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Eiruv Daf 12

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Tzvi Gershon Ben Yoel (Harvey Felsen) o"h

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The rendering of a *mavoi fit* (for the carrying of objects within it on the Shabbos), Beis Shammai said: A *lechi* (sidepost) and a *korah* (crossbar) are required, and Beis Hillel said: Either a *lechi* or a *korah*. Rabbi Eliezer said: Two *lechis* are needed. A disciple in the name of Rabbi Yishmael stated in the presence of Rabbi Akiva: Beis Shammai and Beis Hillel did not differ on the ruling that a *mavoi* that was less than four *amos* (in width) may be converted into a permitted domain either by means of a *lechi* or by that of a *korah*. They only differ in the case of one that was wider than four, and narrower than ten *amos*, in respect of which Beis Shammai said: Both a *lechi* and a *korah* (are required), while Beis Hillel said: Either a *lechi* or a *korah*. Rabbi Akiva said that they differed in both cases.

The *Gemora* asks: In accordance with whose view was our *Mishna* taught? Is it in agreement neither with the view of Chananya, nor with that of the *Tanna Kamma* (for a *braisa* was taught earlier on 6a regarding the proper method of adjusting a *mavoi*: The shape of a doorway is made at one end, and a *lechi* and *korah* are fixed at the other. [This is an open *mavoi* – opened at both ends; one side is adjusted with a *lechi*, and the other side is adjusted with a *tzuras hapesach*.



These diagrams are courtesy of Rabbi Shlomo Francis, author of the book, *The Laws of an Eruv*.

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<http://www.israelbookshoppublications.com/store/pc/viewPrd.asp?idproduct=769>.] *Chananyah*, however, stated: *Beis Shammai* ruled: A door is made at one end of the street as well as at the other, and it must be closed as soon as one

goes out or enters, and *Beis Hillel* ruled: A door is made at one end and a *lechi* and a *korah* at the other)?

Rav Yehudah replied: It is this that was meant in our *Mishna*: How is a closed *mavoi* rendered fit (for the carrying of objects within it on the Shabbos)? *Beis Shammai* said: A *lechi* (sidepost) and a *korah* (crossbar) are required, and *Beis Hillel* said: Either a *lechi* or a *korah*.



The *Mishna* had stated: *Beis Shammai* said: A *lechi* and a *korah* are required.

The *Gemora* asks: Does this then imply that *Beis Shammai* hold the opinion that Biblically four partitions are required (to constitute a private domain, and less than four, it will not be)?

The *Gemora* answers: No; regarding throwing (into a private domain from a public domain), one incurs liability even if it only had three walls, but in respect of moving objects within it, only where there are four walls (is this permitted; otherwise, it is Rabbinically forbidden).

The *Mishna* had stated: *Beis Hillel* said: Either a *lechi* or a *korah*.

The *Gemora* asks: Does this imply that *Beis Hillel* hold the Biblically three partitions are required (to constitute a private domain)?

The *Gemora* answers: No; regarding throwing (into a private domain from a public domain), one incurs liability even if it only had two walls, but in respect of moving objects within



it, only where there are three walls (*is this permitted; otherwise, it is Rabbinically forbidden*).

The *Mishna* had stated: Rabbi Eliezer said: Two *lechis* are needed.

They inquired: Does Rabbi Eliezer mean two *lechis* and a *korah* (are required), or perhaps he means two *lechis* without a *korah*?

The *Gemora* resolves this from the following *braisa*: It once happened that Rabbi Eliezer went to visit his disciple, Rabbi Yosi ben Perida, at Ovelin, and found him dwelling in a *mavoi* that had only one *lechi*. He said to him: My son, put up another *lechi*. Rabbi Yosi ben Perida asked: Is it necessary for me to close it up? Rabbi Eliezer replied: Let it be closed up; what does it matter?

The *braisa* continues: Rabban Shimon ben Gamliel stated: Beis Shammai and Beis Hillel did not differ on the ruling that a *mavoi* that was less than four *amos* (in width) required no adjustment at all. They only differed in the case of one that was wider than four, but narrower than ten *amos*, in respect of which Beis Shammai said: Both a *lechi* and a *korah* are required, while Beis Hillel said: Either a *lechi* or a *korah*.

