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Eiruv Daf 49

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"h

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

- 1. If a chatzer is located between two mavois and is open to each mavo, and the chatzer is joined by an eruv with each of the two mavois, the residents of the chatzer cannot carry from their houses into either one of the mavois.**

If a chatzer is located between two mavois and the chatzer is open to each mavo, if the residents of the chatzer joined in a separate eruv with the residents of other chatzeiros located in the two mavois, the residents of the chatzer are forbidden to carry objects from their houses into either mavo. If the residents of the chatzer did not join in an eruv with either mavo, then the chatzer forbids residents of all other chatzeiros to carry into either mavo. This is because the residents of the chatzer have rights to carry in the mavois, but by not joining in an eruv with residents of the other chatzeiros, their eruv is ineffective. If the residents of the chatzer were used to traversing one mavo and not the other mavo, they are forbidden to carry in the mavo that they are used to walking in, but they are permitted to carry in the mavo that they are not used to walking in. If the residents of the first chatzer joined in an eruv with residents of the mavo where the residents of the first chatzer are not used to walking, then the residents of the first chatzer are not restricted from walking in that mavo, as they have disassociated themselves from their normal mavo. If the residents of the chatzeiros of the mavo where the residents of the

first chatzer are used to walking joined in an eruv, and the residents of the mavo where the residents of the first chatzer are not used to walking did not make an eruv, and the residents of the first chatzer [the chatzer in between the two mavois] did not join in an eruv with either mavo, we say that the residents of the first chatzer are dissociated from their regular mavo. It is anyway forbidden to carry in the mavo that did not join in an eruv, so the regular mavo is not affected. There is a dispute amongst Rishonim if this means that the residents of the first chatzer can continue to carry in the regular mavo or not. (49a - 49a)

- 2. There is a dispute if a resident of the chatzer does not want anyone else to eat the bread that he contributed for the eruv, if the eruv is valid or not.**

Rav Yehudah said in the name of Shmuel that if one of the residents of the chatzer is particular about allowing anyone to eat from the bread that he contributed towards the eruv, the eruv is invalid. This is because eruv means pleasant, and if one resident is particular, then the eruv is not pleasant and the eruv is invalid. Rabbi Chanina disputes this and maintains that the eruv is valid, but the individual resident who is particular is referred to as one of the people of Vardina, a group of people notorious for their stinginess. (49a)

- 3. If a resident of the chatzer places his portion of the eruv in a separate utensil, the eruv is invalid.**

Rav Yehudah said in the name of Shmuel that if one of the residents of the chatzer who contributed towards the eruv places his portion of the eruv in a separate utensil, the eruv is invalid. By separating his portion from the collective eruv, he is demonstrating that he is not in agreement with the very nature of an eruv, which is a merging of residences. There is a dispute regarding five residents of a chatzer who collected bread for an eruv and they placed the eruv in two utensils, where Bais Shammai rules that the eruv is invalid and Bais Hillel rules that the eruv is valid. Shmuel's ruling that placing part of the eruv in a different utensil invalidates the eruv would seem to follow the opinion of Bais Shammai, yet the Halacha does not follow Bais Shammai. The Gemara explains that Shmuel can really be in accordance with Bais Hillel, as Bais Hillel only validated the eruv when the first utensil was filled and the remnants were placed in a second utensil. If one separated the eruv and placed a part of the eruv in a second utensil although the eruv could have been placed in the first utensil, then even Bais Hillel would invalidate the eruv. (49a)

4. The owner of the house where the bread for the eruv is placed is not required to contribute to the eruv.

The owner of the house where the eruv is placed is not required to contribute to the eruv. This is true even if the owner of the house has no other bread in his house, because we view all the residents of the chatzer to be living in one house. Thus, the owner of the house certainly does not need to contribute to the eruv, because he is already living in the house. (49a)

5. There is a dispute regarding the rationale for *eruvei chatzeiros*.

Shmuel maintains that an eruv functions as a *kinyan*, i.e. a monetary acquisition. By contributing

bread towards the eruv, each resident of the chatzer acquires a portion of the house with the monetary value of the bread. When all the residents of the chatzer have joint ownership of the house where the eruv was placed, the chatzer is considered to be joined with the house, and this allows all residents of the chatzer to carry throughout the chatzer. The reason one cannot acquire a share in the house with money is because most people do not have money available immediately prior to Shabbos. The Chachamim did not allow one to acquire a share in the house with money even after the fact, because people might say that money is the primary method to make an eruv and if money is not available, people will not think to make the eruv with bread. This will cause the whole idea of eruv to be forgotten. Rabbah, however, maintains that the eruv functions as a residence for all residents of the chatzer. This is because a person's mind is focused on where he places his bread, and it is as if all the residents of the chatzer are residing in the house where they placed their bread for the eruv. There are a few practical differences between the opinion of Shmuel and the opinion of Rabbah. One difference would be if a utensil was used for the eruv and not bread, Shmuel would validate the eruv, because we find that a utensil functions for a *kinyan sudur*, an acquisition using a kerchief. The residents of the chatzer exchange their utensils for a share in the house. They have acquired a share in the house with the utensil similar to acquiring a share in the house with the monetary value of the bread. Rabbah, however, invalidates such an eruv, because a person does not attribute his residence to the location of his utensils. Another practical difference is if a resident of the chatzer gave bread that was worth less than a *perutah* (a small copper coin used in Talmudic times). According to Shmuel,

even if the bread was sufficient for two meals, since it is worth less than a *perutah*, we cannot consider it as a purchase of the house. Rabbah, however, would validate an eruv where one contributed bread less than a *perutah*. A third difference between the two opinions is regarding a minor who is an agent use to collect the eruv. Shmuel would invalidate such an eruv, because the person collecting the bread is an agent for the householder who is transferring partial ownership of his house to the other residents of the chatzer, and a minor cannot effect a legal transaction. Rabbah, however, maintains that there is no legal transaction being effected by making an eruv, and the eruv is valid when a minor collects the bread for the eruv and places the eruv in one house. (49a - 49b)

6. If five residents of a chatzer collected their eruv to allow them to carry in the chatzer merged with another chatzer nearby to allow them to carry in the second chatzer, it is only necessary for one resident of the chatzer to bring the bread on behalf of the other residents to merge the chatzeiros.

