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Eiruvin Daf 16

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Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

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[The Gemora cited a dispute whether an enclosure which has equal areas enclosed and open is permitted to carry in. Rav Pappa says that it is permitted, as Hashem mandated that a majority not be breached, while Rav Huna the son of Rav Yehoshua says it is prohibited, as Hashem mandated that a majority must be enclosed.]

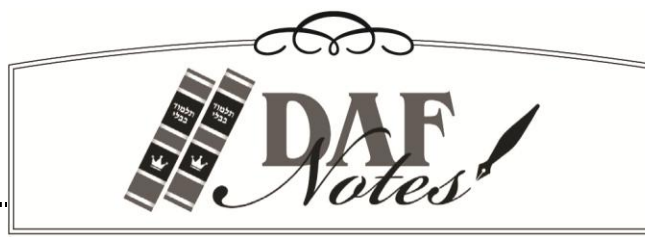
The Gemora attempts another proof to Rav Huna from the following braisa: *[One can only plant grain near a vineyard if there is a four-amah space removed from the vineyard, so as not to be considered kilayim. If there is a halachic wall separating the two, it is also permitted.]* It emerges that there are three categories in the case of partitions. 1. Wherever it (*in a fence, the width of each solid section*) is less than three tefachim, it is necessary that there shall be no gap of three tefachim between any two solid sections, so that a kid could not leap headlong through it. *[The law of lavud¹ is applied in such a case even where the total area of the gaps exceeds that of the solid sections. If a gap is wider than three tefachim, a kid can leap headlong through it and the law of lavud cannot consequently apply.]* 2. Wherever it (*the width of each solid section*) is three, or from three to four tefachim, it is necessary that the gap between any two solid sections shall not be as wide as the full width of a solid section itself in order that the gaps shall not be equal to the solid sections; and if the gaps exceeded the solid sections, it is forbidden to plant grain against the standing portions. 3. Wherever it (*the width of each solid portion*) is four tefachim, or from four tefachim to ten amos, it is

¹ when a gap of less than three tefachim separates two things, it is deemed to be closed up

necessary that the gap between any two solid sections shall not be as wide as a solid section, in order that the gaps shall not be equal to the solid sections; and if the gaps were equal to the solid sections, it is permitted (*to plant grain*) against the solid sections and forbidden against the gaps. ***[In summary: (1) It is not necessary for each gap to be less in width than the solid section where the solid sections are less than three tefachim in width; and even if a gap is as wide as or wider than a solid section, provided that it is not wider than three tefachim, the entire partition is valid. (2) It is necessary for each gap to be less in width than the solid sections where the solid sections are three, or from three to four tefachim in width. A gap of three or more tefachim destroys the validity of the entire partition even that of its solid sections. (3) Where the solid sections of a partition are considerable (four tefachim), their validity is not affected by the gaps, though it is forbidden to plant against one side of the gaps if vines grow on the other.]***

The braisa continues: If, however, the solid sections exceeded the gaps, it is permitted (*to plant grain*) against the gaps as well. If there was a gap wider than ten amos, it (*planting*) is forbidden. If tapered poles were there (*in the ground*) and a plait of vines was made above them (*creating a tzuras hapesach*), it (*planting*) is permitted even if the gaps between the solid sections exceeded ten amos.

At any rate, in the first clause of the braisa it was taught that wherever it (*the width of each solid section*) is from



three to four *tefachim*, it is valid if the gap between any two solid sections is not as wide as the full width of a solid section itself. Is this not a refutation against Rav Pappa (*who ruled that even if the gaps in an enclosure were equal to its solid sections, the movement of objects within it on the Shabbos is permitted or, in other words, the fence of the enclosure is valid*)?

The *Gemora* deflects this by saying that Rav Pappa can explain the *braisa* to mean that there may not be space large enough to put the enclosing item in and out, which is a larger space than the item, but if it was an exactly equal space, it would be valid.

The *Gemora* notes: Logical reasoning also leads to the same conclusion, for since it was stated: if the gaps exceeded the solid sections, it is forbidden to plant grain against the standing portions, it follows that if they were equal to the standing portions, the planting is permitted. This indeed proves it.