At any rate, it was stated: Is it necessary for me to close it up? Now, if you concede that both *lechis* and a *korah* are required, it is quite understandable why he said: Is it necessary for me to close it up (*for that would be regarded as if it would be sealed up*), but if you contend that *lechis* without a *korah* are sufficient, what did he mean when he said 'close it up'?

The *Gemora* rejects the proof: It is this that he meant: Is it necessary for me to close it up with *lechis*?

The master said (*above*): Rabban Shimon ben Gamliel stated: Beis Shammai and Beis Hillel did not differ on the ruling that a *mavoi* that was less than four *amos* (in width) required no adjustment at all.

The *Gemora* asks: Did we not learn, however, in our *Mishna*: A disciple in the name of Rabbi Yishmael stated in the presence of Rabbi Akiva: Beis Shammai and Beis Hillel did not differ on the ruling that a *mavoi* that was less than four *amos* (in width) may be converted into a permitted domain either by means of a *lechi* or by that of a *korah*. [*Evidently, a lechi or a korah is needed; not like he said that no adjustment at all was necessary!?*]

Rav Ashi said: It is this that he meant: It does not require a *lechi* and a *korah* as Beis Shammai ruled, nor does it require two *lechis* as Rabbi Eliezer ruled, but either a *lechi* or a *korah* (is required), in agreement with the ruling of Beis Hillel.

The *Gemora* asks: And how much (*is the minimum gap in a mavoi that an adjustment is required*)?

Rav Achlai, or others say, Rav Yechiel, said: No less than four *tefachim*.

Rav Sheishes said in the name of Rabbi Yirmiyah bar Abba, who said it in the name of Rav: The Sages agree with Rabbi Eliezer in the case of the boards of a courtyard. [*If a courtyard was exposed to a public domain by a gap in one of its walls, it cannot be regarded as a permitted domain unless two lechis are erected on either side of the gap.*] And Rav Nachman stated: The *halachah* is in agreement with the ruling of Rabbi Eliezer in respect of the *lechis* of a courtyard.

Rav Nachman bar Yitzchak said: Who are they that agree with Rabbi Eliezer? It is Rebbe. And since Rav Nachman said: The *halachah* is, it follows that some differ; who is it that differs from Rabbi Eliezer? It is the Sages. For it was taught in a *braisa*: A courtyard (*which opens into a public domain*) is permitted with one *lechi*. Rebbe, however, maintains: Two are required.

Rabbi Assi said in the name of Rabbi Yochanan: A courtyard requires two *lechis*.

Rabbi Zeira said to Rabbi Assi: Did Rabbi Yochanan give such a ruling? Didn't you yourself state in the name of Rabbi Yochanan that the *lechis* of a courtyard must have a width of

four *tefachim*? [Seemingly, that means that one *lechi* suffices!?] And should you suggest that the meaning is four *tefachim* on one side and four on the other, surely Rav Adda bar Avimi taught a *braisa* in the presence of Rabbi Chanina or, as some say, in the presence of Rabbi Chanina bar Pappi: The ruling applies to a case where the small courtyard was ten (*amos* wide), and the large one eleven *amos*? [Since the wall on the side of the larger courtyard exceeds that of the smaller one by only one *amah*, which equals to six *tefachim*, a *lechi* of four *tefachim* on one side would leave for the other side no more than two *tefachim*, which cannot be regarded as a valid *lechi*. It consequently follows that, according to Rabbi Yochanan, one *lechi* of the width of four *tefachim* is sufficient. How then could it be said by R' Assi that R' Yochanan required two *lechis*?]

The *Gemora* answers: When Rabbi Zeira returned from his sea travels, he explained this, as follows: When there is only a *lechi* on one side of an opening, it must have a width of four *tefachim*, but if there are *lechis* on two sides, they do not need to be wider than a fraction each; and that which Adda bar Avimi taught reflects the view of Rebbe (*who always necessitates two lechis by a courtyard*), and it is following the opinion of Rabbi Yosi (*who maintains that a lechi must be three tefachim wide*).

Rav Yosef laid down in the name of Rav Yehudah who had it from Shmuel that a courtyard may be converted into a permitted domain by means of one *lechi*.

Abaye said to Rav Yosef: Did Shmuel actually say such a ruling? Did he not in fact say to Rav Chananya bar Shila: Do not permit the use of a courtyard unless there remained either the greater part of the wall or two boards?

