the partition.

There were certain wedding celebrants who brought water from a public place to a private domain **with a partition of people**, who were placed with their consent in the public area where the water was, and by way of this human partition they brought the water into the private domain.

Shmuel gave them lashes. Because **he said**, rhetorically: **Just because they** the Sages **said** it is permitted to make a human partition when people were placed there **without** their **knowledge**, **will they** therefore **say** it is permitted to do this even **with** their **knowledge**?²

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There were jugs that were placed in the town street of Mechuza, the town of Rava, and the jugs belonged to him. **When Rava came from his lecture** and a mass of people accompanied him, the butler **brought them**, i.e., the jugs, **into** Rava's house by using the

² In the case discussed at the beginning of this daf, where such a human partition was permitted, the partition was only for the purposes of *eiruv techumin*, for permitting a person to walk to the town limits. Whereas here, the partition is being used to create a private domain for purposes of carrying objects.

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people around Rava as a partition. He was allowed to do this since the people were not placed there for the sake of a partition.

On another Shabbat, he wanted to bring them in, and Rava forbade him. Because now it would be **like** with their **knowledge**. Since they were used before as a partition, it is probable that they would realize that this would be done again, **and it is forbidden**.

*

For **Levi, they brought in straw** from the public area using a human partition of people who were placed there without knowledge that they were being used as a partition.

For **Ze'iri** they used this method to bring in animal **fodder**.

For **Rav Shimi bar Chiya** they brought in **water**.

MISHNAH

Regarding **someone who went out** of the Shabbat boundary **with permission**. For example, he went to testify in the Sanhedrin that he saw the new moon, in order that Rosh Chodesh could be proclaimed (as is explained in the Mishnah in Rosh Hashanah 20B, that Shabbat is desecrated in order to come give testimony about the months of Nissan and Tishri). Or he went out to save a life. Or, a midwife went out of the boundary of her town in order to assist the birth a child.

And they said to him while he was on the way: **The activity** that you went out for **has already been done**, and you are not needed.

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The Halachah is as follows: This person who went out with permission, **he has two thousand *ammah* in each direction** from the place where he realized that he is not needed. This Halachah surely applies as well if he reached his destination, and performed the intended mitzvah: he has two thousand *ammah* in each direction from that place. (But someone who left the Shabbat boundary without permission, even accidentally, has only four *ammot* in which he may walk.)

If at the time that they informed him **he was in the boundary, it is considered as if he did not go out.** The Gemara will explain.

All those that go out to rescue, may return to their places. The Gemara will explain.

GEMARA

What does it mean, **if he was in the boundary, “it is *as if*” he did not go out?** “As if” is inaccurate since he *really* did not go out of his boundary!

Said Rabbah: This is what it is saying: **If** at the time they informed him **he was in his “boundary,” it is considered as if he did not go out “from his house.”** And we do not allow him two thousand *ammot* from where he is, rather, he has the entire town and its boundary.

The Gemara is still puzzled: This is **obvious** that he is not given two thousand *ammot* from where he is, since he has not lost his original boundary.

The Gemara answers: **What would you have said? Once he uprooted himself, he is considered uprooted.** Meaning, had he reached the intended place, he would have had two

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thousand *ammot* from that place. And he already uprooted himself from his present place in order to go there. Thus I would say it is considered as if he reached there. The Mishnah **informs us** that this is not how the case is judged.

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Rav Shimi bar Chiya said a different explanation of this line of the Mishnah: **This is what it is saying:**

Even though he already went out, **if the new boundary** i.e. the two thousand *ammot* **that the Sages gave him** from the place where he was informed **overlaps³ his original boundary**, because it reaches to the two thousand *ammot* of his town, **it is considered as if he did not go out of his boundary.**

Thus he may walk the two thousand *ammot* that were given him until he reaches his original boundary, and once he reaches there, he reverts to his original two thousand *ammot* boundary.

The Gemara explains: **In what point are they**, i.e., Rabbah and Rav Shimi bar Chiya, **differing?**

One **master**, Rav Shimi bar Chiya, **holds that the overlapping of boundaries is significant.**

And the other master, Rabbah, **holds that overlapping boundaries is not significant.** He holds that even if the two thousand *ammot* that he is given overlaps with his original two thousand *ammot*, and he returns to there, he does not revert back to his original boundary.

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Said Abaye to Rabbah: And do you not hold, i.e. should you not agree, **that the**

³ Lit., is swallowed in.

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overlapping of boundaries is significant?

But note the following proof that it is significant.

By way of introduction:

1. One who spends Shabbat in an enclosed area counts his two thousand *ammot* from the entrance of that area.
2. If that area has two entrances, one on the east and one on the west; no matter which entrance he leaves from he has still two thousand *ammot* in each direction.
3. When he returns and leaves from the other entrance, he also has two thousand *ammot* in each direction.
4. Someone spends Shabbat in a long cave of 4000 *ammah* or more, and the cave has an equally long roof. And he leaves through the eastern entrance and then walks on the roof the cave (which is not considered as part of the cave's area) towards the west. When he reaches two thousand *ammot* from the eastern entrance, he may not walk further. If he wants to get to the western entrance, he must return the way he came, reenter the cave, walk its entire length until the western entrance, and from there he has two thousand *ammot* in each direction.

*

On this basis, Abaye says to Rabbah:

Had he spent Shabbat in the cave in which there is a length of four thousand *ammot*, and on its roof is less than four thousand *ammah*,

Can he not walk its entirety and beyond it two thousand *ammah*?

This means: Do you not agree that if he left the cave though the eastern entrance and walked

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on its roof towards the western entrance, that we do not say when he reaches the end of the two thousand *ammot* that he must return the way he came and get to the western entrance via the cave (which would be the Halachah if there were more than four thousand *ammah* on the roof). Rather, we say he may walk the entire roof towards the west, and in addition he has two thousand *ammah* from the west.

You must agree to this, since we have a tradition that this is the Halachah.

And the reason is because the boundary that he has from the east overlaps the boundary that he has from the west. The overlapping boundaries make the boundaries of the two entrances into one.

We thus see that overlapping boundaries is significant, so how does Rabbah say that it is not significant?

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Rabbah **said to him**: How can you compare the overlapping of the boundaries on the cave roof, where the two boundaries (east and west) are a result of his spending Shabbat there from Friday, to the overlapping of boundaries of someone who left his boundary with permission?

Do you not make a distinction between where he spent Shabbat within the partitions from while it is still day (Friday), to where he did not spend Shabbat within the partitions from while it is still day? If someone spends Shabbat within a partitioned area from Friday, the entire area is considered like four *ammot*. But if does not spend Shabbat within the partitioned area from Friday, it is not considered like four *ammot*.

Since you agree to this, the same applies by overlapping boundaries. Only where the two boundaries are the result of his spending Shabbat there from Friday, then the overlapping of the boundaries make it into one boundary.

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But where he leaves his boundary with permission, and the boundary that the Sages gave him is not a result of his spending Shabbat there from Friday, he has acquired a new Shabbat residence. Thus he no longer has his former Shabbat residence, and even if he reenters his old boundary, he does not revert to it.

*

Abaye challenges Rabbah: **And where he did not spend Shabbat** there, and he has a new boundary that came to him on Shabbat, we do **not** apply the overlapping of boundaries?

CHAVRUTA

EIRUVIN – DAF MEM HEH

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

But note that it was taught in a Mishnah: One who went out of the boundary... **Rabbi Eliezer says:** If he only went out of the boundary **two** *ammot*,¹ **he may enter** the boundary of his town and he is like the other residents of the town, but if he went out **three** *ammot*, **he may not enter.**

Is it not that **Rabbi Eliezer**, who said if he went out two he may enter, is following **his reasoning that he said** regarding one who went out of the boundary, who has four *ammot*, **“and he is in the middle”** of the four *ammot*? Meaning that we give him two *ammot* in each direction from where he is standing.

And therefore, if he goes out only two *ammot*, the **four *ammot* that the Rabbis give him** when he goes out of the boundary **it is as if it overlaps** (even though it does not really overlap, rather they are contiguous with his original boundary since he went out a full two *ammot*; nevertheless this is sufficient to be “as if they overlap”). And because they overlap, Rabbi Eliezer **said that he may enter.**

It follows that **overlapping of boundaries** (even though he did not make it his Shabbat residence from Friday) **is significant.** This is difficult for Rabbah who said that overlapping of boundaries is not significant in such a case.

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Said Rabbah bar Channah to Abaye (he was puzzled by the fact that Abaye, based on Rabbi Eliezer’s view, raised a difficulty to Rabbah):

And based on Rabbi Eliezer’s view, you contradict Master, Rabbah? How can you base

¹ 1 *ammah*: 18.7 in., 48 cm

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yourself on this minority view, whereas the Rabbis say that even if he goes out one *ammah*, he may not enter?

Said to him Abaye: Yes, I raised a difficulty based on Rabbi Eliezer, since **I heard from Master**, Rabbah himself, who said: Only **this far do the Rabbis disagree with Rabbi Eliezer**, where it is **only for a matter of a non-mitzvah**. But **for a matter of a mitzvah**, the Rabbis **agree** to Rabbi Eliezer that we allow overlapping. Thus my difficulty was well founded.

It was stated in the Mishnah: **All those that go out to rescue, they may return to their place.**

It seems to be saying that if they went out of the boundary in order to save lives, meaning that they went out with permission, they can return to their town and its boundary, from wherever they are. Therefore the Gemara raises a difficulty:

And even if they go **a lot** out of town, more than two thousand *ammot* from the end of the town's boundary, they are still permitted to go back to their place?

But note that **you said in the first clause** of the Mishnah: Someone who went out with permission... he has **two thousand ammah** from the place they informed him, and the same applies from the place where he rescued, **but not more**. So how can we say that he has more than two thousand *ammah*?

Said Rav Yehudah in the name of Rav: The Mishnah's statement about those who rescue is not coming to teach a law of boundaries. Rather this is what it is saying:

That all those who leave the boundary while wearing their weapons in order to rescue, **return with their weapons to their places**, i.e., to the place where the Sages permitted. This means that once the incident is over, we do not say that they have to abandon their weapons

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in order to avoid transferring them from a public domain to a private domain. The reason for this will be explained later in the Gemara.

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The simple understanding of the Mishnah is that they can return to their town even if they were further than two thousand *ammot*. The Gemara questioned this, based on the first clause in the Mishnah which said that one that went out with permission only has two thousand *ammot* and not more. The Gemara is puzzled by the discussion that just took place:

What was the question in the first place?

Perhaps the first clause of the Mishnah deals specifically with the testimony about the new month, and a midwife. Whereas the latter clause of the Mishnah speaks of one who went out to rescue from enemies. **And to rescue from enemies is different**, since there is concern that the enemies will pursue them. Therefore he is permitted to enter the town even if it is very far.

But if there is a **difficulty** that was raised, **this** is the **difficulty**: Due to a different contradiction, Rav was brought to answer what he did, that the Mishnah comes to teach that they may return to their place with their weapons. He was brought to this conclusion by what was stated in a different Mishnah about someone who goes out to rescue from enemies, that he has only two thousand *ammot*.

For it was taught in a Mishnah in Tractate *Rosh Hashanah* regarding witnesses who saw the new moon and went out of their boundary in order to testify:

Originally, the witnesses who came to testify **would not move from there**, i.e. from the Rabbinical Court to which they came to offer their testimony. They would remain there **the entire day**, just like anyone else who went out of the boundary and thus has only four *ammot*. **Rabban Gamliel the Elder enacted that they have two thousand *ammah* in each**

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direction.

And not only regarding **these** witnesses **did they**, the Sages, **say** that the person has two thousand *ammah* in each direction. **Rather, even** regarding **a midwife who comes to assist a birth and one who comes to rescue from enemy soldiers and from an overflowing river that will wash away the people and from a collapsing building and from a fire. They are all like the people of the town** that they came to, **and they have two thousand *ammah* in each direction.**

This is the difficulty:

And more than two thousand *ammot*, it is **not** permissible to go back if he came to rescue from enemy soldiers?

But note that **you said** in our Mishnah: **All those that go out “to rescue,” may return to their place.** This indicates **even more** than two thousand *ammot*!

Because of this difficulty, **that** is why it was **said** by **Rav Yehudah in the name of Rav** to explain the Mishnah: **That they return with their weapons to their place.** I.e. they are limited to 2000 *ammah*, but they may carry their weapons.

As it was taught in a Baraita that they are permitted to return with their weapons to their place: **Originally, they would place their weapons upon their return in the house close to the wall. One time, the enemy saw them leaving the town and chased after them.** The rescuers **entered** the house **to take their weapons** from where they left them, **and the enemy entered after them.** Since the house was small and narrow, the rescuers **pushed each other and they killed each other even more than what the enemy killed** of them.

At that time, they enacted that they should return to their place with their weapons.

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Rav Nachman bar Yitzchak said to answer the contradiction between our Mishnah, which taught that the ones who go out to rescue may return to their place, and the Mishnah in Rosh Hashanah that taught that even one who comes to rescue only has two thousand *ammah* in each direction. This is **not difficult**:

Here in the Mishnah in Rosh Hashanah, it is dealing **where the Jews overcame the nations of the world**, and they do not have to be concerned about the enemies. Thus they need not return to their place.

Here in our Mishnah it is **where the nations of the world overcame themselves** (a euphemistic reference to the Jews being overcome) and they have to be concerned that the enemies will chase after them. Therefore, they return to their place.

Said Rav Yehudah in the name of Rav: Gentiles who laid siege to cities of Jews (for monetary reasons, as will be explained), **they, the Jews, may not go out against them with their weapons and they may not desecrate the Shabbat on their account.**

This was also taught in a Baraita:

Gentiles who laid siege... (as Rav Yehudah said.)

When are these words said? When they the besieging Gentiles came for matters of money. But if they came for matters of life and death, they the Jews may go out against them with their weapons and they may desecrate the Shabbat on their account.

And in a town near the border between the Jews and the Gentiles, **even if they did not come for matters of life and death but for matters of straw and stubble, they the Jews may go out against them with their weapons and they may desecrate the Shabbat on their account.** Since we are concerned that if this town is captured, it will be easy to capture the rest of the land.

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Said Rav Yosef bar Menyumi in the name of Rav Nachman: And Babylon is like a town close to the border, and its meaning is: Nahardea. In other words, when they said that Babylon is like a town on the border they were referring to Nahardea, since on one side it was close to gentiles and on the other side there were cities of Jews of the Diaspora.

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Expounded Rabbi Dostai of the town of Biri, from a verse. He drew proof from Scripture that they may desecrate Shabbat on account of gentiles who come over matters of straw and stubble if the town is close to the border:

This is what he expounded: **What** is the meaning of **that which is written:**

“And they told to David saying, ‘Behold the Philistines are fighting in Ke’ilah and they are plundering the granaries.’” (*Shmuel*² I, 23:1)

It was taught in a Baraita: Ke’ilah was a town near the border.

And they only came on matters of straw and stubble.

As it is written, “And they are plundering the ‘granaries’.”

And it is written (ibid. 2), **“And David asked of Hashem** (by way of the *Urim Vetumim*³), **‘Should I go out and strike the Philistines?’ And Hashem said to David, ‘Go and strike the Philistines and save Ke’ilah.’”** Since we see that David put himself at risk in order to rescue, we learn that matters of money in a town near the border is like matters of life and

² Samuel

³ This was one of the Names of G-d written on a parchment and placed into the *Choshen* worn on the chest of the cohen gadol. When a question was asked, the *Urim Vetumim* would miraculously cause certain engraved letters on the *Choshen* stones to light up and the cohen would then use Divine Inspiration to arrange the letters in the proper sequence to receive an answer.

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death, and they desecrate the Shabbat for it.

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Now the Gemara explains the verse: **What was David inquiring** when he asked Hashem, “Should I go and strike the Philistines?”

If you say it was Shabbat and David asked **if it is permissible** to desecrate Shabbat for this **or if it is forbidden—**

This cannot be, **because the court of Shmuel HaRamati⁴ existed** at that time, and he should have asked him and not the *Urim Vetumim*.

Rather, this is what David asked Hashem: **If he will succeed** in his war **or not**.

It can **also be inferred** that David was asking about his success in the war. **As it is written** that they answered him: “**Go and strike the Philistines and save Ke’ilah.**” Thus, he must have asked if he will succeed in saving Ke’ilah, and that is why Heaven answered him that indeed he will succeed in his war to save it.

Hear from it a conclusive proof that a border town has the above-mentioned law.

MISHNAH

One who sits on the road to rest because he was tired, and he did not know that he was in the boundary of the town, and in the meanwhile Shabbat commenced. **He stood up**, i.e., he

⁴ Samuel the Prophet, who was from the town of Ramah.

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awoke, **and saw that he was close to the town** and in its boundary.

[Since] **his intention was not for this**, i.e. that his Shabbat residence should be in the town, **he may not enter** the town to be like them to have two thousand *ammot* from the town in each direction. Rather he can go two thousand *ammot* from his place and he can enter the town only until the end of his two thousand *ammot*. These are **the words of Rabbi Meir**.

Rabbi Yehudah says: Even though his intention was only to have a Shabbat residence in his place and not in the town, **he may enter** the town, and his status is like that of the residents. He may go more even than two thousand *ammot* from his place, since he is like the other residents who can go two thousand *ammot* from the town in each direction.

The *Ritva* explains the reason for this: Even though he was sitting there and had intention to acquire his Shabbat residence there, it is assumed that he wants to be like the town residents as much as possible, since he had originally intended to go to the town. Had he known that he was in the town boundary, he would have entered the town. Since this is so, his intention to acquire his Shabbat residence here is mistaken, and his real intention is to acquire Shabbat residence with the town residents and to be like them. We consider this intention the decisive one.

Said Rabbi Yehudah as proof in favor of his view: **There was an incident** that once took place, **and Rabbi Tarfon entered** the town to a point that was further than two thousand *ammot* from the place of his Shabbat residence, and even though it was **without intention**, in accordance with Rabbi Yehudah's view.

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GEMARA

It was taught in a Baraita: **Said Rabbi Yehudah: An incident** once took place **with Rabbi Tarfon** who was going on the road on Friday and it got dark and he spent the night outside the town. **In the morning the herdsmen found him. They said to him: Rabbi!** Note that the town is before you, enter! Rabbi Tarfon **entered** the town and sat in the study hall which was more than two thousand *ammot* from the place where he was and expounded the entire day.

They said to him: From there is a proof?

Perhaps he had in mind to enter. He knew all along that he was in the town boundary and his intention was to acquire his Shabbat residence with the people of the town.

Or perhaps the study hall was absorbed within the boundary of the place he spent the night, so even if he acquired his Shabbat residence there, he was still permitted to come to the study hall.

MISHNAH

One who was sleeping on the road and did not know that it got dark, and he did not have intention to acquire a Shabbat residence in his place, nevertheless he has two thousand *ammah* in each direction. These are the words of Rabbi Yochanan ben Nuri, that one can acquire a Shabbat residence even without realizing.

And the Sages say: One who is sleeping does not acquire a Shabbat residence. Since he did not acquire a Shabbat residence during twilight, he does not acquire it when he wakes up.

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Therefore he **only has four *ammot***.

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The Mishnah explains the law of the four *ammot* mentioned here and elsewhere.

Rabbi Eliezer says: And he, the one acquiring the Shabbat residence of four *ammah*, **is in the middle** of the four *ammot*. Meaning he has two *ammot* on each side, aside from the area of his body.

Rabbi Yehudah says: Those four *ammot* are dependent on his choice, **and to whatever direction that he wants, he can go**. In other words, he may choose the four *ammot* in any direction that he wants, and he may go there.

And Rabbi Yehudah agrees to Rabbi Eliezer in the following case: **That if he chose for himself** two *ammot* on one side and two *ammot* on the other side, **he may not go back** from this choice.

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If **there were two** people that acquired four *ammah* Shabbat residences next to each other, **and part of the *ammot* of this one is in the *ammot* of that one**. For example, the two people were six *ammot* apart, and each one chose the four *ammot* towards his friend, thus there are two *ammot* overlapping.

The two of them **may bring** their bread **and they may eat in the middle** in those two *ammot*.

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AMMUD BET

And this is provided that this one does not take out his bread or possessions **from his** four *ammot* **into** the four *ammot* **of his friend**, i.e., into the *ammot* that are not overlapping.

The reason for this: a person's belongings have the same status as he does, as it says in the Mishnah: "The animal and the utensils are like the feet of the owners," meaning one may take these items only to places that the owners are permitted to go. Therefore, just like he cannot go beyond his four *ammot*, so too his possessions cannot be taken out of those four *ammot*.

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If **there were three people, and the middle one was swallowed up between them**. For example, the two people on the outside were eight *ammot* apart, and each of them chose the four *ammot* towards his friend, thus each one's four *ammot* ends where the other's begins. The third person is in between the outer two and since he has two *ammot* in each direction, he has two overlapping *ammot* with each of the two on either side.

He, the one in the middle, **is permitted with them, and they**, the two on the outside, **are permitted with him**. Meaning, he can do activities together with each of the outer ones, in the common two *ammot* that he has with each.

And the two outer ones are forbidden with each other. I.e. even though the outer two

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cannot do any activities together, we do not forbid the middle one from doing so out of concern that the outer two will come to do activities with each other.

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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 area.** 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*⁵ is made. If the *eiruv* is not made between the three, each one can carry in his own courtyard.

We extrapolate from the case of the Mishnah to the case of the three courtyards:

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 object 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.

The Gemara explains later that the Sages argue with Rabbi Shimon in the case of the three courtyards, since they decreed it is forbidden perhaps even the residents of the outer

⁵ 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.

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two will come to transfer from one to the other. Rabbi Shimon says to the Sages, why is it that in the case of three courtyards you differ with me, whereas in the case of three people each with a four-*ammah* Shabbat residence, you agree with me? The Gemara will explain the reasoning of the Sages who differentiated between these two cases.

GEMARA

It was stated in the Mishnah that there is a disagreement between the Sages and Rabbi Yochanan ben Nuri whether a person can acquire a Shabbat residence while sleeping. In the view of the Sages that a person cannot acquire a Shabbat residence without his knowledge, it is obvious that regarding ownerless objects, where no one acquires a Shabbat residence on their behalf, they have no Shabbat residence. Nevertheless, anyone can take them wherever they please. We do not say that they may not be taken out of their four *amot*, which is the Halachah regarding a person who did not acquire a Shabbat residence.

But regarding the view of Rabbi Yochanan ben Nuri, **Rava inquired:**

What approach does **Rabbi Yochanan ben Nuri hold** of, when he said in the Mishnah that even someone who is sleeping acquires a Shabbat residence?

Does he hold that even **ownerless items acquire Shabbat residence**, because in his view, one does not need “knowledge” to acquire a Shabbat residence?

It could be objected that if he did hold this way, he should have differed with the Sages not regarding someone who is sleeping but regarding ownerless items.

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In response to this potential objection, the Gemara says: **Strictly speaking, they should differ over ownerless utensils. And the fact that they instead differ over a sleeping person is for a side reason: to inform you of the Halachic extent of the position of the Sages,** i.e., how far they apply their principle. In other words, the Sages hold that not only ownerless objects, but even a person who is sleeping does not acquire a Shabbat residence.

This is a far application of the principle. **For even though there is room to say: since one who is awake acquires a residence, one who is asleep should also acquire.** Due to this potential argument, our Mishnah **informs us that** this is **not** the case. Rather, the Sages hold that even a sleeping person does not acquire a Shabbat residence.

Or perhaps, Rabbi Yochanan ben Nuri holds in general that ownerless items do not acquire Shabbat residence, since they have no knowledge, **and here** with a sleeping person **the reason** that he acquires Shabbat residence even without knowledge **is since** one who is **awake acquires,** one who is **asleep also acquires.** But since this cannot be said about inanimate objects, they do not acquire Shabbat residence.

Said Rav Yosef: Come and hear a proof from what was stated in a Baraita:

Rain that fell on Erev⁶ Yom Tov acquires a Yom Tov residence for itself when the Yom Tov starts, and **it has only two thousand ammot in each direction.**

But if the rain fell **on Yom Tov** itself and did not acquire a Yom Tov residence when Yom Tov started, now also it does not acquire a residence, and therefore **it is like the feet of any person,** i.e., it has the same boundary as the first person to pick it up. Even if the first person to pick it up gives it to someone else, the rainwater can only be taken to where the first person is permitted to go.

From this Baraita, which holds that rain—an ownerless object—acquires a residence, we

⁶ The Eve of.

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can resolve our question.

It is all right if you say that Rabbi Yochanan ben Nuri holds ownerless objects acquire residence, this Baraita that holds that ownerless objects acquire residence, **whose view is it? It is Rabbi Yochanan ben Nuri's.**

But if you say that even according to Rabbi Yochanan ben Nuri, ownerless objects do not acquire residence, only sleeping people do, then this Baraita, whose view is it? It is not Rabbi Yochanan ben Nuri's, and not the Rabbis'!

*

Abaye sat and recounted this topic, reporting how Rav Yosef had proven that ownerless objects acquire residence according to Rabbi Yochanan ben Nuri, citing the Baraita as proof.

Said Rav Safra to Abaye: And perhaps the inquiry into Rabbi Yochanan ben Nuri's view cannot be resolved from here, since the Baraita is treating a different case:

We are dealing with rainwater that is **close to the town** and within its boundary, **and the people of that town have their minds on it,** i.e. the rainwater. Thus the rain has residence like the feet of that town, i.e., its boundary. And when the Baraita says: "It has two thousand *ammot* in each direction," this does not mean from where it fell, as we originally thought, but two thousand *ammot* in each direction from the town.

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Abaye **said to him** Rav Safra: **It should not enter your mind** to explain the Baraita like you did. This is because we can prove from an additional source that Rabbi Yochanan ben Nuri holds that ownerless items acquire residence, and consequently, this will also be the reasoning of our Baraita.

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For it was taught in another Mishnah:

A water **cistern of an individual** is **like the feet of the individual** who owns it, and one can only take the water to where it is permitted for the cistern's owner to go. If the cistern's owner made an *eiruv techumin*⁷ to the east, the one drawing the water cannot take it even one step towards the west.

And a cistern **of that town** is **like the feet of that town**, and its water can be taken two thousand *ammot* in each direction. Even if the one drawing the water made an *eiruv* either to the east or west, he cannot take it beyond the two thousand *ammot* boundary of the town.

And a cistern **of those coming up** from **Babylon**, i.e. a water cistern on the road from Babylon to the Land of Israel, and its water is ownerless: the water **is like the feet of the water drawer** who acquires it from its ownerless state. Once he acquires it, it is like his feet, and even if he gives it to someone else, that second person can only take it to where the one who drew it is permitted to go. And why is the water in the cistern of those coming up from Babylon is like the feet of the one who draws it? Because ownerless objects do not acquire residence.

Yet in a Baraita **it was taught** differently:

The water in the **cistern of the tribes**, i.e. those immigrating from Babylon to the Land of Israel, is not like the feet of the drawer. Rather, it acquires residence in its place, **and it has two thousand ammot in each direction**. This Baraita holds that ownerless objects indeed acquire residence.

The Mishnah and the Baraita **are difficult** to reconcile **with each other! Rather**, are we **not** led to say that there is a disagreement between the Tannaim over this point?

⁷ 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 Shabbat, one may walk another 2,000 *ammot* from where one left the food.

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Thus, **hear from this** a proof regarding the view of Rabbi Yochanan ben Nuri:

This, the Baraita, **is Rabbi Yochanan ben Nuri** who holds in our Mishnah that someone sleeping acquires residence, and the same applies to ownerless objects.

And that, the Mishnah, **is the Rabbis** who hold that ownerless objects do not acquire residence.

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When Abaye **came before Rav Yosef** (who earlier explained that the Baraita dealing with rainwater holds that ownerless objects acquire residence), Abaye **said to him: So said Rav Safra** to challenge your explanation, **and so I answered him.**

Rav Yosef **said to him** to Abaye: **And why did you not say to him, to Rav Safra, from it itself?** In other words, why did you not prove to Rav Safra from the very Baraita about rainwater that the reasoning is because ownerless objects acquire residence?

For **if it enters your mind** that the Baraita **is dealing** with **rainwater near the town**, and it only acquires residence because of the people of the town, but not on its own, the following problem arises: What is the meaning of **that** which was taught in the Baraita: **“It” has two thousand ammah in every direction**, which indicates it has this boundary on its own right, not due to the town?

Note that according to Rav Safra’s explanation, it **should have** said: **like the feet of the people of that town**, since this expression indicates that the water has residence because of the town residents.

Thus, the Baraita must be holding that ownerless objects acquire residence, and it follows Rabbi Yochanan ben Nuri.

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Said the Master i.e. the Tanna of the above-quoted Baraita: Rain that fell **on Yom Tov**, **it is like the feet of any person.**

The Gemara is puzzled: **And why** is it permitted to move it?

Rain that falls from the clouds on Yom Tov was in the ocean on Erev Yom Tov. Therefore, when Yom Tov starts, the water **should acquire residence in the ocean** where it is. Once the water leaves its residence on Yom Tov, it should be forbidden to move it beyond its four *ammot*, which is the law if someone left his boundary; he only has four *ammot*.

Since we see in the Baraita that it does not acquire residence, **let us say** that this Baraita is **not in accordance with Rabbi Eliezer's** view on the source of rain. **For if it is in accordance with Rabbi Eliezer, note that he said: The entire world drinks from the waters of the ocean.** Rather, it is in accordance with Rabbi Yehoshua in Tractate *Ta'anit* 9B, who holds that the clouds draw their water from the “upper waters” and therefore this water did not acquire a residence anywhere on earth.

Said Rabbi Yitzchak to dismiss this approach: **Here** in the Baraita **we are dealing with clouds that formed on Erev Yom Tov.** Therefore the water does not acquire residence when Yom Tov starts, as the Gemara proceeds to explain.

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The Gemara is puzzled: Nevertheless, how is it permitted to move the rainwater? Let us be concerned **perhaps these** clouds that appeared yesterday **went** away, **and those** clouds from which the rain comes today **are different** ones that formed today from water that was in the ocean yesterday and that acquired residence in the ocean. Therefore it should be forbidden to move it more than four *ammot*.

The Gemara answers: The Baraita is speaking where it rained from clouds **that he has an**

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indicating **mark on them**, and he thereby recognizes that the clouds were formed yesterday.

