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Eiruvin Daf 61

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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

**1. Residents of a large town can walk across a small town, but residents of a small town cannot walk across a large town.**

The *Gemora* explains the statement of Rabbi Yehoshua ben Levi who makes a distinction between the *techum* measure that ends in middle of a city and the *techum* measure that ends at the end of the city. The *Mishna* later states that residents of a large town may walk across a small town, whereas the residents of a small town may not walk across a large town. The *Gemora* assumes that the reason for this ruling is that the *techum* measure of the small town ended in middle of the large town, but the *techum* measure of the residents of the large town ended at the end of the small town. The *Mishna* teaches us that the residents of the small town cannot continue beyond the area where their *techum* ended in the large town, but the residents of the large town can walk across the entire small town, as the entire small town is considered to be four mos. (60b -61a)

**2. Rabbi Idi had a different version in the text of the *Mishna*.**

The *Gemora* answers that Rabbi Idi had a different version of the reading of the *Mishna*.

According to Rav Idi, the *Mishna* reads, "residents of a large town may walk across a small town, and the residents of a small town may walk across a large town." Rabbi Idi maintains that the *Mishna* refers to a case where three residents from one town place an *eiruv* in the other town. Thus, one who places his *eiruv* in a different town may walk across the entire town, because the entire town is considered to be four *amos*. The *Mishna* does not discuss a case where one resides outside of the town and measures two thousand *amos* for his *techum* towards the town, so there is no distinction in the *Mishna* between the *techum* measurement ending in middle of the town and the *techum* measure continuing past the town. (61a)

**3. Both versions in the *Mishna* are plausible.**

Rav Nachman states that the reading of the *Mishna* that "the residents of a small town may walk across a large town" and the reading of the *Mishna* that "the residents of a small town may not walk across a large town" are both correct. The one who reads the *Mishna* that "the residents of a small town may walk across a large town" is correct because the *Mishna* will refer to a case where residents of one town place an *eiruv* in the other town, thus establishing the

other town as their location of residence for Shabbos. The one who reads in the *Mishna* that the residents of a small town may not walk across a large town is also correct, because he will establish the *Mishna* to be referring to a case where the residents did not place an *eiruv*, and they are measuring their *techum* to the other town. According to the latter opinion, the *Mishna* reads as follows: the residents of a large town may walk across the entire small town, whereas the residents of a small town cannot walk across the entire large town. This was said regarding one who did not place an *eiruv* in the other town and he measures his *techum* towards the other town. If one is in a large town, however, and he placed his *eiruv* in a small town, or if he was in a small town and he placed his *eiruv* in a large town, he can walk across the entire town where the *eiruv* was placed, and in addition he can walk two thousand *amos* beyond the town. (61a - 61a)

**4. A town that is located at the edge of a stream and there is a narrow wall four *amos* high that prevents people in the town from falling into the stream, we measure the *techum* of the town from the edge of the stream.**

A town that is located at the edge of a stream and there is a thin wall that is four *amos* high that extends across the town to prevent the residents from falling into the stream, we measure the *techum* of the town from the edge of the stream, as that is where the edge of the town is located. If there is no wall between the town and the stream, then we measure the *techum* from each person's house, as the town is

likened to temporary dwellings that we have learned previously (55b) that the *techum* is measured from each dwelling. The reason we require the wall to be four *amos* high as opposed to all other thin walls that are only required to be four tefachim high is because normally the wall functions as a legal partition, whereas here people are afraid of using the area because of the stream, so a higher wall is required. (61a)

**5. Rebbe permitted the residents of the town of Geder to descend to the town of Chamsan but Rebbe did not permit the residents of Chamsan to ascend to Geder.**