The *Gemora* then asks that it must then be assumed that this presents a refutation against Rav Huna the son of Rav Yehoshua!?

The *Gemora* counters: He can answer you that according to your line of reasoning, how will you explain the final clause of the *braisa*: If, however, the solid sections exceeded the gaps, it is permitted (*to plant grain*) against the gaps as well. It follows from there that if it was equal to the gaps, planting is forbidden. Now then, the final clause is a contradiction to the ruling of Rav Pappa, and the first one to that of Rav Huna the son of Rav Yehoshua!?

The *Gemora* answers: The final clause is really no contradiction to the ruling of Rav Pappa for, since the *Tanna* used the expression, 'If the gaps exceeded the standing portions (*it is not a valid partition*)' in the first clause, he used the expression, 'If the standing portions exceeded the gaps (*it is a valid partition*)' in the final

clause (*but in truth it is valid even if they are merely equal to each other*).

The *Gemora* explains further: The first clause presents no contradiction against Rav Huna the son of Rav Yehoshua, for as the *Tanna* desired to state in the final clause, 'If the standing portions exceeded the gaps (*it is a valid partition*),' he also taught in the first clause, 'If the gaps exceeded the standing portions (*it is not a valid partition*)' (*but in truth it is invalid even if they are merely equal to each other*).

The *Gemora* asks from the *braisa*: According to Rav Pappa, it is quite understandable - for this reason, the two cases (*in the braisa, one of a partition where the standing portions are less than three tefachim wide, and one where they are exactly three tefachim wide*) were not included in one category (*for he maintains that if the gaps and the standing portions are exactly three tefachim wide, the partition is valid, whereas those partitions – where the standing portions are less than three tefachim, are invalid, if the gaps are three tefachim wide*). According to Rav Huna the son of Rav Yehoshua, however, why shouldn't the two cases be included in one category, as follows: Wherever it (*in a fence, the width of each solid section*) is less than three *tefachim*, or exactly three *tefachim*, it is necessary that there shall be no gap of three *tefachim* between any two solid sections?

The *Gemora* answers: It is because the cause of the restriction in the first clause (*when the solid sections are less than three tefachim*) is not like that in the second clause (*when the solid sections are three tefachim or wider*). The *Gemora* explains: The cause of the restriction in the first clause is that a kid shall not be able to leap headlong (*through the gap*); while (*the cause of*) the restriction in the final clause is that the gaps shall not be equal to the standing portions. [*And since the reasons are different, the two rulings could not be joined into one category.*]

The *Gemora* asks: Whose view is expressed in the principle that the gap must be less than three *tefachim*? Is it not that of the Rabbis who laid down that to a gap of less than three *tefachim* the law of *lavud* is applied, but that to one of three *tefachim* the law of *lavud* is not applied? Let us say, however, the final clause: Wherever it (*the width of each solid section*) is three, or from three to four *tefachim* etc. Does not this represent the view of Rabban Shimon ben Gamliel who laid down that the law of *lavud* is applied to a gap that is less than four *tefachim* (*by making a distinction between four and less than four, i.e., when they are less than four and the gap exceeds the standing portions, it is forbidden to plant against the standing portions, whereas if they are four tefachim it is permitted*), for if it represents the view of the Rabbis, how could it be said, ‘from three to four’ (*in the second category, and when it is exactly four in the third category*), where three and four are subject to the same law?

Abaye replied: Since the first clause represents the view of the Rabbis, the final clause also must reflect that of the Rabbis, but the Rabbis admit that wherever it is a question of permitting (*the planting of grain*) against (*a standing portion, where the wall is mostly open*), if it is four *tefachim* wide, it is regarded as a partition, but less than that, it is not.

Rava replied: As the final clause is the view of Rabban Shimon ben Gamliel, the first clause also must be that of Rabban Shimon ben Gamliel, but it is only to a gap above (*such as a korah of a mavoi, where it does not touch the wall*) that he applied the rule of *lavud* (*when the gap is more than three tefachim but less than four*), but in the case of one below (*such as a fence*), it is like a partition which kids can break through (*to which the rule of*) *lavud* is not applied.

