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Eiruv Daf 59

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Daf Notes is currently being dedicated to the neshamah of

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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

The *techum* of a city is measured only by an expert (*surveyor*). If one extended the limit at one point more than at another (*for the boundary is measured twice on each side of the city – once from each corner*), the extended limit is observed. [*Since the measuring rope must be stretched to its utmost capacity so as to cover the maximum length possible, it is assumed that the deficiency in the lesser limit is due to all insufficient stretching of the rope.*] If there was a greater distance for one and a lesser distance for another, the greater distance is observed. Furthermore, even a male slave and even a female slave are believed when they say, "This far is the *Shabbos* limit," since the Sages did not enact the law in order to be strict, but in order to be lenient.

If the same person clearly measured the *techum* in a way where it is clear that he made two different measurements, we go by the more lenient of the two measurements.

If an expert measurer did two different measurements, and in one place it is clear that his measurement would mean that a different place should have a more lenient measurement, we say that the more lenient measurement may be followed. This is because we are lenient in doubts regarding *techum Shabbos*.

If two different surveyors gave two different measurements, we follow the lenient measurement.

If two expert surveyors ended up with two different measurements, one is allowed to follow the lenient measurement. This is as long as it is possible that the expert who was stringent either measured slightly differently with his rope, or did not take something into account that may have caused his mistake.

[*This Mishna deals with shitufei mevo'os - a device that allows carrying between a courtyard and a mavoi, which is accomplished by the courtyards mutual contribution of food.*] If a city that belonged to an individual was converted into one belonging to many, one *eiruv* may be provided for the entire city, but if a city belonged to many, and was converted into one belonging to an individual, no single *eiruv* may be provided for the entire city, unless a section of it of the size of the town of Chadashah in Judea, which contains fifty residents, is excluded; these are the words of Rabbi Yehudah. Rabbi Shimon said: Three courtyards, each of which contained two houses (*is sufficient*).

The *Gemora* cites a *braisa*: If a city belonging to an individual was converted into one belonging to many, and a public domain passed through it, how is

an *eiruv* to be provided for it? A *lechi* (*sidepost*) or a *korah* (*crossbeam*) is fixed on either side (*where the street enters and leaves the city*), and thereby one is enabled to carry things about in the space between them. [*This applies only to a city that had no wall surrounding it, so that the two ends of the public domain terminated in the open country. Therefore it is only in the case of a town that was originally in private ownership that the adjustments mentioned are sufficient. In the case of one that always belonged to the public, such adjustments are invalid, and all the city's alleys are subject to restrictions similar to those of the public domain, for it is easily confused with an ordinary public domain.*] No *eiruv*, however, may be provided for a half of it, but either one *eiruv* for all of it, or one *eiruv* for each *mavoi* (*alley*) separately. If a city did, and still does belong to many, but had only one gate, a single *eiruv* suffices for all of it.

The *Gemora* asks: Who is it that learned that a public domain may be provided with an *eiruv*?

Rav Huna son of Rabbi Yehoshua replied: It is Rabbi Yehudah, for it was taught in a *braisa*: Even more than this did Rabbi Yehudah say: If one has two houses on the opposite sides of a public domain, he can make a *lechi* on one side and a *lechi* on the other side, or a *korah* on one side and a *korah* on the other side, and then he may pick things up and place them down between them. [Evidently, a *lechi* is regarded as a partition on a Biblical level!] The Sages said to him: A public domain cannot be made fit (*for carrying*) in this manner.

The master had stated: No *eiruv* may be provided for half of it.

Rav Pappa explained: This was said only in the case where the division was along its length (*if the division was made along the public domain which ran through the entire length of the city, from gate to gate, and divided it into two halves along its length; as the public domain is used by the residents on both sides, it forms a link between the two halves of the city and combines them into one inseparable unit*), but if it was along its width, an *eiruv* may be provided for each half separately. [*It cut the city into two halves across the middle of the public domain and left for either half of the city a half of the public domain with the gate at its end, so that it was possible for the residents of either half to use their own gate as entrance and exit and to avoid entirely the use of the public domain in the other half of the city.*]

The *Gemora* notes that this is contrary to the viewpoint of Rabbi Akiva, for if it were suggested that it was in agreement with his view, the following objection would arise: Did he not rule that a man who is permitted freedom of movement in his own place causes the restriction of free movement on others in a place that is not his? [*In this case, we are referring to the outer courtyard - in which he did not reside, but in which he was entitled to the right of passage by virtue of his residence in an inner courtyard whose one and only door opened out into it. Now, since according to R' Akiva, the residents of the inner courtyard, on account of their right of passage through the outer one, impose restrictions on the free movement of its residents, the residents of the two halves of the city under discussion should likewise, according to R' Akiva, impose upon one another the restrictions of free movement, since each of them is also entitled to a right of passage through the public domain that passed through the other half*]



of the city in which he did not reside. As no such restrictions, however, are imposed, must Rav Pappa's ruling be said to be contrary to R' Akiva's view?]

The Gemora answers: It may be said to be in agreement even with the view of Rabbi Akiva, since he maintained his view only there where it was a case of two courtyards - one of which was behind the other, so that the inner one had no other door, but not here where the inhabitants in the one half could gain egress through one gate while those in the other half could gain egress through the other.

There are those who cited as follows: Rav Pappa explained: It must not be assumed that only where the division was along its length may no *eiruv* be prepared, but that where it was along its width, an *eiruv* may be prepared. The fact is that even where the division was along its width, no *eiruv* may be prepared.

The Gemora notes that this is only in agreement with that of Rabbi Akiva.

The Gemora disagrees and asserts that it may be said to be in agreement even with the view of the Rabbis, since they maintained their view there only where it is a case of two courtyards - one behind the other, so that the inner one can well lock its gate and use its own area only, but can the public domain here be removed from its place?

A person who does not want to join in a *shitufei mevo'os* can avoid forbidding everyone else from joining by making a "daka" in the opening of his yard to the *mavoi*.

Making the "daka" shows that he is separating himself from having anything to do with this *mavoi*. [According to Rashi a daka is a low entranceway, and according to Tosfos, it is a small platform (on the floor of the entranceway) four handsbreaths high.]

A ladder can be considered an entrance and a wall, depending on the case.

The Gemora inquires into the status of a ladder regarding *eiruv*. It is a wall as far as not taking away the status of the wall it is leaning against as being enclosed for *eiruv*. The Gemora discusses at length how it can also be an entrance. (57b – 58b)

INSIGHTS TO THE DAF

Leniencies by Techum

The Gemora quoted above gives two cases where we have two possible measurements to follow regarding the *techum* of a city. In both cases, we rule that one may follow the lenient measurement.

The Ritva points out the novelty of this ruling. It is true that we say that in a case where there is a doubt in Rabbinic law, one is allowed to be lenient. However, when one has the ability to check whether the law is one way or the other, he must do so and not be lenient, even in Rabbinic law. The Ritva explains that when our Gemora says that we are lenient in *techumin*, it means that being that it is difficult to measure the *techum* again, one is allowed to rely on the lenient opinion and does not have to commission another measuring of the *techum*.