And if you wish, I will say an alternative answer: indeed there is a doubt whether these clouds appeared yesterday or whether they are different ones. Nevertheless it is permitted to move the water beyond four *ammot* because **it is an uncertainty** regarding a law **of their** the Sages' **words**, since transporting an object beyond the Shabbat boundary is merely a Rabbinical prohibition. **And regarding an uncertainty of their words**, we rule **to be lenient**.

The Gemara now returns to explain Rabbi Yitzchak's answer that we are dealing with clouds that formed on Erev Yom Tov. The Gemara is puzzled:

The water **should acquire residence** on Erev Yom Tov **in the clouds**, and once it leaves the boundary of the clouds it should be forbidden to move it more than four *ammot*. Yet we see that this is not so. Therefore:

You may settle from it, the Baraita, a question that was earlier left hanging: **that there is no prohibition of boundaries above ten tefachim**.⁸ Consequently, it is not possible for the water to acquire residence above ten *tefachim*, **because if there are boundaries above ten tefachim**, the water **should acquire residence in the clouds**.

The Gemara dismisses this: **In truth, I will say to you that there are boundaries** above ten *tefachim*, and the rain still does not acquire residence in the clouds. This is because **water in the clouds is absorbed**, and does not exist as an independent entity capable of acquiring residence.

⁸ 1 *tefach*: 3.1 in., 8 cm

CHAVRUTA

EIRUVIN – DAF MEM VAV

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

The Gemara challenges: If it is true that rainwater is completely absorbed within the clouds, then **all the more so** it should be forbidden to move it around. For **it** should **be** considered *nolad*¹, an entity that was newly formed on Shabbat. **And** thus it should be **forbidden** to move the fresh rainwater even within a space of four *ammot*², given that it is *muktzeh*³. If so, why did the Baraita teach that one may move the water a distance of two thousand *ammot* in any direction?

The Gemara is thus forced to give a different answer as to why rainwater does not establish its place of “residence” for Shabbat in the clouds: **Rather, water in the clouds surely moves about.** Given that clouds constantly move from place to place, they never establish a residence.

Now that you have come to this conclusion, that something which is not stationary does not establish a place of residence, the **ocean** - i.e. the difficulty that the Gemara raised above, “Let the water establish its residence in the ocean” – **should also not be a difficulty for you.** Because the **water in the ocean also surely moves about**, and thus does not establish a place of residence.

And it was similarly **taught** in a Baraita that mobile water does not establish a place of residence: **Rivers that flow and springs that spout** water do not establish a place of residence for their waters, therefore **note that they are like the feet of any person**, i.e. they follow the Shabbat residence of the person who draws them. This would hold true even if the water was drawn by someone other than its owner, despite the fact that a person’s property normally follows his place of residence.

¹ Lit. Born

² 1 ammah: 18.7 in., 48 cm

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Rabbi Yaakov bar Idi said in the name of **Rabbi Yehoshua ben Levi**: **The Halachah is in accordance with** the view of **Rabbi Yochanan ben Nuri**, who said in the Mishnah that a sleeping person can establish a place of residence. However, ownerless items do not establish a residence, as will be explained shortly.

Rabbi Zeira said to **Rabbi Yaakov bar Idi**: Did you hear this **expressly** from Rabbi Yehoshua ben Levi, or did you **“hear”** it only **by inference**? Perhaps you heard another ruling made by Rabbi Yehoshua ben Levi, and from there you were able to infer his position here.

Rabbi Yaakov bar Idi **said to him**: **I heard it expressly**.

From Rabbi Zeira’s question, we understand that Rabbi Yehoshua ben Levi had made another ruling on a similar subject, and that from there it is possible to infer that here, the Halachah is in accordance with the view of Yochanan ben Nuri. The Gemara thus asks: **What** was the **inference**?

The Gemara answers: **That** which **Rabbi Yehoshua ben Levi** said: **The Halachah is in accordance with the words of the lenient** view, **for** all matters relating to *eiruv*. And Rabbi Yochanan ben Nuri’s view was the most lenient in the Mishnah, given that he said that a sleeping person establishes a place of residence, while the Rabbis said that he would be confined to a space of four *amot*. Therefore, since *Techumin*, matters of Shabbat residence, are a branch of the laws of *eiruv*, one might infer from here that the Halachah should be in accordance with his view.

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³ The Rabbis forbade one from moving certain articles on Shabbat, one of which being those items with the

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The Gemara raises a difficulty: **And** since Rabbi Yehoshua ben Levi expressly said that the Halachah follows Rabbi Yochanan ben Nuri, **why do I need** both statements, one saying that the Halachah follows the lenient view and the other saying that the Halachah follows Rabbi Yochanan ben Nuri.

Rabbi Zeira said: Both of Rabbi Yehoshua ben Levi's statements **are necessary**.

Because if Rabbi Yehoshua ben Levi **had** only **told us** that **the Halachah is according to Rabbi Yochanan ben Nuri's** view, then **I would have said** that the Halachah follows him **whether** this results **in a leniency**, as is the case with his ruling concerning a sleeping person. **Or whether** it results **in a stringency**, as in the case of ownerless property, where Rabbi Yochanan ben Nuri also holds that it establishes a place of residence—thus forbidding one to remove it from its Shabbat boundary.

Therefore, Rabbi Yehoshua ben Levi **informs us: The Halachah is in accordance with the words of the lenient** view, **for** all matters relating to *eiruv*. This teaches that the Halachah does not follow Rabbi Yochanan ben Nuri entirely, rather, only in the matter of a sleeping person. There we say that since a person can establish a residence when awake, a sleeping person can also do so, even unintentionally. However, in the case of ownerless property there is never any possibility of having the intention that is necessary to establish a residence. Therefore, there the Halachah does not follow Rabbi Yochanan ben Nuri, who said that ownerless property establishes a residence.

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The Gemara explains further: **And let him** just say that **the Halachah is in accordance with the words of the lenient** view, **for** *eiruv*. **Why would I then need** Rabbi

status of *nolad*.

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Yehoshua ben Levi to say that **the Halachah is in accordance with** the view of **Rabbi Yochanan ben Nuri?**

It was necessary! For otherwise, **you would think to say** that **these words** – that the Halachah follows the lenient view for *eirubin* – were said in a circumstance where **an individual**'s view was lenient **in a place** where another **individual** disagreed with him. **Or** where **a group** of Sages held a lenient view **in a place** where another **group** of Sages disagreed. **However**, if **an individual** were lenient **in a place** where **a group** disagreed with him, **I would have said: No**, in this case the Halachah follows the majority, even though they are ruling stringently. Therefore, Rabbi Yehoshua ben Levi lets us know that the Halachah follows Yochanan ben Nuri's leniency, even though he is an individual who disagrees with the majority view.

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Rava said to Abaye, puzzled by the answer that was given: **Surely** the laws of *eirubin*, a branch of which are the laws of *techumin*, are **Rabbinic** in origin. If so, **what** difference does it make **to me** whether it is a case of **an individual in a place** where another **individual** disagrees, or whether it is a case of **an individual in a place** where a **group** disagrees? In either case, given that the law is Rabbinic in origin, one should follow the lenient view. Thus the original difficulty remains – why did Rabbi Yehoshua ben Levi have to say that the Halachah follows Yochanan ben Nuri?

Rav Papa said to Rava: And in the case of a law **that is Rabbinic** in origin, is there **no difference for us between** a case of **an individual in a place** that another **individual** disagrees, **and** a case of **an individual in a place** where a **group** disagrees?

Surely it was taught in a Mishnah that we follow a group over an individual even to be stringent regarding Rabbinic laws:

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Rabbi Eliezer⁴ says: The Rabbis decreed that if a woman discharged blood, we regard any pure items that she has touched in the previous twenty-four hours as having been rendered impure. This is because they were concerned that the blood might have been shed earlier, standing fixed to the walls of the womb for some time before it was discharged. However this decree was only applied to a woman who had a record of discharging blood. Therefore, concerning **any woman for whom three periods had passed** without seeing blood, if she sees blood afterwards **it is enough for her** that she renders items impure at the **time** that she discharges the blood. But she would not render items impure retroactively.

And it was taught in a Baraita, commenting on this Mishnah: **An incident** once took place, **and Rabbi** i.e. Rabbi Yehudah HaNasi, **acted in accordance with** the ruling of **Rabbi Eliezer**.

After it was recalled (at this stage the Gemara assumes that this means: after it was recalled that the Halachah is not in accordance with Rabbi Eliezer), Rabbi **said: Rabbi Eliezer's view is sufficient to rely upon in a time of need**, and the incident took place at a time of famine when there was a need for food to eat.

And the Gemara asks: **What** does the Baraita mean when it says: **“after it was recalled”**?

If one will say that it means: **After it was recalled** that it had been taught **that the Halachah is not in accordance with Rabbi Eliezer, rather** that it is **in accordance with the Rabbis** of the above Baraita, with whom he disagreed.

Surely this is impossible, because if so, **how could one act in accordance with his** view, even **in a time of need**?

⁴ According to the emendation of the Bach.

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Rather, one is forced to say that the reason that Rabbi did not retract, even “after it was recalled”, is that in truth **it was not said** in a statement of Amoraim that **the Halachah is either in accordance with Rabbi Eliezer or in accordance with the Rabbis**. And when the Baraita said, “**after it was recalled**” it meant to say: After it was recalled **that it is not an individual who disagrees with him, rather a group who disagrees with him**, and that we should therefore follow the ruling of the majority. Nonetheless, since this was the only reason for following the Rabbi’s view, it is understandable why Rabbi **said: Rabbi Eliezer’s view is sufficient to rely upon in a time of need**.

It is thus clear that had it not been a time of need, we would have ruled like the view of the Rabbis.

If so, the Gemara’s original explanation is valid: Had Rabbi Yehoshua ben Levi not said expressly that the Halachah is in accordance with Yochanan ben Nuri, one might have said that one follows the stringent view of the majority.

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Rav Mesharshiyah also **said to Rava**, puzzled as to how one could say that there is no difference between a case where an individual disagrees with another individual, and a case where he disagrees with the majority. **And there are those that say** it was in fact **Rav Nachman bar Yitzchak** who posed the same difficulty **to Rava**:

Surely it was taught in a Baraita:

If a person heard **a report** that one of his relatives had died, and it is **close** (the Gemara will explain the meaning of this shortly), **he must observe the seven (Shiva) and thirty (Sheloshim) day periods of mourning**.

However if one hears a **distant** report, **he only observes one day** of mourning.

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What is considered a close report, and what is considered a distant report?

If one heard the report **within thirty** days of the death of the relative, then this is considered a **‘close’** report. However if one heard it **after thirty** days then it is considered **‘distant’**.

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

And the Sages say: Whether it is a close report or a distant report, one observes the seven and thirty day periods of mourning.

And Rabbah bar bar Channah said in the name of **Rabbi Yochanan**, commenting upon the Baraita: **Any place**, which does not concern the laws of mourning, **that you find an individual** ruling **leniently** and **a group** ruling **stringently**, even if the law is only Rabbinic in origin, the rule is as follows:

The Halachah is in accordance with the words of the stringent majority, except for this i.e. except for in the laws of mourning. **Because even though Rabbi Akiva**, the individual, was **lenient**, and **the Sages** who form a group were **stringent** – nonetheless **the Halachah is in accordance with** the view of **Rabbi Akiva**.

And the Gemara explains Rabbi Yochanan’s reason: Because **he holds like** the view of **Shmuel**. **For Shmuel said: The Halachah is in accordance with the lenient view for** all matters relating to **a mourner**.

Thus we see that specifically **in the laws of mourning, the Rabbis were lenient**, relying on the view of an individual who ruled leniently. **However generally, even in a law of Rabbinic origin, there is a difference between an individual in the place of an**

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individual and an individual in the place of a group. Thus, one would generally follow the ruling of the group, even if they held the stringent view.

Ammud Bet

Rav Papa said, returning to the difficulty that was raised previously, as to why Rabbi Yehoshua ben Levi needed to state that the Halachah is in accordance with Rabbi Yochanan ben Nuri, after he had already stated that the Halachah is in accordance with the lenient view for *Eiruv*:

It was necessary, because had he not said so, **you would think to say that these words** were said **for *Eiruvei Chatzerot*** – that there, **the Halachah is in accordance with the lenient** view. **However for *Eiruvei Techumin***, the subject of Yochanan ben Nuri's disagreement with the Rabbis – **I would say no**. Therefore **it is necessary** for him to say that even for *Eiruvei Techumin* the Halachah follows the lenient view.

The Gemara explains: **And from where would you think to say that** there is a **difference between *Eiruvei Chatzerot* and *Eiruvei Techumin***, such that one would be more lenient with one of them?

Because it was taught in a Mishnah: **Rabbi Yehudah said: In what** case are these **words said**, that one cannot make an *eiruv* for a person without his knowledge? **For *Eiruvei Techumin***.

This is because the establishment of an *Eiruv Techumin* inevitably causes a person a degree of loss. For example, if one placed an *Eiruv* some distance from the east of a city, this would enable one to travel farther than two thousand *amot* in an eastward direction.

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However, given that one's residence was now established in the east, one would be unable to travel two thousand *ammot* to the west of the city, and this would constitute a tangible loss.

For this reason, one may not establish an *eiruv* for someone without his prior consent. This would hold true even in a case where a person had previously made it known that he desired an *eiruv* in the east, and accepted the resulting loss of the ability to travel westward. But since he had not given specific instructions, one is not permitted to cause even the slight liability, the restriction in travel westward, that making the *eiruv* would bring about.

However, for *Eiruvei Chatzerot* there is no significant loss caused, the only loss being that we make an *eiruv* using his bread, causing him the loss of a small amount of bread. Therefore one may make an *eiruv* for him, whether with his knowledge or without his knowledge. This is because one may benefit a person even if one is not in his presence, whereas one may only cause deficit to a person in his presence.

Thus we see that we are more lenient regarding *Eiruvei Chatzerot* than we are regarding *Eiruvei Techumin*. This being so, one might have said that Rabbi Yehoshua ben Levi's ruling, that the Halachah is in accordance with the lenient view in *eiruv*, was only said for *Eiruvei Chatzerot*. Thus he lets us know that the Halachah follows the lenient view for *Eiruvei Techumin* as well.

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Rav Ashi said a different answer:

It was necessary for Rabbi Yehoshua ben Levi to say that the Halachah is in accordance with the view of Rabbi Yochanan ben Nuri, even though he had already said that the Halachah is in accordance with the lenient view for *eiruv*, for the following reason:

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Because had he not said so, **you would have thought to say** that **these words** – that the Halachah follows the lenient view for *eiruv* – were only said **for the remnants of an *eiruv***. The Gemara will shortly mention the view of Rabbi Yosi concerning an *eiruv* that was used over several Shabbatot. He holds that so long as the *eiruv* originally comprised the required amount of food, it will be valid even if only a small amount of food remains.

But for the beginning of an *eiruv*, such as the disagreement between Rabbi Yochanan ben Nuri and the Rabbis, **I would say no** – we do not follow the lenient view. Therefore Rabbi Yehoshua ben Levi lets us know that this is not so.⁵

And from where would you think to say that there is a difference between the remnants of an *eiruv* and the beginning of an *eiruv*?

Because it was taught in a Mishnah: **Rabbi Yosi said: In what** case were these **words said**, that one requires for an *eiruv chatzerot* an amount of food sufficient for two meals? **For the beginning of an *eiruv*. But for the remnants of an *eiruv*, even if only a tiny amount** remained, the *eiruv* would remain valid. The reason for his leniency is that strictly speaking, the Sages did not have to stipulate an amount of food sufficient for two meals for an *eiruv chatzerot*, even from the beginning.

And they only said that one must make an *eiruv chatzerot* with two meals in order that the law of *eiruv techumin*, where we indeed require two meals even according to the basic requirements of the Halachah, **not be forgotten by the children.**

Rabbi Yaakov and Rabbi Zerika said a number of general rules for deciding Halachah:

⁵ According to *Rashi*. See also *Torat Chaim* who is strongly challenges his understanding of the Gemara.

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1. **The Halachah is always in accordance with** the view of **Rabbi Akiva** when he differs **with his colleague**, another individual. However, when a group disagrees with him, we do not follow the view of Rabbi Akiva.

2. **And** the Halachah is **in accordance with** the view of **Rabbi Yosi** even when he differs **with his colleagues**, a group who disagrees with him.

3. **And** the Halachah is **in accordance with** the view of **Rabbi**, specifically when he differs **with his colleague**, an individual.

*

The Gemara explains: **For what Halachic** purpose were the above rules stated? In other words, do we practically decide Halachah based on them, or were they merely stated on the basis of reasoning, but not in order for one to act upon them.

Rabbi Yosi said: These rules are **Halachah**, i.e. one may make practical Halachic rulings based upon them, and teach them in public.

And Rabbi Chiya bar Abba said: **One inclines** his decision based upon these rules. Meaning to say: if someone came before you for a ruling, then you are able to decide based upon them. But one should not teach them in public as fixed rules.

And Rabbi Yosi bar Rabbi Chanina said: One may rely upon them in a case that it **was** already **ruled**. But if someone comes before you for a ruling, you may not act upon them. Their validity is as follows: if one had acted upon them already, one need not retract that ruling and declare it mistaken.

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Using **similar language to this**, the rules that Rabbi Yaakov and Rabbi Zerika stated above, so too it was **said** by **Rabbi Yaakov bar Idi**. And in the same way that the above Amoraim disagreed as to whether the above rules were meant as ‘Halachah’, to ‘incline’ the judgment, or only for after-the-fact use, the same disagreement will apply to those same rules when they were stated by Rabbi Yaakov bar Idi.

According to Rashi, Rabbi Yaakov bar Idi’s statement is to be understood as a repetition of the rules stated above by Rabbi Yaakov and Rabbi Zerika. However many of the early Commentators disagree, instead explaining that Rabbi Yaakov bar Idi was quoting the upcoming rules in the name of Rabbi Yochanan.

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Rabbi Yochanan said:

1. When **Rabbi Meir and Rabbi Yehudah** disagree, **the Halachah is in accordance with** the view of **Rabbi Yehudah**.

2. When **Rabbi Yehudah and Rabbi Yosi** disagree, **the Halachah is in accordance with** the view of **Rabbi Yosi**.

3. **And one does not need to say** that when **Rabbi Meir and Rabbi Yosi** disagree, that **the Halachah is in accordance with** the view of **Rabbi Yosi**. Because **now that in a place** where Rabbi Meir disagrees with **Rabbi Yehudah**, his words **are not** considered, and the Halachah follows Rabbi Yehudah. **In a place** where he disagrees with **Rabbi Yosi**, whom the halachah follows even against Rabbi Yehudah, do we **need** to say that the Halachah is in accordance with Rabbi Yosi?

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Rav Asi said:

Since Rabbi Yochanan said that when Rabbi Yehudah and Rabbi Yosi disagree, the Halachah follows Rabbi Yosi – **even I will learn** from this that when **Rabbi Yosi and Rabbi Shimon** disagree, **the Halachah is in accordance with** the view of **Rabbi Yosi**.

Because Rabbi Abba said another rule in the name of **Rabbi Yochanan**: When **Rabbi Yehudah and Rabbi Shimon** disagree, **the Halachah is in accordance with** the view of **Rabbi Yehudah**.

Therefore I will learn: **Now that in a place** where Rabbi Shimon disagrees with **Rabbi Yehudah**, his words **are not** considered, and the Halachah follows Rabbi Yehudah. **In a place** where he disagrees with **Rabbi Yosi**, whom the Halachah follows even against Rabbi Yehudah, do we **need** to say that the Halachah is in accordance with Rabbi Yosi?

They the scholars of the study hall **posed an inquiry**: Where **Rabbi Meir and Rabbi Shimon** disagree, **what** is the Halachah?

The Gemara concludes: **Let it stand!** The inquiry remains unresolved.

*

Rav Mesharshiyah said: **These general rules** that the Gemara cited, concerning how to decide a disagreement, **are not** valid. Rather, each case must be decided according to what stands to reason in those particular circumstances.

The Gemara explains: **From where** does **Rav Mesharshiyah** know **this** to be true?

I could say that it is **from here**:

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For it was taught in our Mishnah regarding three people who each established a residence of just four *ammot*, one next to the other, where the middle person's four *ammot* overlapped partially with each of his friends to either side of him. In that case, the Mishnah ruled that he is permitted to join them in the overlapping area and they are permitted to join him, but the two outer people are forbidden to join with each other:

Rabbi Shimon says: To what is the matter similar? To three courtyards that open into each other each courtyard also having an **opening to a public domain**. From the case of the overlapping *techumin*, one can derive the Halachah in a case where **the two outer** courtyards **made *eiruvei chatzerot* with the middle** courtyard, but did not make an *eiruv chatzerot* with each other. There, **the middle courtyard is permitted with them**, i.e. one may transfer articles from the middle courtyard into their courtyards, **and they are permitted with it**. However, **the two outer** courtyards **are forbidden with each other**. In the same way that the outer two individuals whose four *ammot* did not overlap were forbidden to join together, so too one may not transfer items between the two outer courtyards.

And Rav Chama bar Guriah said in the name of **Rav: The Halachah is in accordance with Rabbi Shimon** in the case of the three courtyards, and does not follow the view that disagrees with him.

And from here, one can see that these general rules are invalid, because **who disagreed with him**, with Rabbi Shimon? It assumedly was **Rabbi Yehudah**—given that Rabbi Yehudah is normally mentioned as Rabbi Shimon's disputant (*bar plugta*)!

The Gemara brings out the point: **Surely you said** that when **Rabbi Yehudah and Rabbi Shimon** disagree, **the Halachah is in accordance with Rabbi Yehudah**, but here Rav said that the Halachah follows Rabbi Shimon.

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Rather, it is **not** the case that we follow these rules. Thus **hear from this** a proof: These rules **are not** valid!

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The Gemara now explains why this case does not contradict the rules that were stated:

And what difficulty is allegedly presented by this case? There is in fact no difficulty, because **perhaps** we could say that in those instances **where it was said** expressly in a statement of Amoraim that the Halachah is in accordance with a certain view, then **it was said**, and these general rules are not meant to be applied, since the specific statement supersedes the general rule. **And where it was not said** any such specific statement – **it was not said**, and then we apply the rules that were taught.

*

Rather, perhaps we could say that Rav Mesharshiyah learned that the rules are invalid **from here**:

For it was taught in a Mishnah in the next *Perek* (Daf 59a):

1. Concerning a city that contained six hundred thousand people, one may not make *eiruvei chatzerot* and *shitufei mavu'ot* over the whole city, in order to enable one to carry throughout the city.

2. Concerning a **city of an 'individual'**, meaning that it housed less than six hundred thousand people, which **became a city of a 'many'**, in the course of time its population grew to six hundred thousand - **one** may still **make an *eiruv* for all** of the city.

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3. Concerning a city of ‘many’ that became a city of an ‘individual’, over time its population declined, the Sages said that it is to be considered as a city of six hundred thousand, because its population might return to its former numbers. Therefore: **One may only make an *eiruv* for it all, if one makes** an indicator. This is done by leaving a small area **outside** the area that was included within the *eiruv*. This excluded area must have residents whose number is like those of the **town of “*Chadashah*” in Judea, which has fifty residents.**

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

Rabbi Shimon says:

CHAVRUTA

EIRUVIN – DAF MEM ZAYIN

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

[Rabbi Shimon says:] It is sufficient for one to leave **three courtyards of two houses** outside the *eiruv*.

And Rav Chama bar Guriah said in the name of **Rav: The Halachah is in accordance with** the view of **Rabbi Shimon**.

From here one can learn that the general rules for establishing the Halachah, which were mentioned on daf 46b, are invalid. Because **who disagreed with him**, with Rabbi Shimon? It was **Rabbi Yehudah! And surely you said**, as one of these rules, that when **Rabbi Yehudah and Rabbi Shimon** disagree, **the Halachah is in accordance with** the view of **Rabbi Yehudah**.

Thus, this case is proof of the invalidity of the general rules for establishing the Halachah.

The Gemara rejects also this proof:

And what alleged **difficulty** is presented by this case? There is in fact no difficulty, because **perhaps here too** we could say that in those instances **where it was said** expressly in a statement of Amoraim that the Halachah is in accordance with a certain view, then **it was said**, and these general rules are not meant to be applied, since the specific statement supersedes the general rule. **And where it was not said** any such specific statement – **it was not said**, and then we apply the rules that were taught.

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Rather, perhaps we could say that Rav Mesharshiah learned **from here** that the rules are invalid:

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For it was taught in a Mishnah:

1. If a courtyard is shared by a number of private houses, it is forbidden for any of the residents to transfer articles from their houses to the courtyard until they make an *eiruv chatzerot*. If one of the residents was a gentile, then his presence, in certain circumstances, can prohibit them from transferring articles to the courtyard, unless he relinquishes his rights to the courtyard.

2. Even if someone **left his house and went to spend Shabbat in another town, whether he was a Jew or a gentile, he still forbids**, i.e. creates a prohibition, for **the residents of the courtyard** where he normally lives to transfer items out of their houses. This would hold true unless, in the case where he was a Jew, he made an *eiruv* with them prior to leaving. And where he was a gentile, he relinquished his rights to the courtyard.

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

Rabbi Yehudah says:

Since he is not in town for Shabbat, **he does not forbid** the residents of the courtyard from transferring items there.

Rabbi Yosi says:

A gentile who left his house and went to another town **forbids** his neighbors from transferring to the courtyard. Given that he can travel home during Shabbat, the thought of his home does not leave his mind, therefore it is considered as if his house is still inhabited.

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However, a **Jew** who went to another town for Shabbat **does not forbid** his neighbors from transferring to the courtyard. **Because** he removes the thought of his home from his mind, **as it is not the way of a Jew to come** back to his house **on Shabbat**. Therefore the house is considered uninhabited and does not affect the other residents of the courtyard.

Rabbi Shimon says:

Whether he is a Jew or a gentile, he does not forbid his neighbors from transferring items to the courtyard, like the view of Rabbi Yehudah.

And furthermore, **even if he left his house** before Shabbat **and went to spend Shabbat with his daughter** who lives **in that** very **same town**, **he does not forbid** the residents of the courtyard from transferring items there. **Because his mind is already removed** from the thought of returning on Shabbat, thus his home is considered as if it is uninhabited. In this matter Rabbi Shimon disagrees with Rabbi Yehudah, who would hold that if he stays in town his neighbors are forbidden to transfer items to the courtyard.

And Rav Chama bar Guriah said in the name of **Rav: The Halachah is in accordance with** the view of **Rabbi Shimon**.

And from here one can see that these general rules are invalid, because **who disagreed with him**, with Rabbi Shimon? It was **Rabbi Yehudah**. **And surely you said** that when **Rabbi Yehudah and Rabbi Shimon** disagree, **the Halachah is in accordance with** the view of **Rabbi Yehudah!**

The Gemara also rejects this as a proof for Rav Mesharshiyah's stance:

And what alleged **difficulty** is presented by this case? There is in fact no difficulty, because **perhaps here too** we could say that in those instances **where it was said** expressly in a statement of Amoraim that the Halachah is in accordance with a certain

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view, then **it was said**, and these general rules are not meant to be applied, since the specific statement supersedes the general rule. **And where it was not said** any such specific statement – **it was not said**, and then we apply the rules that were taught.

*

Rather, perhaps we could say that Rav Mesharshiyah learned that the rules are invalid **from here**:

For it was taught in a Mishnah later on in this *perek* (49b), about a case where Shabbat commenced while a person was traveling on his way home. If he recognized a certain tree or boundary that stood between the place where he found himself and his home, he could say, “My residence is beneath it”. And if not, he should say, “My residence is my present location”. In such a manner it would be possible for him to establish a Shabbat residence, even if he did not place bread in either of these places.

And this Halachah that was mentioned above is the same as the Halachah **that they said**: **A pauper** who has no bread, or a person left on the road without bread who is considered as if he were a pauper, may **make an *eiruv* with his feet**, without using bread.

However, there is a disagreement between Rabbi Meir and Rabbi Yehudah concerning the extent of this Halachah:

Rabbi Meir says: We only have a case of **a pauper**. Meaning to say that only someone on the road without any bread may make an *eiruv* without using bread.

Rabbi Yehudah says: Both a pauper and a rich person may make an *eiruv* without using bread. **And the Sages only said** that **one makes an *eiruv* with bread** in order **to be**

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lenient on the rich man, so that he does not have to go out and make an *eiruv* with his feet.¹

And Rav Chiya bar Ashi recited this Mishnah to Chiya bar Rav, in front of Rav, including the view of Rabbi Yehudah, who said: “Both a pauper and a rich person may make an *eiruv* without using bread”. And Rav said to him, to Rav Chiya bar Ashi: You should also conclude the Mishnah by saying: The Halachah is in accordance with the view of Rabbi Yehudah.

The Gemara brings out the point: Why do I need both statements? Surely you have said that in any place that Rabbi Meir and Rabbi Yehudah disagree, the Halachah is in accordance with the view of Rabbi Yehudah. If so, why did Rav have to say that here, the Halachah follows him? We are forced to say that the rules that were mentioned for deciding Halachah are invalid.

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The Gemara rejects also this proof: And what is the alleged difficulty? Perhaps only Rav holds that these general rules are not valid. Therefore he was obliged to say that the Halachah follows Rabbi Yehudah. However, aside from him, everyone else agrees that these rules are valid.

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Rather, perhaps we could say that Rav Mesharshiyah learned that the rules are invalid from here:

We see that Rabbi Yochanan, who himself taught these rules, did not hold that they were valid – for it was taught in a Mishnah:

¹ See 49b for a more detailed explanation of the disagreement between Rabbi Meir and Rabbi Yehudah.

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1. If a man's sister-in-law (*yevamah*) conceived from his deceased brother, and gave birth to a viable child² after his death, then she is considered as 'his brother's wife who has children'. As such she will not be 'bound' to her brother-in-law for *yibum*³, and any relationship between the two would be punishable as incest.

2. However, if in similar circumstances one's *yevamah* gave birth to a non-viable child, she is bound to her brother-in-law for *yibum* from the time of her husband's death. Nonetheless, were she to have performed *chalitzah*⁴ while she was pregnant, it would not have been effective in severing the 'bond' to her brother-in-law.⁵

Therefore: A *yevamah* may **not perform *chalitzah*** straight after the death of her husband, due to a concern that she might be pregnant with a non-viable child, rendering the *chalitzah* ineffective. We are concerned that she might marry again before realizing that she was pregnant, while still 'bound' to her brother-in-law.