The *Gemora* cites a *braisa* supporting the opinion of Rav Huna the son of Rav Yehoshua: The space enclosed by such walls, which consist mostly of entrances and

windows, is permitted (*to carry inside of it*), provided that the walled portions exceed the gaps. The *Gemora* asks: Do you think it can actually mean, “which consist mostly (*of entrances and windows*)”? [*If so – the gaps exceed the walled portions!?*] Rather, read as follows: The space enclosed by such walls, which consist of many entrances and windows, is permitted (*to carry inside of it*), provided that the walled portions exceed the gaps. It follows then that if the standing portions equal the gaps, it is forbidden. Is this not then a refutation against Rav Pappa? This is indeed a refutation. The law, however, is in agreement with Rav Pappa.

The *Gemora* asks: A ‘refutation’ and ‘the law’!? [*How can that be?*]

The *Gemora* answers: Yes. It is because the inference from our *Mishna* is in agreement with his view, for we learned: If the gaps do not exceed the solid portions (*carrying is then permitted*). It follows from this that if they are equal to the solid portions, it is permitted.

A caravan in camp (*in order that it may be permitted for them to move objects within it on the Shabbos*) may be surrounded by three (*horizontal*) ropes (*attached to stakes in the ground*), one above the other, provided that the space between one rope and the other is less than three *tefachim*. [*A gap of less than three tefachim is regarded by the rule of lavud as being non-existent; therefore, the height of the rope barrier is thus virtually nine tefachim minus three small fractions.*] The size of the ropes must be such that their total thickness shall be more than a *tefach*, so that the total height (*of the rope barrier*) shall be ten *tefachim*.

The camp may also be surrounded by (*vertical*) poles, provided that there is no (*gap of*) three *tefachim* between any two poles.

In laying down these (*lenient*) rulings (*of forming a wall thru only vertical or only horizontal components*), the

Rabbis spoke only of a caravan (*of at least three people, not one or two*); these are the words of Rabbi Yehudah; but the Sages maintain that they spoke of a caravan only because it is the usual occurrence (*but it would apply to one or two people as well*).

Any partition that is not made up of both vertical and horizontal (*components*) is not a valid partition; these are the words of Rabbi Yosi the son of Rabbi Yehudah, but the Sages ruled: one of the two (*is sufficient*).

Rav Hamnuna said in the name of Rav: Behold the Rabbis have already laid down that if the standing portions of a partition made up of vertical stakes exceed the gaps, the partition is valid. What, however, inquired Rav Hamnuna, is the ruling in respect of horizontal (*ropes*)?

Abaye replied: Come and hear from our *Mishna*: The size of the ropes must be such that their total thickness shall be more than a *tefach*, so that the total height (*of the rope barrier*) shall be ten *tefachim*. Now if such a (*horizontal*) partition (*where the majority is closed*) were valid, what was the necessity for the total thickness to be more than a *tefach*, seeing that one could leave (*a space*) less than three *tefachim* and place a rope of any thickness, and then leave another (*space*) less than three *tefachim* and place a rope of any thickness, and then leave another (*space*) less than four *tefachim* and place a rope of any thickness? [*Two of the gaps, each being less than three tefachim, would by the law of lavud be regarded as closed, and this would, together with the ropes, provide a 'standing portion' of six tefachim that exceeds the third gap of four tefachim. As this, however, was not permitted, it may be concluded that in the case of horizontal ropes, the partition is invalid even where the standing portions exceed the gaps.*]

