

Eirubin Points 75

1. The Mishna discusses the laws of eiruvei chatzeiros in a case where a courtyard is open to a second courtyard, and that second courtyard is open to the public domain.

The Mishna explains that if the first courtyard made its own eiruv and the second courtyard did not make an eiruv, the first eiruv is valid. If the second courtyard made an eiruv but the first courtyard did not, the second courtyard's eiruv is also invalid. This is because the first courtyard passes through the second courtyard to get to the public domain, and they did not make an eiruv.

2. In a case where they each made a separate eiruv, there is an argument whether or not the second courtyard's eiruv is valid.

Rabbi Akiva states that even in such a case the second courtyard's eiruv is invalid, as people that have the right to pass through their courtyard, even though they made their own eiruv, are not included in their eiruv. The Chachamim argue that only people who did not make an eiruv and have the right to pass through can invalidate an eiruv.

3. The Gemora summarizes the argument between the Tanna Kamma, Rabbi Akiva, and the Chachamim.

Rabbi Yanai concludes that there are three different opinions in the Mishna (regarding cases similar to the cases of our Mishna). The Tanna Kamma holds that people that have made their own eiruv do not forbid the eiruv of others. However, if they did not make their own eiruv they do forbid the eiruv of others. Rabbi Akiva holds that even if they made their own eiruv they can forbid the eiruv of others. The Chachamim hold that even if they did not make their own eiruv they do not forbid the eiruv of others. [Accordingly, they even argue on the law in #1 above that if the second courtyard made an eiruv but the first courtyard did not, the second courtyard's eiruv is also invalid.]

4. If the two courtyards made a joint eiruv and placed it in the first courtyard, but one of the people in the second courtyard did not join the eiruv, there is an argument regarding the law of the first courtyard.

In such a case, everyone agrees that the eiruv of the second courtyard is invalid, as not all of the people in the courtyard joined the eiruv. Rabbi Akiva holds that even the eiruv of the first courtyard is invalid, while the Chachamim hold that the eiruv of the first courtyard is valid.

5. There is an argument regarding the Mishna's intent when it said, "If they were (courtyards of) individuals, they do not require an eiruv."

The last case in our Mishna is when the joint eiruv was made in the outer courtyard, and one of the people forgot to join the eiruv. Everyone agrees that if there is no eiruv and there is only one person in each courtyard, no eiruv is necessary in their own courtyards, and they can carry in their own individual yards. The question is if there are two people in the outer courtyard, and one in the inner courtyard. Rav Yosef and

others state that we even forbid the individual in the inner courtyard from carrying, as this scenario might be mixed up with a case where there are two people in the inner courtyard. Shmuel argues that in such a case the one in the inner courtyard may carry.

INSIGHT:

The Rishonim discuss why the Gemara decided that the Chachamim in our Mishna is a separate opinion from that of the Tanna Kamma, when we know that often the Chachamim and the Tanna Kamma are one and the same.

The Ritva and Rashba explain that this was understood from the terminology used by the Chachamim. They did not just address the case and say that both courtyards are permitted. Instead, they made a sweeping statement implying that the fact that the inner courtyard passes through does not forbid anything. This implies that they hold that there is no problem at all with people who have a right to pass through the courtyard, even if they do not make an eiruv. This is clearly at odds with the Tanna Kamma's position earlier in the Mishna. This is how Rabbi Yanai knew that there were three opinions in the Mishna.