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DAF Notes
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Eiruvin Daf 71

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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

An Heir Voiding Ownership

Rava cites a *braisa* to resolve the question of whether one who inherits a dwelling on *Shabbos* can void his ownership. The *braisa* says that if a Jew and a convert were living in one dwelling area and the convert died before *Shabbos*, even if another Jew took ownership of his [i.e., the dead convert's] property, he may not carry there. If the convert died on *Shabbos*, even if another Jew didn't take ownership, he may carry.

The *Gemora* first challenges the logic of the *braisa*, as the first case implies that it is more logical to prohibit carrying when another Jew didn't take ownership, but that should be more likely permitted, as then his property is ownerless.

Rav Pappa emends the *braisa* to say "even if another Jew did *not* take ownership." When the *Gemora* challenges this, since the text of the *braisa* doesn't say this, the *Gemora* explains that the *braisa* means that he didn't take ownership before *Shabbos*, but he *did* take ownership on *Shabbos*. Since he could have taken it before, he may not carry.

[The second half of the Baraisa states:] 'After it got dark, no restrictions are imposed even though no other Jew took possession of his estate'. You Say, 'Even though no other Jew took possession of his estate' and much less so if one did take possession; but isn't the law just the reverse, viz., that where one did take possession restrictions are imposed? — Rav Pappa replied: Read: 'Though he did take possession'.[1] But was it not stated: 'Even, though he did not take possession'? — It is this that was meant: Though he took possession after dark he imposes no restrictions, since he could not take possession while it was yet day.[2] At any rate, it was stated in the first clause that 'restrictions are imposed'. But why should restrictions be imposed? Let him renounce his share? — The ruling that he imposes restrictions applies only so long as he does not make his renunciation.

Rabbi Yochanan says that both *braisos* which indicated that an heir cannot void his ownership follow Beis Shammai, who say that no one can void his ownership on *Shabbos*. Rabbi Yochanan cites the *Mishna* where Beis Shammai argue with Beis Hillel about this: When must one's share be presented? Beis Shammai ruled: while it is yet day and Beis Hillel ruled: after dark.

Ulla says the reason Beis Hillel allow one to void ownership on *Shabbos*, since we consider it to be an indication that his intent all along was to allow the others to carry. This is similar to one who told someone to take *terumah*, and then found that he took high quality produce. If he told him that he should have taken even better ones, he indicates that he originally intended for the agent to take the high quality.

[1] He nevertheless imposes no restrictions, since during a part of the Shabbos, prior to his acquisition of the estate, the place was free from all restrictions.

[2] When the convert was still alive.

L'zecher Nishmas HaRav Raphael Dov ben HaRav Yosef Yechezkel Marcus O"H

Abaye challenges Ulla's explanation, as that wouldn't explain how one could void his ownership in a case where a non-Jew who lived in the courtyard died on *Shabbos*, as no one could have permitted carrying there before *Shabbos*.

Therefore, Abaye says that Beis Shammai prohibit it, as they consider it a form of property transfer, which is prohibited, while Beis Hillel permit it, as they consider it simply a form of removing ownership, which is permitted. (70b – 71a)

Partnerships as Shituf

The *Mishna* says that if one was a partner to the other residents of his *mavoi*, if the partnership was in wine with both, they need no *eiruv*, but if one partnership was with wine and one with oil, they need a separate *eiruv*. Rabbi Shimon says that in either case, they need no *eiruv*.

Rav says that the partnership can work as an *eiruv* only if the wine of both partnerships is in the same container.

Rava supports this from the case of the *Mishna* with partnerships with different materials. If the first case is when the material is in one container, and the second is when they are in two, this explains the difference between the two, but if the first case is even when the wine is in different containers, why is that different than wine and oil?

Abaye deflects this, as perhaps the difference is that the two containers of wine *can* be mixed together, while wine and oil cannot. (71a)

Rabbi Shimon's Position

The *Gemora* discusses Rabbi Shimon's position, asking how he can say that no *eiruv* is needed even when the partnerships are with different materials, which cannot be mixed together.

Rabbah explains that Rabbi Shimon is referring to a case of a courtyard between two *mavois*, and the residents of the courtyard joined with one *mavoi* with wine and with the other with oil. Rabbi Shimon allows the residents of the courtyard to carry between their courtyard and each *mavoi*, but not from one *mavoi* to the other. This is like the case of three adjoining courtyards, with the middle one joined with each of its neighbors, where Rabbi Shimon says that the middle one can carry between itself and its neighbors, but the external ones cannot carry among each other.

