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Eiruvin Daf 72

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

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If five groups spent the *Shabbos* in one mansion (*i.e., a large room that was subdivided by partitions into separate areas - each being occupied by one of the groups and having a separate door to the courtyard into which doors of other buildings also open*), Beis Shammai rules that each group must contribute separately to the *eiruv*, but Beis Hillel ruled that one *eiruv* would be sufficient for them (*since they are regarded as living in one area*). They (*Beis Hillel*) agree, however, where some of them are quartered in rooms or upper chambers (*where all of them are completely separated from one another and from the mansion, and have direct access to the courtyard*), a separate contribution to the *eiruv* must be made for each group.

Rav Nachman said: The dispute (*in our Mishna*) relates only to makeshift partitions (*one made of small stakes, for then Beis Hillel regard the entire mansion as one domain*), but where the partitions were ten *tefachim* high, all agree that a separate contribution to the *eiruv* must be made for each group.

Others said: Rav Nachman stated: The dispute relates also to partitions of makeshift partitions.

Rabbi Chiya and Rabbi Shimon son of Rebbe differ on the interpretation of our *Mishna*. One holds that the

dispute (*between Beis Shammai and Beis Hillel*) relates only to partitions that reach to the ceiling, but where they do not reach it, all agree that only one contribution to the *eiruv* need be made for all of them; while the other holds that the dispute relates only to partitions that do not reach the ceiling, but where they do reach it, all agree that a separate contribution to the *eiruv* is necessary for each group.

An objection was raised from the following *braisa*: Rabbi Yehudah haSabar stated: Beis Shammai and Beis Hillel do not dispute the ruling that where partitions reach the ceiling, a separate contribution to the *eiruv* is required on the part of each group; they only differ where the partitions do not reach the ceiling, in which case Beis Shammai maintain that a separate contribution to the *eiruv* must be made for each group, while Beis Hillel maintain that one contribution to the *eiruv* suffices for all of them. Now, according to the one who stated that the dispute related only to partitions that reached the ceiling, this presents a refutation; according to the one who stated that their dispute related only to partitions that did not reach the ceiling, this provides support; while according to the version where Rav Nachman stated that the dispute relates only to partitions of makeshift partitions, this presents a refutation. Does this, however, present a refutation also against that version according to which Rav



Nachman stated that the dispute relates also to partitions of makeshift partitions?

The *Gemora* answers: Rav Nachman can say to you that they differ in the case of partitions, and this applies also to makeshift dividers, and the only reason why their difference of opinion was expressed in the case of partitions is in order to inform you to what extent Beis Hillel venture to apply their principle.

The *Gemora* asks: But why didn't they express their difference of opinion in the case of makeshift partitions in order to inform you of the extent to which Beis Shammai venture to apply their principle?

The *Gemora* answers: Information on the extent of a leniency is preferable (*to teach, for the prohibition of a certain course may be an easy way out of a legal difficulty and the result of mere lack of knowledge or conviction as to whether it could or could not be permitted; ruling leniently, on the other hand, takes courage and knowledge*).

Rav Nachman said in the name of Rav: The *halachah* is in agreement with Rabbi Yehudah haSabar.

Rav Nachman bar Yitzchak said: An inference from the wording of our *Mishna* also leads to the same conclusion, for it was stated: They (*Beis Hillel*) agree, however, where some of them are quartered in rooms or upper chambers (*where all of them are completely separated from one another and from the mansion, and have direct access to the courtyard*), a separate contribution to the *eiruv* must be made for each group. Now, what was meant by rooms and what was meant by upper chambers? If it be

suggested that by the term rooms, proper rooms (*with walls*) are meant, and by the term upper chambers, proper upper chambers (*that are completely separated*) were meant, isn't the ruling obvious? The terms must consequently mean compartments similar to rooms or similar to upper chambers, and what are these? They are compartments where their partitions reach the ceiling. This is indeed conclusive.

A *braisa* was taught: This (*dispute*) applies only where their *eiruv* is carried into a place (*in the courtyard*) other than the mansion, but if their *eiruv* remains with them, all agree that one contribution to the *eiruv* suffices for all of them.

The *Gemora* asks: Whose view is followed in that which was taught in a *braisa*: If five residents who collected their *eiruv* desired to transfer it to another place, one *eiruv* suffices for all of them? Whose view is it? It is that of Beis Hillel.

Others read: This (*dispute*) applies only where the *eiruv* remained with them, but if they carried their *eiruv* into a place (*in the courtyard*) other than the mansion, all agree that a separate contribution to the *eiruv* is required for each group.

The *Gemora* asks: Whose view is followed in that which was taught in a *braisa*: If five residents who collected their *eiruv* desired to transfer it to another place, one *eiruv* suffices for all of them? Whose view is it? It is not like any of them. (72a – 72b)