Rebbe allowed the residents of the town of Geder to descend to the town of Chamsan, but Rebbe forbade the residents of the town of Chamsan from ascending to Geder. The *Gemora* assumes that the reason that Rebbe drew a distinction between the two towns is because the residents of Geder had constructed a thin wall at the edge of Geder so no one would fall down the slope, and since Geder was considered a real town, they would then measure the *techum* from the edge of their town. The residents of Chamsan, however, did not construct a thin wall to safeguard its residents, so it did not have a status of a town. The residents of Chamsan were thus required to measure their *techum* from their respective houses. The residents of Geder were within two thousand *amos* of their town, so they could walk into Chamsan, but the residents of Chamsan were not within the town of Geder. (61a)

**6. There are two different interpretations of the ruling issued by Rebbe.**

Regarding Rebbe's ruling permitting the residents of Geder to descend to the town of Chamsan and forbidding the residents of Chamsan to ascend to Geder, Rav Dimi explained that the residents of Geder used to physically harm the residents of Chamsan, so Rebbe decreed that the residents of Chamsan were not allowed to ascend to Geder on Shabbos, even though Geder was within the *techum*. Rebbe specifically instituted this decree for Shabbos when the people of Geder were more susceptible to rowdiness because it is more common for people to become drunk on Shabbos. Rebbe allowed the residents of Geder to go to Chamsan, however, because a dog outside of its town does not bark for seven years. This means that the residents of Geder were not so aggressive outside their town. Rebbe was not concerned that the residents of Chamsan would take revenge on the residents of Geder, because the residents of Geder were not so timid when they were outside their town that they would allow the residents of Chamsan to harm them. For this reason Rebbe allowed the residents of Geder to descend to Chamsan.

Rav Safra offered an alternative explanation for the ruling of Rebbe, stating that Chamsan was shaped like bow and its two ends were more than four thousand *amos* apart. In such a case the two-thousand-amah *techum* was measured along the town's border. Chamsan was within the *techum* of Geder's border, so residents of Geder could descend into Chamsan but the two-thousand-amah *techum* of Chamsan ended within Geder so Rebbe did not allow for the residents in the bottom of the bow of Chamsan to ascend to Geder. (61a - 61a)

- 7. There is a dispute regarding a person from a large town who places his *eiruv* in a small town and a person from a small town who places his *eiruv* in a large town.**

The Chachamim maintain that if a person is in a large town and he placed his *eiruv* in a small town, or the person was in a small town and he placed his *eiruv* in a large town, he can walk across the entire town where the *eiruv* was placed, and two thousand *amos* beyond the town, because he only counts his *techum* from the edge of the town. Rabbi Akiva, however, maintains that even if he placed the *eiruv* inside a town, he only has two thousand *amos* from the location of his *eiruv*. According to Rabbi Akiva, if one camps in the town on Shabbos, the entire town is considered as his four *amos*, but placing the *eiruv* in a town does not earn him the town as his four *amos*. Rabbi Akiva maintains that placing an *eiruv* in a city is like placing an *eiruv* in a cave where he only has two thousand *amos* from the location of his *eiruv*. The Chachamim, however, disagree with this logic, and they maintain that when there is no one dwelling in the cave, then one counts his *techum* from the location of the *eiruv*, but if there are people dwelling in the cave, then one can walk across the entire cave and two thousand *amos* beyond the cave. (61a)

- 8. There is a dispute regarding the distinction between one who started Shabbos in an uninhabited town and one who did not actually camp in the uninhabited town for Shabbos but merely placed his *eiruv* in the town.**

Shmuel maintains that if one started *Shabbos* in a town whose walls are standing but the inhabitants deserted the town, according to the Chachamim he can walk across the entire town and two thousand *amos* beyond the town. The reason for this is since he started *Shabbos* inside the town, the entire town is like his four *amos*, and he begins to measure his *techum* from outside the town. If he placed his *eiruv* in an uninhabited town but he himself did not camp in the town on *Shabbos*, even the Chachamim agree the town is not considered like his four *amos* and he must measure his *techum* from the location of his *eiruv*. Rabbi Elozar, however, disagrees with Shmuel and Rabbi Elozar maintains that whether he camped in the uninhabited town for *Shabbos* or even if he only placed his *eiruv* in the town, the town is considered to be his four *amos* and he can walk across the entire town and two thousand *amos* beyond the town. (61b)

