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Eiruvin Daf 50

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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

Habitat Under A Tree

The Mishna says that if one stated that his habitat should be under a certain tree, his statement is invalid.

The Gemora asks what his status is, and cites a dispute between Rav and Shmuel. Rav says that his statement does not accomplish anything for his habitat, and he therefore may not even leave his current location to go to the tree. Shmuel says that his statement doesn't allow him to reach his home, since we are unsure which end of the tree he meant for his habitat. He therefore can only move in the area which is definitely within 2000 amos of both sides of the tree. If his house is more than 2000 amos from the further side of the tree, he may not go to his house.

Rabbah explains that Rav says he has no habitat because the 4 amos which he chose are indeterminate, and therefore he has no habitat.

Some say that Rabbah explained that Rav says that since one cannot sequentially designate two different 4 amos locations as his habitat, he cannot do so simultaneously.

The Gemora explains that the difference between these two explanations would be a case where he said that his habitat is in 4 amos within an 8 amos area. According to the first explanation, this is not valid, as

we don't know which the 4 amos are, but according to the second explanation, it is valid, as he has only designated 4 amos. (49b – 50a)

Simultaneous Vs. Sequential

The Gemora returns to discuss Rabbah's statement that if two things cannot occur sequentially, they cannot occur simultaneously.

Abaye challenges this from a braisa which says that if one took more than 1/10 of his produce as ma'aser, the remaining produce may be eaten, even though the ma'aser is unusable (as it is a mixture of ma'aser and *tevel – untithed produce*). Even though one cannot take ma'aser twice, taking more than the necessary amount still takes effect.

The Gemora deflects this by saying that ma'aser is different and can take effect on a large quantity, since it can take effect on a portion of each kernel.

The Gemora challenges Rabbah from ma'aser of animals, which cannot take effect on part of an animal, yet Rava says that if two animals exited the barn tenth, and he designated them as the tenth, they are a mixture of tenth (ma'aser) and eleventh (shlamim).

The Gemora deflects this by saying that the case of animal ma'aser is different, as it can have an effect on



more than one animal if one errs in designation. To explain the case of an error, the Gemora cites the Mishna which says that if one called the 9th the 10th, then called the 10th the 9th, and then the 11th the 10th, all three are consecrated.

The Gemora challenges Rabbah from the case of todah loaves, which are not consecrated when one errs, nor can one consecrate them twice sequentially. The Gemora cites a dispute about one who slaughtered the todah to consecrate 80 loaves (double the required 40). Chizkiyah says that 40 are consecrated, while Rabbi Yochanan says that none are consecrated. Chizkiyah says that the consecration is valid, even though one cannot consecrate 40 loaves twice.

The Gemora deflects this by citing Rabbi Yehoshua ben Levi who explains that this dispute is when the person didn't explain what his intention was. If he said that 40 out of the 80 should be consecrated, all agree that 40 are. If he said that they should only be consecrated if all 80 are, all agree that none are, since one cannot consecrate 40 loaves twice, and therefore can't consecrate 80 simultaneously. Their dispute is when he didn't state what he intended. Chizkiyah says that we assume that he consecrated 40, intending for the remainder to be used if the consecrated 40 are lost, while Rabbi Yochanan says that we assume he meant to consecrate all 80.

Abaye says that Rav only says that he has no habitat if the tree's space is 12 amos or more, but if it is less than 12 amos, the 4 amos on either side definitely cover some of the middle 4 amos, determining some habitat area.

Rav Huna the son of Rav Yehoshua challenges this, as we have no reason to assume that the middle 4 amos are part of his habitat. Since there is no spot that is

definitely in his habitat, it still is undetermined. Rather, he explains that if the tree space is less than 8 amos, the spot where the two 4 amos sections on either side intersect is definitely part of his habitat. (50a – 50b)

Supporting Braisos

The Gemora cites a braisa which supports Rav and one which supports Shmuel. The braisa supporting Rav says that if one was traveling on Erev Shabbos, and he said that his habitat should be under a tree or fence he knew about, he hasn't said anything. If he said his habitat is in a specific place, he may walk there, and then continue for another 2000 amos from there. The braisa says that this is true if the place is well defined, e.g., a mound or valley which is 10 tefach high or deep, and anywhere from 4 amos wide and long to the size of 2 seah. If it is not well defined, he only has 4 amos in that place, and then 2000 amos around it. If two people were traveling, and only one of them knew such a place, the other one can designate his habitat there also, relying on his partner. The braisa says that this works only if he designated which 4 amos he wants as his habitat, but otherwise, he may even move from where he currently is, supporting Rav's position.

The Gemora suggests that this braisa disproves Shmuel, but deflects it by saying that the braisa's case is that the place he specified starts 2002 amos from where he currently is. If he specified the first 4 amos, he can reach it, and therefore make it his habitat. If he didn't specify which 4 amos, he may have meant the far 4 amos, which are beyond his current techum, and he therefore has no habitat.

The braisa supporting Shmuel says that if one made two eruvs in two different directions, either because he thought that one can do so, or because he authorized two of his servants to make an eruv for him,



and they did so in different directions, he may only move where the two techum areas overlap. This indicates that if we don't know where one's habitat is, he must follow the stringencies of all possibilities, as Shmuel says.

The Gemora suggests that this disproves Rav, and agrees that it does, but states that Rav can dispute it, as he has the status of a Tanna. (50b)

INSIGHTS TO THE DAF

Eruv Under A Tree

The Gemora discusses the dispute of Rava and Shmuel about one who designated his habitat somewhere under a tree.