And she must not perform *yibum* straight after his death, in case she is pregnant with a viable child. Were this to be the case she would have the status of 'his brother's wife who has children', and relations between the two would be incest.

Rather she must wait **until she has** completed a period of **three months** following the death of her husband, the time that it takes for a pregnancy to become evident, before performing either *yibum* or *chalitzah*.

Similarly, any other women whose husbands die may **not marry** immediately, due to a concern that they may be pregnant. If they were to marry and conceive right away, one

² A child that was capable of surviving 30 days.

³ Levirate marriage.

⁴ *Chalitzah* – A process which severs the bond to her brother-in-law, and she is then free to marry another man.

⁵ According to *Rashi*. see also the parallel Gemara in *Yevamot*.

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would be unable to discern whether the child that was subsequently born was a full term baby to the first husband, or a child born at seven months term to the second.

In such a circumstance, if she were to give birth to another son from the second husband, their status as paternal brothers would be thrown in doubt. Therefore, if the second son were to marry and then die, his brother would, if he performed *yibum*, potentially transgress the prohibition of relations with his maternal half brother's wife, given that the mitzvah of *yibum* only applies to a paternal brother's wife, whereas a maternal brother's wife is subject to the prohibition of incest.

And they must not even become betrothed⁶, as a precautionary decree, given that this might lead to full marriage, **until they have** completed a period of **three months** following the deaths of their husbands, after which time any pregnancy would be discernable.

And the prohibition of marrying before three months have passed applies **both to:**

Women who were widowed while yet betrothed and who are thus still **virgins**. Even though they safely may be assumed not to be pregnant, nonetheless the Rabbis made this precautionary decree to include all women, due to the possibility of an undetected pregnancy of fully married women.

And the three-month period also applies **to non-virgins**, who were widowed after marriage.

It applies **both to widows and to divorcees**.

And **both to betrothed and to married** women. This clause is an explanation of the clause above, which read "both to virgins etc."

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Rabbi Yehudah says: Women who were **married** may **become betrothed** immediately following the death of their first husbands, given that there is no reason for concern that they will conceive while only betrothed. In this matter, Rabbi Yehudah holds that the precautionary decree was not applied to all women.

For the same reason, women who were merely **betrothed** to their first husbands, and were subsequently widowed, may **marry** a second husband. Since there is no reason for concern that they conceived from their first husband.

Except for a betrothed woman from **Judea**, who may not become betrothed, **because he** her deceased fiancé **was comfortable and familiar with her**. In Judea it was the custom for the betrothed man and woman to spend time together privately, prior to full marriage, thus there is reason for concern that they might have had relations and that she became pregnant.

Rabbi Yosi says:

All women who were previously married may **become betrothed**, and all previously betrothed women may marry. This is for the same reason that was mentioned above regarding Rabbi Yehudah's view, namely that the decree was not applied to all women.

However, Rabbi Yehudah and Rabbi Yosi do disagree in one matter: According to Rabbi Yehudah, there is no difference between a widow and a divorcee, and both may become betrothed immediately following the deaths of their husbands. In contrast, Rabbi Yosi holds that all women who were previously married may become betrothed **except for a widow**, who must wait for thirty days **because of the mourning** period that she must observe for her husband.

⁶ The initial stage of marriage, referred to as *kiddushin*. After *kiddushin* the couple are considered married

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And we say that an incident took place: **Rabbi Elazar⁷ did not come up to the Study Hall,** and **Rabbi Asi found him standing** somewhere.

Rabbi Elazar said to him: What was said today in the Study Hall?

He said to him: This is what Rabbi Yochanan said: The Halachah is in accordance with the view of **Rabbi Yosi**, who said that the decree was not applied to betrothed women.

Furthermore, **we say⁸** in order to bring out the point:

From the fact that Rabbi Yochanan ruled in accordance with the view of Rabbi Yosi, **one may infer that** the first clause of the Mishnah, which applied the decree to all women, was merely the view of **an individual** who **disagreed with him**, with Rabbi Yosi. Because if the first clause were granted the status of an unnamed Mishnah, reflecting the accepted view, how could Rabbi Yochanan have ruled against it, in favor of Rabbi Yosi? Note that Rabbi Yochanan himself holds that “The Halachah is in accordance with an unnamed Mishnah”.⁹

Yet we see that the first clause of the Mishnah was taught unnamed, so how could Rabbi Yochanan rule against it?

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in many respects, but they do not yet live together.

⁷ Masoret HaShas

⁸ According to the text of Rashi.

⁹ *Ritva*. However according to *Rashi* in *Yevamot* it appears that the Gemara means to say that here an individual and not a group must be disagreeing with Rabbi Yosi, because were a group to disagree then Rabbi Yochanan would be forced to rule like the majority.

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The Gemara replies: **Yes**, in truth it is the view of an individual who disagrees with Rabbi Yosi, because we find that Rabbi Meir indeed holds such a view, holding that even where there is no concern that a woman may be pregnant, she is still not permitted to marry.

For it was taught in a Baraita:

Note that if **she was constantly** leaving her husband **to go to her father's house** in another town, indicative of severe marital discord, such that she assumedly did not have relations with her husband. **Or** if **she had a dispute with her husband**, and did not have relations. **Or** if **her husband was old** and was not capable of fathering children, **or** if he was **ill** and unable to have relations. **Or** if **she was ill** and similarly unable to have relations. **Or barren**, such that she had been married to three different men and had a proven record of being barren. **Or** if she was **old, a minor** or **an aylonit**¹⁰, in which case she would be unable to have children. **Or** if **she was not capable of giving birth**, having taken some form of potion. **Or** if **her husband was incarcerated in prison** prior to his death, or if **she miscarried** a fetus that she had conceived from her husband **after her husband's death**.

In all of these cases, even though there is no concern that these women might be pregnant, nonetheless if their husbands die or if they are divorced, **all of them must wait three months**.

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

However, **Rabbi Yosi permits** these women **to become betrothed and to marry immediately**.

It is clear from the Baraita that Rabbi Meir holds that the decree was also applied to women who could not possibly be pregnant. This view is in accordance with the first

¹⁰ A woman with certain male features who never undergoes puberty, and who does not conceive.

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clause of the Mishnah that disagreed with Rabbi Yosi. Thus we may say that Rabbi Meir is in fact the Tanna whose view is expressed in that clause.

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Now returning to the Gemara's point: we have established that Rabbi Meir is the Tanna who disagrees with Rabbi Yosi, thus it is clear from Rabbi Yochanan's ruling that he holds that the general rules for establishing the Halachah are invalid, for the following reason:

If Rabbi Yochanan held that the rules are to be applied, **why do I** need him to rule expressly that the Halachah in this Mishnah follows Rabbi Yosi? **Surely you** – Rabbi Yochanan - **said** that where **Rabbi Meir and Rabbi Yosi** disagree, **the Halachah is in according to** the view of **Rabbi Yosi**.

Thus we are forced to say that these general rules are invalid, and that Rabbi Yochanan never taught them. We must also say that those Amoraim who taught these rules in his name were in fact speaking independently.

*

The Gemara rejects also this proof:

And **what is the** alleged **difficulty?** There is in fact no difficulty, because **perhaps** here he specifically needed to teach that the Halachah follows Rabbi Yosi in order to **rule out** what **Rav Nachman said** in the name of **Shmuel: The Halachah is in accordance with** the view of **Rabbi Meir regarding his precautionary decrees**.

Shmuel agrees that where Rabbi Meir and Rabbi Yosi disagree in a standard point of Halachah, the Halachah follows Rabbi Yosi. However he holds that where they disagree

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concerning a precautionary decree, the Halachah follows Rabbi Meir. And this Mishnah involves a precautionary decree. Therefore Rabbi Yochanan lets us know that even in the case of a precautionary decree, the Halachah follows Rabbi Yosi over Rabbi Meir.

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Rather, perhaps we could say that Rav Mesharshiyah learned that the rules are invalid **from here**:

For it was taught in a Baraita, which Rabbi Yochanan himself commented upon:

1. The Sages prohibited one from conducting business with a gentile on the day of his idolatrous festival, and even for three days preceding it, due to a concern that he might go and give thanks to his idols on the festival for having made a successful business dealing.

2. However, a Jew may **go to the market of gentiles**, referring to special markets that were set up for their festivals, **and purchase animals and slaves and slave-women from them**, because one would be taking them from the hands of an idolater into the hands of a Jew. So too one may buy **houses and fields and vineyards**, because one would be diminishing the property of an idolater, alternatively because of the mitzvah of settling the land of Israel.¹¹

3. **And one** may **write** contracts¹² **and endorse** them **with** the signatures of **their judges**, even though this is an honor for them and there is a concern that they might therefore give thanks to their idols. It is permitted **because it saves him from a judgment**. Since

¹¹ According to *Rashi*. The *Ritva* explains that one is permitted to purchase these items given that they are household items that one can only find in the market. Thus a loss would be caused if one were not able to buy them, and the Rabbis did not apply their decree to this case. See also *Rashi* daf 11a.

¹² According to *Rashi* in *Avodah Zarah*, this refers to any contracts and is unrelated to the subject of purchases that was mentioned in the first clause.

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his contract was endorsed by the gentile judges he will have reliable witnesses in a circumstance where another gentile disputes it.¹³

4. **If he was a cohen**, who is forbidden to travel outside the land of Israel because the Sages decreed that foreign lands have the impure status of a cemetery. Nonetheless he is permitted to **render himself** Rabbinically **impure outside the land** of Israel in order to hold a **judgment and to dispute with them**, gentiles, over the title to property. Because this would ‘rescue’ that property from their hands.¹⁴

And just as he may render himself impure outside the land of Israel, **so too he may render himself impure in a cemetery** in order to hold a judgment with them.

*

The Gemara is puzzled by this clause of the Baraita and interjects: Can **you assume** that the Sages would have permitted a cohen to enter **a cemetery**? Surely **it is impure from Torah** law!

Rather, when the Baraita referred to a cemetery it was speaking of a *Beit HaPras*, a field containing a grave whose exact location is not known, such as a field where a grave was ploughed over. There the prohibition of entering is only **from Rabbinic** decree, due to a concern that the cohen might come in contact with a bone fragment that would render

¹³ According to *Rashi* in *Avodah Zarah*. However it appears from *Rashi* in *Moed Katan* that the novelty of this case is specifically that one may have them endorse a document prior to their festivals.

¹⁴ *Shulchan Aruch*.

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him impure. But here the Sages permitted him to enter in order to ‘rescue’ his property from the hands of the gentiles.

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The Baraita continues:

And a cohen may also **render himself impure** outside the land of Israel or in a *Beit HaPras* in order **to take a wife and to learn Torah**.

Rabbi Yehudah said: **When** is it permitted to render oneself impure in order to learn Torah? **When one cannot find** someone **to learn** from without having to become impure. **But** if **one** can **find** someone **to learn** from, **he** must **not render himself impure**.

Rabbi Yosi says: **Even when he finds** someone **to learn** from, **he** may **also render himself impure** in order to learn where he wishes. **Because...**

Ammud Bet

...a person does not succeed in learning from everyone. There are Rabbis who have a clear grasp of their Torah and are able to teach it swiftly to their disciples.

And Rabbi Yosi said as a proof for his view: **An incident** once took place **with Yosef the cohen, who went to visit his Rabbi in Tzidon**, which is outside the land of Israel, in order **to learn Torah**.

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And Rabbi Yochanan said: The Halachah is in accordance with the view of Rabbi Yosi.

From here it is clear that Rabbi Yochanan himself does not hold that these general rules are valid, because if they were, **why do I** need Rabbi Yochanan to rule that the Halachah follows Rabbi Yosi? **Surely you said** that when **Rabbi Yehudah and Rabbi Yosi** disagree, **the Halachah is in accordance with the view of Rabbi Yosi!**

Thus we are forced to say that Rabbi Yochanan does not hold that these rules are valid.

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Abaye said: Even this is not a proof. Because **it was necessary** for Rabbi Yochanan to state that the Halachah follows Rabbi Yosi. Because **you would think to say that these words**, that the Halachah follows Rabbi Yosi, were said for a circumstance where they disagree **in a Mishnah**. Since Mishnayot were presented precisely and were widely known, one can be certain that in a Mishnah, Rabbi Yosi's view is accurately represented. **But for a Baraita**, where one might be concerned that Rabbi Yosi's view had been confused with that of Rabbi Yehudah, **I would say no**, that one cannot establish the Halachah on the basis of these rules. Therefore, Rabbi Yochanan must **inform us** that these rules apply to Baraitot as well.¹⁵

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Rather, since we have been unable to find a proof for Rav Mesharshiyah's statement that these general rules for establishing Halachah are invalid, the Gemara is forced to say that **this is what** Rav Mesharshiah **was actually saying:**

¹⁵ Gaon Yaakov in the name of the Rif and Rosh.

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These general rules are not valid according to everyone. Because surely Rav (on amud alef) saw it necessary to rule like the view of Rabbi Yehudah concerning the case of one making an *eiruv* with one's 'feet', choosing not to rely on the rule that the Halachah follows Rabbi Yehudah when he disagrees with Rabbi Meir. Therefore we see, as the Gemara had in fact proved above, that Rav **does not** hold that **these general rules** are valid.

Rav Yehudah said in the name of **Shmuel**¹⁶:

The articles of a gentile do not establish a Shabbat residence.

It is obvious that there is no prohibition against moving the property of a gentile outside the gentile's Shabbat boundary, given that the Halachah of a Shabbat residence does not apply to a gentile. Rather, Shmuel means to say that the articles do not themselves establish a place of residence, which would forbid one to move them out of the Shabbat boundary that they had established for themselves. Thus whoever takes them can bring them wherever he wishes, just as he could (according to the Rabbis of the Mishnah) if they were ownerless.¹⁷

The Gemara explains: **And according to whose** view was Shmuel ruling when he said this?

If one will say that he was ruling according **to the Rabbis**, who hold that ownerless articles do not establish a place of residence. And that Shmuel was saying that according to the Rabbis, even the property of a gentile does not establish a residence.

¹⁶ The upcoming Gemara will be explained according to the overall view of the *Biur Halachah*.

¹⁷ *Ritva*; see *Rabbeinu Chananel* who understands the novelty of Shmuel to be that if a Jew were to borrow items from a gentile, he may take them anywhere within his Shabbat boundary.

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Surely that is obvious, because **now** that the Rabbis have said that **ownerless articles, which do not have owners** and are thus in some respects fit to establish a residence for themselves, still **do not establish a residence. Does one need** Shmuel to teach that **the articles of a gentile, which do have owners**, will not establish a residence? Given that ordinarily, property establishes a residence along with its owner, here where the owner is not subject to the laws of Shabbat boundaries, it surely should not establish a Shabbat residence.¹⁸

Rather, Shmuel was ruling **according to** the view of **Rabbi Yochanan ben Nuri** who holds that ownerless articles establish a residence for themselves.

And Shmuel informed us: Concerning the **statement that Rabbi Yochanan ben Nuri said**, that articles **establish a residence** for themselves – **these words** were said for **ownerless articles**, because **they do not have owners. But the articles of a gentile, which have owners**, will follow their owners, who do not establish a place of residence. Therefore, the articles also **do not** establish a residence for themselves.

*

They contradicted him, from a Baraita: **Rabbi Shimon ben Elazar says:**

If **one borrows a utensil from a gentile** who lives in his town, and that utensil remains within the Shabbat boundary of the town over **Yom Tov**.

And similarly, if **one lends a utensil to a gentile** who lives in one's town **prior to Yom Tov**, after which it is considered like the other property of the gentile for the matter of Shabbat boundaries, and it remained within the town. **And he returned it** to the Jew **on Yom Tov**.

¹⁸ *Ritva*

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And similarly **the utensils and storehouses**, meaning to say the storehouses of utensils that are ownerless¹⁹, **which remained within the Shabbat boundary** of the town.

All of these items establish a residence in the town, therefore **they have**, i.e. one can travel with them, **two thousand *ammot* in every direction**.

And similarly, if **a gentile brought fruit** to the town **from outside the Shabbat boundary**, since the fruit established a residence elsewhere, and is now outside its Shabbat boundary – **note that he**, a Jew, must **not move it from its place**. One may not move it more than four *ammot*, similar to the Halachah that if a person leaves his Shabbat boundary, he may only move within his own four *ammot*.

The Baraita teaches that the property of a gentile establishes a Shabbat residence, thus the Gemara questions that which Rav Yehudah said in the name of Shmuel:

It is all right if you say that Rabbi Yochanan ben Nuri holds that the articles of a gentile establish a residence. Because then one could say: **Whose** view does Rabbi Shimon ben Elazar's statement in **this** Baraita represent? **It is** the view of **Rabbi Yochanan ben Nuri**.

But if you say that Rabbi Yochanan ben Nuri also holds that the articles of a gentile do not establish a residence, then **whose** view does **this** Baraita represent? **Not** that of **Rabbi Yochanan ben Nuri and not that of the Rabbis**, given that the Rabbis certainly hold that the property of a gentile does not establish a residence.

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The Gemara resolves the contradiction: **In truth, Rabbi Yochanan ben Nuri holds that the articles of a gentile establish a residence**, and the Baraita represents his view.

¹⁹ *Tosafot*. See *Rashi* and *Ritva*

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However, **Shmuel who said** that the articles of a gentile do not establish a residence holds **in accordance with** the view of **the Rabbis**, and not like Rabbi Yochanan ben Nuri as was originally thought.

And that which you said above—that if Shmuel were ruling according to the view of **the Rabbis** then **it is obvious** and need not be stated that they hold that the articles of a gentile do not establish a residence—this is not a difficulty.

Because **what might you say?** That in truth, the property of a gentile establishes a residence for itself in the place where it rests, irrespective of the location of its owner. And this is because **a preventative decree** was made in a case that **the owners are gentiles, due to** a concern that arises in a case where **the owners are Jews**.

It is obvious that according to the basic Halachah, the property of a gentile cannot establish a Shabbat residence. Yet one might think that the Sages decreed that it should. Perhaps the Sages were concerned that people might come to move Jewish-owned property outside the Shabbat boundary of its owners, and thus they decreed that even gentile-owned property should establish a residence²⁰.

Thus Shmuel **informs us** that the Rabbis did not make such a decree, and gentile property does not establish a Shabbat residence.

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And Rav Chiya bar Avin said in the name of **Rabbi Yochanan**:

The articles of a gentile establish a residence for themselves, even according to the Rabbis. This is not according to the basic Halachah, rather because of **a preventative**

²⁰ This was even though there is little similarity between the two residences that would be established. In the case of a Jew, his property follows his residence, but in the case of the gentile, the property would establish its own residence.

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decree that was made in a case that **the owners are gentiles, due to** a concern that arises in a case where **the owners are Jews**.

Concerning **those** gentile-owned **rams that came to *Mavrichta*** on Yom Tov from outside the Shabbat boundary: **Rava permitted the residents of** his town of ***Machuza***, which was near to ***Mavrichta***, **to buy** the rams **from them**, from the gentiles who had brought them, and to bring them to Machuza on Yom Tov.²¹ (The rams were not bought in the usual way; rather, the Jews took the rams on Yom Tov and paid for them only after Yom Tov.) This was even though the rams had come from outside the Shabbat boundary, and one should not have been permitted to move them more than four *ammot*.

Ravina said to Rava: What is the basis for **your view**, that you permitted them to move the rams?

Was it because **Rav Yehudah said** in the name of **Shmuel: The articles of a gentile do not establish a Shabbat residence?**

Surely, wherever **Shmuel and Rabbi Yochanan** disagree, **the Halachah is in accordance with** the view of **Rabbi Yochanan**. And here too, Rabbi Yochanan disagrees with Shmuel. Because **Rabbi Chiya bar Avin said** in the name of **Rabbi Yochanan: The articles of a gentile establish a Shabbat residence** because of a **preventative decree** was made in a case that **the owners are gentiles, due to** a concern that arises in a case where **the owners are Jews**. So why did you permit them to move the rams based upon the view of Shmuel, given that Rabbi Yochanan disagrees?

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Rava retracted his earlier ruling **and said:** The residents of ***Machuza*** are indeed forbidden to take the rams to their town, because the Halachah is that the property of a

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gentile establishes a residence. However, **let them** (the gentiles) **sell** the rams **to the residents of Mavrichta**, and then the Jews will be permitted to move them throughout the town, even though the rams are outside their Shabbat boundary. This is because **all of Mavrichta**, since it is enclosed by partitions, is considered **like** just **four ammot for them**, the rams. The Halachah applying to the rams is the same as that for a person who left his Shabbat boundary. And there, even though such a person may normally only travel within a space of four *ammot*, if he finds himself in a place that is surrounded by partitions then he may travel anywhere within those partitions.²²

Rabbi Chiya taught a Baraita:

Concerning **a trench** filled with water²³ that was situated **between** the **two Shabbat boundaries** of two towns, where the distance between the two was four thousand *ammot*, thus placing half of the width of the trench within one Shabbat boundary, and half in the other. In this case, the waters on the respective sides of the trench establish their residences in the town in whose Shabbat boundary they are situated. Therefore, because the waters will eventually mix and move outside their respective Shabbat boundaries, one is forbidden to move them from their place and one may not draw water from the trench on Yom Tov.

Thus if one wishes to draw water from the trench on Yom Tov, **it is necessary**, before Yom Tov, [for there to be **a partition of iron to separate** the two sides.]

²¹ Rashi explains that *Mavrichta* and *Machuza* were over two thousand ammot apart but were joined by an eiruv techumin.

²² This law was taught at the beginning of the *perek*, in the name of Rabban Gamliel, and Rav ruled on daf 42b that the Halachah follows his view.

²³ *Tosafot, Shulchan Aruch*.

CHAVRUTA

EIRUVIN – DAF MEM CHET

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

[Thus if one wishes to draw water from the trench on Yom Tov, **it is necessary**, before Yom Tov,] for there to be **an iron partition to separate** the two sides¹.

Rabbi Yosi bar Chanina laughed at him (Rabbi Chiya, who recited the above Baraita).

The Gemara proceeds to offer various reasons why Rabbi Yosi laughed at Rabbi Chiya, and then rejects these reasons.

Why did he laugh?

Reason 1: **If you say because he** Rabbi Chiya **is teaching** through this example that even an ownerless object “acquires a Shabbat residence”² when Shabbat commences, **like** the view of **Rabbi Yochanan ben Nuri**, who holds **to be strict** in this matter. **Whereas he** Rabbi Yosi bar Chanina **holds like the Sages** who say **to be lenient** concerning ownerless objects—

But that is implausible. **Because if he** Rabbi Yosi bar Chanina **holds to be lenient**, **would he** consider that a reason to **laugh at someone who teaches to be strict?**

Reason 2: **But** maybe Rabbi Yosi bar Chanina laughed him **because it is taught in a Baraita: Rivers that flow and springs that flow**, because their water is constantly moving, **it the water is like the “legs” of every person** who takes the water, and the

¹ This can be understood in two ways. 1) Either to physically prevent water from going from one side to the next. 2) The partition is a symbolic separation of the water.

² And cannot be carried outside the object’s Shabbat boundary.

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water “acquires no residence” when Shabbat commences.³ So why does Rabbi Chiya need a barrier in a trench of water?

The Gemara rejects this reason as well:

But perhaps Rabbi Chiya is talking **about** water that is **gathered** in a trench and not water that is moving.

The Gemara offers a third reason:

Reason 3: **But** maybe Rabbi Yosi bar Chanina laughed at Rabbi Chiya **because he** Rabbi Chiya **taught** that **one needs an iron partition to divide it** the trench.

And this seemed nonsensical for the following reason: **Why are canes different, that one cannot** use them to make the partition, and one has to use iron? **Because water comes inside them.**⁴

If so, an iron partition will not help either because **water will also come into** a partition of **water**.

But that too cannot be Rabbi Yosi’s bar Chanina’s objection, because **perhaps** Rabbi Chiya means to say that **one** indeed **needs** a hermetically sealed iron partition. **But** because this is impossible, **it** the trench **has no rectification** and it “acquires its own residence” place.

Reason 4: **But** the Gemara finally decides that Rabbi Yosi laughed Rabbi Chiya **because** Rabbi Chiya’s requirement of an iron partition contradicts the rule that **this a leniency**

³ And it can be carried anywhere.

⁴ See footnote 1. According to the first explanation, the water would still go from side to side. According to the second explanation, this would undermine the status of the canes being a partition, similar to the rule that a partition that goats can push underneath is not considered a partition.

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that the Sages were lenient concerning water - that one does not need a high quality partition over water.⁵

Because Rabbi Tivla posed an inquiry to Rav: Can a hanging partition permit one to carry in **a ruin**, which is a place where remnants of walls often exist, sometimes still connected to the ceiling but broken off at floor level.

And he Rav said to him: A hanging partition only helps in (over) water, because **it is a leniency that the Sages were lenient concerning water**.

Our Mishnah says:

One who was sleeping on the road and did not know that it got dark, and he did not have intention to acquire a Shabbat residence in his place, nevertheless he has two thousand *ammah* in each direction. These are the words of Rabbi Yochanan ben Nuri, that one can acquire a Shabbat residence even without realizing.

And the Sages say: One who is sleeping does not acquire a Shabbat residence. Since he did not acquire a Shabbat residence during twilight, he does not acquire it when he wakes up.

Therefore he **only has four *ammot***.

The Mishnah explains the law of the four *ammot* mentioned here and elsewhere.

Rabbi Eliezer says: And he, the one acquiring the Shabbat residence of four *ammah*, is in the middle of the four *ammot*. Meaning he has two *ammot* on each side, aside from the

⁵ See footnote 1. According to the first explanation, just as we are lenient in using such a partition for transferring water from one domain to another, so it should suffice in Rabbi Chiya's case. According to the second explanation, we see that water being able to move from one side of the partition to the other does not nullify the partition.

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area of his body.

Rabbi Yehudah says: Those four *ammot* are dependent on his choice, and to whatever direction that he wants, he can go. In other words, he may choose the four *ammot* in any direction that he wants, and he may go there.

*

The Gemara raises a difficulty: **Rabbi Yehudah** who says the person can walk four *ammot* in any direction, **is the same as the first Tanna** (i.e. the Sages) who say that he has four *ammot*!⁶

The Gemara answers: **Said Rava: There is a difference between them** concerning **eight by eight** *ammot*. According to the Sages, the person can walk four *ammot* in any direction and has therefore has eight by eight square *ammot* where he can move,⁷ while according to Rabbi Yehudah he can only go four *ammot* in one direction and has four by four *ammot* to move in.

It was also taught so in a Baraita that there is a view that we give the person eight *ammot*: If someone goes outside the Shabbat boundary, he has **eight by eight** *ammot* according to Rabbi Meir.

*

Rava now explains the cases over which Rabbi Yehudah and the Sages differ:

⁶Tosafot discuss how the Gemara knows that the Sages mean four *ammot* in every direction.

⁷ Tosafot explains that the Gemara knows this because the Sages are arguing with Rabbi Yochanan ben Nuri who holds that the person has 2,000 *ammot* in every direction. Similarly, the Sages' 4 *ammot* means in every direction.

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Said Rava: The disagreement between them is only concerning **to walk** four by four, or eight by eight *ammot*.

But to carry things, there is no disagreement. **According to everyone**, up to (and not including) **four *ammot***, yes, he can carry. But **more** than that, **no!** Even the Sages agree that he cannot carry something from one end of the eight *ammot*-wide square to the other, even by putting it down in between.

*

The Gemara proceeds to discuss the source of the principle of four *ammot*.⁸ (See footnote)

And these four *ammot* that we give to a person who is outside the Shabbat boundary on Shabbat, **where are they written** in the Torah?

The Gemara explains: **As it was taught in a Baraita:** Moshe⁹ told the people who had gone outside the Shabbat boundary to collect manna, “**Sit each man** in the place **underneath him**.”¹⁰

Thus we see that the permitted area is **like** the place **underneath him**.

[**And how much is “underneath him?”**]

Four *ammot*. Because **his body** when he lies down takes up **three *ammot***.

⁸ The *Gaon Yaakov* says that the Gemara is only discussing the four *ammot* of Shabbat boundaries. The *Beit Yosef* and *Bach* (*Orach Chayim* 449) understand that the Gemara is also discussing the four *ammot* of carrying.

⁹ Moses

¹⁰ The end of that verse, “No man shall leave his place on the day of Shabbat,” was a warning that the Jews still in the encampment should not go outside the Shabbat boundary.

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And another *ammah* to stretch his arms and legs.

This is **according to Rabbi Meir**.

Rabbi Yehudah says: For his body, three *ammot*.

And another *ammah* so that he can take an object from just beyond his feet, and put it just beyond his head.

*

The Gemara inquires: **What is** the practical difference **between them**, because of which these two Tannaim saw need to offer differing explanations?

The Gemara explains: **There is** the following difference **between them**: That Rabbi Yehudah gives a person **four small** *ammot* and Rabbi Meir gives one four big *ammot*.¹¹

*

The Gemara now discusses whether we give everyone four average size *ammot*, or whether each person gets four *ammot* according to the size of his personal handbreadths (*tefachim*). One *ammah* is equal to six *tefachim*.

Said Rav Mesharshei to his son: When you go up in front of Rav Papa, ask him: The four *ammot* that they the Sages said:

Do we give them according to his (each individual's person's) *ammah*, **or do we give him according to** an average sized *ammah* which is equal to **the** *ammah* of the holy

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place? There were two measuring sticks of an average¹² *ammah* kept in a room called “*Shushan Habirah*” sited in the Temple.

If he Rav Papa says to you: We give him *ammot* of the holy place, ask him: If so, **what would happen to someone big like Og the King of Bashan?** He would be confined in a tiny place totally disproportionate to his great size!¹³ (See footnote)

And if he Rav Papa tells you that we give him (every person) **according to his personal *ammah*—**

Tell him in reply: If so, **why is it not taught with** the other similar things in the Mishnah that says: **There** are things **that they** the Sages **said: Everything is according to what the person is.** The measures of a dwarf are different than those of an average sized person. Why is the length of an *ammah* not included in that list?

