

11 Elul 5780
August 31, 2020



Eiruvim Daf 22

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Daf Notes is currently being dedicated to the neshamot of

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Mav the studying of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

It is written: *And He repays those that hate Him to His face, to destroy Him.* Rabbi Yehoshua ben Levi remarked: Were it not for the written text, one could not possibly have said it: God acts, as it were, like a man who carries a burden on his face and wants to throw it off.

He will not delay to him that hates Him. Rabbi Ila explained: He will not delay payment to those that hate Him (*for their good deeds*), but He will delay to those who are righteous in all respects (*for then, they will receive their reward in the World to Come*); and this is in line with that which Rabbi Yehoshua ben Levi said: It is written: *The mitzvos which I command you today to do them.* This teaches us that today only (*the present*) is the time to perform them, but they cannot be done tomorrow; today is the time in which to do them, but not in which to be rewarded for them (*for that is reserved for the World to Come*).

Rabbi Chaggai, or as some say, Rabbi Shmuel bar Nachmeini stated: What was the meaning when Scripture wrote: *Slow to anger (in the plural form)*, where the singular form might well have been used? It means: Slow in showing (*a delighted*) face towards the righteous (*for this way, they will receive their reward in the World to Come*), and slow to anger towards the wicked (*for they will receive their punishment in the World to Come*). (22a)

What Area is Limited?

The *Mishna* cited Rabbi Yehudah saying that the barriers surrounding a water pit is valid only for an area of *beis se'asaim* - *within which two se'ah can be planted*, which is the maximum enclosed uninhabited area in which one can carry.

The *Gemora* asks whether this area is of the pit or the whole area. Does a man regard his pit [as the permitted area] and, consequently, it is not necessary to restrict [the permitted area]

as a preventive measure against the possibility of one's moving of objects in a karfaf that is larger than two beis se'ah, or does a man rather regard his partition and, consequently, it was necessary to restrict [the permitted area] as a preventive measure against the possibility of assuming [that an area of] more than two beis se'ah [is permitted] in the case of a karfaf also?

The *Gemora* tries to resolve this from a *braisa* which states that the barriers may be any distance from the pit, as long as it is at least two *amos* away (*to account for a cow's head and most of its body*), while Rabbi Yehudah says that it may only enclose *beis se'asaim* or less. The Sages challenged Rabbi Yehudah, as he agrees that if one enclosed any inhabited area (*an animal pen, as storage area, or a courtyard*), one may carry inside, even if it is larger than *beis se'asaim*. Rabbi Yehudah answered that these enclosures have proper barriers, while the pit only has segmented walls, and therefore he limits its area. Rabbi Shimon ben Elozar says that it is valid only if the pit is a *beis se'asaim* or smaller, as long as there are two *amos* open space around the pit. The *Gemora* assumes that since Rabbi Shimon ben Elozar refers to the area of the pit, Rabbi Yehudah must be referring to the whole area. – This is not correct, as Rabbi Yehudah spoke of the pit exclusive of the [area between it and] the strips. - If so, [isn't his ruling] exactly the same as that of Rabbi Shimon ben Elozar? — The practical difference between them is [an enclosure that is] long and narrow.

The *braisa* continues with a statement of Rabbi Shimon ben Elozar that gives a rule about the size of an enclosed area. If it is enclosed for inhabitation, e.g., an animal pen, a storage area, or courtyard, even if it is as large as five or even ten beis kor, it is permitted (there is no restriction on the enclosed area), but if it is for the purpose of the space around it, e.g., huts for people



guarding a field, if it is a *beis se'asaim* or smaller, it is permitted, but more than a *beis se'asaim*, it is prohibited. (22a)

Public Passage through the Well's Walls

The *Mishna* cites Rabbi Yehudah saying that if a public road passed through the enclosed pit, we must alter the route of the road, to allow the pit to retain its status as a private area, while the Sages say there is no need to.