Rav says that he may not move 4 amos from where he is, since his eruv under the tree is invalid, and his statement indicated that he didn't want his current location to be his habitat.

Tosfos (49b v'afilu) explains why we don't say the same thing in the earlier case of an eruv which may have rolled outside of his techum before Shabbos. In that case, if it did roll out, we assume that his habitat is in his house, and we do not say that since he planned on making an eruv there, this indicated that he didn't want his house to be his habitat. When one is on the road, and he indicated where he wants his habitat to be, there is no reason to assume that he wants his current location to be his habitat. However, one's home is the default location for a habitat, and therefore if the eruv wasn't valid when Shabbos began, we assume that his preference is then for his house to be his habitat.

Shmuel says that he is bound on both sides, and therefore cannot return home.

Rashi offers two ways to understand Shmuel:

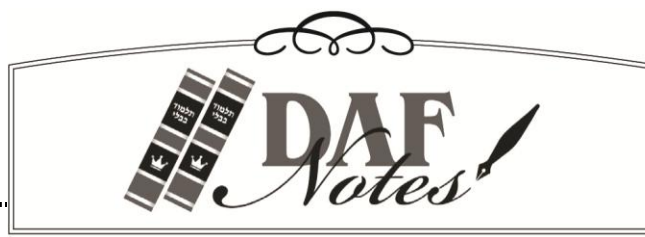
1. Since he didn't specify where under the tree his habitat is, we must consider all possible 4 amos under the tree. Since the 4 amos furthest from his house are more than 2000 amos from it, he cannot get to his house, since his habitat may be in those 4 amos. He is thus bound by all sides of the area under the tree.
2. We are unsure if his habitat is somewhere under the tree or in his current location, and he therefore is bound by both possibilities.

Rashi challenges the second option from the language and logical flow of the Gemora, and therefore prefers the first option.

The Gemora cites Rabbah who explains Rav's position based on the principle that two things that cannot be done sequentially (e.g., designating two different 4 amos habitats) can also not be done simultaneously.

Tosfos (49b mai) says that Shmuel and the braisa which supports him agree with Rabbah's principle.

Tosfos proves this from the way we rule in this dispute, and from the way we rule in the dispute about a marriage that may not be consummated. In this dispute we seem to rule like Shmuel, as the only way Rav can answer the supporting braisa is to say that, as a Tanna, he can argue. We also rule that a marriage that cannot be consummated (e.g., marrying an unspecified one of two sisters) is not valid, and the only way the Gemora can explain a Mishna in kiddushin consistent with this ruling is by using Rabba's principle.



Tosfos offers the following ways that Shmuel can rule that the eruv is at all valid here, and be consistent with Rabbah:

1. He doesn't apply the principle to techum, since it is Rabbinic, and we therefore are lenient.
2. He assumes that when one specifies an eruv this way, he means to say that 4 amos out of the larger area are his eruv. Although he doesn't specify which, since he only designated 4, this doesn't violate Rabbah's principle.

Half A Kernel

The Gemora challenges Rabbah's principle from the case of taking more ma'aser than 1/10. The Gemora deflects this by saying that ma'aser can take effect on half of each kernel.

Rashi explains that we assume that this is what he meant by designating more than 1/10 for ma'aser – that part of each kernel of the larger measurement should be ma'aser.

Tosfos (50a shani) cites Rashi's explanation, and asks how the continuation of the Gemora flows with this understanding.

The Gemora continues by asking from the case of animal ma'aser on two animals, noting that one cannot designate half an animal as ma'aser. According to Rashi, if one could designate half, the ruling by ma'aser should be that half of each animal is ma'aser, yet the ruling is that the two are considered the 10th and 11th, but we don't know which is which. If so, why did the Gemora even raise the issue of whether you can designate half an animal as ma'aser, as either way it would not be consistent with our ruling in that case.

Tosfos answers that the Gemora is simply noting that in order to use the case of animal ma'aser to challenge Rabbah, we have to say that one cannot designate half an animal. If one could designate half an animal, we still would have difficulty with that case, but it would be irrelevant to Rabbah.

Tosfos cites the R"i who explains that the Gemora's answer about designating half a kernel is to explain that one *can* designate 1/10 of the produce as ma'aser more than once sequentially, by designating a portion of each kernel each time. Therefore, ma'aser of produce is not a case of Rabbah's principle, since one can designate more than 1/10 as ma'aser sequentially.

Rav is a Tanna

The Gemora in many places states that Rav is a Tanna who therefore can argue on another Tanna cited in a braisa or Mishna. Whereas other Amoraim generally cannot argue on Tannaim, Rav is considered to have that right. The other Amora who is said to have this right in the Gemora (in Bava Metzia 5a) is Rabbi Chiya.

Although there were other Amoraim during Rav's lifetime who are mentioned quite often in the Gemora, such as Shmuel and Rabbi Yochanan, they are not given this privilege. However, Tosfos in Kesuvos (8a) notes that these Amoraim who argued on Rav clearly did not hold that Rav held this privilege either.

The Halichos Olam (Sha'ar Sheini, 2:10) and others write that the Gemora usually only gives this answer if no other answer is available for Rav. This is why although there are many Gemaros that ask questions on Rav, most of these Gemoros will steer clear of this answer, as it is a last resort type of answer.