*

When he Rav Mesharshei’s son came before Rav Papa and asked these questions—

He Rav Papa said to him in answer to the last question: **If we make inferences to such an extent, we would teach nothing at all!**

However, concerning your question I have an answer: **In truth, we give him** (every person) **according to his personal *ammah*. And that which was difficult to you, what is the reason we are not taught** about it in that Mishnah you mentioned, **about “They the Sages said: ‘Everything is according to what the person is’”—**

¹¹ There are two ways of measuring an *ammah*, which consists of six *tefachim* (handbreadths). One can press one’s fingers together while measuring the handbreadths, a method which creates small (*atzuvot* – sad) *ammot*, or one can leave spaces between the fingers, which results in big (*sochakot* – laughing) *ammot*.

¹² It was measured according to the size of Moshe Rabbeinu.

¹³ There is a disagreement whether the four *ammot* includes the person’s body or is exclusive of the person’s body. According to the first opinion, Og would not be able to move a hairsbreadth. Even according to the second opinion, his movement would be very restricted.

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The answer is: **Because it is not a clear-cut case to him**, the Tanna of the Mishnah. He could not say definitively that the rule applies to all cases involving *ammot*.

Because there is the case of a normal sized person who is **a dwarf in his limbs**. For such a person we measure with an average *ammah* and not according to the size of his dwarfed limbs.

Our Mishnah says: If **there were two** people that acquired four-*ammah* Shabbat residences next to each other, **and part of the *ammot* of this one** is in the *ammot* of that one. For example, the two people were six *ammot* apart, and each one chose the four *ammot* towards his friend, thus there are two *ammot* overlapping.

The two of them may bring their bread and they may eat in the middle in those two *ammot*.

And this is provided that this one does not take out his bread or possessions from his four *ammot* into the four *ammot* of his friend, i.e., into the *ammot* that are not overlapping.

The reason for this: a person's belongings have the same status as he does, as it says in the Mishnah: "The animal and the utensils are like the feet of the owners," meaning one may take these items only to places that the owners are permitted to go. Therefore, just like he cannot go beyond his four *ammot*, so too his possessions cannot be taken out of those four *ammot*.

If there were three people, and the middle one was swallowed up between them. For example, the two people on the outside were eight *ammot* apart, and each of them chose the four *ammot* towards his friend, thus each one's four *ammot* ends where the other's begins. The third person is in between the outer two and since he has two *ammot* in each

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direction, he has two overlapping *ammot* with each of the two on either side.

He, the one in the middle, is permitted with them, and they, the two on the outside, are permitted with him. Meaning, he can do activities together with each of the outer ones, in the common two *ammot* that he has with each.

And the two outer ones are forbidden with each other. I.e. even though the outer two cannot do any activities together, we do not forbid the middle one from doing so out of concern that the outer two will come to do activities with each other.

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 area. 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*¹⁴ is made. If the *eiruv* is not made between the three, each one can carry in his own courtyard.

We extrapolate from the case of the Mishnah to the case of the three courtyards:

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 object 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

¹⁴ 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.

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the account of the outer ones.

The Gemara explains later that the Sages argue with Rabbi Shimon in the case of the three courtyards, since they decreed it is forbidden perhaps even the residents of the outer two will come to transfer from one to the other. Rabbi Shimon says to the Sages, why is it that in the case of three courtyards you differ with me, whereas in the case of three people each with a four-*ammah* Shabbat residence, you agree with me?

*

The Gemara inquires: **Why does he** Rabbi Shimon **say: “To what is this similar?”**, comparing Shabbat boundaries to *eiruvei chatzeirot*?

The Gemara answers that Rabbi Shimon is asking the Rabbis, i.e. the first Tanna, why they disagree with him in the case of *eiruvei chatzeirot*, but do not disagree with him here in our Mishnah concerning Shabbat boundaries:

This is what Rabbi Shimon is telling (asking) the Rabbis.

In truth, to what is this (the three people whose Shabbat boundaries run into each other) **similar? To three courtyards that are open to each other and are open to the public domain.**

What is the difference there concerning three courtyards, **that you differ** with me and say that there is a Rabbinic decree that no one in any of the courtyards can carry to another courtyard,¹⁵ because if we allow people to carry between the middle and outer courtyards, they will end up carrying from things from one outer courtyard to the other—

¹⁵ Actually, the only things that cannot be carried from courtyard to courtyard are objects that were indoors when Shabbat came in.

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And what is the difference here that you do not differ with me, rather you agree that the two outside people can move things to the middle person's Shabbat boundary? Why don't you say that there is a Rabbinic decree here as well?

The Gemara explains why the Rabbis view the two cases differently:

And the Rabbis' answer is that **there** in the case of three courtyards, there are **many residents** in the various courtyards and people would get mixed up and begin carrying between the two outer courtyards if the Sages did not decree that they may not carry between any courtyards.

But **here**, in the case of Shabbat boundaries, there are **not many residents**, but only three people. Therefore they will not get mixed up and we allow the outer two to move things into the middle person's space and vice versa.

Introduction: To make an *eiruv* between two courtyards, food belonging to the residents of one courtyard is collected and put in a house in the other courtyard. This makes it as if everyone is living in that one house and unifies the courtyards.

The Gemara assumes that in our Mishnah, the two outer courtyards mentioned by Rabbi Shimon put the food of their *eiruv* in a house in the middle courtyard.¹⁶

Therefore the Gemara raises a difficulty: **And why** are the two outer courtyards forbidden to carry from one to another? They should be permitted, for the following reason:

Because the outer ones both made *eiruv* with that middle one, they should be like one courtyard, since they all have shared food in one house there in the middle courtyard.

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The Gemara answers: **Said Rav Yehudah: The case is** that the *eiruv* was not made by putting food in a house in the middle courtyard, but the other way round: **That the middle** courtyard put **its *eiruv*** in a house in **this** outer courtyard, **and its** other *eiruv* **in** a house **in that** other outer courtyard. Thus the outer courtyards are not unified by having food in a common house in the inner courtyard. (Answer #1)

*

Another answer:

And Rav Sheshet said: Even if you say that they the outer courtyards **put their *eiruv*** **in the middle** courtyard, still they are forbidden, for the following reason:

The case is that they the outer courtyards **put it** the *eiruv*...

Ammud Bet

... in two different **houses** in the middle courtyard. (Answer #2)

*

The Gemara finds answer #2 problematic. For it seems to be according to the view of Beit Shammai, whom the Halachah generally does not follow:

Like whose view is Rav Sheshet's answer, that if the *eiruv* are in two separate houses they do not join the two outer courtyards?

¹⁶ This is reasonable to assume because both outer courtyards made an *eiruv* with the inner courtyard -

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Like Beit Shammai.

Because it was taught in a Baraita:

If **five** members of a courtyard **collected their *eiruv* and put it in two separate vessels:**

Beit Shammai say: Their *eiruv* is not a valid *eiruv*.

And Beit Hillel say: Their *eiruv* is a valid *eiruv*.

At this point, the Gemara assumes that Beit Hillel holds that the *eiruv* is effective even if the *eiruv* was put in two vessels in two separate houses.¹⁷ Thus Rav Sheshet, who says that an *eiruv* that is split between two separate houses does not join everyone, seems to be going according to Beit Shammai.

The Gemara answers: **Even if you say** that Rav Sheshet is going according to **Beit Hillel**, his answer makes sense. Because **Beit Hillel only says there** that the *eiruv* in two vessels is effective **concerning** a case of **two vessels in one house. But it two houses**, it is **not** effective. Thus, Rav Sheshet's answer is not dependent on this disagreement between Beit Hillel and Beit Shammai.

*

The Gemara now raises difficulties against both answer #1 and answer #2. According to answer #1, the outer courtyards should be allowed to carry from one another. According to answer #2 it should be forbidden to carry even from the middle courtyard to the outer courtyards:

Ritva.

¹⁷ This is reasonable to assume, because if the *eiruv* is not split between separate houses, why did they split in between two vessels? *Ritva*.

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Said Rav Acha the son of Rav Avya to Rav Ashi:

According to Rav Yehudah (answer #1), it the Mishnah is difficult. And according to Rav Sheshet (answer #2), it the Mishnah is also difficult.

The Gemara first explains why according to Rav Yehudah it is difficult:

According to Rav Yehudah it is difficult because he says: The case is that the middle courtyard put its *eiruv* in a house in this outer courtyard, and its other *eiruv* in a house in that other outer courtyard.

However, the rule is that if a number of people in courtyard A made an *eiruv* with each other, if one of them makes an *eiruv* with courtyard B, all of the members of courtyard A can carry in courtyard B, because we say that he is acting on behalf of them all.

And if so: Once the middle courtyard makes an *eiruv* with the outer courtyard A, it (the middle and outer courtyard A) will be one jurisdiction. And when it (the middle courtyard) again makes an *eiruv* with the other outer courtyard B, it is acting on behalf of it (courtyard A), and it turns out that all three courtyards are united! So why can't people carry between courtyard A and B?

The Gemara now explains why according to Rav Sheshet, it is difficult:

And according to Rav Sheshet who says the outer courtyards put their *eiruv* in two different houses in the middle courtyard, it is also difficult:

It (the middle courtyard) should be like five people who live in one courtyard and one of them forgot and did not make an *eiruv* with the other four, that they (all the houses)

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forbid one another to carry from any house into the courtyard, because everyone living in the courtyard must have a share in the *eiruv*.

Similarly, when the people of outer courtyard A and of outer courtyard B put their *eiruv* in two separate houses in the middle courtyard, they become “residents” of the inner courtyard. But the outer courtyards did not make an *eiruv* with each other. Therefore it should be forbidden to all to carry inside the middle courtyard.

*

The Gemara now answers these two questions:

Rav Ashi said to him (Rav Acha the son of Rav Avya who raised the difficulties):

It is not difficult according to Rav Yehudah.

And it is not difficult according to Rav Sheshet.

It is not difficult according to Rav Yehudah: Since the middle courtyard made an *eiruv* with the outer courtyards, and the two outer courtyards did not make an *eiruv* together, he (every member of the outer courtyard) **revealed his intention that with this** (with the middle courtyard) **he wants** to make an *eiruv*, **and with that** (the other outer courtyard) **he does not want** to make an *eiruv*.

Therefore the two outer courtyards are forbidden to each other.

And according to Rav Sheshet it is not difficult because an *eiruv* does not make people *real* residents of another courtyard, but only theoretic residents for the purposes of making an *eiruv*. Therefore the Gemara asks, rhetorically:

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If they the Sages **said** that people of courtyard A who make an *eiruv* with courtyard B are considered like **residents** of courtyard B **to be lenient**, so that the people can carry from one courtyard to another, **did they** the Sages therefore **say** that they are like the real residents of the courtyard B **to be strict**, and create a situation that it will be forbidden to carry in the middle courtyard when two courtyards put their *eiruv* in two houses?

We saw earlier that there is a disagreement between Rabbi Shimon and the Rabbis concerning a middle courtyard that opens to two outer courtyards, one on each side. The Gemara now brings two versions of this disagreement:

Version #1: **Said Rav Yehudah said Rav: This** statement in our Mishnah that the people in the courtyards can carry to and from the middle courtyard is **according to Rabbi Shimon**.

But the Sages i.e. the Rabbis **say: One area** (the middle courtyard) **can be used by** the **two** outer **areas** (outer courtyards). In other words, the outer courtyards can carry into the middle courtyard on Shabbat, because each outer courtyard made an *eiruv* with the middle courtyard. (Important: See footnote 13)

But two areas cannot be used by one area. In other words, the one middle courtyard cannot carry to the two outer courtyards.

Although the middle courtyard made an *eiruv* with them both, the two outer courtyards are forbidden to each other. Therefore each one “pulls” the middle courtyard in opposite directions, and we cannot consider the middle courtyard as sharing a residence with these two places which are forbidden to each other (*Ritva*).

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Version #2: Rav Yehudah continued and said: **When I said** Rav's version #1 **in front of Shmuel, he said to me** a different version of the disagreement between Rabbi Shimon and the Sages:

CHAVRUTA

EIRUVIN – DAF MEM TET

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On the previous *daf*, Rav stated one version of the disagreement between Rabbi Shimon and the Sages. Now, Shmuel disagrees with Rav, and states his version #2 of the disagreement:

This too is according to Rabbi Shimon.

Just as Rabbi Shimon agrees that the two outer courtyards are forbidden to each other, so too, he holds that one may not carry from the middle courtyard to the outer courtyards. One may only carry from the outer courtyards to the middle courtyard. (See footnote)¹

But the Sages say that all the three courtyards are absolutely forbidden to each other, and one may not even carry from the outer courtyards to the middle courtyard.

*

It was taught in a Baraita like Rav Yehudah according to Shmuel (i.e. like version #2):

The Baraita says: **Said Rabbi Shimon: To what is it similar,** the three people in our Mishnah who went outside the Shabbat boundary?

To three courtyards that are open to each other and open to the public domain. If the two outer courtyards made an *eiruv* with the middle courtyard, this person from the outer courtyard may bring from his house in the outer courtyard and eat in the middle

¹ Actually, the only things that cannot be carried from courtyard to courtyard (or from courtyard to alleyway and vice versa) are objects that were indoors when Shabbat commenced.

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courtyard. **And that** person from the other outer courtyard **may** similarly **bring from his house and eat**.

This person may return what is left over from the food back **to his house** in the outer courtyard, **and that person may return what is left over to his house**. (See footnote 1). We can infer from this statement of Rabbi Shimon, that it is forbidden to carry food that was originally in a house in the middle courtyard to the outer courtyards.

But the Sages say that all three are forbidden to carry one to another.

Thus we see that even Rabbi Shimon only allows food that *came from* the outer courtyards to be taken back, but items originally in the middle courtyard may not be taken to the outer courtyard. And the Sages forbid carrying between the courtyards altogether. This is identical to version #2.

The Gemara now demonstrates that Shmuel's version #2 reflects Shmuel's ruling in another case.

Introduction:

Just as one cannot take things from a house into a courtyard unless an *eiruv* was made with all the other houses of the courtyard, so one cannot take an object from a house into an alleyway shared by other courtyards, unless all the courtyards joined together with an *eiruv* (known as *shituf* - partnership).

And Shmuel goes according his similar reasoning in another case:

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Because Shmuel said: A courtyard that is between (and open to) **two alleyways** (that had courtyards open to them).

If it the courtyard **made an *eiruv*** (*shituf* - partnership) **with both of them** (the alleyways with their courtyards), **it is forbidden with both of them.** One may not carry objects from that middle courtyard to either alleyway, and may only carry from the two alleyways to the middle courtyard. (See footnote 1 which applies here as well.)

This ruling of Shmuel parallels Rabbi Shimon's view in version #2. (See footnote)²

*

The Gemara now continues Shmuel's statement concerning a courtyard that opens to two alleyways.

If the middle courtyard did not make an *eiruv* with either of them (either of the two alleyways), **it forbids** carrying in **those two** alleyways, just as a house that does not participate in the *eiruv* of its courtyard makes it forbidden for everyone to carry in the courtyard. (See footnote 1)

However, this is only if the people of the courtyard regularly used both alleyways.

But **if it** the courtyard **regularly used only one of them** (the alleyways), **and** the other **one of them it did not regularly** use, the rule is as follows: **this one** which **it regularly used** is forbidden, i.e. one may not carry in that alleyway. **And that one which it did not regularly use is permitted,** i.e. one may carry in that alleyway.

² Although it also parallels the Sages' view in version #1, there is a rule that Shmuel rules like the lenient view in disagreements concerning *eiruv*. Therefore if he followed version #1, he would be ruling like the Sages who have the stricter view.

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*

The Gemara discusses similar cases:

Said Rabbah bar Rav Huna: If it (the courtyard we are discussing) **made an *eiruv* with the alleyway that it does not regularly use**, thereby disassociating itself from the alleyway it normally uses, then **the alleyway that it regularly uses, itself, is permitted.**

*

And said Rabbah bar Rav Huna said Shmuel: If the alleyway which it regularly uses made an *eiruv* for itself, i.e. the courtyards leading into it made an *eiruv* together—

And this alleyway which it does not regularly use did not make an *eiruv*, i.e. the courtyards leading into it did not make an *eiruv* together—

And it (the middle courtyard leading into both alleyways) **did not make an *eiruv*** with either of the two alleyways—

The rule is as follows: **They**, the members of the alleyway that made an *eiruv*, **push it** the middle courtyard **to** the alleyway **which it does not regularly use**. This is because it is forbidden anyway to carry in that alleyway, since its courtyards made no *eiruv*.

And why do we judge the case in this way? Because **in a case like this we force people concerning the trait of Sodom.**³ I.e. the Sages do not allow people to adopt the patently selfish ways of Sodom, whose citizens denied benefit to others even where no loss would thereby be incurred. By way of analogy, the Sages here saw to the benefit of the alleyway that made an *eiruv*, since the members of the other alleyway (who anyway may not carry) lose nothing from it.

³ The *Ritva* points out that our case is only similar to *kofin al midat Sedom*. It is not truly applicable here.

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The Gemara proceeds to cite more Halachot stated by Rav Yehudah in the name of Shmuel:

Said Rav Yehudah said Shmuel: Someone who is particular about his food that he contributed to the *eiruv*, wishing that no member of the courtyard should eat it, **his *eiruv* is not a valid *eiruv*.**

Because **what is its name? Its name is *eiruv*** (mix), which means that they all intermingle and share in it.

Rabbi Chanina disagrees and **says: His *eiruv* is a valid *eiruv*** and is still considered as a symbolic intermingling of everyone. **But he is called one of the people of Vardina** who were selfish.

*

And said Rav Yehudah said Shmuel: Because the word *eiruv* implies that all the food is mixed together, **someone who splits his *eiruv*** (i.e. the people of the courtyard put the *eiruv* into two vessels), **it is not a valid *eiruv*.**

The Gemara raises a difficulty: **Like whose view is this statement? Like Beit Shammai's.**

Because it was taught in a Baraita: Five people who collected their *eiruv* and put them in five vessels—

Beit Shammai says: This is not a valid *eiruv*.

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And Beit Hillel says: This is a valid *eiruv*.

This is problematic, since the Halachah follows Beit Hillel.

The Gemara answers: **Even if you say** that Rav Yehudah's statement is like **Beit Hillel**, it still makes sense.

Because this far, Beit Hillel only says there that an *eiruv* can be put into two vessels, **when one filled a vessel and there was food left over** that had to be put into a second vessel.

But where one divides the *eiruv* unnecessarily, he agrees that it is **not** valid.

*

The Gemara now explains why Shmuel had to make both his previous statements, first that a person must allow everyone to use the food of his *eiruv*, and second that it must not be in two vessels.

The Gemara asks: **And** the **two** statements of Shmuel, **why do I need** them both?

The Gemara explains: **One needs them both: Because if he told us there**, the case of someone who is particular about other people not eating from his *eiruv*, I would say it is invalid **because he is particular** that no one should eat it, and that contradicts the very concept of *eiruv*, which by nature joins all the residents through the common food.

But here, where he divided it between two vessels and it merely contradicts the semantics of the word *eiruv*, “mixing”, **I would say no**, it doesn't matter.

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And if he told us here, I would say it is invalid **because he split it** and this contradicts the very name *eiruv*, **but there** where it merely contradicts the idea behind *eiruv*, **I would say no**, it doesn't matter.

Therefore, **he needs** to say both cases, to tell us that both are invalid.

*

The Gemara now points out that elsewhere, Shmuel seems to contradict his statement that an *eiruv* put in two containers is invalid.

Rabbi Abba said to Rav Yehudah, in the olive press in the house of Rav Zakkai:

Did Shmuel really say that if someone who splits his *eiruv*, it is not a valid *eiruv*?

But Shmuel said elsewhere: If the people in a courtyard contribute bread for an *eiruv* and put in a house of the courtyard, the owner of **the house where they put the *eiruv* does not have to contribute bread.**

Why doesn't he have to contribute bread?

Is the reason not because (he said)⁴: Since it the house owner's own bread **is resting in a different basket** in that very same house, **it is considered as if it is lying** with the other bread that was contributed, even though it is in a different vessel.

Here too, when the *eiruv* is put in two vessels, we should say that **because it is resting in a different basket** in the same house, **it is considered as if it is resting here** with the other food.

⁴ Rashi omits these words.

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Thus Shmuel seems to contradict himself.

The Gemara resolves the contradiction:

He (Rav Yehudah) **said to him** (Rabbi Abba): **There, even if there is no bread** in the basket of the house owner at all, the *eiruv* would be valid.

Why? Because the mechanism of *eiruv* works as follows: it makes it as if **they all** (all the members of the courtyard) **are living here** where they put the bread. Therefore the house holder who lives there anyway doesn't have to contribute any bread.

The Gemara now discusses how the *eiruv* unites everyone. Does it make them all owners of the house where the joint *eiruv* is stored, or does it make them residents of the house where the *eiruv* is stored?

Said Shmuel: *Eiruv* works because of acquisition. The owner of the house gives each person a share in his house, and the whole courtyard becomes subsidiary to this united area.

And if you say: If so, **why don't they make the acquisition with a coin** instead of with bread?

Because a coin is not easily found on the Eve of Shabbat.

And if you ask: **When someone did make an *eiruv* with a coin, shouldn't it nevertheless be valid?**

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It is not valid because there is **a decree lest people say that a coin is the chief way** of making an *eiruv*, **and sometimes a coin is not available and they won't come to make an *eiruv* even with bread**, thinking that bread is no good—**and** the institution of *eiruv* **will be damaged** (i.e. forgotten).

Rava disagrees with Shmuel, and **says: *Eiruv* works because** it makes a common **living quarters** that the courtyard is subsidiary to, because a person considers the place where his food is located as his home.

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The Gemara inquires: **What** practical difference **is** there **between them** (their two views)?

The Gemara explains: **There are** three differences **between them**:

1) According to Shmuel, one can use **a utensil** even if it is worth less than a *perutah*, to acquire a share in the *eiruv*. This is done by using it to make the acquisition of *chalifin*. Although other forms of acquisition require the minimum amount of a *perutah*, the *chalifin* acquisition does not have this requirement, since it is based on the principle that a utensil has intrinsic significance regardless of its monetary value.

2) **And** according to Rava, if one uses food worth **less than the worth of a *perutah*** the *eiruv* will be valid, because the food symbolizes that one is living in the house, thus it has intrinsic significance, and is not being used to make an acquisition, which would require a *perutah*.

PEREK 4 – 49B

Ammud Bet

3) **And** according to Rava, one can make an *eiruv* by using **a minor** to act as an agent on one's behalf, even though a minor cannot make an acquisition. It is valid because the minor is merely placing one's food in the shared house.

*

The Gemara challenges both explanations of how *eiruv* works:

Said Abaye to Rabbah: According to you, that *eiruv* works because it makes a common living quarters for the people of the courtyard—

And also according to **Shmuel**, that it works by *buying* each person a share in a common house in the courtyard—

There arises **a difficulty**:

Because it is taught in a Baraita concerning the following case:

Five people who collected their *eiruv* to make it permissible to carry in their own courtyard, and they now want to make an *eiruv* with a neighboring courtyard to connect it with their courtyard. **When they take their *eiruv* to another place** (i.e. that other courtyard), they do not all have to contribute to that *eiruv*, but **one** of them **takes** his *eiruv* there **on behalf of them all**.

This is difficult to both Rabbah and Shmuel, because how can one person alone make the *eiruv* with the second courtyard? **He bought** a portion there **and no one else**. Furthermore, **he is** considered as **living** there **and no one else**.

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The Gemara answers Abaye's challenge:

He Rabbah said to him Abaye:

What you said **is not a difficulty for me and not a difficulty for Abaye.**

Because **he** that one person **acts on behalf of everyone** in the courtyard.

Returning to our Mishnah, the Gemara concludes:

Said Rabbah said Rav Chama bar Guria said Rav:

The **Halachah is in accordance with Rabbi Shimon** who says that the middle courtyard and outer courtyards are permitted to carry to each other.

Mishnah

Someone who was coming on the road on Friday afternoon **and sees that it is becoming dark for him** and he wants to reach his home that is over 2000 *ammot* away, **and he recognizes a tree or a fence** that is no more than 2000 *ammot* away from him, and no more than 2000 *ammot* away from his home.

And he says: My Shabbat residence (lit. resting place) **is under it** (the tree or fence).

PEREK 4 – 49B

The Halachah in this case is that **he did not say anything** of significance, i.e. his Shabbat residence is not established in the chosen spot, because he did not specify exactly where underneath the tree he wanted his residence to be.

But if he specified and said: **My Shabbat residence is at the root** of the tree, he has successfully established his residence in the chosen spot. Thus **he may walk 2000 ammah** from the present place of his feet, and until its (the tree's) root.

And from its root and until his house, he may walk another **2000 ammah**.

Thus **we find that he walks 4000 ammah** after it becomes dark.

If he doesn't recognize a tree or fence (i.e. he cannot see a specific landmark next to which to declare his residence), **or is not knowledgeable of the Halachah** that one may do as explained above, **and he said: My Shabbat residence is in my place** where I am standing now, **he acquires his place** where he is standing now as his Shabbat residence.

And he may walk **2000 ammot** in any direction in a circle, according to **Rabbi Chanina ben Antigonus**.

And the Sages say: The 2000 *ammot* are **square like a square board**, so that he gains the corners also.

And this is what they said: The poor person (every traveler is considered poor) **can make an eiruv with his feet**. The Gemara discusses which part of the Mishnah this refers to.

Said Rabbi Meir in agreement with the previous sentence: **We only have** this leniency if the person is **a poor man** (or traveler).

PEREK 4 – 49B

Rabbi Yehudah says: Both a poor person and a rich person can use this leniency, of making an *eiruv* with his feet. **And the Sages only said that one makes an *eiruv* with bread,** in order to be lenient to a rich person in his house, **that he does not** have to go out and make an *eiruv* with his feet, but can send bread with an agent.

The Gemara later explains which part of the Mishnah Rabbi Yehudah is disagreeing with.

Gemara

The Mishnah said that if a person does not specify the exact spot of his Shabbat residence under the tree, he said nothing of significance. The Gemara now inquires whether such a statement had any Halachic effect at all.

What does the Mishnah mean when it says that **he said nothing?**

Said Rav: It means that **he didn't say anything at all and cannot even go under the tree.** Because he didn't have intent to make his residence where he is standing, he uprooted himself from making even that place where he is now his residence. Thus he may move only four *ammot* from where he is standing.

Shmuel disagrees and **says: “He didn't say anything”** only means that he cannot go to his house from the tree. **But he can go to under the tree.**

The reason for that he cannot go to his house is that **the whole area underneath the tree becomes a “donkey-driver/camel-driver”.** With this metaphor, the Mishnah is saying

PEREK 4 – 49B

that the person is pulled in two opposite directions. (A donkey is driven in front of a person, whereas a camel walks behind a person.)

For example: If the person's house is exactly 2000 *ammot* north of the tree, and the tree's branches spread 30 *ammot*, and the person is 1,970 *ammot* south of the tree, we do not know where under the tree he made his residence.

Therefore, if **he wants to measure 2000 *ammot* from the north** of the tree to reach his house, **we measure for him from the south**. We say that perhaps his residence is under the south side of the tree, and thus he cannot travel the last 30 *ammot* to reach his house.

And if **he wants to measure from the south** of the tree that is only 1970 *ammot* away, and move 30 *ammot* back from where he is standing, **we measure for him from the north** of the tree that is 2,000 *ammot* away, and say that he cannot move back at all.

CHAVRUTA

EIRUVIN – DAF NUN

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

The Gemara asks:

Said Rabbah: What is the reason of Rav, who says that a person acquires no Shabbat residence at all, unless he specifies exactly where under the tree he wants his Shabbat residence to be? Why doesn't agree to Shmuel, who says that the person has a residence somewhere under the tree, but we just don't know exactly where?

The Gemara answers: **Because he** the person **did not specify his place** under the tree, and Rav holds that to make a Shabbat boundary, the place¹ of residence must be specified.

The Gemara repeats Rabbah's question and gives a different answer:

And some say: Said Rabbah: What is the reason of Rav, who says that a person who didn't specify where he wants his residence under the tree acquires no residence at all?

Because he Rav **holds that anything** (i.e. any two things) **that cannot** happen **one after the other, even** if done **simultaneously they are not** valid.

The assumption is that the person is attempting to transform the whole area under the tree into his Shabbat residence. Therefore Rav objects to this illogical approach, arguing that just as the person cannot acquire more than four square *ammot* under the tree by making two residences one after the other, so he cannot make the whole area under the tree his residence simultaneously by failing to specify the exact place of his residence.

¹ Four by four *ammot*.

PEREK 4 – 50A

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The Gemara inquires: **What is** the practical difference **between them** (Rabbah's two answers)?

The Gemara explains: **There is** a difference **between them** in the following case: **if he** the person **said: Let** a residence **be acquired for me in** only **four ammot** out of the **eight ammot** under the tree.

According to the one who says that Rav gives the person no residence **because he** the person **did not specify his place, here too, he did not specify his place.**

But according to the one who says that Rav's reason is **because everything that cannot happen one after the other, even simultaneously cannot be valid—**

In **this** case, **it is like** simply saying that he wants his residence to be **four ammot**, which is valid. **Because here he said four out of eight** and made no attempt to make a larger residence than is allowed.



Regarding the above-mentioned statement **itself: Said Rabbah: Anything** (two events) **that cannot happen one after the other, even** if done **simultaneously they are not** valid.

Abaye challenged Rabbah, from a Baraita: Someone who takes more tithes than necessary, for example, by separating a fifth for *ma'aser rishon* instead of a tenth, **his produce is rectified** i.e. it has successfully been tithed, and may be consumed normally.

PEREK 4 – 50A

But his tithes are ruined, because only a half of the fifth became *ma'aser*, while the second half remained *tevel*² (because the person wanted it to be part of the tithe itself and had no intent to make it ordinary, tithed produce). Therefore his tithe is a mixture of *ma'aser* and *tevel*.

But this does not make sense according to Rabbah's approach: **why** does any part of the tithe become *ma'aser*?

Let us say: Anything (two events) **that cannot happen one after the other, even if done simultaneously they are not valid.**

Because just as one cannot separate a tenth for *ma'aser* and then separate another tenth for the same *ma'aser*, so if one tries to separate a fifth, nothing should happen at all.