Rav Yosef replied: I know only of the following incident that occurred at the shepherd's village, where a wedge of the sea encroached on a courtyard, and when the question was submitted to Rav Yehudah, he required the gap to be adjusted with only one board.

Abaye said to him: You speak of a wedge of the sea; but in the case of water, the Sages have allowed a special leniency.

This is as Rav Tavia inquired of Rav: Does a suspended partition (*three or more tefachim above the ground*) convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility of use in the case of water only, because it is only in respect of water that the Sages have allowed a special leniency.

The *Gemora* notes that the difficulty (*regarding Shmuel's rulings*) at any rate remains?

The *Gemora* answers: When Rav Pappa and Rav Huna the son of Rabbi Yehoshua returned from the academy of Rav, they explained it: When there is only a *lechi* on one side of an opening, it must have a width of four *tefachim*, but if there are *lechis* on two sides, they do not need to be wider than a fraction each.

Rav Pappa said: If I had to point out a difficulty it would be this: for Shmuel said to Rav Chananya bar Shila: Do not permit the use of a courtyard unless there remained either the greater part of the wall or two boards. Now what was the need for 'the greater part of the wall'? Is not a board of four *tefachim* (*in width*) enough? And should you reply that 'the greater part of the wall' referred to a wall of seven (*tefachim in width*), where four *tefachim* constitute the greater part of the wall, we can ask, why should it be necessary to have four *tefachim*, when three and a fraction are enough, since Rav Achlai, or some say, Rav Yechiel, said that no adjustment is necessary when a gap is less than four (*tefachim in width*)?

The *Gemora* answers: If you wish I might reply: One ruling deals with a courtyard and the other with a *mavoi*. Alternatively, I might reply: The ruling of Rav Achlai itself is a point in dispute between *Tannaim*.

The *Gemora* cites a *braisa*: From a wedge of the sea that encroached on a courtyard, no water may be drawn (*even from the water that is within the walls of the courtyard*) on the *Shabbos*, unless it was provided with a partition that was ten *tefachim* high. This applies only where the breach



was wider than ten *amos*, but if it was only ten (*amos wide*), no adjustment whatever is necessary.

The *Gemora* asks: 'No water may be drawn,' but the carrying of objects (*in the courtyard*) is inferentially permitted; but why should this be? But the courtyard has a complete gap (*more than ten amos*) that opens into a forbidden domain (*and the halachah is then that one cannot carry even in the permitted place*)?

The *Gemora* answers: Here, we are dealing with a case where there are ridges (*of the wall, ten tefachim high under the water*) which remained (*and they serve as a valid wall to allow carrying in the courtyard; it does not, however, serve to block the connection between the courtyard and the sea*).

Rav Yehudah said: In the case of a *mavoi*, the residents of which did not join together in the provision of an *eruv* (*by contributing bread or other food; this allows the people to carry inside the mavoi; otherwise, they cannot – even if it was properly enclosed*), a man who throws anything into it (*from a public domain*) incurs liability (*on a Biblical level for transferring from a public domain into a private one*) if it was adjusted by means of a *lechi*, but if it was adjusted by means of a *korah*, no liability is incurred by the man who throws anything into it (*for a korah does not serve as a partition; rather, it is a reminder; therefore, the mavoi does not have the status of a private domain*).

Rav Sheishes asked against this: The reason then is that the residents of the *mavoi* did not join together in the provision of an *eruv*, but had they joined together (*for the purpose*), liability would have been incurred even if it was adjusted by means of a *korah* only. Is it then this loaf that determines whether it shall be a private, or a public domain? Was it not in fact taught in a *braisa*: In the case of courtyards owned by many residents and *mavois* which are not open at both ends, whether the residents have joined together in the provision of an *eruv* or whether they have not joined, liability is incurred by anyone who throws anything into them (*on the Shabbos from a public domain*)?

The *Gemora* answers by emending Rav Yehudah's statement: If the statement, however, was at all made, it must have been as follows: Rav Yehudah said: As to a *mavoi* that is unfit for a joint *eruv* (*for it is open on both sides, and carrying in it will still be forbidden*), liability is incurred by a man who throws anything into it, if it was adjusted by means of a *lechi*, but if it was adjusted by a *korah*, no liability is incurred by one who throws anything into it.

