DAF Notes
Insights into the Daily Daf
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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

MISHNAH: Brothers who were eating at their father's table but slept in their own house must each contribute a share to the eiruv. Hence, if any one of them forgot to contribute to the eiruv he must renounce his right to his share in the courtyard. When does this apply? When they carry their eiruv into some other place, but if their eiruv is deposited with them or if there are no other tenants with them in the courtyard they need not prepare any eiruv. (72b)

GEMARA: Does this then imply that the night's lodgingplace is the cause of the obligation of eiruv? — Rav Yehudah citing Rav replied: This was learnt only in respect of such as receive a maintenance allowance. (72b)

Our Rabbis taught: A man who has in his neighbor's courtyard a gate-house, a portico or a balcony imposes no restrictions upon him. [One, however, who has in it] a straw-magazine, a cattle-pen, a room for wood or a storehouse does impose restrictions upon him. Rabbi Yehudah ruled: Only a dwelling-house imposes restrictions. It once happened, Rabbi Yehudah related, that Ben Napacha had five courtyards at Usha, and when the matter was submitted to the Sages they ruled: Only a dwelling-house imposes restrictions. 'A dwelling-house'! Is such a ruling imaginable? Rather say: A dwelling-place. What is meant by a 'dwelling-place'? — Rav explained: One's dining-place. and Shmuel explained: One's night's lodging place.

An objection was raised: Shepherds, fig watchmen, station house-keepers and fruit watchmen have the same status as the townspeople if they are in the habit of taking their night's rest in the town,[1] but if they are in the habit of spending the night in the fields, they are only entitled to walk a distance of two thousand amos in all directions?[2] — In that case we are witnesses that they would have been more pleased if bread had been brought to them there.[3]

Said Rav Yosef, 'I have never heard this tradition'. 'You yourself', Abaye reminded him, 'have told it to us, and you said it in connection with the following: Brothers who were eating at their father's table but slept in their own house must each contribute a share to the eiruv, concerning which we asked you: Does this then imply that the night's lodging-place is the cause of the obligation of eiruv? And you, in reply to this question, told us: Rav Yehudah citing Rav replied: This was learnt only in respect of such as receive a maintenance allowance'. (72b – 73a)

Our Rabbis taught: Where a man has five wives who are in receipt of a maintenance allowance from their husband[4] or five slaves who are in receipt of a maintenance allowance from their Master, Rabbi Yehudah ben Beseirah

[1] Where they have their Shabbos meal.
[2] From their lodging-places. How then could Rav maintain that the meaning of 'dwelling-place' is 'one's dining-place'?
[3] Into the field where they are spending the night. It is for this reason only that their dining-place in the town is disregarded.
[4] And each one lives in a separate house in his courtyard.

permits [unrestricted movement] in the case of the wives[5] but forbids it in the case of the slaves,[6] while Rabbi Yehudah ben Bava permits this in the case of slaves but forbids it in the case of the wives. Said Rav, what is Rabbi Yehudah ben Bava's reason? The fact that it is written in Scripture: But Daniel was in the gate of the king.[7] (73a)

It is obvious that a son in relation to his father is subject to the ruling here enunciated. [The status of] a wife in relation to her husband and a slave in relation to his master is a point at issue between Rabbi Yehudah ben Beseirah and Rabbi Yehudah ben Bava. What, however, [is the status of] a student in relation to his master?[8] — Come and hear what Rav when at the school of Rabbi Chiya stated: 'We need not prepare an eiruv since we virtually dine at Rabbi Chiya's table'; and Rabbi Chiya, when he was at the school of Rebbe, stated: 'We need not prepare an eiruv since we virtually dine at Rebbe's table.' (73a)

Abaye enquired of Rabbah: If five residents collected their contributions to their eiruv and desired to transfer it to another place,[9] does one eiruv contribution suffice for all of them[10] or is it necessary for each one to make a separate contribution to the eiruv?[11] — He replied: One eiruv contribution suffices for all of them. But, surely, brothers are like residents who collected their contributions and yet was it not stated: must each contribute a share to the eiruv?[12] — Here we are dealing with a case where other tenants, for instance, lived with them, so that [it may be said:] Since these impose restrictions those also impose them.[13] This may also be supported by a process of reasoning. For it was stated: When does this apply? When they carry their eiruv into some other place but if their eiruv is deposited with them or if there are no other tenants with them in the courtyard they need not prepare any eiruv. This is conclusive. (73a)