The Gemara answers Abaye's challenge: ***Ma'aser* is different, because it can be done by halves. Because if he said that every half grain of wheat should become holy** (i.e. *ma'aser*), **it** (each half grain) **becomes holy.**

Therefore, when the person says that a fifth should be *ma'aser*, we say that he does not want to make the whole fifth into *ma'aser*, but only half of every grain in the fifth, and this is possible.

However when a person says that he wants his residence under a tree, we cannot say that he only wants a half *ammah* of each of 32 square *ammot*, because the four square *ammot* have to be contiguous. Therefore we understand that he is trying to make a larger than regulation residence.

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² Untithed, and therefore forbidden, produce.

PEREK 4 – 50A

The Gemara presents a second challenge against Rabbah's rule:

But we have the case of **tithes of animals, which cannot be** done in halves - if a person said: Half of this sheep, which was the tenth sheep to go out of the opening, is the “tenth” that is *ma'aser*, it would not be sanctified at all.

And it cannot be done one after the other: If a person announced that the tenth animal is “tenth,” and then announced that the eleventh animal is also “tenth,” only the first animal would be sanctified.

Nevertheless, **Rabbah said: If two animals went out** the opening together **as the tenth** sheep, **and he called** both of **them** the “tenth,” we say that they are **tenth and eleventh mixed together**. One will be *ma'aser* and one will be a *shelamim*³, peace offering, although we won't know which is which.

But this seems to contradict Rabbah's rule: neither animal should get any sanctity at all, because if the eleventh animal had emerged after the tenth animal, it would not become a *shelamim* if he called it “tenth.”

The Gemara answers: ***Ma'aser of animals is different because it*** (making them both *ma'aser*) **does exist** in a case where two animals came out **one after the other** and one made them both *ma'aser* **inadvertently**.

Because it was taught in a Mishnah: If someone called the ninth sheep “**the tenth,**” **and** he also called **the tenth** sheep “**the ninth,**” **and** he also called **the eleventh** sheep “**the tenth,**” special verses teach that all **three of them are sanctified**.

The real tenth is *ma'aser*, and the other two are *shelamim*.

³ Because if one called the eleventh animal the “tenth,” it gets the sanctity of a *shelamim* sacrifice.

PEREK 4 – 50A

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The Gemara makes a third challenge against Rabbah's rule:

But what about the forty loaves that come with the *todah* (thanksgiving offering), **that it is not** valid even **inadvertently** – if someone set aside 40 loaves and inadvertently consecrated another 40, the second batch will have no sanctity.

And it is not valid if done **one after the other** – if a person set aside 40 loaves, slaughtered the thanksgiving offering and then set aside another 40 loaves, the second batch has no sanctity.

And nevertheless it was stated: A thanksgiving offering that was slaughtered over 80 loaves that the person had set aside—

Chizkiyah said: 40 of the 80 are sanctified over it the sacrifice.

And Rabbi Yochanan said: 40 of the 80 are not sanctified over it.

And the Halachah is like Chizkiyah!

The Gemara answers: **But it was stated concerning it** (that Baraita):

Said Rabbi Zeira:⁴ **Everyone agrees that when he** the person bringing the *todah* **said to consecrate only 40 loaves out of 80, that they 40 loaves are consecrated.**

And if he said: Even **40 should not be consecrated unless all 80 are consecrated, all concur that they**, even 40 of them, **do not become consecrated.**

⁴ The Messoret Hashas changes this name to Rabbi Yehoshua ben Levi.

PEREK 4 – 50B

When they (Chizkiyah and Rabbi Yochanan) do **disagree**, it is **concerning** the case of when the person **did not specify** what he meant when he set aside the 80 loaves.

One **master** (Chizkiyah) **holds that he intended** that the extra 40 should be for a **security**. He only wants to consecrate them if the first 40 become disqualified for some reason.

And he is bringing (consecrating) **them** only **on condition** that the first 40 become disqualified. And this like saying that only 40 out of the 80 should be consecrated, which Rabbah agrees is valid.

Ammud Bet

And the other **master** (Rabbi Yochanan) **holds the view: He has intent for a large sacrifice** and wants all 80 loaves to be consecrated immediately. Therefore even 40 are not consecrated because of Rabbah's rule that anything that cannot be one after the other, cannot be done even simultaneously.



Earlier on this *daf*, Rav said that a person who didn't specify the exact location of his residence under the tree doesn't acquire any residence at all. And Rabbah explained that this is because to make a Shabbat boundary, the place⁵ of residence must be specified.

The Gemara now discusses exceptions to this rule.

⁵ Four by four *ammot*.

PEREK 4 – 50B

Said Abaye: They (Rav according to Rabbah's explanation) **only taught** that the person acquires no residence at all, **regarding a tree that underneath it is** at least **12 *ammah***, because now there is room for three completely separate “residences” of four *ammot*, and we don't know which one he wanted.

But with a tree that there is not twelve *ammah* underneath it, the person will acquire a residence. For **behold**, at least **part of his residence is identifiable**.

Because there are less than 12 *ammot*, no matter where his residence is under the tree, at least part of it must be within the middle four *ammot*, because there are less than four *ammot* surrounding the middle four *ammot*. And Abaye holds that the residence is valid as long as we know that at least part of it is within the middle four *ammot*.

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Rav Huna the son of Rav Yehoshua challenged this statement of Abaye, because Rav Huna holds that it is not enough to know that part of the residence is *somewhere* in the middle four *ammot*. One has to know the exact location of that part of the residence.

Even if there are less than 12 *ammot* under the tree, **from where** would one know **that the person decided on the whole four *ammot* in the middle?**

Maybe he the person making the *eiruv* **decided** that his residence was not in the middle of the 12 *ammot*, **but in the four *ammot* of this side or the four *ammot* of that side**.

And that means that the part of the residence in the middle could be either on one side of the middle four *ammot* or on the other side, and that too is considered as not specifying the place of one's residence.

But therefore Rav Huna the son of Rav Yehoshua said:

PEREK 4 – 50B

They (Rav according to Rabbah's explanation) **only taught** that the person acquires no residence at all **regarding a tree that underneath it is** at least **8 ammot**, because then there is no place in the middle four *ammot* that is definitely the person's residence.

But with a tree that underneath it is only 7 ammot, behold, part of his residence is identifiable, because there are only 1 ½ *ammot* surrounding the middle four *ammot*. Therefore no matter where he made his residence, there is at least one identifiable *ammah* in the middle four *ammot* that is definitely part of his residence.



The Gemara now returns to the original disagreement between Rav and Shmuel concerning a person who did not specify where under the tree he was making his “residence.”

The Gemara says: **It is taught in a Baraita in accordance with Rav**, who holds that the person has no residence at all, neither under the tree nor where he is standing.

And **it is taught in another Baraita in accordance with Shmuel**, who holds that the person does have a residence, only we do not know exactly where under the tree it is.

It is taught in a Baraita like Rav: Someone who is coming on the road on Friday and it is becoming dark for him and he wants to reach his home that is over 2000 *ammot* away, **and he recognized a tree or a fence** that is no more than 2000 *ammot* away from him, and this object is also no more than 2000 *ammot* away from his home.

And said: My residence is under it the tree or fence, **he did not say anything**, because he did not specify exactly where underneath the tree he wanted his residence to be. (case #1)

PEREK 4 – 50B

But if he specified and said: **My residence is at that certain place** that is surrounded by a fence, **he can walk until he reaches that place.**

When he reaches that place, he can walk everywhere in it, and outside it another **2000 ammah.** (Case #2)

When do we say this, that he may walk everywhere? **Concerning a specific place** that is separate from its surroundings.

For example, that he made his residence on a mound that is ten tefachim high⁶ and from four ammot wide until 200 sa'im in area.⁷

And also, if his residence was **a valley that is ten tefachim deep, and four ammot until 200 sa'im** in area.

But if he made his residence **in a place which is not defined** (i.e. it has no partitions, or is larger than 200 sa'im), **he only has four ammot** at that place, unlike case #2 where he can have an area of up to 200 sa'im . (Case #3).

If there were two people, and one of them recognized (i.e. picked out) the tree or mound etc. where he wanted to make a “residence,” **and one did not recognize it.**

This one who does not recognize it, hands over his residence to his companion by saying, “My residence is where you make your residence.”

And the one who recognizes it says: My residence is in place so and so.

⁶ This makes it as if the mound is surrounded by a partition, because we consider it as if the side of the mound goes up (*gud asik mechitzata*) and surrounds the mound.

⁷ Rabbinically, a place which is bigger than 200 sa'im and not fenced to live in is considered as if it does not have a partition round it.

PEREK 4 – 50B

When do we say that this (the second clause of case #3) works? **When he specifies the four *ammot* he decided on.** For example, he said, “My residence is next to stone so and so.”

But if he did not specify the four *ammot* he decided on, he cannot move from his place where is standing now, because not only is the residence that he tried to make 2,000 *ammot* away invalid, but he doesn’t even acquire a residence at the place he is standing now, since he showed that he wanted his residence to be elsewhere. Therefore he only has the *four ammot* where he is standing and cannot move from them.

In conclusion: The end of the Baraita is like Rav, because according to Shmuel a person would acquire a residence somewhere within the distant place even if he did not specify which four *ammot* he wants.

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The Gemara suggests: **Let us say that this Baraita is a disproof of Shmuel?**

The Gemara answers: **Shmuel would say to you in reply: Here, what are we dealing with? For example, that from the place of his feet until its root of the tree are 2,004 *ammot*.** This is the maximum that the person can walk on Shabbat: the four *ammot* where he is standing, and 2,000 extra of his Shabbat boundary. So **that if he establishes it his residence on the further side of the tree, it would be outside his Shabbat boundary.** And this possibility must be taken into consideration, since it is not known exactly where under the tree he established his Shabbat residence.

Therefore, **if he specified his residence** as being within his Shabbat boundary, **he can go** to the tree. **But if he did not specify** which four *ammot* under the tree he meant, **he cannot go** anywhere at all, because perhaps he made his residence more than 2,000

PEREK 4 – 50B

ammot away, which is invalid. (And he also indicated that he does not want his residence to be where he is standing now).

*

It was taught in a Baraita like Shmuel:

If a person erred and made an *eiruv* in two directions, one to the north of his house and one to the south, because he thought one can make an *eiruv* for himself in two directions—

Or that he told his servants: Go out and make an *eiruv* for me, and one made an *eiruv* for him to the north, and one made an *eiruv* for him to the south—

He can walk north according to what his *eiruv* of the south allows him, and he can walk south according to what his *eiruv* of the north allows him, because we do not know which *eiruv* was effective.

But if they (both of his servants) fully utilized the Shabbat boundary of 2,000 *ammot* for him, he cannot move from his place (house) at all, because of the uncertainty which *eiruv* was effective.

In conclusion: This Baraita says, like Shmuel, that such an *eiruv* is effective—even if one failed to specify where it is, and we cannot ascertain its location.

*

The Gemara suggests: **Let us say that this Baraita is a disproof of Rav?**

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The Gemara answers: **Rav himself is a Sage** with the status of a **Tanna, and** has the authority to **disagree** with the Tanna whose view is expressed in the Baraita.



Our Mishnah said: **If he specified and said: My residence is at the root of the tree, he can walk 2000 *ammah* from the place of his feet now, and until its the tree's root. And from its root and until his house 2000 *ammah*. Thus we find that he walks 4000 *ammah* after it becomes dark.**

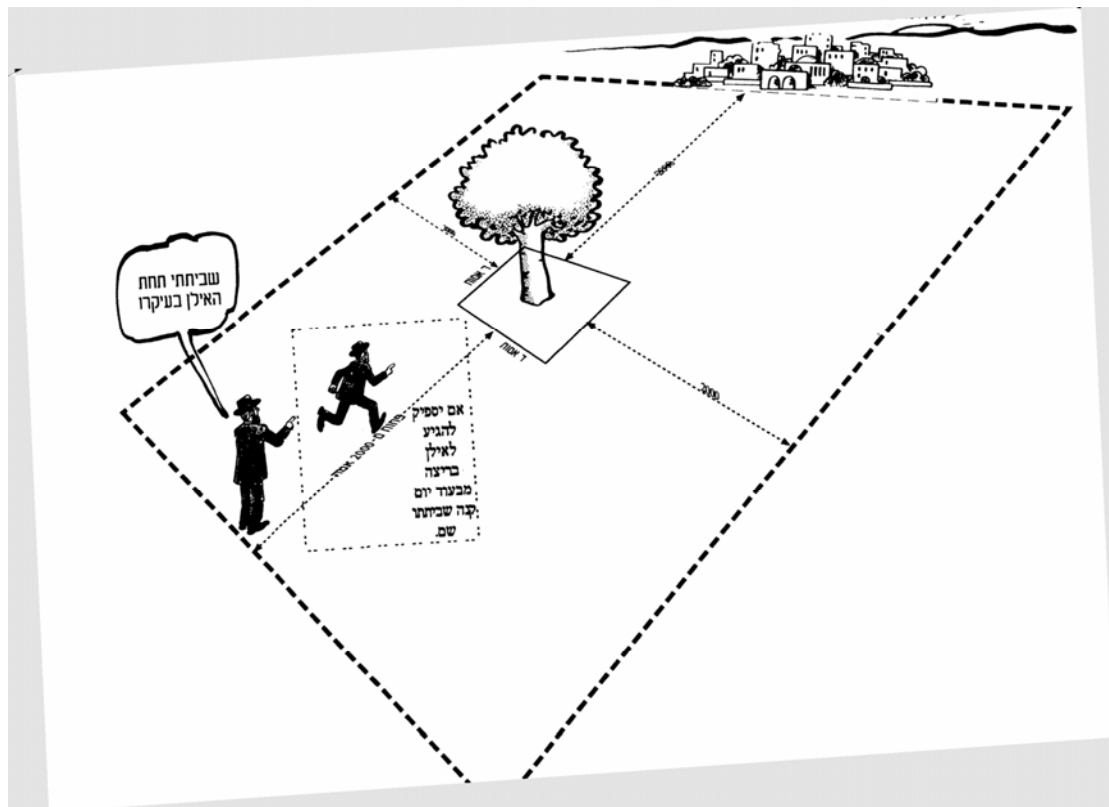
CHAVRUTA

EIRUVIN – DAF NUN ALEF

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

[Our Mishnah said: **If he specified and said: My residence is at the root of the tree, he can walk 2000 *ammah* from the place of his feet now, and until its the tree's root. And from its root and until his house 2000 *ammah*. Thus we find that he may walk 4000 *ammah* after it becomes dark.]**

Said Rava: This is true only in a case that if he ran to the root of the tree, he would reach it before Shabbat came in. Therefore it is considered as if he reached there before Shabbat.¹



PEREK 4 – 51A

Abaye said to him Rava: But the Mishnah says: And it was becoming dark for him which implies that there was no time to reach the tree.

The Gemara answers: **It was becoming dark concerning** that he had no time to reach **his house, but he could** still walk to the root of the tree before dark.

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Some say a different answer.

Said Rava: “It was becoming dark for him” means that he could not reach the tree **if he went slowly. But if he runs he can reach** the tree.



The Gemara now discusses how one person can make an *eiruv* under a tree for both himself and a companion:

Rabbah and Rav Yosef were walking in the road on Friday afternoon, **and Rabbah said to Rav Yosef: Our residence shall be under the palm tree that supports its brother tree.** (I.e. another palm tree was leaning on it).

And some say that Rabbah said: **Under the tree that frees its owner from taxes** because it bears a lot of fruit with which he pays the tax.

Rav Yosef said to him Rabbah: I don't know it that tree, and cannot use it to make my Shabbat residence.

PEREK 4 – 51A

Rabbah said to him: Rely on me to do it for you, **because it was taught in a Baraita: Rabbi Yosi says: If there were two people, one who recognizes the place and one who does not recognize—**

The one who does not recognize can give over his task of making a residence to the one who recognizes, and the one who recognizes says: Our residence will be in place so and so.

The Gemara objects: **And it is not so - Rabbi Yosi did not teach it** the above Baraita. **Rather,** Rabbah cited the Baraita in Rabbi Yosi's name **so that he Rav Yosef should accept it as Halachah from him, because the words of Rabbi Yosi are accompanied by their reasoning,** i.e. they are straight.²



The Gemara proceeds to discuss from where we know that the Shabbat boundary is 2000 *ammot*.

Our Mishnah said: **“If he doesn’t recognize”** a tree or fence, **“or he is not knowledgeable of the Halachah,** and he said: my residence is in my place, he acquires his place” where he is standing at present.

The Gemara inquires: **These 2000 ammah, where in Scripture are they written?**³

The Gemara explains: **Because it was taught in a Baraita:** It is written: **“Sit every person in the place beneath himself.”** And the Sages interpret: **These are four ammot** (see *daf* 48), and from here we learn that if a person goes outside the Shabbat boundary he has four *ammot*.

² See *Rashi* and *Rashash* how *nimuko imo* has this meaning.

PEREK 4 – 51A

The verse continues: **“No person shall go out of his *place*”** (verse #1). And the Sages say: **These are the 2000 *ammah*** that a person should not go out of, on Shabbat.

The Gemara inquires: **From where** do we know the distance of 2000 *ammot*?

The Gemara answers: **Said Rav Chisda: We learnt** through *gezeirah shavah*⁴ the word **“place”** here, **from** the word **“place”** in the verse concerning an inadvertent murderer: “I will give you a ‘place’ to where he can ‘flee.’” (verse #2)

And we learn ‘place’ from ‘flee’, and consider it as if the word ‘flee’ is written in verse #1.

Then we learn **“flee” from “flee”** of the verse, “From the ‘border’ of the town of refuge to where he ‘fled.’” (verse #3)

And afterwards we learn **“flee” from the word “border.”**

And then we learn **“border” from the word “border”** written in the verse: “And if the redeemer of the blood finds him ‘outside’ (*chutz*) the ‘border’ of his town of refuge.” (verse #4)

And then we learn **“outside” from the word “michutz, from the outside” that is written** in the verse concerning towns of Levites: **“And you shall measure ‘from the outside’ of the town, the east side, 2000 *ammah*.”** (verse #6)

³ Even though the law of *techumim* is generally considered to be Rabbinical, the Gemara wants to know where the Sages found a hinted support (*asmachta*) for it in the Written Torah. *Ritva*.

⁴ I.e. when different verses have a similar wording, they are often connected. This is *gezeirah shavah*, one of the means by which Scriptural verses are interpreted. There are many verses with similar wording, and a *gezeirah shavah* interpretation is only made when there is a tradition of the Oral Torah (as handed down from Mt. Sinai) that these two verses are indeed linked.

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Thus by learning each word from the other, it is considered as if the measure of 2000 *ammot* is written in verse #1, that speaks about Shabbat boundaries.

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The Gemara challenges this *gezeirah shavah*.

And let us **learn** the word “outside” differently: not from the verse that talks about 2000 *ammot*, but from another verse, which says: “And you shall measure **from the wall of the town and outwards** (*chutzah*), **1000 ammah**” (verse #7), to leave this area as an open field. And then the Shabbat boundary would be only 1000 *ammot*!

The Gemara answers: **We learn** the word *chutz* (“outside” in verse #5) **from** *chutz* (“outside” in verse #6).

And we do not learn the word *chutz* (in verse #5) **from** the word *chutzah* (“outside” in verse #7), because there it is spelt differently.

*

The Gemara challenges this answer:

And what is the difference whether a verse writes *chutz* or *chutzah*?

But it a *gezeirah shavah* **was taught in the House of Rabbi Yishmael**, in which two words are related yet not identical, and this does not interfere with the *gezeirah shavah* interpretation. One verse states: “**The cohen goes**”, which is then learned from the verse that states, “**The cohen comes**”. This is understood to mean: **Coming and going are the same** in meaning and can therefore be compared in a *gezeirah shavah*.

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The Gemara answers: We apply **this matter**, that the words need not be identical, **where there is nothing** (no other relevant word in the Torah) **that is the same as it** (the word we are interpreting through a *gezeirah shavah*).

But where there is something, some other relevant word that is **the same as it**, we learn the *gezeirah shavah* **from** the word that is completely **the same as it** in spelling.



The Mishnah says: The person who made his Shabbat residence under the tree may walk “**2000 ammot in a circle**, according to Rabbi Chanina ben Antignos. And the Sages say: square like a square board, so that he gains the corners.”

The Gemara raises a difficulty: **And** the view of **Rabbi Chanina ben Antignos** is contradictory, **whatever way you wish** to look at it.

If he holds of the *gezeirah shavah* that we learnt from the Levite towns—“And you shall measure ‘from the outside’ (*michutz*) of the town, the east corner (*pei’ah*), 2000 *ammah*”—there **it is written “corners”** (*pei’ot*). But Rabbi Chanina ben Antignos does not extend the Shabbat boundary into the corners.

And if he does not hold of the *gezeirah shavah*, from where does he have a source for 2000 ammah?

The Gemara answers: **In truth, he holds of the *gezeirah shavah*.**

Nevertheless, **it is different here** concerning the Levite towns, **because the verse said** when it introduced the 2000 *ammot* surrounding the Levite towns, “***This shall be for you the fields of the towns***.” This is interpreted as follows: **For *this*** [the Levite towns] **you**

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give corners, but you do not give corners for people resting on Shabbat who make a Shabbat boundary.

But if so, how can the Sages say that a Shabbat boundary does have squares?

The Gemara explains: **And the Rabbis answer: It is taught in a Baraita: Rabbi Chanina says:** The word “this” means the exact opposite: **Like “this” should be for all who rest on Shabbat.**



Halachah dictates that one may not transfer an object four *ammot* in the public domain on Shabbat. The Gemara now discusses what this means:

Said Rav Acha bar Yaakov: If someone moves something four *ammot* in the public domain, he is not liable⁵ for transgressing a Torah prohibition **until he moves** the object the distance of **them** (the four *ammot*) **and their angle**. In other words, until he moves the object the distance of the diagonal of a square of four square *ammot* – which is 5 and 3/5 of an *ammah*.⁶ (See footnote)

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Said Rav Papa: Rava examined us and asked: If there is a **pole in the public domain** that is **ten *tefachim* high and four *tefachim* wide, does one need it** the four *tefachim* **and their angle** for the top of the pole, **or not?** I.e. for the top of the pole to be considered a private domain, it needs an area of four *tefachim*. The question is whether this is

⁵ I.e. obligated to bring a sin-offering.

⁶ This is learnt from the statement of Rabbi Chanina above: Like “this” should be for “all” who rest on Shabbat. Thus, just as we give “corners” to the Shabbat boundary *techum* of 2000 *ammot*, so too we give “corners” to four *ammot* of carrying in the public domain, so that one may carry up to the diagonal of 4 square *ammot*, thus including the corners.

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measured along the sides, thus including the corners. Or can the pole's top be circular, with a diameter of four *tefachim*?

And we said to him: Is this not included in **that** statement of **Rabbi Chanina** above?

For it was taught in a Baraita: Rabbi Chanina says: Like “this” should be for all who rest on Shabbat. Thus we must include the corners in every measure, and the pole must be square.



Our Mishnah states two leniencies, allowing a person to make an *eiruv* two different ways without using bread.

Leniency 1) A person may say, “My residence is under that distant tree.” Later on, Rashi points out that this is a great leniency because the person is not actually standing at that distant spot.

Leniency 2) If there is no recognizable landmark, or if the person is ignorant of method 1, the person may say, “My residence is in this place where I am standing now.” This is less of a leniency because the person is actually standing in the place he wants to make his residence.

After stating these leniencies, the Mishnah concludes:

And this is the meaning of **what they said: The poor person** (every traveler is considered poor) **may make an *eiruv* with his feet** without using bread to create his Shabbat residence.

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Said Rabbi Meir in agreement to the previous view: **We only have** this leniency if the person is **a poor man** (or traveler). The Gemara will discuss whether “this leniency” means leniency 1 or 2.

“Rabbi Yehudah disagrees and says: Both a poor person and a rich person (may use this leniency).

“And the Sages only said that one makes an *eiruv* with bread, to be lenient to a rich person (in his house), that he does not (have to) go out and make an *eiruv* with his feet, (but can send bread with an agent).”

The Gemara now discusses whether Rabbi Meir and Rabbi Yehudah are disagreeing about leniency 1 or leniency 2:

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Said Rav Nachman:

The disagreement of Rabbi Meir and Rabbi Yehudah concerns leniency 2, when a person says: “My ‘residence’ is in **my place** where I am standing now.”

And their disagreement is as follows:

That Rabbi Meir holds the view **that the primary** way of making an *eiruv* **is with bread**, because that demonstrates definitively that the place is one’s residence (*Ritva*).

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Ammud Bet

And **the Rabbis were lenient**, however only **to a poor person**, and allowed him to make an *eiruv* using either leniency 1 or 2. **But** concerning **a rich person**, they do **not** allow him to make an *eiruv* except with bread. Thus he cannot use either leniency 1 or 2.

And Rabbi Yehudah holds the view: **The primary** way of making an *eiruv* **is with one's foot** (by saying, “My residence is in my place where I am standing” – leniency 2). Therefore, **both a rich person and poor person** may use leniency 2.

But if the person says, “My ‘residence’ should be **in that distant place**” (leniency 1, which is a more far-reaching leniency), without putting down bread there, **everyone** (both Rabbi Meir and Rabbi Yehudah) **agrees** that for **a poor person, yes** – it is valid, but for **a rich person, no** – it is not valid.

And the above statement in the Mishnah: “**And this is** the meaning of **what they said**: The poor person (every traveler is considered poor) can make an *eiruv* with his feet” —

Who taught it? Rabbi Meir, because according to Rabbi Yehudah even a rich person can use leniency 2.

And what is it referring to? To a person who does not recognize a distant tree, **or is not knowledgeable in Halachah**, and says, “My resting place should be in the place I am in now” (leniency 2).

And that which the Mishnah says: “**And they only said that one makes an *eiruv* with bread, to be lenient** to a rich person (someone in his house), that he does not (have to) go out and make an *eiruv* with his feet, (but can send bread with an agent).”

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Who taught it? Rabbi Yehudah, who holds that the primary way of making an *eiruv* is with one's feet.

But according to Rabbi Meir, the *primary* way of making an *eiruv* is with bread.

*

And Rav Chisda said a different explanation of our Mishnah: **The disagreement** of Rabbi Meir and Rabbi Yehudah concerns leniency 1, where a person said “My ‘residence’ is in **so and so place** in the distance.”

And this is what they are differing over:

That Rabbi Meir holds the view: **A poor person, yes** – we give him this bigger leniency, but **a rich person, not.**

And Rabbi Yehudah holds the view: We give **both a poor person and a rich person** even this bigger leniency.

But if someone says, “My ‘residence’ is **in my place** where I am standing” (leniency 2, which is less far-reaching), **everyone agrees** that **both a poor person and rich person** may do this, **because** everyone agrees that **the primary** way of making an *eiruv* is **with one's foot.**

And that which the Mishnah says: “**And this is** the meaning of **what they said:** The poor person (every traveler is considered poor) can make an *eiruv* with his feet” —

Who taught it? Rabbi Meir. Because according to Rabbi Yehudah, even a rich person may use both leniency 1 and leniency 2.

And what case is it referring to? Someone who was coming on the road and it became dark, and he said, “My residence is at the root of the tree” (leniency 1).

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Because concerning the case of someone saying, “My residence is in my place where I am standing” (leniency 2), Rabbi Meir agrees that even a rich person may do this.

And that which the Mishnah says: “**And they only said that one makes an *eiruv* with bread, to be lenient** to a rich person (in his house), that he does not (have to) go out and make an *eiruv* with his feet, (but can send bread with an agent).”

Who taught it? It is according to everyone, both Rabbi Meir and Rabbi Yehudah, because they both agree that the primary way of making an *eiruv* is to use leniency 2.

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The Gemara finds support for Rav Nachman’s view:

It is taught in accordance with Rav Nachman, in a Baraita that says:

Both a poor man and a rich man may make an *eiruv* with bread.

And a rich man may not go outside the Shabbat boundary (i.e. to the end of the Shabbat boundary, or within four *amot* after the end of the Shabbat boundary – *Rashi*) **and say: My residence is in my place** where I am standing (leniency 2).

Because they the Sages **only said that one can make an *eiruv* with one’s foot, for someone who is coming on the road** (and is considered poor because he is away from home) **and it became dark. This is according to Rabbi Meir.**

This is like Rav Nachman’s view, that Rabbi Meir holds that only a poor person may use leniency 2.

Rabbi Yehudah says: Both a poor person and a rich person may make an *eiruv* with their foot, and therefore, a rich man may go outside the Shabbat boundary (to the

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edge or four *ammot* from the edge) **and say: My residence shall be in my place** where I am standing (leniency 2).

This too is like Rav Nachman's view, that Rabbi Yehudah disagrees with Rabbi Meir and allows both a rich and poor person to use leniency 2, but agrees with Rabbi Meir that only a poor person may make an *eiruv* using leniency 1.

And Rabbi Yehudah holds that **this is the primary** way of making an *eiruv*, **and** using bread is the leniency.

Because **the Sages permitted a householder** (who is considered wealthy since he is in his home) **to send his *eiruv* in the hand of his servant, the hand of his son or the hand of his agent, in order to be lenient with him.**

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The Baraita continues with a story that supports Rabbi Yehudah's view, that even rich people may use leniency 2.

Said Rabbi Yehudah: There is a story concerning the people of Beit Mamal and the people of Beit Gurion in Aruma, that on Shabbat they were distributing dried figs and raisins to poor people in years of drought.

And the poor people of Kefar Shichin and the poor people of Kefar Chananyah, who wanted to go on Shabbat to the above villages which were less than 4000 *ammot* away—

They used to go on the Eve of Shabbat and wait **until dark at** the end of **the Shabbat boundary** of their village, in order to establish their Shabbat residence there. **And the next day** i.e. Shabbat morning **they got up early and came** the extra 2000 *ammot* beyond their village's Shabbat boundary to the villages that distributed food.

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These poor people certainly had enough food in their homes to make an *eiruv* with bread and were therefore considered rich. Yet, even though they were “rich,” they relied on leniency 2 to make an *eiruv*, in accordance with Rabbi Yehudah’s view.

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Said Rav Ashi: The Mishnah later can also be inferred to support Rabbi Nachman’s explanation of our Mishnah.

