



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

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Airspace Usage

Rav Yehudah quotes Shmuel saying that if a water pit is between two courtyards, 4 *tefachim* away from each, each one can extend a ledge from its window and draw water. Rav Yehudah himself says that even a stick of any size is sufficient.

Abaye told Rav Yosef that this statement of Rav Yehudah is based on Shmuel, as Rav says that people do not prohibit each other from carrying in an area in which they just share airspace, and therefore wouldn't require anything to draw water.

The *Gemora* asks: Where do we see Shmuel saying that shared airspace requires a separation?

The *Gemora* suggests that it is from Rav Nachman's statement in Shmuel's name that to carry from a balcony to a roof which is next to the public street, it needs a permanent ladder to the roof. This implies that the usage of the people in the street, which is by throwing things through the air, is enough to prohibit carrying there without a ladder.

The *Gemora* deflects this with Rav Pappa's explanation that the people in the street use the roof directly by placing their hats and scarves on it.

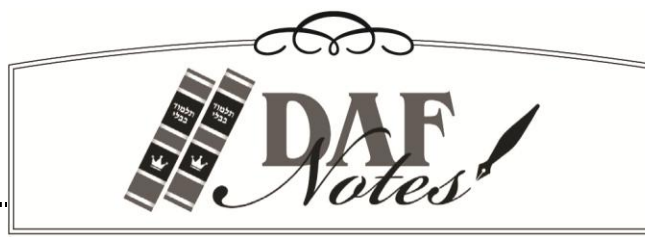
Rather, the *Gemora* says that it is from Shmuel's requirement (*that he cited*) that the two courtyards extend ledges, which indicates that without that they prohibit each other.

The *Gemora* asks: Where do we see that Rav says that shared airspace doesn't prohibit carrying?

The *Gemora* suggests that we see it from the case of two balconies overlooking water. The *Mishna* says that if only the upper one made walls above the water, neither may draw water until they make a joint *eiruv*.

Rav Huna quotes Rav saying that they are only prohibited if the two balconies are close to each other, but if they are more than 4 or more *tefachim* apart, the upper one can draw water. The *Gemora* assumes that this is because the lower one doesn't prohibit the upper one, since they only access the water through the airspace between them, indicating that Rav says that shared airspace doesn't prohibit carrying.

The *Gemora* deflects this, as Rav may only say that the lower one doesn't prohibit the upper one through airspace, since they must also throw their bucket 4 *tefachim*, making their usage significantly less convenient than the upper one's. However,



perhaps he would say that two groups that share airspace equally do prohibit each other.

Rather, the *Gemora* says we see it from Rav Nachman in the name of Rabbah bar Avuha, who quotes Rav saying that if two houses are separated by three ruins, each one can carry in the ruin adjacent to it through its airspace, but neither can carry in the third. Even though the adjacent ruin's airspace is also accessible to the far house, this doesn't prohibit the near house from carrying in it, proving that shared airspace doesn't prohibit carrying. (84b – 85b)

Carrying to the Middle Ruin

Rav Bruna was sitting and teaching this statement of Rav about the houses and ruins, and Rabbi Eliezer asked if Rav indeed ruled this way. When Rav Bruna said he did, he asked him where Rav was staying. He then went to Rav and asked him whether he ruled this way. When he said he did, Rabbi Eliezer challenged his prohibiting the third ruin from another ruling of Rav. Rav said that if one group uses an area by throwing (*upwards*) and another uses it by lowering, they are both prohibited, indicating that two types of far usage, even if one is easier than the other, prohibit carrying.

Rav explained that the case he ruled about was when the third ruin was shared between the two houses (*adjacent to both other ruins*), making it an area which both use directly. (85b)

Area Between House and Street

Rav Pappa asked Rava whether Shmuel, who says that shared abnormal usage (*like airspace*) prohibits carrying, disagrees with Rav Dimi, who quoted Rabbi Yochanan saying that an area less than 4x4 *tefachim* between a house and the street, which is not a normal area to use, can be used by both, as long as they don't pass items between them.

He answered that in Rav Dimi's case, carrying between the domains is prohibited from the Torah, and therefore we are not concerned that people will come to carry between them. However, in Shmuel's case, carrying between the courtyards is only Rabbinically prohibited, so the Sages were more strict in the case of shared usage, to prevent any laxity in carrying between them. (85b)

Throwing Across the Street

Ravina asked Rava how Rav's permitting carrying to the adjacent ruin can be consistent with his position in the case of two houses across a street. Rav says that one may not throw between them, while Shmuel says one may, indicating that Rav says that throwing is a normal usage.

Rava answered that we already learned that the dispute of two houses across the street is when they are of different heights, and Rav only prohibits throwing lest he miss, and then directly carry the item from the street to the second house. (85b)

What's a Dwelling?