The *Gemora* notes: Thus it is obvious that he is of the opinion that a *lechi* serves the purpose of a partition, and a *korah* that of a mere distinguishing mark. And so did Rabbah say: A *lechi* serves the purpose of a partition and a *korah* that of a mere distinguishing mark. Rava, however, ruled: They both only serve the purpose of a distinguishing mark.

Rabbi Yaakov bar Abba raised an objection against Rava from the following *braisa*: A man who throws into a *mavoi* incurs liability if it was adjusted with a *lechi*, but is exempt if it had no *lechi*?

The *Gemora* answers: It is this that the *braisa* meant: If it required only a *lechi* (*for it was a closed mavoi; i.e., it had three partitions*), then the man who throws anything into it incurs liability, but if it required a *lechi* and something else (*for it was an open mavoi*), a man who throws anything into it is exempt.

He raised against him a further objection from a different *braisa*: Even more than this did Rabbi Yehudah say: If one has two houses on the opposite sides of a public domain, he can make a *lechi* on one side and a *lechi* on the other side, or a *korah* on one side and a *korah* on the other side, and then he may pick things up and place them down between them. [Evidently, a *lechi* is regarded as a partition on a Biblical level!] The Sages said to him: A public domain cannot be made fit (*for carrying*) in this manner.

The *Gemora* answers: Rabbi Yehudah holds that two walls facing each other render the space between a private domain by Biblical law.



Rav Yehudah said in the name of Rav: A *mavoi* whose length is equal to its width cannot be turned into a permitted domain by a mere fraction of a *lechi* (rather, it must be four *tefachim* in width, similar to a courtyard).

Rav Chiya bar Ashi said in the name of Rav: A *mavoi* whose length equals its width cannot be turned into a permitted domain by a *korah* of the width of one *tefach*.

Rabbi Zeira said: How exact are the statements of the elders: Since a *mavoi's* length is equal to its width, it has the status of a courtyard which cannot be converted into a permitted domain by means of a *lechi* or a *korah*, but only by means of a board of four *tefachim*. If, however, Rabbi Zeira continued, I have any difficulty, it is this: Why shouldn't that *lechi* be regarded as a fraction of a strip and thus convert (the *mavoi*) into a permitted domain?

The *Gemora* notes: He overlooked the following ruling, which Rabbi Assi had laid down in the name of Rabbi Yochanan, that the boards of a courtyard must consist of a width of four (*tefachim*).

Rav Nachman ruled that one can only carry in a *mavoi* adjusted with a *lechi* or a *korah* if the length, i.e. the depth, of the *mavoi* is greater than its width, and there are houses and courtyards that open into the *mavoi*. And what kind of courtyard is it that cannot be converted into a permitted domain by means of a *lechi* and a *korah* but only by means of a strip of the width of four *tefachim*? One that is square shaped.

The *Gemora* asks: Only 'one that is square shaped,' but not one that is round?

The *Gemora* answers: It is this that he meant: If its length exceeds its width, it is regarded as a *mavoi*, in which case a *lechi* and a *korah* is sufficient, otherwise, it is regarded as a courtyard.

And by how much must its length exceed its width? Shmuel intended to rule: By no less than twice its width; but Rav

said to him: Thus ruled my uncle: Even by a small amount. (11b – 12b)

INSIGHTS TO THE DAF

In a yard that is completely open on one side, the Tanna Kamma says that only one *lechi* is required, while Rebbe says one is required on each side. Rabbi Yochanan and others understand that the law is indeed like Rebbe if there are only small poles on each side. However, he says that if one wants he can put a four *tefach* long small wall on one side.

The Mishna (11b) states that Rabbi Eliezer required two *lechis* for an alleyway as well. Does this mean that Rabbi Yochanan agrees with Rabbi Eliezer regarding an alleyway, or does he somehow agree with the Rabbanan?

Rashi understands that Rabbi Yochanan holds like the Tanna Kamma above. The Tanna Kamma actually says "one pas," which can be interpreted to mean one four *tefach* long wall. He would agree that if one wanted to use skinny poles, two are necessary.

The Rashba argues that Rabbi Yochanan in fact holds like Rabbi Eliezer. He says that the Rabbanan holds that "one pas" means one *lechi*, and they do not hold that one requires a four *tefach* long wall in this case.