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Eiruv Daf 24

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**Tzvi Gershon Ben Yoel (Harvey Felsen) o"n**

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The *braisa* had stated: If the greater part of it was planted with vegetables (*it is forbidden to carry in it*). Rav Huna, the son of Rabbi Yehoshua said: This applies only where the area planted was larger than two *beis se'ah*, but one of two *beis se'ah* (*or less*) is permitted (*for since it is so small, it cannot prohibit the rest of the karpaf*).

The *Gemora* asks: In accordance with whose view (*is this ruling*)? Is it in agreement with that of Rabbi Shimon, for we learned in a *Mishna*: Rabbi Shimon said: Roofs, enclosures and courtyards are all one domain in respect of utensils which rested in them (*from the beginning of Shabbos; for then, they may be carried from one to the other – even without an eiruv*), but not in respect of utensils which rested in the house (*from the beginning of Shabbos; for then, they may not be carried into the courtyard without an eiruv*). [*Now just as R' Shimon holds that objects may be carried from one type of enclosure to the other, Rav Huna maintains that objects may be carried between a garden and unplanted residential area.*] But, the *Gemora* asks, even according to Rabbi Shimon, since the greater part of it (*the karpaf*) was planted, wouldn't the lesser part lose its own status to the greater part, and the entire area would thus become a *karpaf* that is larger than two *beis se'ah*, and the carrying of objects in it would become forbidden?

The *Gemora* answers: Rather, if the statement has at all been made, it must have been in the following

terms: [*The braisa had stated: If the greater part of it was planted with vegetables (it is forbidden to carry in it).*] It follows then that if (*only*) its lesser part was planted, the carrying of objects within it is permitted. Rav Huna, the son of Rabbi Yehoshua said: This applies only where the area planted was less than two *beis se'ah*, but one of two *beis se'ah*, (*carrying*) is prohibited (*for since it is significant, it is not secondary to the unplanted area, and therefore it prohibits the rest of the karpaf*). In accordance with whose view (*is this ruling*)? It is in agreement with that of the Rabbis (*who maintain that it is prohibited to carry from a permissible karpaf to a courtyard*).

Rabbi Yirmiyah of Difti, however, taught this ruling on the side of leniency: [*The braisa had stated: If the greater part of it was planted with vegetables (it is forbidden to carry in it).*] It follows then that if (*only*) its lesser part was planted, the carrying of objects within it is permitted. Rav Huna, the son of Rabbi Yehoshua said: This applies only where the area planted was two *beis se'ah* (*exactly, and it is permitted if it does not open to a forbidden area*), but one of more than two *beis se'ah*, (*carrying*) is prohibited (*in the entire karpaf, for since it is forbidden in its own right, it prohibits the rest of the karpaf which it is opened to*). In accordance with whose view (*is this ruling that when it is less than two beis se'ah, it is permitted*)? It is in agreement with that of Rabbi Shimon (*who maintains that it is permitted to carry from a permissible karpaf to a courtyard*).

The *braisa* had stated: If, however, it (*a karpaf*) was mostly planted with trees, it has the law of a courtyard, and is permitted (*for people take strolls in a wooded area*).

Rav Yehudah said in the name of Avimi: This is the case only where they are arranged in rows (*so that people can stroll or rest there in comfort*), but Rav Nachman said: Even if they were not arranged in rows (*it is still permitted*).

The *Gemora* relates: Mar Yehudah once happened to visit Rav Huna bar Yehudah, and he observed (*karpafs that had*) trees that were not arranged in a row and people were carrying in them. Mar Yehudah asked him: Doesn't master uphold the view of Avimi (*that it is forbidden to carry in such a karpaf*)? Rav Huna bar Yehudah replied: I hold the same view as Rav Nachman.

Rav Nachman said in the name of Shmuel: If a *karpaf* that was larger than two *beis se'ah* was not originally enclosed for dwelling purposes (*and then a dwelling was built next to it with a door connecting the two*), how is one to proceed (*if he wants to carry in the karpaf*)? He should make a breach wider than ten *amos* in the surrounding fence (*thus invalidating the enclosure*), and this is fenced up so as to reduce it to ten *amos*, and then the carrying of objects is permitted. [*Since the reconstruction of the fence took place after the house was built, the entire karpaf may be regarded as having been enclosed for dwelling purposes.*]

They inquired: What is the ruling where one *amah* width of the fence was breached and the same *amah* of breach was fenced up and then the next *amah* width of fence was breached and was equally fenced up, and

so on until the breaching and the re-erecting of more than ten *amos* width of the fence was completed? [*Is the karpaf regarded as enclosed for dwelling purposes on account of the new section of fence that was erected after the house had been built, or must the prescribed breach of more than ten amos be made in the fence before any part of it is rebuilt?*]

He replied: This case is exactly the same in principle as the one about which we learned in a *Mishna*: [Since a householder does not throw out utensils so easily] the utensils belonging to a householder are considered susceptible to *tumah* until it contracts a hole the size of a pomegranate. And regarding that Chizkiyah inquired: What is the ruling where one made a hole of the size of an olive and sealed it up and then made another hole of the size of an olive and sealed it up, and so on until one completed a hole of the size of a pomegranate? And Rabbi Yochanan replied: My teacher, you have taught us the following *Mishna*: if an ear broke off from a sandal and he fixed it, it is still *tamei midras*<sup>1</sup>. If the second ear broke off and he fixed it, then the sandal is *tahor* from *midras tumah* but is still *tamei* as having touched a *midras*. Now, the rationale for this ruling is that when the first ear broke and he fixed it, the sandal is still usable and remains *tamei midras*. One would have thought, then, that when the second ear breaks, it should still be *tamei midras*, because he had already fixed the first one and the sandal is still deemed to be a utensil. Yet, Chizkiyah said that when both ears break off, even though he subsequently fixed them, they are "*panim chadashos*," a new face," i.e. a new sandal, and the *midras tumah* has left the sandal. Similarly, regarding the utensil that continued to develop holes and was repaired until the fixed section became the size of a pomegranate, we will also say that "a new face" has arrived, and the original *tumah*