The *Mishna* says that a gate house, an open covered area, or a balcony, are not considered dwelling places of a courtyard. Therefore, an *eiruv* placed in

them is not valid, and someone who lives in them is not a resident which would prohibit others from carrying in the courtyard. A house for straw, a barn, a house for wood, or any other storage house are dwelling places, and therefore an *eiruv* placed in them is valid, and one who dwells there prohibits others from carrying. Rabbi Yehudah says that if the owner of one of these areas reserved the right to leave his property there, a resident who rents it to dwell there does not prohibit others from carrying. (85b)

Exceptions to the Dwelling Rule

Rav Yehudah the son of Rav Shmuel bar Shailas says that any area where we learn that its occupant doesn't prohibit others from carrying isn't valid for placing the *eiruv*, except for a gate house of an area with just one resident. Any area where we learn that it isn't valid for placing an *eiruv* also isn't valid for placing the *shittuf* (of a *mavoi*), except for the airspace of the *mavoi* itself. The *Gemora* asks what Rav Yehuda is teaching us, as the *Mishna* already told us that the first list of places isn't valid for placing an *eiruv*, implying that it is valid for placing a *shittuf*. The *Gemora* answers that he is teaching us the exceptions, which the *Mishna* doesn't specify. The *Gemora* supports this from a *braisa* which states that if one places an *eiruv* in a gate house, covered open area, balcony, courtyard, or *mavoi*, it is valid. To resolve the contradiction with the *Mishna*, we amend the *braisa* to refer to a *shittuf*, and the last two areas refer to a courtyard in the *mavoi*. (85b)

Bread on the Table

Rav Yehudah quotes Shmuel saying that if a group of people were eating when Shabbos began, they can rely on the bread on their table as an *eiruv*. Some say that they can rely on it as *shittuf*.

Rabbah says that the two versions don't disagree. If they are eating in a house, they can use it as an *eiruv*, but if they are eating in the courtyard, they can use it as a *shittuf*.

Abaye supported Rabbah with a *braisa* which states that the *eiruv* of a courtyard is placed in the courtyard, while the *shittuf* of the *mavoi* is placed in the *mavoi*. This seems to contradict the *Mishna's* statement that areas where one cannot dwell are not valid for an *eiruv*, which would invalidate placing the *eiruv* in the courtyard itself. Rather, we amend the *braisa* to say that the *eiruv* is placed in a house in the courtyard, while the *shittuf* is placed in a courtyard in the *mavoi*. (85b)

Reserving the Right in a Rented House

The *Gemora* asks for an illustration of Rabbi Yehudah's statement about reserving rights in a rented house, and gives the example of Bonias ben Bonias who owned many houses which he lent out, leaving his property in them. The *Gemora* says that when he came to Rebbe, he said that they should clear the way for the one who has 100 *maneh*. When another rich person came to Rebbe, he said that they should clear the way for the one who has 200 *maneh*. When Rabbi Yishmael the son of Rabbi Yosi told Rebbe that Bonias ben Bonias's father was richer, as he owned 1000 ships at sea and 1000 cities on land, he told him to tell his father to dress

him in a way that indicates his higher net worth.
(85b – 86a)

INSIGHTS TO THE DAF

Where to Place the Eiruv-Bread

Eiruvei chatzeiros allow the residents of a courtyard to carry from their houses into the common courtyard. Similarly, *shittufei mevo'os* allow them to carry from the courtyards into the alleyway between the courtyards. In this week's Daf Yomi, our sugya discusses where to place the food used for the *eiruv* and the *shittuf*. The *eiruv* functions by uniting the houses of the courtyard into one collective unit. The *eiruv* bread is placed in one of the houses, and a share in the food is granted to all the residents of the courtyard. Thereby it is considered as if they all live together in the same house, together with the food. For this reason, the *eiruv*-bread must be placed specifically in a house, where a person might live. If the *eiruv* is placed outside in the courtyard, it is invalid. The *shittuf*, on the other hand, unites all the courtyards into one. Therefore, it need not be placed in a house. It may also be placed outside in the courtyard, provided that it is kept in a safe place.

The Rema (O.C. 361:3) writes that there is an ancient custom to place the *eiruv chatzeiros* inside the shul-building. However, the *eiruv*-bread must be accessible on Shabbos. If the shul is locked and cannot be opened without violating a Torah prohibition, the *eiruv* is invalid (Shulchan Aruch O.C. 394:2).

When the government locked the shul: The Noda B'Yehuda (II, O.C. 39) was once addressed with the question of a shul that was locked by the government, as a penalty for the community having

failed to pay their taxes on time. On the one hand, the *eiruv*-bread was inaccessible. On the other hand, it was only a Rabbinic prohibition to break the lock. As we have seen over the course of our sugyas, Rebbe holds that a Rabbinic prohibition does not render the *eiruv* invalid, and the halacha rules accordingly (see Biur Halacha, 394).

The Noda B'Yehuda responded that even though the Torah does not forbid breaking the lock, it was realistically impossible to do so. No one would dare endanger his life by breaking a lock placed by the government. Therefore, he instructed them to set a new *eiruv* for the following Shabbos, in a house other than the shul building.

People rarely die in shul: The Pri Megadim (366 M.Z. 7; 386 M.Z. 2) suggests the source of the custom to place the *eiruv* in shul is that people rarely die in shul, since people who are gravely ill generally remain at home. Kohanim are forbidden to enter a building where a dead body lies. Were the *eiruv* to be found in a house with a dead body, it would be inaccessible to the Kohanim, and therefore invalid. Therefore, the custom developed to keep the *eiruv* in shul.

Eiruv in a Reform synagogue: Another interesting application of this discussion arose in Hungary, when the *eiruv* was placed in a local Reform synagogue. The rabbonim had placed a strict prohibition, forbidding anyone from davening in the Reform synagogue. Years later, the question arose whether they meant to forbid even entering the synagogue, or just davening there. If they indeed forbade entering the place, then the *eiruv*-bread is considered inaccessible, and the *eiruv* is invalid (Maharam Shik O.C. 176, et. al.).