Because it was taught in the Mishnah later:⁷

Someone who went out to go to a town that one can make an *eiruv* for (i.e. it is less than 4000 *ammot* away) and said: “May my residence be at so and so place at the edge of the town’s Shabbat boundary, **and his friend brought him back**. I.e. he did not actually go all the way to the town’s Shabbat boundary (leniency 1).

He is permitted to go on Shabbat to that town, **and all the people in the town are forbidden, according to Rabbi Yehudah**.

And we ask on this Mishnah: Why is he different from the rest of the people, that only he can go, **and why are they different** than him?

And Rav Huna said: Here, what case are we dealing with? In a case that he the person who made the *eiruv* has two houses, one in each town, **and there are two Shabbat boundaries** (4000 *ammot*) **between them** the two houses.

He, because he went out at twilight to reach the other town, **is considered a poor person** because he has no food with him, and therefore he can use leniency 1. (This is according to Rashi later and not according to Rashi here).

⁷ The translation of this Mishnah is according to the second version of Rashi later.

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But those other people **are** considered **rich** because they did not leave their homes to go anywhere else, and therefore they cannot use leniency 1.

Thus **we see** that according to Rabbi Yehudah, **whenever** a person says, “My residence should be in that distant **place so and so** (leniency 1), **a poor person, yes** – it is effective, but **a rich person, no** – it is not effective.

And that accords with Rav Nachman’s view.

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Rav Chiya bar Ashi taught this Mishnah (49b) **to Chiya bar Rav, in front of Rav,** and quoted where it says: “Rabbi Yehudah says: **Both a poor person and a rich person**” may use this leniency.

Said Rav to Rav Chiya bar Ashi: Conclude it too by saying: The **Halachah is in accordance with Rabbi Yehudah,** and according to the explanation of Rav Nachman.⁸

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Rabbah bar Rav Chanan regularly came from Artivna to Pumbedita, which were over 2000 *ammot* apart from each other.

⁸ Rashi. See Maharsha who explains where Rashi inferred that Rav meant according to Rav Nachman.

CHAVRUTA

EIRUVIN – DAF NUN BET

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[Rabbah bar Rav Chanan regularly came from Artivna to Pumbedita, and these two towns were over 2000 *ammot* apart from each other.]

To travel between the towns on Shabbat, he made an *eiruv*: **He said** every Friday when he was still in his house (and therefore had the status of a rich person): **May my Shabbat residence be in Tzinata**, a place between Artvina and Pumbedita.

Abaye said to him: What view do you take, according to which this is permitted?

Is it because you hold that in a disagreement between **Rabbi Meir and Rabbi Yehudah, the Halachah is in accordance with Rabbi Yehudah? And** furthermore, because **Rav Chisda said: The disagreement** between Rabbi Meir and Rabbi Yehudah in our Mishnah is even over a person who is in his house (who is considered a rich person) — and Rabbi Yehudah holds that the person may say: “My residence is **in place so and so** in the distance”? (leniency 1, see previous daf).

But if that is your view, you are mistaken to hold it. Because **there is** the authoritative statement of **Rav Nachman**, who says that Rabbi Yehudah agrees that a “rich” person may not make his Shabbat residence in place so and so in the distance (unless he uses bread). Rabbi Yehudah only allows a rich person to say: “My residence is *here*, where I am standing now” (leniency 2, see previous daf).

And it was taught in a Baraita in accordance with him (Rav Nachman).

He Rabbah bar Rav Chanan **said to him** (Abaye) in reply: **I have retracted** my view, and will no longer make an *eiruv* in this way.

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Said Rami bar Chama: Behold, the Sages said that if a person made his Shabbat residence in the place where he is standing just before dark, **he has four *ammot*** around him, and he begins measuring the 2000 *ammot* of his Shabbat boundary from the end of his four *ammot*.

However, **if someone puts down** food to make his *eiruv*, **does he have four *ammot*** around the food **or not?**

Said Rava: Come and hear an answer to your question, from our Mishnah which says:

And the Sages only said that one makes an *eiruv* with bread, to be lenient to a rich person in his house, **that he does not** have to go out and make an *eiruv* with his feet, but can send bread with an agent.

And if you say that a person who sends bread with an agent **does not get** four *ammot* around his bread, would **this** decree allowing use of bread be termed **a leniency?**

It would be a stringency! Because now the person loses those four *ammot*.

The Gemara rejects this proof:

Even so, it is still a leniency because **it** this decree **is good for him** a rich person **so that he does not have to exert himself and go out** himself to make the *eiruv* with his feet and physically go to the Shabbat residence.

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Mishnah

If someone went out to go to a town that one may make an *eiruv* for (i.e. it is less than 4000 *ammot* away), and said: “May my residence be at so and so place at the edge of my town’s Shabbat boundary, **and his friend brought him back** to his house. I.e. the person making the *eiruv* did not actually go all the way to the place of his Shabbat residence (leniency 1).

He is permitted to go on Shabbat to that town, **and all the people in the town are forbidden, according to Rabbi Yehudah.**

Rabbi Meir, however, holds that the person’s *eiruv* is ineffective (because a person who merely started going out to make his *eiruv* is not considered a poor person), and **says: Whoever can make an *eiruv* and did not make an *eiruv*, he is a donkey/camel driver.** With this metaphor, Rabbi Meir is saying that the person is pulled in two opposite directions, and is “neither here nor there”. (A donkey is driven in front of a person, whereas a camel walks behind a person.)

The Gemara will explain the statements of Rabbi Yehudah and Rabbi Meir.

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Gemara

The Gemara inquires: **Why is he** the person who went out **different** from the rest of the people, that only he can go to the other town? **And why are they** the rest of the townspeople **different** from him?

Said Rav Huna: Here, what case are we dealing with? In a case that he the person making the *eiruv* **has two houses**, one in each town, **and** there are **two Shabbat boundaries** i.e. 4000 *ammot* **between them** the two houses.

He, because he went out at twilight to reach the other town, **is** considered **a poor person**, because a traveler generally has no food with him. Therefore he may rely on the far-reaching leniency of declaring: “My residence is in that place at the end of my town’s Shabbat boundary.”

But those other people **are** considered **rich** because they did not leave their homes to go anywhere else, and therefore they cannot make use of this leniency.

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It was also taught like this in a Baraita, that the case the Mishnah is speaking of is someone with two houses who wants to make an *eiruv* between them:

Because the Baraita says: **Someone who has two houses and between them are two Shabbat boundaries** (4000 *ammot*) — **because he set out on the road** and is thus considered poor, **he acquired an *eiruv*** i.e. his *eiruv* was effective, **according to Rabbi Yehudah.**

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Rabbi Yosi ben Rabbi Yehudah said even more than this: Even if his friend found him when he was about to go out, **and said to him:** Come back and **stay here** in your house, because **it is a time of heat** or **it is a time of cold**, **tomorrow he may still get up early and walk** to the other town.

(The following explanation of this Baraita is according to Rashi's second explanation).

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Said Rabbah to explain the disagreement between Rabbi Yehudah and Rabbi Yosi in the above Baraita:

Everyone agrees that he the man with two houses **has to say**, “My residence is between the two towns.”¹ I.e. he must verbally state the intended place of his Shabbat residence. And we do not say that because he has a house in each town, it is self-understood that he wants an *eiruv* between the towns, even if he says nothing.

However, **they disagree whether** the person needs to leave his house and **to set out** to make the *eiruv*, in order to attain the status of a traveler, which makes him considered a poor person.² Rabbi Yehudah holds that he has to actually start out.

But Rabbi Yosi ben Rabbi Yehudah holds that merely intending to go out makes him like a traveler, even though his friend turned him back.

*

Rav Yosef disagreed with Rabbah, and **said** an opposite explanation of the disagreement:

¹ Rashi explains that even though the Baraita doesn't mention the person saying anything, it is relying on the Mishnah 49b that mentions that the person has to say something.

² A traveler is automatically considered like a poor person in this matter.

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Everyone agrees that the person has **to set out** in order to be considered a poor person.

They disagree whether the person has **to say** that he is making a residence between the two towns.

Rabbi Yehudah holds that he has to make a verbal declaration, while Rabbi Yosi ben Rabbi Yehudah holds that even if his friend turned him back, and he said nothing, we assume that the person nevertheless had intent to make a residence between the two towns.

*

The Gemara now demonstrates that Ula agrees with Rav Yosef's interpretation of the Baraita:

In accordance with whose view is that statement which Ula said: “Someone who set out on the road and his friend brought him back, take note that he is “returned” and “has a hold” on the distant place that he wanted to make his Shabbat residence”?

First, the Gemara raises a difficulty: Ula's statement seems self-contradictory. **If he is considered returned** i.e. as having done nothing, how then can he **have a hold** on the distant residence?

The Gemara explains: **This is what he Ula is saying: Even though he was returned** to his town, he nevertheless **has a hold** on his distant residence.

And **in accordance with whose view** is Ula's statement that this works even though the person said nothing?³

³ Because Ula doesn't mention the person saying anything, the Gemara understands that he said nothing.

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In accordance with Rav Yosef's interpretation of the Baraita, **and according to the view of Rav Yosi b'Rabbi Yehudah**, that the person has to set out on his journey, but does not have to say anything.

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The Gemara now discusses the view of another Amora:

Rav Yehudah bar Ishtata brought a basket of fruit to Rav Natan bar Oshaya on Friday afternoon.

When he Rav Yehudah bar Ishtata **was going** out in order to go home, and had intent to make an *eiruv* so that he could reach home after dark, **Rav Natan bar Oshaya left him alone until he went down one step** from his upstairs room, **and then he said to him: Lodge here** and don't leave my house.

The next day, he Rav Yehudah bar Ishtata **got up early and went** to his house that was outside the Shabbat boundary.

Ammud Bet

In accordance with whose view did Rav Natan bar Oshaya act? **In accordance with Rav Yosef, according to Rabbi Yosi b'Rabbi Yehudah.** Thus, although one does not have to say anything, one must set out on the road. Because on the one hand, Rav Natan waited until Rav Yehudah started going down the stairs, while on the other hand Rav Yehudah didn't say anything.

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The Gemara rejects this conclusion: **No!** The case is that Rav Yehudah *did* make a verbal declaration of his Shabbat residence, and nevertheless, Rav Natan still required that he begin his journey. This is because Rav Natan held **in accordance with Rabbah, according to Rabbi Yehudah**. Thus, one has to both make a verbal declaration and also set out on the road.⁴



The Mishnah says: **Rabbi Meir says: Whoever can make an *eiruv* and did not make an *eiruv*, he is a donkey/camel driver.**

Rabbi Meir apparently holds that there is an uncertainty whether the *eiruv* discussed by the Mishnah is valid. Therefore the Gemara is puzzled: why doesn't Rabbi Meir simply say that there is an uncertainty? Why does he say that because of the uncertainty, the person is likened to a "donkey/camel driver?"

But he already taught this (i.e. that an uncertainty in *eiruv* makes someone like a donkey/camel driver) **one time**, somewhere else!

Because in an earlier case where we were unsure whether an *eiruv* was disqualified before or after dark, thus there was **an uncertainty** whether it was valid or not, **Rabbi Meir and Rabbi Yehudah say: Behold, this is a donkey/camel driver.**

The Gemara answers: **Said Rav Sheshet:** Why does Rabbi Meir mention the donkey/camel driver here? So that **you won't say that the reason of Rabbi Meir** is only in a case of **uncertainty if he made a valid *eiruv*, or did not make a valid *eiruv***. And only **then is he a donkey/camel driver.**

⁴ Rashi points out that even though Rabbi Yehudah's view is exactly the same even according to Rav Yosef, the Gemara prefers to say that he was following Rabbah, because in a disagreement between Rav Yosef and Rabbah, we rule like Rabbah.

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But in a case where **he certainly did not make an *eiruv***, because Rabbi Meir regards him as a rich person for whom such an *eiruv* is not effective, you might have said that **he would not be a donkey/camel driver**.

But therefore our Mishnah tells us that **even if he certainly did not make an *eiruv*, he is nevertheless a donkey/camel driver**, i.e. without any *eiruv* at all, even in his original location.

Because here, in our Mishnah, **he certainly made no *eiruv* and nevertheless he is a donkey/camel driver**.

The reason for this: even though the *eiruv* the person wanted to make is invalid, Rabbi Meir holds that by *attempting* to make the *eiruv*, he removed his residence from the house he was leaving. Therefore he can only go to a place that is included within both Shabbat boundaries—the original one and the attempted one.

Mishnah

Someone who deliberately **went outside the Shabbat boundary**, not for the purpose of doing a mitzvah,⁵ **he cannot come** back into the town **even** if it is only **one *ammah*** that he went out, but must stay outside and be restricted to four square *ammot*.

Rabbi Eliezer says: He can go out **two *ammot*** and still return to the town. But if he goes out **three *ammot*, he cannot enter** town.

⁵ What happens if he went out to do a mitzvah is discussed earlier in this chapter.

PEREK 4 – 52B

This is because Rabbi Eliezer holds that when we give a person four square *ammot* outside the Shabbat boundary, the person is considered in the middle of those four *ammot* (*daf* 45a). Therefore if he is only two *ammot* outside the Shabbat boundary, his four *ammot* are still connected with the Shabbat boundary and he can reenter.

Gemara

Said Rabbi Chanina: According to the first view of the Mishnah, **if one of his feet is inside the Shabbat boundary, and one of his feet is outside the Shabbat boundary, he may not enter** the town.

Because it is written in Scripture: **“If you hold back your foot (*ragl’cha*) because of Shabbat.”**

We write it *ragl’cha* (with a *sheva* after the *lamed*), which means one foot.

The Gemara challenges this: **But it was taught in a Baraita: If his one foot is inside the Shabbat boundary and his one foot is outside the Shabbat boundary, he may enter.**

The Gemara answers: **This Baraita is whose view? It is the others** (*Acheirim* - Rabbi Meir).

Because it was taught in a Baraita: Others say: A person goes after the place where most of him is located, because most is regarded as all. And if a person puts one foot outside the Shabbat boundary, most of his body is still inside.

*

PEREK 4 – 52B

Some say that **Rabbi Chanina said: If his one foot is inside the Shabbat boundary, and his one foot is outside the Shabbat boundary, he may enter** the town.

Because it is written: “If you hold back your feet (*raglecha*) because of Shabbat.”

We read it *raglecha* (with a *segol* after the *lamed*), which means two feet.

The Gemara challenges this: **But it was taught in a Baraita:** If his one foot is inside the Shabbat boundary and his one foot is outside the Shabbat boundary, **he may not enter.**

The Gemara answers: **He** Rabbi Chanina **says in accordance with the others** (Rabbi Meir).

Because it was taught in a Baraita: Others say: A person goes after the place where most of him is located, because most of a person is regarded as the whole person. And if a person puts one foot outside the Shabbat boundary, most of his body is still inside.



Our Mishnah stated: **Rabbi Eliezer says:** He can go out **two** *ammot* and still return to the town. But if he goes out **three** *ammot*, **he may not enter** town.

The Gemara raises a difficulty: **But it was taught in a Baraita: Rabbi Eliezer says:** He can go out **one** *ammah* and still return to the town. But if he goes out **two** *ammot*, **he may not enter** town.

The Gemara resolves the difficulty: This is **not difficult** to resolve. **This** case where the Mishnah says that he can come back if he went out two *ammot*, is that **he uprooted** from **one** (the first) *ammah*, **and stood in two** (the second) *ammah*. Therefore he can come back.

PEREK 4 – 52B

But **this** case when the Baraita says he cannot come back if he went out two *ammot*, is that **he uprooted** himself from two *ammot* **and stood in three** *ammot*.

In other words, the Mishnah is saying in which *ammah* he is standing, while the Baraita is saying how many *ammot* there are *between* him and the town.

*

The Gemara raises yet another difficulty: **But it was taught in a Baraita: Rabbi Eliezer says: Even** if the person went out **one** *ammah*, **he cannot enter** town.

The Gemara resolves the difficulty: That Baraita is not talking about someone who left the Shabbat boundary on Shabbat, and now wants to enter town on Shabbat.

Rather, **what is being taught in that Baraita is someone** who made his Shabbat residence out of town, and **who is now measuring** 2000 *ammot* in order to reach the town.

Because it was taught in a Mishnah: We give him only 2000 *ammah*, measured by his taking 2000 average sized steps. **Even if the end of his measure** (the 2000 *ammot*) **finishes in a cave** that is surrounded by partitions, nevertheless he cannot go further than the 2000 *ammot*. Similarly, even if the 2000 *ammot* finish inside the Shabbat boundary of the town, he cannot go beyond his 2000 *ammot*.

PEREK 4 – 52B

Mishnah

If someone who was coming to a town on Friday **and it became dark** when he was **outside the Shabbat boundary** of the town, **even** only **one *ammah***, he cannot **enter** the town, but may proceed 2000 *ammot* from where he reached.

Rabbi Shimon says: **Even if** he is **fifteen *ammot*** outside the Shabbat boundary of the town, **he may enter** the town, **because the measurers** who measure the Shabbat boundary of the town **do not use the whole measures** of 2000 *ammot* but make the Shabbat boundary a bit smaller. They do this **because of people who** might **err** and walk out a little further than the Shabbat boundary and return to the town.

Therefore, the traveler who is slightly outside the town's Shabbat boundary may enter the town.

PEREK 4 – 52B

Gemara

It was taught in a Baraita: The rationale of Rabbi Shimon is **because of people who err** concerning **the landmark** that marks the end of the Shabbat boundary and go beyond it.⁶

Hadran Alach Mi Shehotzi'uhu

We Will Return to You,

Perek Mi Shehotzi'uhu

⁶ Another explanation in *Rashi* and *Ritva*: The people who err are the people who measure the *techum* of the town, who use a rope of fifty *ammot* thinking that the part held in their hands is not included in the fifty *ammot*. So when they use the rope 80 times to measure 2000 *ammot*, they have measured 160 handbreadths (*tefachim*) short, which equals 15 *ammot*.

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Perek Keitzad Me'abrin

Mishnah

The Mishnah explains that the 2000 *ammot* of a town's Shabbat boundary is measured:

- 1) From its buildings that are furthest out.
- 2) After measuring the 2000 *ammot* on each side of the town, we make a rectangular Shabbat boundary around the town.

How do we extend (*me'abrin*) a Shabbat boundary for a town? If there is **a house going further in** to the town, or **a house going further out** than the other houses, **or a tower going in or a tower going out—**

Or there were ruins of houses ten *tefachim* high, within 70 *ammot* and a fraction of a corner of the town—

And if there were **bridges and tombs** near the town, with place in them for guards to live—

In all these cases, **we extend the measure** on that whole side of the town **opposite them**. In other words, if one house extends 20 *ammot* farther out than the rest, we measure the Shabbat boundary of that whole side from the place where the furthest house reaches.

CHAVRUTA EIRUVIN — DAF NUN GIMEL

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

[Mishnah]

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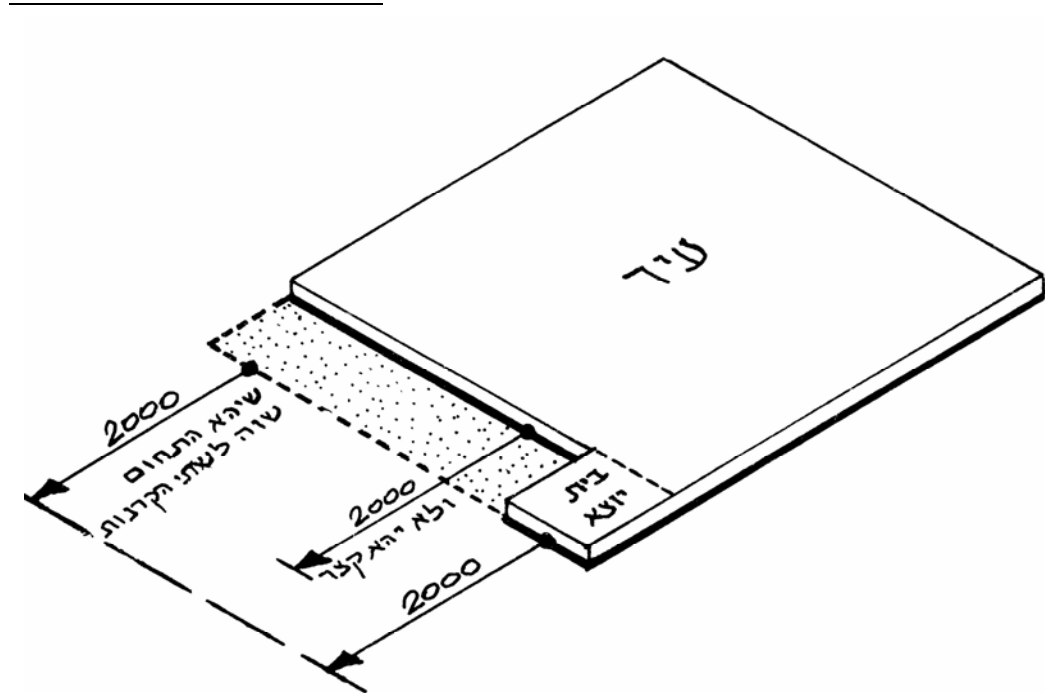
Or if there were **bridges and tombs** near the town, with place in them for guards to live—

In all these cases, **we extend the measure** on that whole side of the town **opposite them**. In other words, if one house extends 20 *ammot* farther out than the rest, we measure the

PEREK 5 – 53A

Shabbat boundary of that whole side from the place where the furthest house reaches.]
(see illustration¹)

And we make them, the Shabbat boundaries around the town, **like a rectangular board**
so that it gains the corners. (see illustration²)



1

PEREK 5 – 53A

Gemara

The Gemara discusses the etymology of the word *eiruv*.

Rav and Shmuel disagree:

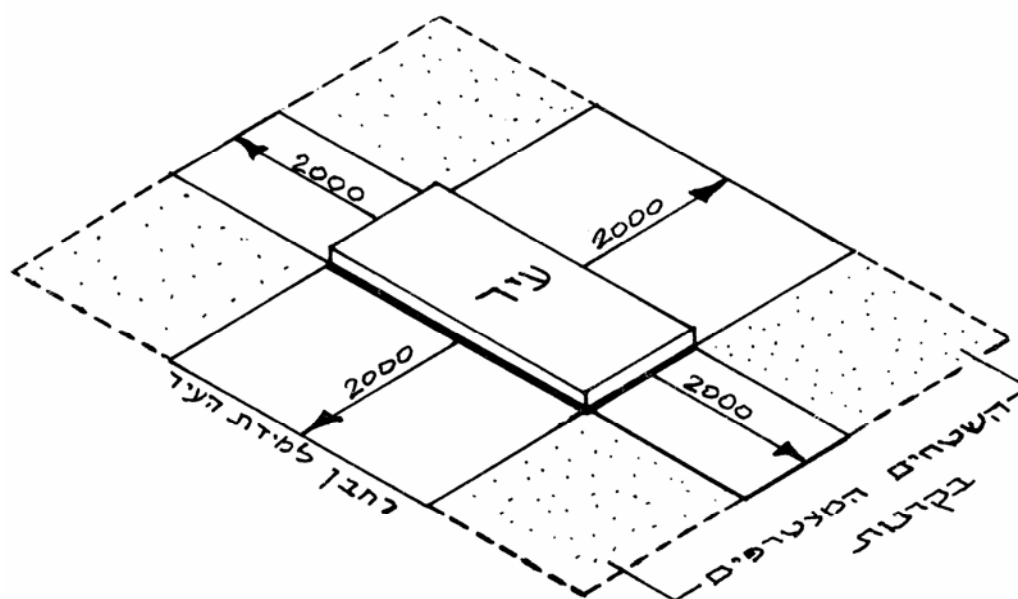
One of them **taught the Mishnah** as saying “*me’abrin*” with an *ayin*.

And one of them **taught the Mishnah** as saying “*meabrin*” with an *alef*.

The Gemara explains the difference: **The one** who **teaches the Mishnah** as saying *meabrin* with an *alef* understands that extending the Shabbat boundary adds **extra limbs** (*eiver*) to the town, by measuring each side from its furthest out building.

And the one who **teaches the Mishnah** as saying *me’abrin* with an *ayin* understands that the Shabbat boundary that extends out from its furthest house is **like a pregnant** (*ubarah*) woman.

*



2

PEREK 5 – 53A

The Gemara proceeds to bring more disagreements of Rav and Shmuel concerning the meaning of words.

Me'arat Hamachpeilah (the double cave where the Patriarchs are buried), **Rav and Shmuel** disagree why it is double.

One says that it had **two rooms, one within the other.**

And one says that it had **a room with an attic on top.**

The Gemara raises a difficulty: **It is all right for the one who says** that the rooms were **one on top of the other - this is why** it is called **double.**

But according to the one who says that it means **two rooms, one within the other, what is double** about that? Each room is on its own, and nothing is unusually doubled!

The Gemara resolves the difficulty: It is called double **because it is double with couples** (man and wife) buried there.

Because we find that the Torah calls the area of the cave: **“Mamrei Kiryat Ha’Arba”** (the town of four).

And **said Rabbi Yitzchak:** It was **the town of the four couples** buried there: **Adam and Chavah, Avraham and Sarah, Yitzchak and Rivkah, Yaakov and Leah.**

*

Another disagreement of Rav and Shmuel:

The Torah writes: **“And it happened in the days of Amrafel.”**

Rav and Shmuel, one says his (Amrafel’s) **name was Nimrod. And why was his name called Amrafel? Because he said** a command **and cast** (*hipil*) **Avraham into the fiery oven.**

And the other one says: His name was Amrafel. And why is his name called Nimrod? Because he incited (*himrid*) **the whole world in rebellion against Him** (Hashem) **with his rule.**

*

Another disagreement of Rav and Shmuel:

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The verse writes: **“And a new king arose over Egypt.”**

Rav and Shmuel: One says a truly new king.

And the other one says: That his (the same king’s) decrees were made anew and were worse than before.

The one who says truly new has support from the verse **because it is written, “New.”**

And the one who says that his decrees were made anew proves his point **because it does not** previously write, **“And he (Pharaoh) died.”**

The Gemara raises a difficulty: **And according to the one who says that his decrees were made anew, but it is written, “That [he] did not know Yosef,”** which indicates that he was a new king.

The Gemara resolves the difficulty: **What** does it mean, **“That [he] did not know Yosef?”** **That he behaved like someone that did not know Yosef at all.**



Said Rabbi Yochanan: For 18 days I grew up by Rabbi Oshaya b’Ribi, and I only learnt from him one thing in our Mishnah, that “How do we extend (*meabrin*) a Shabbat boundary for a town” is written with an *alef*.

The Gemara raises a difficulty: **This is not so! But Rabbi Yochanan said: Rabbi Oshaya b’Ribi had twelve disciples, and I grew up with them for 18 days, and I learnt the sharp understanding of each one of them, and the wisdom of each one of them.**

The Gemara resolves the difficulty: **He learnt** the sharpness of **the understanding of each one** of them, **and the** greatness of the **wisdom of each one** of them, but **Gemara** (the explanations of Mishnayot) **he did not learn**, except for the spelling of *meabrin*.

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And if you wish, I will say another answer: **From them** the disciples **he learnt** many explanations of *Mishnayot*. But **from him** Rabbi Oshaya himself **he did not learn** except the spelling of *meabrin*.

And if you wish, I will say another answer: **He** Rabbi Yochanan **is speaking about our Mishnah**. But in other places in the Talmud, he learnt much more from Rabbi Oshaya.

*

The Gemara proceeds to quote a number of statements of Rabbi Yochanan:

And said Rabbi Yochanan: When we used to learn Torah with Rabbi Oshaya, we used to sit four disciples crowded **in** one *ammah*³ in order to hear him.

Said Rabbi i.e. Rabbi Yehudah HaNasi: **When we used to learn Torah by Rabbi Eliezer ben Shamua, we used to sit six** disciples **in an** *ammah*.

*

Said Rabbi Yochanan: Rabbi Oshaya b'Ribi in his generation was like **Rabbi Meir in his generation**. Just as **Rabbi Meir in his generation**, his colleagues could not fully understand his views,⁴ so **Rabbi Oshaya, his colleagues** could not fully understand his views.

*

Said Rabbi Yochanan: The understanding of the early ones was wide like the opening of the *Ulam* of the Temple, which was 20 *ammot* wide.

And the understanding of the latter ones is constricted like the opening of a needle.

And us, it is like the size of the tiny hole of a clothes repair needle.

The Gemara explains: **The early ones** means **Rabbi Akiva**.

Some say: The early ones means **Rabbi Elazar ben Shamua**.

The latter ones means **Rabbi Oshaya b'Ribi**.

And we, says Rabbi Yochanan, are like the opening of a clothes repair needle.

³ 1 ammah: 18.7 in., 48 cm

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*

Said Abaye: And we are like a peg driven into a small hole in a wall, concerning the learning of Gemara (the explanations of Mishnayot and Baraitot). Our penetration into Gemara is like a peg that barely penetrates even a short distance into a small hole, and only with great effort.

Said Rava: And we are like a finger on hard wax that sticks onto the wax a bit but leaves little impression, **concerning reasoning (svara).**

Said Rav Ashi: We are like a finger in a pit concerning forgetfulness.⁵

Said Rav Yehudah said Rav: The people of the province of Yehudah⁶, who were particular about their tongues to talk purely and not coarsely, **their Torah learning remained in their possession.**

But the people of the Galilee who were not particular about their tongues, their Torah did not remain in their possession.

The Gemara asks: **Indeed, is the matter** of remembering Torah **dependent on being particular** about how one speaks?

Rather, they remembered their Torah learning for another reason: **The people of Yehudah, who are particular about wording** and review what their master taught them exactly as he said it, **and** because they remembered the exact expressions, they could **make** (lit. leave) effective **signs** (acrostics and suchlike) to remind them what they had learnt, **their Torah remained in their possession.**

But the people of Galilee, who are not particular about wording and do not make signs, their Torah did not remain in their possession.

*

Another reason why the people of Yehudah remember better: **The people of Yehudah who learn from one master, their Torah remains in their possession.**

⁴ Because he used to say that the pure is impure and the impure is pure, backing it up with proofs, and no one knew when he really meant to state Halachah or when he was merely saying it to sharpen his disciples.

⁵ Just a finger enters the wide opening of a pit easily, so we forget easily.

⁶ Judea

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The people of the Galilee who do not learn from one master but from many, and each one says the teachings a bit different, **their learning does not remain in their possession** because they get confused and forget.

