

22 Nissan 5773
April 2, 2013



Eiruvin Daf 25

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

If a *karpaf* was larger than two *beis se'ah* and was not enclosed for dwelling purposes, and it is desired to reduce its size; if it was reduced by means of trees, the reduction is invalid (for they provide shade, and are commonly found in a *karpaf*). If a pillar, ten *tefachim* in height and four *tefachim* in width, was erected, it is a valid reduction. If the pillar was less than three *tefachim* wide, it constitutes no valid reduction.

If it is between three and four *tefachim* wide, Rabbah said: It is a valid reduction; but Rava said: It is not a valid reduction.

The *Gemora* explains: Rabbah said that it is a valid reduction, since such a size is excluded from the law of *lavud*. Rava maintained that it is not a valid reduction, because so long as it does not cover a space of four *tefachim* in width, it is of no significance.

If at a distance of four *tefachim* from the (*original*) wall, a partition was erected, the act is legally effective, but if the distance was less than three *tefachim*, the partition is ineffective.

If the distance was between three and four *tefachim*, Rabbah said: The partition is effective, but Rava maintained: It is ineffective.

The *Gemora* explains: Rabbah said that it is effective since such a distance is excluded from the law of *lavud*. Rava maintained that it is ineffective, because so long as it does not extend over four *tefachim*, it is of no significance.

Rav Shimi taught that the discussion related to a more lenient procedure. [*They argue where the width of the pillar*

or the distance of the partition from the wall was less than three tefachim. Where, however, it was between three and four tefachim, he maintains, both Rabbah and Rava agree that as the rule of lavud does not apply, the pillar constitutes a proper reduction and the partition is deemed valid and put up for dwelling purposes.]

If the fence was smeared with mud and the layer is so thick that it can stand by itself, it constitutes a reduction; where it cannot stand by itself, Rabbah said: It, nevertheless, constitutes a reduction, but Rava maintained: It does not constitute a reduction.

The *Gemora* explains: Rabbah said that it constitutes a reduction, because now at any rate it stands. Rava maintained that it constitutes no reduction, because in view of the fact that it cannot stand by itself, it possesses no validity whatsoever.

If a partition was erected at a distance of four *tefachim* from a mound, it is effective. If, however, it was erected at a distance of less than three *tefachim* from it, or it was actually erected on the edge of the mound, there is a disagreement between Rav Chisda and Rav Hamnuna. One holds that this is effective and the other maintains that it is ineffective.

The *Gemora* notes: You may conclude that it was Rav Chisda who held that the partition is effective, for it was stated: If one partition was erected upon another, Rav Chisda ruled that it is effective regarding the laws of *Shabbos*, but no possession of the property of a convert may thereby be acquired; and Rav Sheishes ruled it is ineffective even with respect of the laws of the *Shabbos*. This indeed is conclusive.

Rav Chisda said: Rav Sheishes, however, agrees with me that if a man erected a fence on the mound, it is effective. What is the reason? It is because the man dwells in the space between the upper partitions.

Rabbah bar bar Chanah inquired: What if the lower partitions sank into the ground, and (*only*) the upper ones remained standing? In what respect does this matter? If it was in respect of acquiring possession of the estate of a convert, isn't the principle here exactly the same as that underlying a ruling of Yirmiyah Bira'ah, for Yirmiyah Bira'ah ruled in the name of Rav Yehudah: If one person threw a turnip into a hole in the ground which belonged to a convert (who died without children), and another Jew came along and dug somewhat in the ground, the last one acquired it, and the first one does not acquire it. The reason for this is because throwing the turnip in the ground does not improve the land, and if the turnip actually takes root, it is considered an improvement that happened by itself. [A *chazakah* has to be an act of improving the land. In this case, in order to be considered normal planting, one must cover up the turnip. Merely throwing it into the ground is not sufficient.] Rather, if it is in respect of the laws of the *Shabbos*, it may be retorted that it is a partition that was erected on the *Shabbos*, concerning which it was taught a *braisa* states that a partition made on *Shabbos*, intentionally or unintentionally, is considered a valid partition.

The *Gemora* asks: But has it not been stated in connection with this ruling that Rav Nachman said that this applied to throwing only (*and one would be liable for throwing an object from a public domain into an area enclosed by these partitions*), but not to carrying (*and one is forbidden to carry inside an area enclosed by these partitions*)?

The *Gemora* answers: Rav Nachman's statement was only made in respect of a partition that was erected intentionally. [In such a case, one is still forbidden to carry; however, if partitions were erected on *Shabbos* – unintentionally, one is permitted to carry inside of them.]

A certain woman once erected a fence on the top of another fence in the estate of a convert when a man came and dug somewhat in the ground. The man then appeared before Rav Nachman who confirmed it in his possession. The woman thereupon came to him and shouted (*in protest*). Rav Nachman replied: What can I do for you, seeing that you did not take possession in the proper way?

If a *karpaf* was of the size of three *beis se'ah* and one *beis se'ah* was covered with a roof, Rabbah said: Its covered space causes it still to be deemed larger than two *beis se'ah* (*and therefore, carrying is forbidden*), but Rabbi Zeira ruled: Its covered space does not cause it to be deemed larger.

The *Gemora* asks: May it be assumed that Rabbah and Rabbi Zeira differ on the same principle as that on which Rav and Shmuel differed? For was it not stated: If a pavilion (*one with a flat roof*) was situated in a valley, Rav ruled: It is permitted to carry objects within its entire interior; but Shmuel said: Objects may be carried only within four *amos*. Rav ruled that it was permitted to carry objects within its entire interior, because we apply the principle: The edge of the ceiling descends and closes up (*and is a valid partition*), but Shmuel ruled that objects may be carried only within four *amos*, because we do not apply the principle: The edge of the ceiling descends and closes up?

The *Gemora* disagrees with the suggestion: If the roof over the *beis se'ah* was made like a pavilion, the ruling would indeed have been the same, but here we are dealing with one that was made in the shape of a shed (*i.e., it was slanted*). (25a – 25b)