Abaye challenges this reading, as in the case of the courtyards, Rabbi Shimon explicitly says that the external ones cannot carry between each other, but in this *Mishna*, Rabbi Shimon says that they don't need an *eiruv*, implying all carrying is permitted.

The *Gemora* answers that the *Mishna* just means that each neighbor of this courtyard need no *eiruv* to carry into it, but they would need an *eiruv* to carry between each other.

Rav Yosef says that Rabbi Shimon is referring to the same case as the beginning of the *Mishna*, and he indeed says that two partnerships with different materials are considered one partnership.

The dispute in the *Mishna* aligns with the dispute of the Sages and Rabbi Yochanan ben Nuria about oil floating on top of wine. The Sages say that if someone impure touches the oil, the wine isn't affected, while Rabbi Yochanan ben Nuri says that this is tantamount to touching the wine, making it impure. The Sages in the *Mishna*, which consider the oil and wine separate, are consistent with the Sages in the case of floating oil, while Rabbi Shimon, who considers them united, is consistent with Rabbi Yochanan ben Nuri. (71a – 71b)

Wine and Wine

The *Gemora* cites a *braisa* in which Rabbi Eliezer ben Tadai says that an *eiruv* is necessary in any case.

The *Gemora* asks how he could require an *eiruv* if the partnerships are both with wine.

Rabbah answers that if each partner brought his own wine and put it in the barrel, all agree that this can work as an *eiruv*. Their dispute is about a case of two who jointly purchased a barrel of wine. Rabbi Eliezer ban Tadai does not accept *bereirah – clarifying ownership*. Since neither of them has a defined ownership in the wine, their partnership is no more than a monetary one, but an *eiruv* must be done with food. The Sages accept *bereirah*, and therefore their separately owned wine can be used together as an *eiruv*.

Rav Yosef says that they all agree that this barrel serves as a *shituf* for the *mavoi*, but they dispute if a *shituf* can serve as an *eiruv* for the courtyards that open to the *mavoi*.

Rav Yosef proves his explanation from two statements of Rav. Rav Yehudah quotes Rav ruling like Rabbi Meir, who says that one cannot rely on a *shituf* for a courtyard without a separate *eiruv*, and he also quotes Rav ruling like Rabbi Eliezer ban Tadai. Since Rav made both rulings, presumably they are based on the same principle.

Abaye asks why Rav would need to rule twice, if they are based on one principle, and Rav Yosef answers that this teaches that we don't generally follow a double stringency in *eiruvin*. [Rabbi Meir rules strictly on the issue of relying on a *shituf* as an *eiruv*, and rules strictly even if the *shituf* used bread, which is valid for an *eiruv*. Therefore, Rav first ruled like Rabbi Eliezer ben Tadai, which is a case of wine, and then ruled like Rabbi Meir, that even if the *shituf* was with bread, it isn't valid as an *eiruv*. If he would only have ruled like Rabbi Meir, we would have assumed that he was only accepting the strict ruling about the *shituf* as an *eiruv*, but not to the extent of Rabbi Meir's invalidating it even if made with bread.] (71b)

Shituf vs Eiruv

The *Gemora* cites the *braisa* with the dispute of Rabbi Meir and the Sages. The *braisa* says that an *eiruv* for a courtyard must be from bread, while a *shituf* for a *mavoi* can even be from wine. Rabbi Meir says that both an *eiruv* and *shituf* are necessary, lest future generations think that a courtyard doesn't need an *eiruv*, even when there is no *shituf*. The Sages say that either a *shituf* or *eiruv* is sufficient.

The *Gemora* cites a dispute between Rav Nachumi and Rabbah bar Yosef about Rabbi Meir and the Sages' dispute. One says that they agree that one can rely on a *shituf* or *eiruv* alone if done with bread, which is valid for both, but Rabbi Meir only disputes in a case where the *shituf* was made with wine. The other says that they agree that one cannot rely on a *shituf* alone if not done with bread, but the Sages dispute only in a case where the *shituf* or *eiruv* was made with bread.

The *Gemora* challenges the second position from the *braisa* in which the Sages say that either a *shituf* or *eiruv* is sufficient, implying that either an *eiruv* from bread or a *shituf* from wine is sufficient.

Rav Gidal quotes Rav answering that the Sages mean that one can either make an *eiruv* or *shituf* from bread.

Rav Yehudah quotes Rav saying that the *halachah* is like Rabbi Meir, and one must teach that one must make both an *eiruv* and *shituf*.

Rav Huna says the custom is like Rabbi Meir, and we therefore tell this to someone who asks.

Rabbi Yochanan says the populace follows Rabbi Meir, and we therefore don't protest. (71b – 72a)