Rabbi Yochanan and Rabbi Elozar say that here, the Sages' position teaches the power of barriers, as they are in force even if the public walks through them.

The *Gemora* asks: "Here" and he agrees with them? But Rabbah bar Bar Chanah said in the name of Rabbi Yochanan: The city of Yerushalayim would have been considered a public domain if not for the fact that its doors were closed at night (indicating that the public passage nullifies the barriers that it has). Rather, "here", but he does not rule like them. (22a)

When does the Public Nullify a Barrier?

The *Gemora* cites a contradiction in both Rabbi Yehudah and the Sages' positions from the case of two houses across a public road. It was taught in a *braisa*: In addition to this Rabbi Yehudah said that if someone had two houses along the sides of a *reshus harabim*, he may place a *lechi* – pole or *korah* – beam on either end of the street, and then carry between them, while the Sages said to him that one cannot enclose a public road this way. This seems to contradict their positions in the *Mishna*, in which Rabbi Yehudah says that public passage nullifies barriers, and the Sages disagree.

The *Gemora* resolves the contradiction within Rabbi Yehudah by saying that there - there are two bona fide boundaries (like the two houses – they are not nullified by public passage) here, there are not proper walls (as they are barriers with openings around the pit, they are nullified).

The *Gemora* resolves the contradiction within the Sages by saying that here, there are four barriers around the pit (albeit not full – they are not nullified), while there – there are not four walls at all (as there are only two barriers, like the house – therefore they are nullified). (22a)

Inclines as Barriers

Rabbi Yitzchak bar Yosef quoted Rabbi Yochanan saying that *Eretz Yisroel* is not considered a bona fide public domain.

Rav Dimi was teaching this statement, and Abaye asked him why. If it is because of the tall boulder in Tzor in the north, and a deep ditch in the south, which form natural barriers, we should say the same for Bavel, which is surrounded by the Tigris and Euphrates rivers, and we should say the same for the entire world, which is surrounded by the ocean banks. Abaye asked him if perhaps Rabbi Yochanan only was referring to steep inclines in *Eretz Yisroel*, which are not easily traversed by the public. Rav Dimi responded: Distinguished one! I saw your head between the pillars (you must have been around in the study hall) when Rabbi Yochanan taught this.

The *Gemora* supports this explanation from a statement of Ravin, or Rabbi Avahu, in the name of Rabbi Yochanan that these inclines in *Eretz Yisroel* are not considered public domains, as they are not like the camp of the Jews in the desert, which was on flat land.

Rachavah asked Rava whether a mound which rises ten *tefachim* in a distance of four *amos*, and which people use to rest their burdens on, is considered part of the public domain and one would be liable (for carrying in a *reshus harabim*), or is he not liable. The Sages, who say that public passage doesn't nullify a barrier around a pit, even though it is convenient for them to pass through, would definitely consider this mound, which is inconvenient, to be a barrier and not a public domain. His question is whether Rabbi Yehudah says that there, the public passage nullifies a barrier for their passage is convenient, but here it is not. Or perhaps there is no difference? Rava answered that one is liable (they do nullify the mound).

Rachavah asked whether this is true even if it is so steep that people need to climb it with a rope, and he said that it is.

He asked whether this is even true for the steps of Beis Choron, which are steep and narrow, and he said it is.

Rachavah challenged Rava's ruling from a *braisa* which says that a courtyard which has two entrances to the street, leading people to use it as a passageway, is a public domain for the purposes of impurity, but a private domain for the purposes of *Shabbos*. Now whose [view is here expressed]? If it be

suggested: [That of the] Sages; it might be objected: If there, where the use [of the road] is easy, the Sages ruled that the public cannot come and impair the validity of the partition, how much more is that the case here where its use is not easy. Consequently it [must be, must it not, the view of] Rabbi Yehudah?¹

Rava deflects this, saying that it follows the Sages, and it is teaching that it is still considered a public domain for impurity.