Rabbi Chiya bar Avin enquired of Rav Sheishes: In the case of students who have their meals in the country, but come to spend their nights at the Yeshivah[14] do we measure their Shabbos limit from the Yeshivah[15] or from their country quarters?[16] He replied: We measure it from the Yeshivah. Behold, [the first objected], the case of the man who deposits his eiruv within two thousand amos and comes to take his night's rest at his house whose Shabbos limit is measured from his eiruv![17] — In that case, [the

[5] Since each one is deemed to be intimately associated with her husband's house.
[6] Who are not so intimately connected with their master.
[7] This implies that wherever Daniel (the king's servant) was he was regarded as being 'in the gate of the king' i.e., at the king's house; and the same applies to slaves in relation to their master.
[8] Where the former is in receipt of a maintenance grant from the latter and lives with him in the same courtyard but in a separate house.
[9] I.e., to another courtyard with whose residents they wish to join in eiruv.
[10] Sc. may one of them carry that eiruv (to which they had all contributed) or the prescribed quantity of food of his own (on behalf of all of them) to the courtyard with the tenants of which they desire to join?
[11] Abaye must never have heard of the Baraisa, which deals with this very question; or, if he was acquainted with it, was desirous of ascertaining whether it represented the halachah, since, as was stated, it either agreed with none or only with Beis Hillel.
[12] If they desired to join in eiruv with other tenants. How then could Rabbah maintain that one eiruv contribution, which only places the tenants in the same position as the brothers, is sufficient?
[13] Unless each brother makes an independent contribution to the new eiruv. In the case, however, of two courtyards for each of which an independent eiruv had been prepared by its tenants, or in that of two courtyards in one of which live a father and sons (who require no eiruv) and in the other an eiruv had been prepared by its tenants, so that the residents of each courtyard independently are permitted unrestricted movement within it, the principle of 'since these impose . . . those also impose' is obviously inapplicable (since no one imposes restrictions upon the others), and consequently one eiruv taken by one of the tenants to the other courtyard suffices for all the tenants of his own courtyard.
[14] Which is in town, the distance between which and their dining quarters is not greater than two thousand amos.
[15] Because it is the place where their nights are spent, in agreement with the view of Shmuel.
[16] Where they have their meals, in agreement with Rav.
[17] And not from the place where his night is spent. How then could it be maintained that the students' Shabbos limit is measured from their Yeshivah because they spend their nights there?

other replied,] we are witnesses, and in this case also we are witnesses. In that case we are witnesses' that if he could live there[18] he[19] would have preferred it,[20] and in this case also we are witnesses that if their meals had been brought to them at the Yeshivah they would have much preferred it.[21] (73a)

Rami bar Chamah enquired of Rav Chisda: Are a father and his son or a master and his disciple regarded[22] as many[23] or as one individual?[24] Do they require an eiruv or not? Can the use of their mavoi[25] be permitted by means of a lechi or korah[26] or not? — He replied: You have learnt it: A father and his son or a master and his disciple, if no other tenants live with them, are regarded as one individual, they require no eiruv, and the use of their mavoi may be rendered permissible by means of a lechi or korah. (73a)

MISHNAH: If five courtyards opened into each other and into a mavoi,[27] and an eiruv was prepared for the courtyards but no shittuf was made for the mavoi, the tenants are permitted the unrestricted use of the courtyards but forbidden that of the mavoi.[28] If, however, shittuf was made for the mavoi, they are permitted the unrestricted use of both. if an eiruv was prepared for the courtyards and shittuf was made for the mavoi, though one of the tenants of a courtyard forgot to contribute to the eiruv,[29] they are nevertheless permitted the unrestricted use of both. If, however, one of the residents of the mavoi forgot to contribute to the shittuf, they are permitted the unrestricted use of the courtyards but forbidden that of the mavoi, since a mavoi to its courtyards[30] is as a courtyard to its houses.[31] (73a – 73b)

GEMARA: Whose view is this? Apparently that of Rabbi Meir who laid down that it is necessary to have both eiruv and shittuf Read, however, the middle clause: If, however, shittuf was made for the mavoi, they are permitted the unrestricted use of both, which represents, does it not, the view of the Rabbis who laid down that one of these is sufficient?[32] — This is no difficulty. It means: If, however, shittuf also was made. But read, then, the next clause: IF An eiruv was prepared for the courtyards and shittuf was made for the mavoi, though one of the tenants of a courtyard forgot to contribute to the eiruv, they are nevertheless permitted the unrestricted use of both. Now how is one to understand this ruling? If [the tenant][33] did not renounce his share, why[34] should the others be permitted? It is obvious then that he did renounce it. Now read the final clause: If, however, one of the residents of the mavoi forgot to contribute to the shittuf, they are permitted the unrestricted use of the courtyards but forbidden that of the mavoi; now if this is a case where he