**9. If one started *Shabbos* in a city as large as the city of Antioch or in a cave as large as the cave of Tzidkiyahu, he is permitted to walk the entire town or cave and two thousand *amos* beyond.**

If one started the *Shabbos* in a city even as large as the city of Antioch, or if one started the *Shabbos* in a cave, even if the cave is as large as the cave of Tzidkiyahu King of Yehudah, he may walk across the entire town or cave and two thousand *amos* beyond. The *Gemora* concludes that the case of a cave is similar to a town, in that just as the town is inhabited, also the cave is inhabited. This follows the opinion of Rabbi Akiva who maintains that wherever one places an *eiruv*

he measures two thousand *amos* from the location of his *eiruv*. If he started *Shabbos* in an inhabited town, however, Rabbi Akiva agrees to the Chachamim that the town is considered his four *amos* and he can then measure two thousand *amos* for his *techum* beyond the town. (61b - 61b)

**10. Mar Yehudah found the residents of the town of Mavrachta placing their *eiruvei Techumim* in the synagogue of Avogar's place.**

Mar Yehudah found the residents of the city of Mavrachta placing their *Eiruvim* in the synagogue of Agovar's place. This synagogue was a large building outside the town but the synagogue was completely within the *techum* of Mavrachta. The residents of Mavrachta followed the opinion of the Chachamim that an entire enclosure is considered to be one's four *amos*, and the two thousand *amos* of the *techum* starts beyond the enclosure. Mar Yehudah told the residents of Mavrachta to place the *eiruv* further inside the synagogue so they would be able to walk further on *Shabbos*. Mar Yehudah followed the opinion of Rabbi Akiva who maintains that wherever one places an *eiruv*, he must measure his *techum* from the location of the *eiruv*, so the further inside the synagogue they would place the *eiruv*, the further away they would be from Mavrachta and they would be able to walk further on *Shabbos*. Rava told Mar Yehudah that the two thousand *amos* starts from beyond the walls of the synagogue, as no one follows the opinion of Rabbi Akiva concerning the laws of *eiruvim*. (61b)



## INSIGHTS TO THE DAF

### ***Renting Homes for an Eiruv***

As we know, by taking common possession of an eiruv-bread, the residents of an enclosed area unite into one communal body, and thereby transform their courtyard into a *reshus hayachid* in which it is permitted to carry. If even one Jewish resident of the courtyard abstains from this eiruv, they are all forbidden to carry into the courtyard.

In the sixth chapter of Maseches Eiruvim, we find the halachos relevant to a courtyard that includes among its residents a gentile or a Jewish apostate. Strictly speaking, one need not include a gentile in the common possession of the eiruv-bread. The eiruv need only unite the Jewish residents. Nevertheless, our Sages decreed that the very presence of a gentile neighbor in the courtyard prevents the eiruv from functioning, and even including him in the eiruv would be insufficient. They enacted this decree in order to discourage Jews from living among gentiles, a practice that might lead us to learn from their ways. Our Sages hoped that Jews would find it so inconvenient to live without an eiruv, that they would decide to live elsewhere.

Nevertheless, the Sages made a provision by which an eiruv would be effective even among gentiles. If the Jews in the courtyard rent a right to the use of the gentile's home, the eiruv would then be effective. The Sages assumed that the gentile would mistrust the intentions of his Jewish neighbors, and refuse.

One need not rent from the gentile homeowner himself. The gentile's employees also have a certain right to the use of his house; they may leave their possessions there while they work. It is sufficient to rent even this minor privilege from the employees, in order for the eiruv to function (64a). Our Sages were lenient in this respect, since the complication of gentile neighbors is only a Rabbinic stringency to begin with (Rashba, *ibid*).