Rachavah challenged Rava's ruling from a *Mishna* which says that alleyways which open in pits, ditches or caves are considered private domains for the purposes of *Shabbos*, but public domains for the purposes of impurity. Now can you imagine [a reading] 'in pits'? [The reading must] consequently be, 'towards pits' [and about such alleyways it was ruled that they have the status of] 'a private domain in respect of *Shabbos* and that of a public one in respect of impurity'. Now, whose [view is here expressed]? If it be suggested: That of the Sages; it could be objected: If there, where the use [of the road] is easy, they ruled that the public cannot come and annul its validity, how much more should this be the case here where its use is not easy. Consequently [it must be, must it not, the view of] Rabbi Yehudah?² Rava again deflects this by saying that it follows the Sages, teaching that it is still a public domain for impurity.

Rachavah challenges Rava's ruling from a *Mishna* regarding the paths of Beis Gilgul (*which are very steep*) and similar paths are a private domain for the purposes of *Shabbos*, but a public domain for the purposes of impurity. And what are the paths of Beis Gilgul? In the study hall of Rabbi Yannai they defined the slope as so steep that a slave cannot run up it before his master, while carrying a *se'ah* of wheat. Now, whose view [is this]? If it be suggested [that it is that of] the Sages, it might be objected: If there, where the use [of the road] is easy, the Sages ruled that the public cannot come and impair the validity of the partition, how much more would that be the case here where the use [of the paths] is not easy. Consequently [it must be, must it not, the view of] Rabbi Yehudah?³

¹ The *Gemora* assumes that this *braisa* is not following the Sages, as they would have gone further, saying that even if passage is convenient, it is a private domain. The *braisa* must therefore follow Rabbi Yehudah, disproving Rava.

² The *Gemora* again assumes this is not following the Sages, as they would have gone further to say that barriers are in force

Rava deflects this by saying that these paths are different, as they are in *Eretz Yisroel*. Since Yehoshua loved *Bnei Yisroel*, he mandated that any areas that are convenient for public use are public, but any areas that aren't convenient are private. (22b)

What Water can be Enclosed?

The *Mishna* cites Rabbi Akiva saying that the partial walls are valid for private and public freshwater wells, and public non-replenishing reservoirs, but a private non-replenishing reservoir must be surrounded by proper barriers. Rabbi Yehudah ben Bava says that partial walls are only valid for a public freshwater well. All others must be surrounded by a wall of ropes, ten *tefachim* tall. (22b)

Rav Yosef quotes Rav Yehudah in the name of Shmuel saying that we rule like Rabbi Yehudah ben Bava, and that partial walls are only valid for a well with replenishing water.

The *Gemora* explains that both statements are necessary. If he only ruled like Rabbi Yehudah ben Bava, we may have thought that it includes any public reservoir, whether replenishing or not. We would have thought that Rabbi Yehudah ben Bava mentioned a well only to contrast with Rabbi Akiva, who says that any well is included, even if private. If he only ruled that a well is included, we may have thought that was true even if it is private. From both statements we learn that only a public replenishing well may be enclosed with partial walls. (23a)

INSIGHTS TO THE DAF

Is the Entire World a Reshus HaYachid?

The walls that form a *reshus hayachid* need not be man-made. Mountainsides or the banks of rivers may also form a *reshus hayachid*, depending upon the conditions. Furthermore, walls that are underwater can also form a *reshus hayachid* (see *Mishna* Berura 363, s.k. 118). These two assumptions invite the

even when passage is convenient. Since the *Mishna* follows Rabbi Yehudah, this disproves Rava.

³ The *Gemora* again assumes that this is not following the Sages, as they would go further and say that it is a private domain even if passage were convenient. Since it follows Rabbi Yehudah, this disproves Rava.

question - why are the banks of the ocean not considered walls? The Chachom Tzvi (37) addresses this issue in regard to the island of Great Britain, raising the question why all of England is not considered a *reshus hayachid*? The question may be expanded to ask why the seven continents are also not *reshuyos hayachid*?