If five residents of a chatzer collected their eruv, allowing them to carry in their chatzer, and then they decided to merge with a chatzer nearby, allowing them to carry in the other chatzer, it is only necessary for one of the residents of the first chatzer to bring bread on behalf of all the residents in order to merge the chatzeiros. Both according to Rabbah who maintains that an eruv functions as a residence, and according to Shmuel who maintains that making an eruv functions as an acquisition, the eruv is valid, because this one individual is acting on behalf of all the other residents of the first chatzer, and it is considered as if all the residents acquired a share in the second chatzer, following the opinion of Shmuel, or it is considered as if they

all have established residence in the second chatzer, following the reasoning of Rabbah. (49b)

7. One who was traveling on Friday and Shabbos set in before he arrived at home, if he designates the area under a tree or fence as his Shabbos residence, his declaration is ineffective.

If a person was traveling on a Friday afternoon and it was getting dark, not allowing him enough time to arrive home before Shabbos, if he knew of a landmark that was within two thousand Amos of his house and that was two thousand Amos within his current location, and he declared that his Shabbos residence should be underneath that landmark, his declaration is ineffective. The reason that his declaration is ineffective is because the area under the tree or the fence that he designated is still not a defined area of four Amos, which constitutes the area of Shabbos residence. (49b)

8. If the traveler designates his Shabbos residence at the trunk of the tree, he is permitted to travel from his current location to the tree trunk and from the tree trunk to his house, a total distance of four thousand Amos.

If the person traveling immediately prior to Shabbos designated his Shabbos residence at the trunk of a tree that he is familiar with, then he can travel from his current location up until the tree trunk, which is a distance of two thousand Amos, and he can also travel from the trunk of the tree until his house, thus giving him a maximum total of four thousand Amos that he can walk. (49b)

9. If the traveler is not aware of a landmark or is not knowledgeable of the laws regarding establishing a Shabbos residence, and he declares that his Shabbos residence should be established at his current location, he acquires

two thousand Amos for himself to walk in all directions.

If the person traveling is not familiar with a landmark on the road and cannot establish a Shabbos residence, or if he is not knowledgeable of the law that allows him to establish a Shabbos residence, and he said, "let my Shabbos residence be established at my current location," he has acquired a Shabbos residence, allowing him to walk two thousand Amos in every direction. (49b - 49b)

10. There is a dispute regarding the area of the two thousand Amos that one acquires for his Shabbos residence.

Rabbi Chanina ben Antigonus maintains that the two thousand Amos allotted to one who establishes a Shabbos residence forms a circular area, thus granting him a diameter of four thousand Amos. The Chachamim, however, maintain that the two thousand Amos allotted to him is in the form of a square, so he gains from the corners also. By making the techum square, he earns an extra eight hundred Amos for each corner. (49b)

DAILY MASHAL

Eiruv, An Institution Of Pleasantness

The Gemara states that if one is particular about allowing others to eat from his eruv, then the eruv is invalid. The reason for this ruling is that since the institution of eruv renders all the residents of the chatzer to be residing in one residence, consequently, the residents are forbidden to be particular with each other. If even one resident is particular with the other residents, he is demonstrating that they are not partners in the chatzer.

Rashi writes that when the Gemara states, "because what is its name? Eruv is its name!" this means that inherent in the word eruv is that the merger made by the residents of the chatzer be harmonious. It is

implicit from the words of Rashi that the word eruv has a dual meaning, a partnership, i.e. a mixture, where everyone is merged together and no one is particular with the other residents.

The word eruv also denotes pleasantness and harmony, and if one is particular that no one else eats from his share in the eruv, this is not pleasant and harmonious, and the eruv is deemed invalid.

The Yerushalmi discusses the possibility of a minor effecting an eruv, and the minimum age that the minor has to be to effect an eruv. The Yerushalmi writes that *eruvei chatzeiros* was enacted to increase peace and harmony amongst the residents of chatzeiros. This was instituted because of an incident where two women did not get along with each other. It happened once that one woman sent her son with the bread for the eruv, and when the child arrived at the house of the woman who his mother was at odds with, the woman displayed an excessive amount of affection towards the child. When the child returned to his mother and related how the other woman had acted towards him, the child's mother declared, "If this woman cherishes my child so much, certainly she likes me also. The two women made peace with each other, and this is what is said: *deracheha darchei noam vechol nesivoseseha shalom*, its ways are ways of pleasantness and all its pathways are peace.

From this Yerushalmi we derive two ideas: One, that one can send an eruv with a minor, and second, that an important component of an eruv is that the eruv fosters peace and harmony as indicated in the above incident. The commentators point out that the idea that the Yerushalmi expresses regarding peace and harmony is that by making an *eruvei chatzeiros*, people can carry in the chatzer and no one will be negligent and carry in a public domain.