*

Ravina said another reason why the people of Yehudah remember better: **The people of Yehudah, who reveal** to others **a tractate** they learnt, and teach it to them,⁷ **their Torah remains in their possession.**

The people of Galilee who do not reveal a tractate, their Torah does not remain in their possession.

King **David revealed a tractate** because he toiled in Torah and gave Halachic rulings to the public, and asked Mefivoshet his master if he had ruled correctly.

King **Shaul⁸ did not reveal a tractate.**

Therefore, because **David revealed a tractate, it is written of him, “Those who fear You, see me and rejoice”** because my Halachic rulings are correct.

But **Shaul who did not reveal a tractate, it is written of him, “And in everything** that he turned...

Ammud Bet

...he failed,” because his rulings were not according to Halachah.

⁷ Another explanation: They reveal the tractate by delving deeply into its reasons until they understand it thoroughly.

⁸ Saul

PEREK 5 – 53B

*

And said Rabbi Yochanan: From where do we know that the Holy One forgave him Shaul for that sin of killing the people of Nov, the town of Cohanim?

Because it says in Scripture that the Prophet Shmuel⁹ told Shaul: **“Tomorrow, you and your sons are with me,”** which is interpreted to mean: **“With me” in my partition** - that Shaul would be next to Shmuel in Gan Eden¹⁰.

*

Said Rabbi Abba: If there is someone who can ask the people of Yehudah, who are particular about wording—

He should ask them if **the Mishnah says *meabrin*** (with an *alef*) **or says *me’abrin*** (with an *ayin*).

And he should also ask them whether **the Mishnah¹¹ says *akuzi*** (with an *alef*) **or says ‘*akuzi*** (with an *ayin*).

They (certain scholars) **knew** people of Yehudah.

They asked them these questions, **and they** the people of Yehudah **told them:**

Some learn the Mishnah as saying *meabrin* (with an *alef*) **and some learn the Mishnah as saying *me’abrin*** (with an *ayin*).

Also, some learn the Mishnah as saying *akuzi* (with an *alef*) **and some learn the Mishnah as saying ‘*akuzi*** (with an *ayin*).

*

The Gemara inquires: That which we said, that **the people of Yehudah are particular about wording, what is an example of it?**

⁹ Samuel

¹⁰ The Heavenly Garden of Eden

¹¹ In a Mishnah in *Bechorot*, Rabbi Yehudah says that a firstborn animal with only one testicle is considered blemished and does not have to be brought as a sacrifice. Rabbi Akiva disagrees and says that we sit the animal on its hindquarters (*akuzi*) and feel if there is another testicle that might descend. And if it eventually comes down, the animal is not blemished.

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The Gemara explains: **That there was a certain person of Yehudah that said to them** (some people): **I have a shawl to sell.**

They said to him: What color is it?

He said to them: Like green turnips on the ground.¹²

*

And that which we said, that **the people of Galilee are not particular about wording, what is an example of it?**

The Gemara explains: **That there was a certain person of Galilee who was walking and said to them** (some people): **Who has *amar*?** He said the word *amar* indistinctly.

They said to him: Fool! Do you want a donkey (*Chamor*) to ride on, or wine (*chamar*) to drink, or wool (*emer*) to wear, or a sheep (*imar*) to slaughter?

*

The Gemara now mentions errors that can arise from inaccurate pronunciation:

A certain woman wanted to say to her friend: Come so that I can give you milk to eat (*Ta'i de'ochlich chalav*).

But instead **she said to her: May a lion eat you!** (*Sheluchti*¹³ *tuchleich*¹⁴ *lavi*).

*

A certain woman came before a judge.

She said to him: Lord slave (*kiri-* with a *kaf*), **I had a plank** (*tifla*) **and they stole you** (*veganvuch min*) **and now it was** (*vekadu havat*) **that if they put you on it, your legs would not reach the ground.**

What she really wanted to say was: Lord master (*kiri* with *kuf*), I had a table top (*tivla*) and they stole it from me (*ganvu'a mina'i*), and it was so (*uchedein havat*) that if they put you on it, your legs would not reach the ground.

¹² He did not simply say that it was green, but described exactly what kind of green.

¹³ She said *sheluchti* – you – instead of *sheluvati* – my friend.

¹⁴ She said *tuchlich* – eat you – instead of *ta'i ve'ochlich* – come and I will give you to eat. She also joined the *chet* of *chalav* to *ve'ochlich* and said the word *lavi* – lion by itself.

PEREK 5 – 53B

*

The maidservant of the house of Rabbi, when she spoke with a language of wisdom (i.e. in allegory) and wanted to hint that the time had come when Rabbi's disciples should leave, she **said this: The wine ladle is beating on the bottom of the barrel.**

And the eagles (disciples) **should fly to their nests** (stop the meal and go home, because there is no more wine).

And when she wanted them the disciples **to sit down** and stay, **she used to say to them: Remove the cover of its friend** (the first barrel's friend – another barrel) **from it, and the wine ladle will float in the jug like a boat going in water.**

*

When Rabbi Yosi bar Asyan spoke with a language of wisdom (allegory) so that strangers should not understand, **he said: Make me *shor bamishpat*¹⁵ *bator misken*.**¹⁶ In other words, make me turnips (*tardin*) with mustard (*chardel*).

And when he was asking a traveler **about** the welfare of his **host** in a place where he had stayed during a journey, **he said like this: *Gavar*** (man - *ish*) ***pum*** (mouth – *pi*) ***dein*** (this – *zeh*) (which adds up to *ushpizai* – my host), **is he alive and does he have good?**

*

When Rabbi Abahu spoke with a language of wisdom, he used to say like this:

Atrigu lepachmin – burn the coals until they glow like an *etrog*.

Arki'u lezahavin – spread out the coals that are glowing like gold at the mouth of the oven so that one can be warmed next to them.

Veya'asu li bahen sh'nei magidei be'alata – and make me on them (the coals) two (chickens) that announce (the time) at night.

*

The scholars said to Rabbi Abahu: Can you show us where Rabbi Ila'i is hiding?

¹⁵ In Aramaic *shur* means *tur* (row) and *mishpat* means *din* (judgement). Thus these two words hint at “*tardin*” – turnips.

¹⁶ *Tur* means mountain (*har*) and *misken* means poor (*dal*). Thus these two words hint at *chardel* (mustard).

PEREK 5 – 53B

He said to them: *Alatz bena'arah Aharonit, acharonit, eiranit, vehanirto.*

Some explain it: That *na'arah* refers to a **woman** and Rabbi Abahu meant as follows: *Alatz* – he rejoiced, *benā'arah-* with a woman, *Aharonit* – who was the daughter of a Cohen, *acharonit* – who was his second, latest wife, *eiranit* – who was favorable and intelligent, *vehanirto* - and she kept him awake.

And some people explain it: That *na'arah* means **tractate** and that Rabbi Abahu meant as follows: *Alatz* – he rejoiced, *benā'arah Aharonit* – with learning *Kodoshim* that is relevant to the family of Aharon, *acharonit* – he had finished a tractate and now started this one, *eiranit* – it was very deep and pleasant, *vehanirto* – it was stimulating and he did not sleep.

*

They said to Rabbi Ila'i: Can you show us where Rabbi Abahu is hiding?

He said to them: *Nit'ya'eitz* – he got permission, *bemachtir* – from the *nasi* who gives *semicha* and crowns sages with the title of “rabbi,” *vehingiv* – and he went south, *leMefiboshet* – to learn from the sages of the south who are as wise as Mefiboshet.

*

The Gemara now reports stories of people who spoke wisely.

Said Rabbi Yehoshua ben Chananya: No one ever beat me in a discussion, leaving me with no reply, except a woman, a girl, and a boy.

What is the case of a woman?

I once stayed at the accommodations of the proprietress of an inn.

She made me lentils on the first day. I ate them and did not leave over of them anything.

The second day too, she made lentils and I did not leave over of them anything.

On the third day she over-seasoned them with salt.

When I tasted them, I drew back my hand from them.

She said to me: Rabbi, why don't you eat?

PEREK 5 – 53B

I said to her: I already ate while it was still day.

She said to me: You should have drawn back your hands from the bread of the meal you ate earlier in order to be able to eat these lentils.

She then said to me humorously: Rabbi, perhaps you did not leave a portion of the first ones (the previous meals of lentils) for the waiter, and therefore you are now compensating by leaving your whole serving to the waiter.

And did the Sages not say thus: One does not need to leave a portion in the cooking pot – when the waiter pours from the pot into the plates, he has no right to keep back a portion for himself. **But one should leave a portion in one's plate** for the waiter.

Thus she informed me that I had not adhered to the Sages' instructions and I had no answer to give her.

*

What is the case of a girl?

I was once walking in the road and the road was passing through a field, and I was walking in it.

A certain girl said to me: Rabbi, is this not a field, which you are damaging by walking through it?

I said to her: Is it not a trodden-upon road, so I am not doing any further damage?

She said to me: Robbers like you trod it out.

*

What is the case of a boy?

I was once walking in the road and I saw a boy sitting by the crossroads, and I said to him: In which road should I walk to the town?

He said to me: This road is short and long, and that one is long and short.

I went in the short long road.

When I got to the town I found that it was surrounded by gardens and orchards and I went back.

PEREK 5 – 53B

I said to him: My son, did you not tell me that it was short?

He said to me: Did I not also tell you that it was long?

I kissed him on his head and I said to him: Fortunate are you, O Israel—that you are all very wise people, from your adults until your children.

Rabbi Yosi the Galilean was walking in the road. He met Beruriah the wife of Rabbi Meir. He said to her: In which road should I walk to Lod?

She said to him: Foolish Galilean! Did the Sages not say thus: “Do not have a lot of conversation with the woman”? You should have said to me briefly: In which to Lod?

Beruriah found a certain disciple repeating his learning in a whisper.

CHAVRUTA

EIRUVIN – DAF NUN DALED

Translated by: *Chavruta staff of scholars*

Edited by: *R. Shmuel Globus*

[Beruriah found a certain disciple repeating his learning in a whisper.] She kicked him. She said to him, “Is it not written in a verse that the Torah is “Established for all, and guarded?” This implies that if the Torah is **established in all your 248 limbs** i.e. you utilize the strength of your body and study out loud, then it is **guarded** and you will not forget it. **And if not, it is not guarded**, and you are likely to forget your learning.

It was taught in a Baraita: **Rabbi Eliezer** (some versions have: Rabbi Eliezer the son of Yaakov) **had a certain disciple who used to learn in a whisper. After three years, he forgot his Torah learning.**

It was taught in a Baraita: **Rabbi Eliezer had a certain disciple who was liable to death by burning** at the hands of the **Omnipresent**, due to a sin that he committed. **They** i.e. the Heavenly Court **said** to the agents charged with carrying out the sentence: **Leave him alone**, for he **served** i.e. learned from a **great man**.

Shmuel said to Rav Yehudah: Sharp one! Open your mouth and study Scripture. I.e. study Scripture out loud. **Open your mouth and study** Mishnah. Do this in order that **it** i.e. your learning **endure in you** i.e. that you not forget what you learn, **and** in order that **you extend your life. For it says** in a verse: “**For they are life to their finders** (*lemotzeihem*) **and a healing to all his flesh.**” **Do not read “lemotzeihem,”** but rather, read “*lemotzi’eihem*” (to those who bring them out) **with the mouth!** I.e. the verse should be read to teach us that Torah gives life to those who study it out loud.

*

PEREK 5 – 54A

Shmuel said to Rav Yehudah: Sharp one! Grab and eat, grab and drink. I.e. if you have money, spend it for your needs, and don't save it for later. **For the world that we are leaving** i.e. this world **is like a wedding party.** Since life, like a party, is quickly over, you should utilize your material assets for present advantage.

Rav said to Rav Hamnuna: My son, if you have money, be good to yourself. Use it and benefit from it. **For the grave** i.e. after death **has no pleasure, and** the time of one's **death does not tarry.** A man could die at any moment. **And if you would say:** Rather than now spending all my available money on myself, **I will leave to my children a portion** from which they may sustain themselves, while I am **in the grave—who can tell you** that they will not lose the estate? Many heirs have become poor. Besides this, **people are like grass of the field: these sprout,** and while they grow, their sustenance and wealth grows with them, **and those wither** and die. Since as your children grow, their sustenance will grow with them, you do not need to be concerned about leaving them an estate.

*

Said Rabbi Yehoshua the son of Levi: Someone **who is walking on the road and lacks a companion** to protect him should **labor in** the study of **Torah, as it says: “For they are an adornment of charm.”** I.e. since he is studying Torah, G-d will cause people who might otherwise do him harm to look favorably upon him and leave him alone.

*

He also said: If a person has a **headache, he should labor in Torah, as it says: “For they are an adornment of charm for your head.”** I.e. in the merit of studying Torah he might come to feel better. If he has a **sore throat, he should labor in Torah, as it says: “...and a necklace for your throat.”** If he has **pain in his intestines, he should labor**

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in Torah, as it says: “It shall be a healing for your belly.” If he has pain in his bones, he should labor in Torah, as it says: “And marrow for his bones.” If he has pain in his entire body, he should labor in Torah, as it says: “And for all his flesh a healing.”

Said Rabbi Yehudah the son of Rabbi Chiya: Come and see that the Holy One’s traits are unlike the traits of flesh and blood. The trait of flesh and blood is that a man gives a medicine to his friend, and it is good for this one and bad for that one. Although a person who suffers from one illness is helped by a given medication, someone who suffers from a different illness can be harmed by that same medication. **But the Holy One is not like that.** He gave the Torah to Israel, and it is a life-giving medication to his entire body, as it says: “And for all his flesh a healing.”

*

Said Rabbi Ami: What is the meaning of that which is written: “For it is pleasant when you guard them in your belly, establish them together on your lips?” When are words of Torah pleasant? When you guard them in your belly i.e. when you are careful not to forget them. And when will you succeed to guard them in your belly? When you establish them together on your lips i.e. when you learn out loud and in an orderly fashion.

Rabbi Zeira said: From here we learn that one must verbalize words of Torah, as it says: “A man has joy with the answer of his mouth; how good is a matter in its [right] time.” When does a man have joy? When there is an answer in his mouth i.e. when he verbalizes the Torah that he learns.

Alternatively: When does a man have joy in the answer of his mouth? When he fulfills “how good is a matter in its [right] time.” I.e. a man has joy when he studies the laws of each festival before and during that festival.

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Rabbi Yitzchak said: We learn **from here** that we should verbalize the Torah that we study: **“For the matter is very close to you, in your *mouth* and in your heart, to do it.”** When is the matter close to you? When it is **in your mouth and in your heart to do it.** I.e. the Torah is close to you when you put in your mouth by verbalizing it.

Rava said: We learn it **from here:** **“You have given him his heart’s desire, and You have not withheld [the] request of his lips, *selah.*”** When does it happen that **“You have given him his heart’s desire?”** When **“You have not withheld [the] request of his lips, *selah.*”** I.e. a man will achieve his heart’s desire of knowing the Torah only if his lips request it, by verbalizing the Torah he studies.

*

Rava posed a contradiction between two parts of the verse: It is **written:** **“You have given him his heart’s desire,”** which implies that He grants the heart’s desire even without any effort on man’s part. **And it is written:** **“...and You have not withheld [the] request of his lips, *selah,*”** implying that man must, at the very least, exert himself to request.

The resolution is: **If he merits** it, then **“You have given him his heart’s desire,”** even without any particular effort on his part. But **if he does not merit** it, then **“...and You have not withheld [the] request of his lips, *selah.*”** He must request, and only then will his desire be granted.

*

PEREK 5 – 54A

It was taught in a Baraita of the House of Rabbi Eliezer the son of Yaakov: Anywhere that it is said in a verse “*Netzach*,” “*Selah*,” or “*Va’ed*,” it i.e. the matter being discussed **will never come to an end.**

Where do we learn this?

We learn this in regards to “*netzach*,” for it is written: **“I will not quarrel forever, I shall not be angry for *netzach*.”** We see that the word “*netzach*” means “forever”.

We learn this in regards to “*selah*,” for it is written: **“As we had heard, so did we see, in the city of Hashem, the Master of Legions, in the city of our G-d, G-d shall establish it forever, *selah*.”** We see that the word “*selah*” means “forever”.

We learn this in regards to “*va’ed*,” for it is written: **“Hashem will reign forever *va’ed*.”** We see that the word “*va’ed*” means “forever”.



A mnemonic to help remember the coming topics: Necklaces, his cheeks, tablets, engraved.



Said Rabbi Elazar: What is the meaning of that which is written: “And necklaces for your throat?” If a man makes himself like a necklace, which is loose upon the neck, i.e. if a man is easy-going and pleasant with people, and which is sometimes seen and sometimes not seen, i.e. he spends most of his time studying Torah inside, rather than going out into the public eye, then his Torah learning will remain in his possession. And if not, his Torah learning will not remain in his possession.

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And said Rabbi Elazar: What is the meaning of that which is written: “His cheeks are like a spice garden?” If a man makes himself like a garden, which everyone steps upon, i.e. the man is not arrogant at all, and like a spice, which everyone marks themselves with i.e. he teaches Torah to those who know less than he, then his Torah learning will remain in his possession, and if not, his Torah learning will not remain in his possession.

*

And said Rabbi Elazar: What is the meaning of that which is written: “Stone tablets?” If a man makes his cheeks to untiringly review his Torah and teach it to others, like a stone which is not erased no matter how many people walk upon it, then his learning will remain in his possession, and if not, his learning will not remain in his possession.

*

And said Rabbi Elazar: What is the meaning of that which is written in the Torah passage dealing with the first set of the Tablets of the Law: “Engraved upon the Tablets?” If the first Tablets had not been shattered, the Jews would not have forgotten the Torah. Just as writing engraved into a stone is permanent, so would any Torah a Jew learned be his permanently, without any possibility of forgetting.



Rav Acha the son of Yaakov said: If the first Tablets had not been shattered, no nation would be able to rule over them i.e. the Jews, as it says: “Charut” (engraved). Do not read it as “charut,” but as “cheirut,” (freedom).

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Said Rav Matnah: What is the meaning of that which is written: “And from the desert [they went to] **Matanah?**” If a man makes himself like a desert which everyone steps upon, his Torah learning will remain in his possession, for it will be given to him as a gift, a *matanah*. And if not, his Torah learning will not remain in his possession.

*

Rav Yosef was angry at Rava the son of Rav Yosef the son of Chama. When the day before Yom Kippur arrived, Rava said: I shall go and appease him.

He went and found his attendant i.e. the attendant of Rav Yosef **mixing a cup** of wine **for him** Rav Yosef. In Talmudic times, wine was very strong, and it was necessary to dilute it with water before drinking it.

He Rava said to him to the attendant, “**Give it to me, and I will mix it myself.**”

He gave it to him. He mixed it as he was used to i.e. according to the degree of dilution that he, Rava, was accustomed to.

Said Rav Yosef: This dilution resembles the dilution of Rava the son of Rav Yosef the son of Chama. Since Rav Yosef was blind, he did not realize that Rava was serving him, but he recognized from the taste that Rava had diluted the wine

Rava said to him: It is I!

Rav Yosef said to him: Do not sit. Rather, stand on your feet until you explain these verses to me.

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What is the meaning of that which is written: “And from the desert [they arrived at] Matanah, and from Matanah [they traveled to] Nachaliel, and from Nachaliel [they traveled to] Bamot, and from Bamot [they traveled to] the valley?”

He said to him: If a man makes himself like a desert which everyone steps upon, the Torah is given to him as a gift (*matanah*). Once it is given to him as a gift, G-d bequeaths it to him (*nachalo kel*), as it says, “and from Matanah, Nachaliel.” Once G-d bequeaths it to him, he ascends to greatness, as it says, “and from Nachaliel, Bamot¹.” And if he becomes arrogant, the Holy One casts him down, as it says, “And from Bamot, the valley.” And if he repents, the Holy One will exalt him, as it says, “Every valley shall be exalted.” Although this last is not part of the verse Rav Yosef told him to explain, Rava included it because it is conceptually related.

By making him explain these verses, Rav Yosef was indicating to Rava that he had earlier been guilty of acting arrogantly, and that was why he had been angry at him.



Said Rav Huna: What is the meaning of that which is written: “Your wild animals shall dwell there, You prepare for the poor man in Your goodness, G-d”? If a man makes himself like a wild animal which preys and immediately devours, i.e. immediately after a man learns something in Torah, he reviews it carefully—and some say, that dirties its food and eats i.e. he wears himself out in studying Torah, then his learning will remain in his possession. And if not, his learning will not remain in his possession.

¹ *Bamot* literally means "high places."

PEREK 5 – 54B

And if he does so, the Holy One will personally prepare a meal for him i.e. will ensure that he has adequate financial means, as it says: “...You prepare for the poor man in Your goodness, G-d.”



Said Rabbi Chiya the son of Abba in the name of Rabbi Yochanan: What is the meaning of **that which** is written: “He who guards the fig tree shall eat its fruit?” Why are words of Torah compared to a fig tree?

Ammud Bet

Words of Torah are **just like a fig tree**. As long as a man busies himself with it, it continues to **give figs** i.e. the figs do not all ripen at once, but rather little by little over a period of time, so too is it with **words of Torah—as long as a man** continues to **study them, they produce** new understanding. One’s understanding of Torah only develops over a period of time, not all at once.



Said Rabbi Shmuel the son of Nachmani: What is the meaning of **that which** is written: “A beloved deer, and [one that] **inspires favor...?**” The verse intends to tell you: Words of Torah are **just like a female deer—its womb is narrow, and** it is **beloved to** the male deer that **copulates with it at all times, just as during the first**

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moment. So too words of Torah are beloved to their learners at all times, just as during the first moment.

“And [one that] inspires favor”—that it inspires the favor of others upon its learners. Those who learn Torah enjoy it immensely, and they are favored by others.

*

The verse continues: **“Her breasts satisfy you always.”** Why are words of Torah compared to a breast? They are just like a breast—so long as the infant involves himself with suckling from it, he finds milk in it. So too with words of Torah—so long as a man studies them he finds flavor i.e. meaningful ideas in them.

*

The verse continues: **“In her love you shall be always foolish.”** In your love for the Torah, you should always be ready to act “foolishly” by dropping your business affairs to go and hear words of Torah—for example i.e. this verse is exemplified by **Rabbi Elazar the son of Pedat.**

They said about Rabbi Elazar the son of Pedat that he would sit and labor in Torah, in the lower marketplace of Tzippori, and he left his cloak in the upper marketplace of Tzippori. Because of his great preoccupation with his studies, he forgot his cloak in the upper marketplace.

Said Rav Yitzchak the son of Elazar: Once, someone came to take it i.e. to steal Rabbi Elazar’s cloak, **and he found a snake in it.** Hashem protected Rabbi Elazar against having his cloak stolen by sending a snake to guard it from thieves.



PEREK 5 – 54B

It was taught in a Baraita in the House of Rav Anan: What is the meaning of that which is written in the Song of Devorah²: “Riders of white (*tzechorot*) donkeys, sitters upon judgements (*midin*), walkers upon the road, tell it”?

“Riders of donkeys”—These words refer to Torah scholars who travel from city to city and from province to province in order to learn Torah.

“*Tzechorot*”—That they make it i.e. the Torah they learn to be as clear as afternoon (*tzohorayim*).

“Sitters upon *midin*”—They judge (*shedanin*) questions that are brought to them and come to a conclusion which is the absolute truth.

“And walkers”—These words refer to the students of Scripture.

“Upon the road”—These words refer to the students of Mishnah.

“Tell it”—These are the students of Talmud, who are characterized by the fact that all of their discussion is words of Torah.



Said Rabbi Shizbi in the name of Rabbi Elazar the son of Azaryah: What is the meaning of that which is written: “A deceitful person (*remiyah*) does not roast (*lo yacharoch*) his catch (*tzeido*)”?

² Deborah

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It means that the **deceitful hunter** (*tzayad ramai*) **shall not live** (*lo yichyeh*) **nor** shall he **extend his days** (*ya'arich yamim*)³. This refers to someone who learns Torah, but does not review what he studies. He deceitfully shows people how much he learns Torah and how ostensibly wise he is. He is punished because he tricks people into thinking that he knows a lot of Torah, though he actually knows very little, having forgotten most of what he studied.

*

Rav Sheshet said: This is not a “deceitful hunter,” but a fool. The verse is to be understood as a praise of someone who acts with true cunning, by studying a little bit, reviewing it until he knows it clearly, and only then progressing to study another passage. Rather, the verse means that **“The cunning hunter shall roast his catch”**—his learning will remain in his possession. Although the verse says “shall not,” it is to be read as a rhetorical question—“Shall not the cunning hunter roast his catch?”

When Rav Dimi came, he said: This can be **compared to a hunter who trapped birds. If he breaks the wings of each one, it is guarded** i.e. the bird will not escape. **And if not, it is not guarded.** So too, if the Torah scholar reviews thoroughly and carefully, he will remember his Torah, but if he doesn't review, he will forget it.



Said Rav Sechorah in the name of Rav Huna: What is the meaning of **that which is written: “Wealth [obtained by] vanity will decrease, but [one who] gathers little by little will increase?”** **If a man makes his Torah bundles upon bundles** i.e. he studies a lot of new material quickly, **it will decrease.** Since he will not be able to review it properly, he will forget most of it. **But if not,** if he does not study a lot of new material

³ *Yacharach* is understood as an abbreviation for *yichyeh* and *ya'arich*.

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quickly, but rather **gathers little by little**, he studies a small amount, reviews it well, and only then proceeds, **it will increase**. He will not forget his Torah, and over time he will come to know larger and larger areas of Torah.

Said Rava: The **scholars know this, and** nevertheless **transgress it**. Though everyone knows the importance of review, most people simply rush ahead to study new things before properly reviewing.

Said Rav Nachman the son of Yitzchak: **I did it** i.e. I was careful to always review before progressing, **and it** my Torah learning **remained in my possession**.



The Rabbis taught in a Baraita: **What** was the **order of learning?** I.e. how did the people of Israel learn Torah during the 40 years in the Wilderness?

Moshe⁴ learned Torah from the Mouth of the Mighty One.

Aharon⁵ entered, and Moshe taught him his chapter i.e. whatever G-d had taught him.

After learning the new chapter, **Aharon departed** from before Moshe, **and sat at Moshe's left**.

His sons i.e. the sons of Aharon **entered and Moshe taught them their chapter** as he had earlier taught Aharon.

His sons departed from before Moshe.

⁴ Moses

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Elazar, the elder, sat at **Moshe's right**, and **Itamar** sat at **Aharon's left**.

Rabbi Yehudah says: In truth, Aharon moved to Moshe's right. Since Elazar would now sit at Moshe's left, it was more befitting the dignity of both Moshe and Aharon for Aharon to sit at his right.

The **elders entered**, and **Moshe taught them their chapter**. The **elders departed** from before Moshe and sat down.

The entire nation entered, and **Moshe taught them their chapter**.

It comes out that **Aharon had** heard the chapter **four** times; **his sons had** heard it **three** times; **the elders had** heard it **twice**; and **the entire nation had** heard it **once**.

Moshe departed, and **Aharon taught** all of **them their chapter**.

Aharon left, and **his sons taught them their chapter**.

His sons left, and **the elders taught them** i.e. the entire nation **their chapter**.

It comes out that everyone had then heard it **four** times.

From here i.e. based on this **said Rabbi Eliezer: A man is obligated to teach his disciple four times.** It is a *kal vachomer*⁶: **What** do we find in the case of **Aharon**, who learned from **Moshe**, who had learned from the **Mighty One**? He was **thus** i.e. he needed to hear the lesson four times from his master. If so, then a **commoner** who learns **from a commoner must certainly** need to hear the lesson four times.

⁵ Aaron

⁶ A fortiori reasoning

PEREK 5 – 54B

Rabbi Akiva says: From where do we see that a man is obligated to teach his disciple until he the disciple succeeds in **learning** the material, and the master cannot be satisfied with merely four reviews, if the disciple needs more? **As it says:** “**And he shall teach it to the Israelites.**”

And from where do we see that he must teach his disciples **until it is arranged in their mouths**, i.e. they can easily repeat it, since they know it well? **As it says:** “**Place it in their mouths.**” **And from where** do we see that the master **must show him** the disciple the underlying **meaning** of the material being taught? **As it says:** “**And these are the judgments that you shall place before them.**” Since the verse does not merely say “that you shall teach them,” we understand that the laws must be thoroughly “placed before”—explained to—the disciples.

*

The Gemara is puzzled by the way Moshe taught the Torah to Israel: **Let them all**, Aharon, his sons, the elders, and the entire nation, **come in** at one time, **and let them all learn from Moshe** four times! Why was it necessary to divide them into four groups?

The Gemara answers: **In order to bestow honor upon Aharon**, who heard it before everyone, **and his sons**, who heard it before the elders and the rest of the nation, **and honor upon the elders**, who heard it before the rest of the nation.

*

The Gemara further questions the arrangement: Why not **let Aharon enter and learn** the chapter **from Moshe** four times, and then **let his sons enter and learn** it **from Aharon** four times, and then **let the elders enter and learn** it **from Aharon’s sons** four times, and **let the elders go and teach it to all of Israel**?

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The Gemara answers: **Since Moshe learned from the mouth of the Mighty One, it helps the matter** if everyone would learn from him personally, at least once.

*

The **master said** in the Baraita above: **Rabbi Yehudah says: In truth, Aharon moved to Moshe's right.**

The Gemara seeks clarification: **Like whose view does that which is taught** in the coming Baraita **go**, i.e. which view does the Baraita agree with?

It was taught in a Baraita: If **three men were walking in the road, the master walks in the middle, and the greater** of the other two walks **at his right, and the lesser** of the other two walks **at his left.**

Let us say that the Baraita agrees with **Rabbi Yehudah, and not** with the **Rabbis** who disagree with him. Since the first Tanna, here referred to as the Rabbis, held that Aharon remained seated at Moshe's left even after Aharon's sons came in, it appears that this Baraita does not reflect this view.

The Gemara responds: **You can even say** that the Baraita agrees with the **Rabbis**. The second Baraita is dealing in a case where the two lesser personalities are *walking*, whereas the Baraita about the arrangement of Aharon and his sons refers to a case where Aharon and his sons were *sitting*. **Because** of the need to avoid the **troubling of Aharon**, i.e. to save him the bother of getting up and moving over, he remained seated.