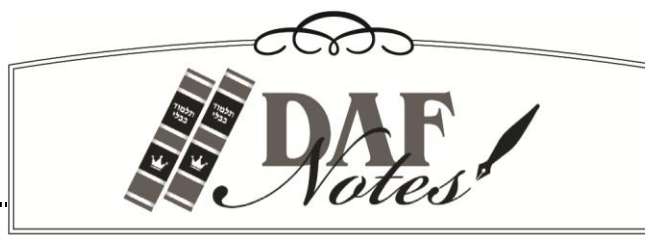
The *Gemora* counters: But do you think that it can be valid? Where could one leave the gap of less than four (*tefachim of distance*)? Were it to be left below (*on the bottom – near the ground*), it would be like a partition

which kids can break through (*and the partition would be invalid*); were it to be left above, the (*unlimited*) air space (*of the sky*) on the one side (*of the rope*), and that on the other side (*the airspace more than three tefachim*) would come to annul its validity; and if one were to leave it in the middle, the (*virtually*) standing portions would be exceeding the gap (*only by combining the portions*) on its two sides, and then you would infer from this that where the standing portions (*of a partition*) exceed a gap in it (*only by combining those*) on its two sides they are nevertheless valid (*and the law is that they do not combine*)!?

The *Gemora* answers: Rather, it is this that Rav Hamnuna inquired: What is the ruling where one brought, for example, a mat that measured seven *tefachim* and a fraction, and cut out in it (*a hole of*) three *tefachim* leaving (*untouched the remaining strip of*) four *tefachim* (*on top of the hole*) and a fraction (*of a strip underneath the hole*), and put it up within (*a distance of*) less than three *tefachim* (*from the ground*)? [*In such a case, the lowest gap (the distance between the ground and the fractional section of the mat) is regarded as lavud, while the three tefachim gap in the mat is exceeded by the remaining four tefachim of the mat. The air spaces on the two sides of this section cannot annul its validity since it exceeds at least the air space on the one side below it.*]

Rav Ashi said: His inquiry related to a suspended partition, as did that which Rav Tavla asked of Rav: Can a wall that hangs more than three *tefachim* above the ground be considered an enclosing wall, and permit carrying in a ruin? Rav answered that a hanging wall only works above water, as the Sages were only lenient in that situation.

The *Mishna* had stated: The camp may also be surrounded by (*vertical*) poles etc. [*In laying down these (lenient) rulings (of forming a wall thru only vertical or only horizontal components), the Rabbis spoke only of a*



caravan (of at least three people, not one or two); these are the words of Rabbi Yehudah].

The *Gemora* infers from the *Mishna* that this leniency is only allowed in the case of a caravan, but not in that of an individual. The *Gemora* asks: Was it not taught in a *braisa*: Rabbi Yehudah stated: All (*inferior*) partitions in connection with the *Shabbos* were not permitted to an individual if the space enclosed exceeded two *beis se'ah*?

The *Gemora* answers: It is as Rav Nachman, or as some say, Rav Bibi bar Abaye replied (*elsewhere*) that the ruling was only required in respect of allowing them all (*the space*) they required, (*so may one*) here also, explain that the statement referred to the permissibility of allowing them all (*the space*) they required. [*It is permitted although it exceeded two beis se'ah. Where, however, such an area is not exceeded, the same privilege is extended to an individual as well.*]

The *Gemora* asks: Where was the reply of Rav Nachman, or as some say, Rav Bibi bar Abaye stated?

The *Gemora* answers: In connection with what we learned in our *Mishna*: Any partition that is not made up of both vertical and horizontal (*components*) is not a valid partition; these are the words of Rabbi Yosi the son of Rabbi Yehudah. Now (*it was objected*), could Rabbi Yosi the son of Rabbi Yehudah have given such a ruling seeing that it was taught in a *braisa*: An individual and a caravan are subject to the same law regarding a partition of ropes. But what then is the difference between an individual and a caravan? One individual is allowed two *beis se'ah*, and two individuals are also allowed two *beis se'ah*, but three become a caravan and are allowed six *beis se'ah*; these are the words of Rabbi Yosi the son of Rabbi Yehudah. But the Sages ruled: Both an individual and a caravan are allowed all (*the space*) they require, provided no area of two *beis se'ah* remains unoccupied? To this Rav Nachman, or as some say, Rav Bibi bar Abaye

replied: This ruling was only required in respect of allowing them all (*the space*) they required.