[18] Where his eiruv is deposited.
[19] Since it is his intention to go on the Shabbos in that direction of the town.
[20] In order that he might be nearer to his goal when he starts on his walk on the Shabbos day.
[21] Hence the ruling that their Shabbos limit is measured from the Yeshivah.
[22] In the case of two courtyards one within the other where the tenants of the inner one have a right of way through the outer one.
[23] So that if they resided in the inner one they impose restrictions on the use of the outer one even though the latter had prepared an eiruv among themselves.
[24] Who imposes no restrictions on the use of the outer courtyard.
[25] Where one of them resided in one courtyard and the other in another courtyard in the same mavoi.
[26] As if two courtyards opened out into it. No lechi or korah is effective in a mavoi unless 'houses and courtyards' open into it. The courtyards of a father and his son or a master and disciple being regarded as a single courtyard.
[27] I.e., each had two doors one of which led to the other courtyards and the other opened directly into the mavoi.
[28] Because an eiruv cannot serve the purposes of both eiruv and shittuf.
[29] But contributed to the shittuf.
[30] Although both possess characteristics of a public domain.
[31] Though the latter are distinctly private domains while the former possess characteristics of a public domain. As it is forbidden to convey any objects from the houses to the courtyard unless an eiruv had been prepared so it is forbidden to carry objects from the courtyards into the mavoi unless shittuf had been made.
[32] Is it likely, however, that two adjacent clauses should represent two opposing views?
[33] Who forgot to contribute to the eiruv of his courtyard.
[34] Since Rabbi Meir does not recognize shittuf as a substitute for eiruv.

renounced his share, why are they forbidden the unrestricted use of the mavoi? And should you reply that Rabbi Meir is of the opinion that the law of renunciation of one's share is not applicable to a mavoi, surely it can be retorted, was it not taught: 'Since . . . he renounced his share in your favor . . . these are the words of Rabbi Meir'? It is consequently obvious that [the tenant]' did not renounce his share. And since the final clause deals with one who made no renunciation in the earlier clause also must deal with one who made no renunciation. Would then the first and the last clauses represent the view of Rabbi Meir and the middle one that of the Rabbis?[35] — All our Mishnah represents the view of Rabbi Meir; for the only reason why28 Rabbi Meir ruled that both eiruv and shittuf were required is that the law of eiruv should not be forgotten by the children, but in this case, since most of the tenants did contribute to the eiruv,[36] it would not be forgotten.[37] (73b)

Rav Yehudah stated: Rav did not learn, "opened into each other";[38] and so stated Rav Kahana: Rav did not learn, "opened into each other." Others say: Rav Kahana himself did not learn, "opened into each other." Abaye asked Rav Yosef: What is the reason of the one who does not learn, "opened into each other"? — He is of the opinion that a shittuf contribution that is not carried in and out[39] through the doors that opened into the mavoi[40] cannot be regarded as valid shittuf.[41]

He raised an objection against him: If a householder was in partnership with his neighbors, with the one in wine and with the other in wine, they need not prepare an eiruv?[42] — There it is a case where he carried it[43] in and out.[44]

He raised another objection: How is shittuf in a mavoi effected etc.?[45] — There also It is a case where it was carried in and out.

Rabbah bar Chanan demurred: Now then, would shittuf be equally invalid if one resident transferred to another the possession of some bread in his basket? And should you reply that [the law] is so indeed, [it could be retorted:] Didn't Rav Yehudah, in fact, state in the name of Rav: If numbers of a party were dining when the sanctity of the Shabbos day overtook them,[46] they may rely upon the bread on the table to serve the purpose of eiruv or, as others say, that of shittuf; and in connection with this Rabbah observed that there is really no difference of opinion between them, since the former refers to a party dining in a house and the latter to one dining in a