Rabbi Preida had a certain disciple that needed Rabbi Preida to teach him each lesson **four hundred times**, and only then did the disciple succeed in **learning it**. **One day**,

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Rabbi Preida **needed to** attend to a **mitzvah-matter**. **He taught him** the normal four hundred repetitions, and the disciple **did not** succeed in **learning** it.

He said to him, “Now, what is the difference?” Why did you not succeed in learning the lesson after your normal four hundred repetitions?

He the disciple said to him, “From that time, when they said to the master that there is a mitzvah-matter to attend to, I was distracted. I was constantly saying to myself, ‘Now the master will get up to leave, now the master will get up.’” Since I was distracted and unable to concentrate, I did not learn the lesson even after four hundred repetitions.

Rabbi Preida **said to him, “Pay attention, and I will teach you again.”**

He taught him another four hundred times.

A Heavenly voice went out and said to him Rabbi Preida, “**Would you prefer to have four hundred years added to your life, or would you prefer that you and your generation merit the World to Come?**”

Rabbi Preida **said, “I prefer that I and my generation merit the World to Come.”**

Said the Holy One to them i.e. to the Heavenly Court, “**Give him both!**”



Said Rav Chisda: The Torah is only acquired by means of **mnemonics** (*simanim*), as it says, “**Place it** (*simah*) **in their mouths.**” **Do not read** the first words as “*simah*,” but as “*simanah*.”

PEREK 5 – 54B

Rav Tachlifa heard it in the West i.e. the Land of Israel. **He went and said it before Rabbi Abahu.**

He said to him, “You, the residents of Babylonia, **learned it from there,** from the verse mentioned above. But **we,** the residents of the Land of Israel, **learn it from here,** from the following verse. As it says, ‘**Set up *tziyunim* for yourself, make yourself signs.**’ The verse means to instruct you to **set up markers for your Torah learning.**”

How do we know that this word “*tziyunim*” means “signs?” **Because it is written: “And he shall see a human bone, and he shall build a *tziyun* next to it.”** There, he must set up markers so that everyone will realize that there is a bone there, and not become impure by contact with it; here, he must set up mental markers to avoid forgetting his Torah.

Rabbi Elazar said: We learn this lesson **from here.** For it is written, “**Say to wisdom, ‘You are my sister, declare knowledge (*modah*) to understanding.’”** The verse means to instruct you to **make *moda'im* (markers to safeguard knowledge) for the Torah.**

*

Rava said: The verse should be read as “**Make *moda'im* (predetermined, i.e. fixed, times of study) for Torah.**”

CHAVRUTA

EIRUVIN – DAF NUN HEH

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

The Gemara explains: **And** the necessity to make mnemonics and strategies in order to retain one's Torah **is** the intent of **that** which **Avdimi the son of Chama the son of Dosa said: What is the meaning of that which is written: “It is not in the heavens, and it is not across the sea”?**

“It is not in the heavens” means that **if it were in the heavens, you would have to ascend** to the heavens **after it**.

“And it is not across the sea” means that **if it were across the sea, you would have to cross** the sea **after it**.

In other words, one must make every exertion in order to acquire the Torah.

*

Rava said: “It is not in the heavens...” means that you **will not find** the Torah **in someone who treats himself as high as the heavens** i.e. he is arrogant **in regards to it**. This refers to someone who is arrogant and does not feel the need to learn from a master. (*Maharsha*)

And you will not find it in someone who treats himself as expansive as the sea i.e. he thinks he is all-encompassing **in regards to it**. This refers to a person who feels that after he has learned from the master, he encompasses it completely, and does not need to review what he learned. (*Maharsha*) These people will not become true Torah scholars.

*

PEREK 5 – 55A

Rabbi Yochanan said: “It is not in the heavens” means that you **will not find** Torah in arrogant people. “And it is not across the sea” means that you **will not find** Torah in traveling merchants and not in storekeepers. I.e. people who spend relatively little time studying Torah.

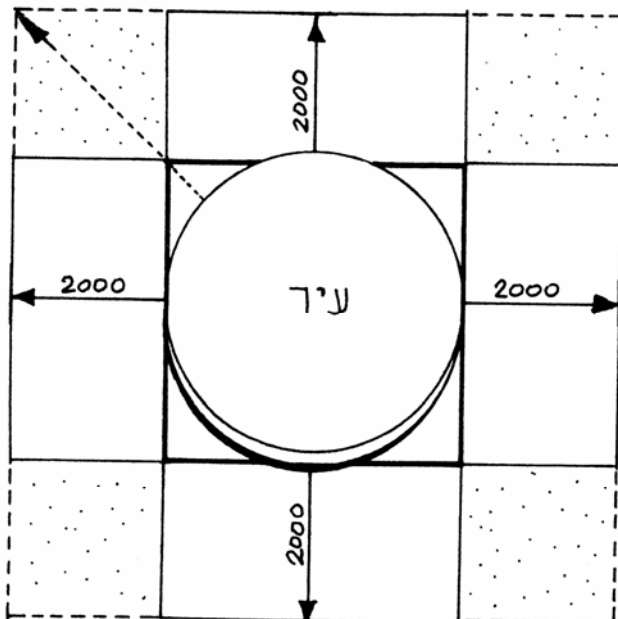


The Rabbis taught in a Baraita: **How do we extend** the Shabbat boundary of **the towns?** How do we determine the exact boundaries of the area surrounding a town, in which the town's residents are permitted to walk during Shabbat?

A **long** town is expanded **as it is**. This will be clarified later on.

A **round** town—we **make corners for it**. We surround the populated circle with an imaginary square, and count the 2000 *ammot*¹ from that square (see illustration²).

¹ 1 ammah: 18.7 in., 48 cm



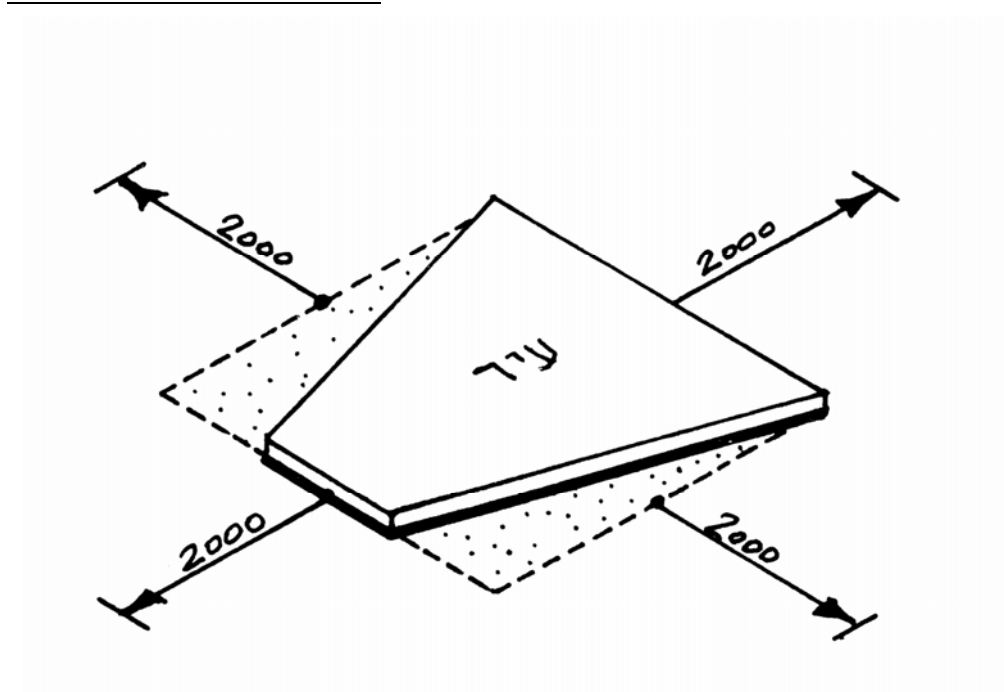
²

PEREK 5 – 55A

A **square** town—we **do not make corners for it**. This will be explained later on.

If it was **wide on one side and narrow on the other side**—we **look at it as though it were even**. I.e. we draw imaginary lines in such a way as to square the town, and count the 2000 *ammot* from the resultant town boundary (see illustration³).

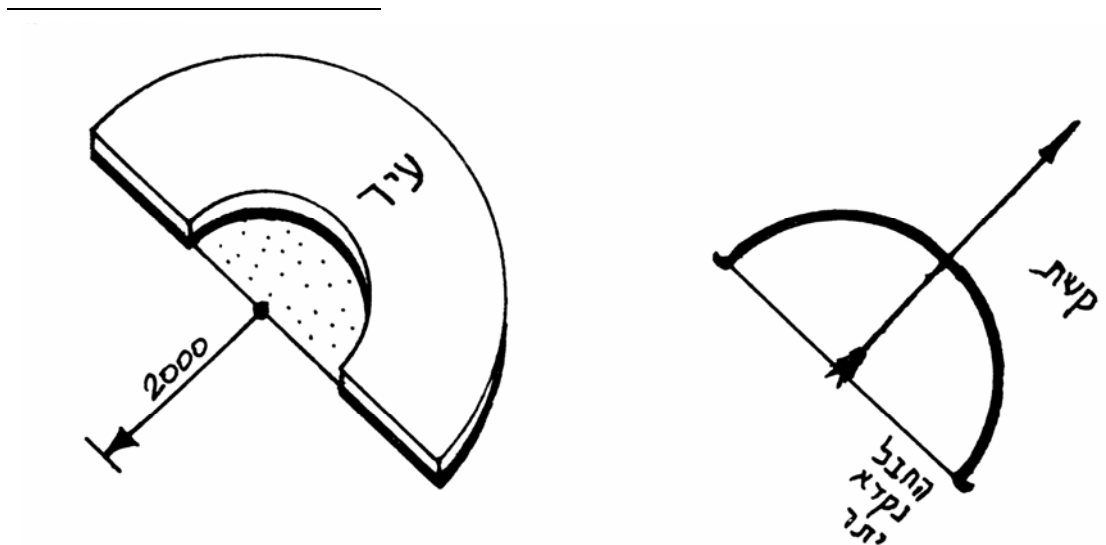
If there was **one house** that **went out** of the town **like a sort of protrusion**, or if there were **two houses** that **went out** of the town **like two protrusions**, we **look at it as though** there were a “**string**” **stretched upon them** i.e. from one house to the other, or from the house to the corners of the side of the town facing it, and we **measure 2000 ammot from it** the imaginary “**string**” **and out**.



3

PEREK 5 – 55A

If the town **was shaped like a “bow”** (see illustration⁴) —



4

On right, illustration of an actual bow—
showing the similarity of the case to the shape of a bow

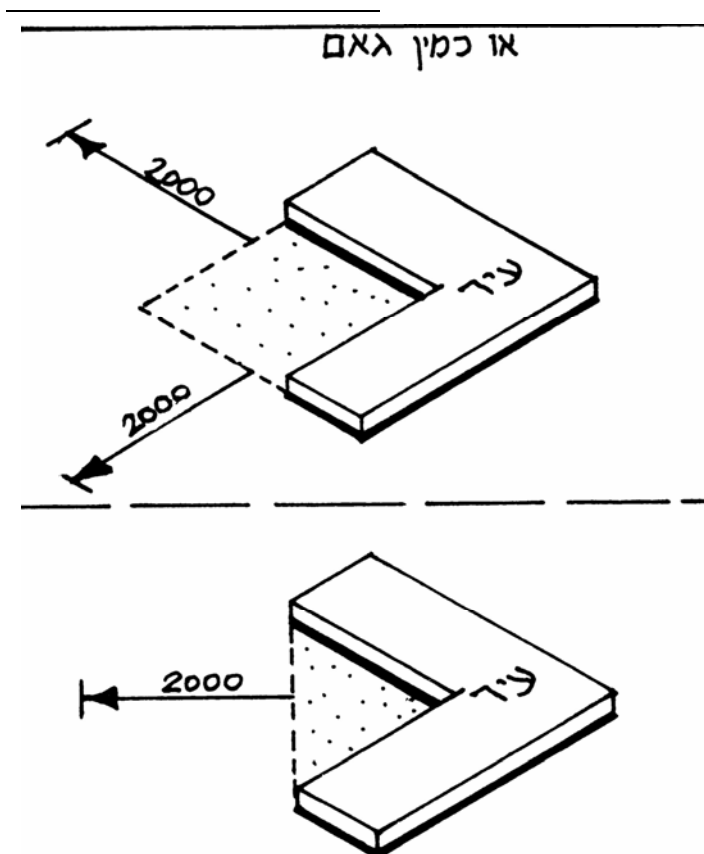
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or in an L shape (see illustration⁵) —

We look at it as though it were full of houses and courtyards, and measure 2000 *ammot* from it i.e. the resultant imaginary boundary and outwards.

We learned in the Baraita: **Said the master** i.e. the Tanna of the Baraita: If the town is **long**, we measure from it **as it is**.

The Gemara is puzzled: That is **obvious**!



⁵

Two ways of measuring the boundary of an L-shaped town

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The Gemara answers: **No**, it is not obvious. It is **necessary** to state this because one dimension is **long** and the other dimension is **short**. Since the width of the town is less than its length, **what would you have said?** You would have said that we must **give it a width** like its **length**. I.e. that we should look at it as though it were perfectly square, with a width equal to its length, and measure the 2000 *ammot* from that imaginary boundary. The Baraita here **informs us** otherwise.

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We learned in the Baraita: If the town is **square**— we **do not make corners for it**.

The Gemara asks: That is **obvious!**

The Gemara answers: **No**, it is not obvious. It is **necessary** to state this **because** although the town is **square, but it is not square in the square of the world** i.e. it is not set in line with the directions that the rest of the surrounding area follows. **What would you have said?** You would have said that we **square** the town in the **square of the world**. The Baraita **informs us** that we leave the boundaries of the town as they are, without drawing imaginary boundaries to match the orientation of the surrounding area.

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We learned in the Baraita: If there **was one house** that **went out** of the town **like a sort of protrusion, or** if there were **two houses** that **went out** of the town **like two protrusions—**

The Gemara is puzzled: Even if there is only **one house** protruding, **you** the Tanna of the Baraita **said** that we extend the boundary of the entire town based on the house. In a case where there were **two houses** protruding, **is it necessary** to state that the same is true?

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The Gemara answers: **No**, it is not self-evident. It is **necessary** to state this because the second clause of the Baraita is referring to a case where the two houses were on **two** separate **sides** of the town.

What would you have said? You would have said that **on one side, we say** the rule that we “extend” the town’s Shabbat boundary, but **on two sides we do not say** it. The Baraita **informs us** that we even “extend” the town on two sides.

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We learned in the Baraita: If the town **was shaped like a “bow” or in an L shape**, we **look at it as though it were full of houses and courtyards, and measure 2000 *ammot* from it** the resultant imaginary boundary **and outwards**.

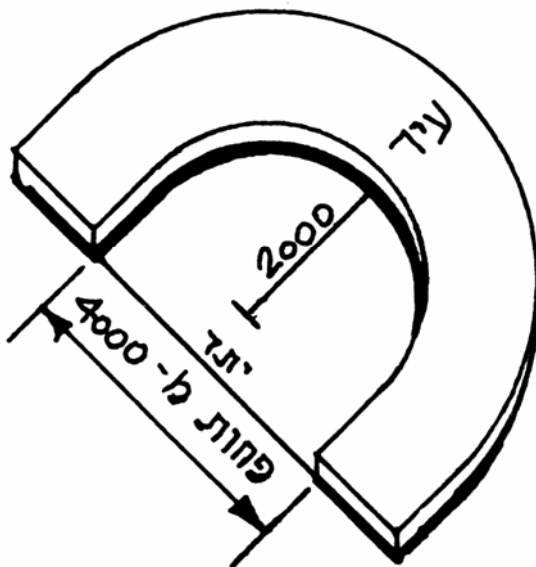
Said Rav Huna: In the matter of a **town shaped like a “bow”**: **If there is less than 4000 *ammot* between its two ends** i.e. if the Shabbat boundaries of the two corners reach each other, then we **measure from the “string”**. In other words, only when the two

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corners are within 4000 *ammot* of each other do we imagine that the surrounded area is populated and we measure the Shabbat boundary accordingly (see illustration⁶).

And if not i.e. if the two corners are further apart than 4000 *ammot*, then we **measure** the Shabbat boundary **from the “bow”**, not from the “string”. It turns out that in such a case, not only will the Shabbat boundary not extend 2000 *ammot* from the unpopulated area that the town surrounds, it will not even include the entirety of that unpopulated area.

The Gemara is puzzled: **Did Rav Huna really say that? But Rav Huna said:** In the matter of a **town wall that was breached** for a length of **141 and 1/3 *ammot***, and the area corresponding to the wall was unpopulated: The two sectors of the town are



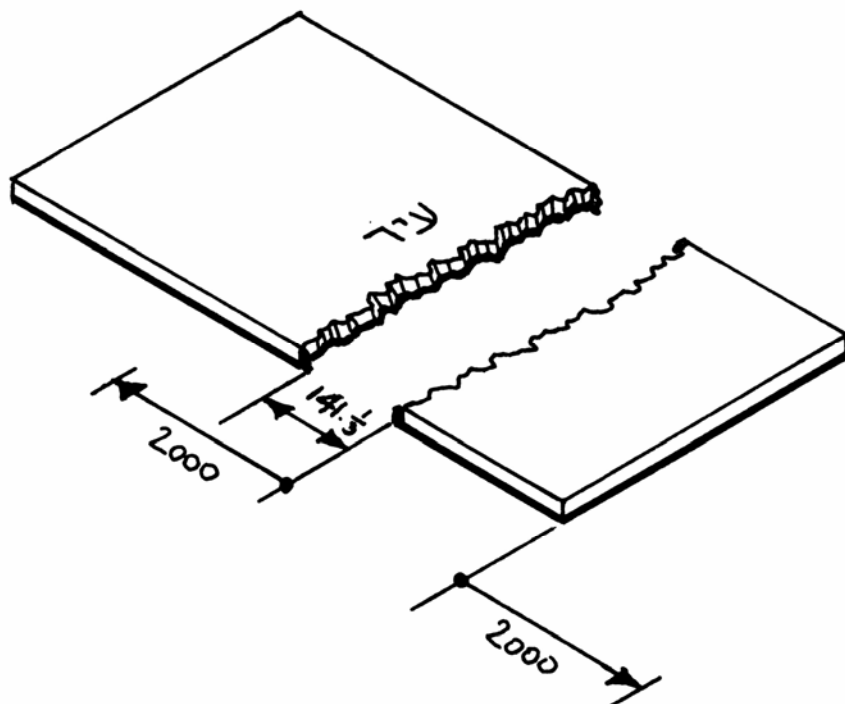
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considered as two separate towns, and a resident of one sector may only walk 2000 *ammot* from the end of his sector (see illustration⁷).

We see that even though the two sectors of the town are well within 4000 *ammot* of each other, Rav Huna regards them as being totally separate, and this appears to contradict his ruling given above in the matter of the “bow”-shaped town.

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Said Rabbah the son of Ula: It is **not a difficulty**. **Here**, in the case of the “bow”-shaped town, the town is only divided on **one side**, but the other side is populated. Therefore, if the two ends are within 4000 *ammot* of each other, we can regard their Shabbat boundaries as combining, and even imagine that the surrounded area is populated.



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But **here**, in the case of the walled town with a breach in the wall, the town is divided on **two sides** i.e. the unpopulated sector goes all the way through the town, physically dividing it. Therefore, even though they are close to each other, we cannot regard them as being one town with a combined Shabbat boundary, but as two separate towns.



The Gemara is puzzled: **And** what is Rav Huna **informing us** in his discussion of the walled town? Does he simply mean to inform us that we give the rule of a *karpeif*⁸ to **this one and** the rule of a *karpeif* to **that one**? I.e. that two towns can be twice the distance of a *karpeif* from each other and still use the rule of *karpeif* to be considered as having one joint Shabbat boundary?

But Rav Huna already **said that one time**, and need not state it again.

For it was taught in a Mishnah:

⁸ A large area, over 70 *ammot* square, not designated for residential purposes. One may not include such an area in *eiruvei chatzeirot*. But a size of 70 *ammot* or less is considered as part of the adjacent residential area.

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Ammud Bet

We **give** the rule of **a *karpeif* to a town**—these are the **words of Rabbi Meir**. I.e. the 2000 *ammot* which comprise the Shabbat boundary of a town are counted from a line 70 *ammot* and a bit beyond the physical edge of the town. **And the Sages say: They** i.e. the earlier Sages who established the Halachot of *eiruv* **did not say** i.e. apply the rule of **a *karpeif*** in reference to an individual town. **Rather**, it was applied only **between two towns** that are close to each other. When the two towns are close enough to apply the rule of *karpeif*, they are regarded as one town, and a resident of either town may walk to any point within 2000 *ammot* of the other town.

And it was said in reference to this Mishnah: **Rav Huna said:** We give a *karpeif* **to this one and a *karpeif* to that one**. I.e. the two towns can be twice the distance of 70 *ammot* and a bit from each other, and still have one joint Shabbat boundary. **And Chiya the son of Rav said:** We **do not give** the distance of two *karpeifim* to the two towns; **rather**, we only give the distance of **one *karpeif*** to combine **both of them**.

Since in this discussion Rav Huna already told us that each town has its own *karpeif*, why did he tell us the same point again in the case of the walled town?

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The Gemara answers: It is **necessary** to tell us both cases, **for if he had informed us** of his rule only **here**, in the case of the walled town, we would think that only in that case do we allow the two towns to be two *karpeif* distances away, **because it used to be permitted**. I.e. we would think that since the two populated districts were originally one town, connected by one continuous wall, it is possible even now to allow them to be up to two *karpeif* distances apart, while retaining one joint Shabbat boundary. **But there**, in

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the case of the two towns that were never joined, **I would say** that this rule does **not** apply.

And if he had informed us of his rule only **there**, in the case of the two towns which never had a joint wall, I would say that it applies there **because** they are **pressed** for space to **use**. Since the residents of each town need the *karpeif* area adjacent to their towns for non-residential use, those areas are regarded as part of the town proper. Therefore, if the respective *karpeif* areas touch, the two towns are regarded as being joined. **But here**, in the case of the walled town, where they are **not pressed** for space to **use**, **I would say** that this rule does **not** apply. We know that the residents of the walled town are not pressed to use the currently empty space opposite the breach in the wall, because before the wall was breached, that space was also populated, and they did not need to use it then for non-residential purposes. Therefore, since they are not pressed to use it, we might say that it cannot be regarded as part of the town, and the two parts cannot be regarded as joined.

Therefore, it is **necessary** for Rav Huna to discuss both cases.



Now the Gemara will discuss the laws of the town shaped like a “bow”, in which case the Baraita taught above that we measure the Shabbat boundary from the “string” of the “bow,” not from the actual houses.

And how much distance may there **be between the “string” and the “bow”** in order to permit measuring the Shabbat boundary in this way?

Rabbah the son of Rav Huna said: 2000 ammot.

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If a man needs to walk through 2000 *ammot* of empty space from his house in the “bow” to reach the “string,” the empty area cannot be considered as though it were populated, even if from one end of the “bow” to the other end is less than 4000 *ammot*.

Rava the son of Rabbah the son of Rav Huna said: The distance between the “string” and the “bow” can **even** be **more than 2000 ammot**.

*

Said Abaye: It stands to reason to rule in accordance with the view of **Rava the son of Rabbah the son of Rav Huna. Because if** a resident of the town wants to walk to any given point of the surrounded area, he may. He may do so since he could **return** to either end of the “bow” by **walking through the houses**. From those ends, in turn, he may walk straight across the “string.” It turns out that he can permissibly walk to any point in the surrounded area, and it is therefore reasonable to consider it all as though it were populated, and measure the 2000 *ammot* from the “string.”



The Mishnah taught: If **there were ruins there** at least **ten tefachim**⁹ high...

What are ruins? I.e. how much must be left of a ruined building to apply to it the rule of our Mishnah?

Said Rav Yehudah: Ruins that still have **three walls** standing, **and** even though **that** they do **not have a roof**.

They the scholars of the study hall **posed an inquiry:** If the ruined building has only **two walls, but it has a roof, what** is the Halachah?

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Come and hear a proof that it is invalid for extending the town's boundary: **These** structures are the ones **that**, when they are present, the town **is expanded with it** i.e. with any one of them: **A tomb¹⁰ that is at least four by four *ammot*, a bridge, a graveyard with an area set aside for people to sit, a synagogue that has an area for the *chazzan*¹¹ to sit in, an idolatrous temple that has an area for the idolatrous priests to sit, stables and barnyards that have an area for people to sit, huts in it** i.e. in the field, **and a house that is on an island in the sea.** If any of these structures is within 70 *ammot* and a bit of the town, then the town **is expanded with it** i.e. the town's Shabbat boundary is counted from the structure.

And these are not expanded with it: A tomb that is breached on both sides, a bridge or graveyard that has nowhere for people to sit, a synagogue that has nowhere for the *chazzan* to sit, an idolatrous temple that has nowhere for the idolatrous priests to sit, stables and barnyards that have nowhere for people to sit, a pit, a ditch, a cave, a fence, a dovecot in the field, and a house that is on a boat. A town **is not expanded with it** i.e. with any of these.

The Gemara brings out the point: **In any event, it was taught** in the Mishnah that **a tomb that is breached on both sides** is part of the list of structures that do not expand the Shabbat boundary. **Why not say that the building has a roof?** If so, this clearly teaches that a ruins with two walls and a roof does not expand the Shabbat boundary.

The Gemara rejects the proof: **No**, it is not a proof. It is referring to a case of a building **that does not have a roof.**

*

⁹ 1 tefach: 3.1 in., 8 cm

¹⁰ These are normally meant for the guard of the graves to sit in.

¹¹ The cantor.

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The Gemara asks: **A house** on an island **in the sea**—what is it good for?

Said Rav Papa: It is a **building that is used to empty out** and store **ship utensils**.

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The Gemara is puzzled: Is it true that the town is **not extended by a cave**?

But Rabbi Chiya taught in a Baraita: When there is a **cave** near a town, the town **is extended with it**.

Said Abaye: The Baraita is referring to a case where **there is a building at the entrance** of the cave.

The Gemara questions this: If there is a building at the entrance, **derive it** the ruling that the town is expanded **from the building itself!** Why did the Baraita imply that the town is expanded because of the cave, when it is actually extended because of the building at the entrance to the cave?

The Gemara answers: **No**, you could not say that the town is extended simply because of the building. The cave is **needed** in order **to complete** the requisite size of the building. Because the building only has a size of four by four *ammut* if the cave is included in the measurement.



Said Rav Huna: An encampment of **tent dwellers** is not considered a “town.” Therefore, we **do not measure** the Shabbat boundary from the edge of their encampment, **but rather from the entrance of their homes**. Even if many tent dwellers are encamped

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together, each one may only travel 2000 *ammot* from his tent, not from the edge of the encampment as a whole.

Rav Chisda contradicted him, based on a verse: It says, “**And they** [the Israelites] **encamped by the Jordan, from Beit-Hayeshimot** until the Shittim plains...” **And said Rabbah bar bar Chanah: I saw that place, and it is three *parsah*¹² by three *parsah*.**

And it was taught in a Baraita: **When they** would **relieve themselves** of excrement, they would leave the Camp, and they would **not relieve themselves before them** i.e. in front of the Camp **nor to their sides** i.e. to either side of the Camp, **but rather**, they would relieve themselves **behind them** i.e. behind the Camp. They did this so that if the Camp would suddenly begin moving, they would not suddenly find themselves relieving themselves within the Camp, which would be disrespectful to the Holy Ark.

In any event, we see from this Baraita that even those who were encamped at the front of the Camp would walk all the way to the back of the Camp and outside it in order to relieve themselves, a distance of at least 3 *parsah*, close to 9000 *ammot*.

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Rava said to him: Did you say i.e. speak about the **flags of the Wilderness** i.e. the encampment of the Israelites in the Wilderness? That case is different, **since it is written about it, “At the word of Hashem they encamped and at the word of Hashem they traveled.”** Since they made camp at Divine command, it is **like someone who established** a proper dwelling place **for themselves**. In contrast, other tent-encampments are transient, and for that reason do not have the same laws as regular towns.

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¹² parasang, approx. 2.7 miles or 4.3 kilometers.

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Said Rav Chinena the son of Rav Kahana in the name of Rav Ashi: If there are in the encampment **three courtyards**, each courtyard consisting of **two permanent houses** that open upon it, **they have established** themselves, and do have the laws of a town.



Said Rav Yehudah in the name of Rav: The life of tent dwellers and Wilderness wanderers is not a life, and their wives and their children are not theirs. The reason for this will be explained.

It this idea **was also taught** in a Baraita: **Eliezer of Biria says:** Tent dwellers are like **grave dwellers**. Since nomadic tent dwellers have no pleasure, and are subject to the extremes of the weather, their lives are a living death. **And about their daughters** i.e. the women of nomadic groups, they are forbidden to them, as **it says, “Cursed is he who lies with any animal.”**

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Why are their wives forbidden to them?

Ula says: Because they have no bathhouses, and when the men travel elsewhere to bathe, the women commit adultery.

Rabbi Yochanan said: Because the people **know when** a woman **immerses** in the *mikveh*¹³ after *niddah*¹⁴. Since they have no *mikva'ot*¹⁵ of their own, when a woman needed immerse, she needed to travel to another town. She would ask her friends to accompany her, and once two women were traveling to another town, wicked men would

¹³ Purifying pool

¹⁴ Menstrual impurity

¹⁵ Plural of *mikveh*

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then seek to be secluded with them, and it is forbidden to be secluded with two women, lest a sin occur.

The Gemara seeks clarification: **What** is the practical difference **between them?** Over what case would Ula and Rabbi Yochanan disagree?

There is a difference **between them** when there is a **river** near the camp. The river can be used as a *mikveh*, and according to Rabbi Yochanan, it obviates the problem, since on such a short trip nobody notices that the women have gone. But it cannot be used as a bath, and therefore Ula still considers the situation problematic.



Said Rav Huna: Any town that does not have cheap **vegetables** available—a **Torah scholar is not permitted to live there.** Since food is expensive, were he to live there, he would have to give up learning Torah in order to earn money to put food on the table.

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.]