Rav Nachman in the name of Rabbeinu Shmuel gave the following exposition: One individual is allowed two *beis se'ah*, two individuals are also allowed two *beis se'ah*, but three become a caravan and are allowed six *beis se'ah*.

The *Gemora* asks: Do you leave the Rabbis' opinion and act in agreement with Rabbi Yosi the son of Rabbi Yehudah?

Thereupon, Rav Nachman appointed a speaker on the subject and gave the following exposition: The statement I made to you was an error on my part; it is this indeed that the Rabbis have said: An individual is allowed two *beis se'ah*, two also are allowed two *beis se'ah*, but three become a caravan and are allowed all (*the space*) they require.

The *Gemora* asks: Is then the first clause in agreement with Rabbi Yosi and the final clause only in agreement with the Rabbis?

The *Gemora* answers: Yes, because his father adopts the same line. (16a – 17a)

INSIGHTS TO THE DAF

Relying on a Lechi

The *Gemora* explains that when Rabbi Yosi b'Rabbi Yehuda argues that even a caravan requires both poles and ropes to create a regular private domain, he means of any size. However, he agrees that an individual or two can make such walls and have a private domain up to a *beis sa'asayim*, while a caravan (three people or more) can have up to six *sa'ah*.



Does this mean that if there are two people they can have four sa'ah, or are two people considered like one and can only have a total of two sa'ah?

The Taz (Orach Chaim 360:1) says that our Gemora clearly implies that they receive a total of two sa'ah. Otherwise, why would the Gemora say that three *become a caravan* and receive six sa'ah? If they just get two sa'ah a person, we don't have to call them a caravan! Rather, it must be that two people get a total of two sa'ah, and there is a special law regarding a caravan of three that they receive six sa'ah.

However, the Beis Yosef (ibid.) is indeed unsure about this law, and based on various Gemaros he says that it is possible that two people would indeed receive four sa'ah. However, most of the commentaries seemingly agree with the Taz (see Bach, Magen Avraham, and others ibid.).

The Chazon Ish's Ruling that Most Streets are not a Reshus HaRabim

by: Meoros HaDaf HaYomi

In last week's issue, we discussed at length the problem of erecting a *tzuros hapesach* – eiruv to permit carrying in a public street. The Gemara clearly rules that *tzuros hapesach* are effective only to permit carrying in a place that otherwise would have been forbidden according to Rabbinic law. In a *reshus harabim*, where it is forbidden to carry according to Torah law, *tzuros hapesach* are ineffective.

In this article, we continue the discussion by presenting the Chazon Ish's ruling that most streets today are not considered *reshus harabim*, even if 600,000 regularly travel them (O.C. 107:5). This ruling is based on our Gemara, in which we find that an area surrounded by walls is considered a *reshus hayachid*, even if the walls do not stretch across the entire length of each side. It is

sufficient for each wall to run across the majority of the side.

The Chazon Ish pointed out that the majority of city streets are flanked by buildings on both sides. At the end of the street, there is often a dead end or T, which closes off the street with a wall or building. Although there may be breaks between the buildings, the streets are still considered *reshus hayachid*, since as we said, the walls need not cover the entire length of the *reshus hayachid*.

One possible objection to this ruling is that if a wall has an opening wider than ten amos (about five meters) it is invalid, even if the closed part of the wall covers the majority of the side. However, the Chazon Ish explains that this stringency is only Rabbinic, and the *tzuros hapesach/eiruv* is sufficient to allow carrying in a Rabbinically forbidden area.

The Chazon Ish himself admits that this leniency is the subject of debate among earlier Poskim. The Beis Ephraim supports the Chazon Ish's view, but the Mishkanos Yaakov writes that if a street sixteen amos wide passes through a gap in a wall, the wall cannot make the street into a *reshus hayachid*, even if the majority of the wall (more than sixteen amos) is closed.

Since then, ancient manuscripts from the Tosefos HaRosh have been found and printed. Therein, we find that the Rosh rules explicitly like the Beis Ephraim and Chazon Ish; no matter how large the gap in the wall, if the majority of the wall is closed the area within is considered a *reshus hayachid* according to Torah law.