[35] Is it conceivable, however, that the view of the Rabbis would be inserted anonymously between the views of Rabbi Meir?
[36] Only one of them having failed to contribute his share.
[37] Hence the validity of shittuf as a substitute for eiruv even according to Rabbi Meir.
[38] Sc. the eiruv spoken of in our Mishnah is not one that was prepared for the purpose of amalgamating a number of courtyards but for that of enabling tenants to have the unrestricted use of their own courtyard only.
[39] Into the mavoi from each of the courtyards and out of it into the courtyard where it is to be deposited.
[40] But through the other courtyards.
[41] Because the direct connection between courtyards and mavoi must be clearly shown. As in the case of courtyards that open into each other as well as into the mavoi it may happen that the shittuf contributions should be carried from a courtyard into the mavoi indirectly through the other courtyards, shittuf was entirely forbidden. Since our Mishnah allows shittuf it must refer to courtyards that did not open into each other. Hence Rav's omission.
[42] The wine in joint ownership is obviously kept in one of the courtyards and may never have passed the door of any other courtyard. How then could it be maintained that for shittuf to be valid the contributions must pass 'in and out through the doors that opened into the mavoi'?
[43] The cask containing the joint stock of wine.
[44] It was duly carried from each courtyard direct into the mavoi and finally taken into the courtyard in which it was deposited. This is a forced explanation contrary to the accepted law and is later superseded by a more satisfactory explanation.
[45] It is laid down that one of the residents may assign to each of his neighbors a share in his wine, and the shittuf is as valid as if each one had actually contributed a share. Now, though this wine has never passed the door of any of the other courtyards, the shittuf is valid. How then could it be maintained that contributions to shittuf must pass 'in and out etc.'?
[46] Sc. the Shabbos began while they were still at table and unable, therefore, to collect the necessary contributions for eiruv or shittuf.

courtyard?[47] — The fact is that Rav's reason this:[48] he is of the opinion that unrestricted movement in a mavoi cannot be rendered permissible by means of a lechi or korah unless houses and courtyards opened into it.[49] (73b)

[To turn to] the main text: Rav laid down: Unrestricted movement in a mavoi cannot be rendered permissible by means of a lechi or korah unless houses and courtyards opened into it; but Shmuel ruled: Even one house and one courtyard suffices; while Rabbi Yochanan maintained: Even a ruin is sufficient. (73b – 74a)

INSIGHTS TO THE DAF

There is an argument regarding whether five wives or servants of a person (this was before the ban of Rabeinu Gershom against having more than one wife) who are supported by him, and each have a house in the yard, are considered separate entities regarding eiruvei chatzeiros. Rabbi Yehudah ben Beseirah holds the wives are not separate entities and the servants are separate entities, while Rabbi Yehudah ben Bava holds the exact opposite.

While Rav explains Rabbi Yehudah ben Bava's reason for servants not being considered separate entities, the Gemora does not explain Rabbi Yehudah ben Beseirah's reasoning for wives not being considered separate entities. What is his reasoning?

It would appear Rabbi Yehudah ben Beseirah holds that a woman is not a separate entity due to the rule of "ishto k'gufo" -- "one's wife is like one's own body." This explanation is indeed said by the Ritva.

However, the Ra'avad gives a different reason that links not only each wife to the husband, but also each of them to each other. Being that if the husband dies without children, the chalitzah or yibum of one of the wives would allow the others to go free, it is clear that they are all considered one entity centered around their husband.

The Rashba explains that while Rabbi Yehudah ben Beseirah focuses on the fact that the husband and his wives are connected as described by the Ra'avad above, Rabbi Yehudah ben Beseirah is looking at the fact that the servants are considered to be the money or property of the owner.

The Rashba implies that this reasoning does not impress Rabbi Yehudah ben Beseirah, who does not deem this enough to make him part of the household regarding an eiruv.

DAILY MASHAL

A Public Sign

R' Shlomo Braun once explained why special severity is attached to public desecration of Shabbos, as opposed to private and discrete Shabbos desecration. The Torah tells us that Shabbos is a sign between Hashem and the Jewish people. A sign is a public display. Therefore, public renouncing the sign of Shabbos is that much more severe.

[47] Where a shittuf, but no eiruv may be deposited. This shows that there is no necessity for the contributions to shittuf to pass 'in and out through the doors etc.' How then could it be maintained that shittuf must pass 'in and our' through the doors of the courtyards that opened directly into the mavoi?

[48] Not the one previously suggested according to which shittuf must pass in and out etc.

[49] Sc. no less than two courtyards must open into the mavoi and no less than two houses must open into each courtyard. As a number of courtyards that opened into each other are regarded as one courtyard, the unrestricted use of the mavoi spoken of in our Mishnah could not have been effected if the courtyards that opened into each other.