In truth, this question is addressed indirectly by our *Gemora*. R' Yochanan once said that a person who carries in *Eretz Yisroel* is not liable for carrying in a *reshus harabim*. Abaye explained that R' Yochanan certainly did not mean to say that *Eretz Yisroel* is a *reshus hayachid* due to the riverbanks that surround it. If so, Babylon would also be a *reshus hayachid*, since it too is surrounded by the Tigris-Euphrates rivers. Furthermore, the entire world would be a *reshus hayachid*, since the continents are surrounded by oceans. What Abaye took for granted, that the entire world is not a *reshus hayachid*, was a source of considerable vexation for the Rishonim.

Tosefos' opinion: Tosefos explains that when a large number of people travel there, a natural barrier does not form a *reshus hayachid*. (This is in contrast to a man-made barrier. R' Yehudah and the Chachomim debate whether a man-made barrier can form a *reshus hayachid* under such conditions).

The Magen Avraham (363, s.k. 30) explains Tosefos to mean that a barrier which is regularly crossed by a large number of people cannot be considered a barrier. For example, the bank of the ocean is normally passed by ships when they dock. Therefore, it cannot be considered the wall of a *reshus hayachid*.

Other Acharonim (Teshuvos Ya'abatz 7; Hagahos Chasam Sofer on Shulchan Aruch, ibid; Shulchan Aruch HaRav 345, k.a. 2; Chazon Ish 107:1) explain Tosefos to mean that even if the barrier itself is not often crossed, it cannot be considered a wall around an area wherein many people travel. Thus, a natural barrier can only create a *reshus hayachid* in a sparsely populated area. It cannot transform an entire continent into a *reshus hayachid*.

The limits of *reshus hayachid*: Other Rishonim, including the Rashba, Ritva and Ron, explain that the walls surrounding a *reshus hayachid* must be close enough to be visible to the people within them. That is to say, a person must be given the sensation

that he is surrounded by walls, in order for the area to be considered a *reshus hayachid*.

The *Gemora* in Maseches Bechoros (54b) states that the average range of vision is 16 mil (a mil is a Talmudic measure of distance, which equals approximately one kilometer). Therefore, in order to stand in the middle of a *reshus hayachid* and still be able to see all the walls, the area must be no larger than thirty-two by thirty-two mil. Some Poskim rule that the area must be no larger than sixteen by sixteen mil. Apparently, they understood that one must be able to see each wall, while standing beside the wall opposite it (see Teshuvos Maharsham IV: 1; Igros Moshe O.C. I: 139; Nishmas Adam: 49). The Biur Halacha (346, s.v. *Karfaf*) sets a much smaller limit, although it is not clear the exact size he requires.

The Ritva seems to imply that this restriction is equally applicable to both man-made and natural barriers. In either case, the size of the *reshus hayachid* must not exceed this limit. However, the Biur Halacha proves from the Ramban, that this limit applies only to natural barriers. There is no limit to the size of a *reshus hayachid* surrounded by man-made barriers (see Chazon Ish 107:1).

DAILY MASHAL

The True Reward of Gan Eden

The *Gemora* tells us that the purpose of this world is to perform mitzvos, whereas the purpose of the World to Come is to receive their reward. The Meor V'Shemesh (parshas Eikev) explains that in regard to Torah study, this has unique significance. As much as we may toil to understand the Torah, we cannot fathom its innermost depths. The Torah is infinite; it is greater than our finite minds can possibly comprehend, since we are shackled by the hindrances imposed upon us by this temporal world. However, if a person does his best to understand the Torah, within the limits of his abilities, he will be rewarded with a revelation of the Torah's infinite wisdom in the World to Come. The joy of the Torah is the greatest delight of Gan Eden.