**Renting homes from the mayor:** The Rishonim (cited in Beis Yosef O.C. 391) apply this leniency to the power that was once invested in the mayor of a city, to commandeer homes should need arise. He could force people to lodge soldiers in their homes, or store supplies, in case of war. The mayor's power represented a certain degree of ownership of the homes of his subjects. It is therefore sufficient to rent the right to make an eiruv from the mayor, rather than making individual contracts with each gentile neighbor. However, this leniency depends upon the absolute power of the mayor to enter houses, at least in cases of war, without requiring the authorization of any other legislative body. Some hold that he must have the authority to even declare war (see *Biur Halacha*, *ibid*).

Today, most local authorities do not have this power. Even police generally require a warrant to break into people's homes. Some governments have provisions by which the government may forcibly purchase land from its subjects. However, this is not viewed as a current right to use of the land, which may be rented for the purpose of *eiruvim*. Rather, it is a right to purchase, which has no bearing as long as it is not utilized.





Therefore, we may not make one general agreement with the local authorities. Rather, we must make an individual agreement with each gentile neighbor (Shulchan Aruch, ibid:1).

City governments have the right to reroute or close streets if need should be. Theoretically this constitutes a sufficient degree of ownership to allow us to rent the rights to the street from the government. We would then be allowed to make an eiruv on streets where only Jews live, and include public land in the eiruv. However, in practice, this is insufficient. As we have seen recently in Daf Yomi, if a courtyard without an eiruv opens into a courtyard with an eiruv, it is forbidden to carry in either. Here too, the gentile streets open directly onto Jewish streets. Therefore, it is forbidden to carry on either.

Even in areas where the government does maintain the right to commandeer the homes of its subjects, foreign embassies and consulates are free from the constraints of the local ruling body, according to international law. Therefore, a separate agreement must be reached with the embassies to rent rights to their use.

These complications are another reason why many refrain from relying on the neighborhood eiruv to carry. However, in neighborhoods where only observant Jews live, these problems do not apply.

Kohanim should bless the congregation in the Shacharis Tefillah on Simchas Torah, because it is common for people to be drunk at the time of praying the Mussaf Tefillah. It is interesting to note that the *Gemora*<sup>1</sup> states that everyone agrees that the Jewish People received the Torah on *Shabbos*. Following the receiving of the Torah, it is said<sup>2</sup> that the great people saw Hashem and they ate and they drank. This is difficult to understand, because how is it possible that the Jewish People received the Torah and then acted in such a brazen manner? To answer this question, we must understand what occurred at Sinai. The Medrash<sup>3</sup> states that the Jewish People were so overwhelmed with the revelation that their souls left them. The *Gemora*<sup>4</sup> states that in the future there will not be any physical consumption of food and drink. Rather, the righteous will sit with crowns on their heads and bask in the Divine Presence. We also find that it is said<sup>5</sup> regarding the angels who visited Avraham that they ate. The Medrash<sup>6</sup> states that it only appeared as if they were eating. We can therefore suggest that when it said by Sinai that the great people ate and drank, it means that that they were like angels and it only looked as if they were eating and drinking.<sup>7</sup> Similarly, on *Shabbos*, one receives an extra soul, and it is because of this soul that it appears that one is intoxicated, when in reality one is conducting himself on a higher spiritual level.

## DAILY MASHAL

### ***Drunkenness on Shabbos***

The *Gemora* states that it is common to have drunkenness on *Shabbos*. Similarly, we find that the

<sup>1</sup> Shabbos 86b

<sup>2</sup> Shemos 24:11

<sup>3</sup> Shir HaShirim Rabbah 6:3

<sup>4</sup> Brachos 17a

<sup>5</sup> Breishis 18:8

<sup>6</sup> Breishis Rabbah 48:14

<sup>7</sup> The Gemara in Berachos mentioned above proves that the righteous will not actually eat and drink from this verse by Sinai where it is said that they ate and drank.