<sup>1</sup> if a *zav* or a *niddah* rest their weight on something, it contracts *tumah*

left the utensil. Chizkiyah was so impressed with Rabbi Yochanan's comparison that he declared upon him, "This is no mere mortal!" Alternatively, Chizkiyah proclaimed, "this is a great person!" [Accordingly, the same logic can apply to the fence: Since the repaired section exceeds ten amos, the original enclosure has been nullified. It is now regarded as "a new face," one which has been built for residential purposes, and therefore, it will be permitted to carry inside of it.]

Rav Kahana ruled: In a back lot that is located at the back of houses (whose entire was larger than two beis se'ah and surrounded by a fence; however, no house door opened out into it), objects may not be moved except within a distance of four amos (for it is not regarded as an enclosure for dwelling purposes).

In connection with this, Rav Nachman ruled: If a house door was opened out into it, the carrying of objects is permitted throughout the entire area, since the door causes it to be a permitted domain (for it is now enclosed for residential purposes). This, however, applies only where the door was made first and then the area was enclosed, but not where it was first enclosed and the door was made afterwards.

The Gemora asks: Where the door was made first and then the area was enclosed; is it not obvious that the carrying of objects in the area is permitted?

The Gemora answers: This ruling was required only in the case where it (the back lot) contained a granary; as one might have assumed that the door was made in order to give access to the granary, we were therefore informed that no such assumption is made (and the door was made to access the back lot, and therefore, when the area is subsequently enclosed, carrying is permitted inside of it).

The Gemora issues a ruling: Where a karpaf whose area exceeded two beis se'ah was originally enclosed for dwelling purposes, but was subsequently filled with water, the Rabbis thought to rule that water is subject to the same law as a karpaf planted with vegetables and that the carrying of objects in the enclosure is therefore forbidden; but Rav Abba, the brother of Rav, the son of Rav Mesharshiya said to them: This is what we rule in the name of Rava: Water is subject to the same law as a karpaf and the carrying of objects within the enclosure is consequently permitted.

Ameimar ruled: This applies only to such water as is fit for use (for drinking), but not to such that are unfit for use.

Rav Ashi ruled: Even where it (the water) is fit for use, the ruling applies only where the water's deep part does not extend over more than two beis se'ah, but if it does extend to more than two beis se'ah, the carrying of objects within it is forbidden (for it renders the area unusable).

The Gemora concludes: But this is not correct, since water is in the same category as a heap of produce (where however large its extent, does not deprive the enclosure in which it is kept of its status as a dwelling).

The Gemora issues a ruling: There was at Pum Nahara a certain back lot (which was larger than two se'ah, and therefore carrying was forbidden there) whose one side opened into a mavoi in the town and the other side opened into a path between vineyards that terminated at the river bank (which had a height of ten tefachim; since the mavoi and the path opened into the back lot, both of those areas become forbidden as well). [Afterwards, they decided to use the back lot for residential use, but they needed a way to re-enclose it for that purpose, for the back lot, which had around it a



*stone wall, could not easily be broken down and rebuilt to satisfy the requirements.]*

Abaye said: How are we to proceed? Should we erect for it a fence on the river bank, one partition cannot take effect upon another partition (*for the river bank, being ten tefachim high, is itself regarded as a partition!*)? And should a *tzuras hapesach* (*the shape of a doorway*) be constructed for it at the entrance to the path between the vineyards (*resulting in a separation between the path and the back lot; the tzuras hapesach will be effective to permit carrying in the path, and consequently, it will permit the back lot as well*), the camels coming that way (*to drink*) would topple it (*for the opening to the path from the back lot was extremely narrow, and the camels needed to squeeze through*).

Rather, the only procedure, said Abaye, is this: Let a *lechi* (*which is very thin, and the camels will not topple it*) be erected at the entrance to the path of the vineyards, so that this *lechi*, since it is effective in respect of the path of the vineyards, is also effective in respect of the (*re-enclosing of the*) back lot.

Rava said to him: Wouldn't people infer from here that a *lechi* is effective in the case of any path among vineyards (*even one that does not terminate in a river bank – one which has a valid partition there, but to a public domain; such a mavoi – one that is opened on both sides, however, cannot as a matter of fact be permitted by one lechi at one end*)?

Rather, said Rava, a *lechi* should be put up at the entrance to the *mavoi* (*from the back lot*), and since the *lechi* is effective in respect of the *mavoi* (*for a tzuras hapesach was erected at the end that was opened to the public domain*), it is also effective in respect of the back lot.

Therefore, it is permitted to carry objects within the *mavoi* itself. It is also permitted to carry objects within the back lot itself. But regarding the carrying of objects from the *mavoi* of the town into the back lot, or from the back lot into the *mavoi* of the town, Rav Acha and Ravina disagree. One forbids this and the other permits it. One permits it because in the back lot, there are no residents (*and therefore, an eiruv – joining the two areas, is not necessary*), and the other forbids this, because sometimes it may happen that there would be residents there, and they would still be carrying objects from the one into the other. (23b – 25a)