

24 Sivan 5773
June 2, 2013



Eiruv Daf 86

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

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

If a man left his house and went to spend the *Shabbos* in another town, whether he was an idolater or a Jew, his share imposes restrictions (*for carrying upon those who reside in the courtyard*); these are the words of Rabbi Meir. Rabbi Yehudah ruled: it imposes no restrictions (*for he maintains that an empty house cannot in respect of eiruv be regarded as a dwelling-house*). Rabbi Yosi said: The share of an idolater imposes restrictions; but that of a Jew does not impose any restrictions, because it is not usual for a Jew to return on the *Shabbos*. Rabbi Shimon ruled: Even if he left his house and went to spend the *Shabbos* with his daughter in the same town, his share imposes no restriction, since he had no intention whatsoever of returning.

Rav stated: The *halachah* is in agreement with Rabbi Shimon. This, however, applies only where the man went to spend the *Shabbos* with his daughter, but not where he went to spend it with his son; for it is a common saying: If a male dog barks at you, go in; if a female dog barks at you, go out. [A quarrelsome son-in-law can be endured, and there is no reason to be concerned that his father-in-law might have to leave his daughter's house during the *Shabbos*. A quarrelsome daughter-in-law, however, might drive her father-in-law from his sons's house before the day is over.]

a well of water that is situated between two courtyards and one cannot draw water from the well.

There is a dispute in Eruvin as to how to remedy the situation. Some opinions maintain that a barrier must be set up inside the well and other opinions maintain that it is sufficient if the barrier is erected at the top of the well. This dispute is also predicated on whether a suspended wall is deemed to be a proper wall.

From a cistern between two courtyards (*when an eiruv has not been prepared*), no water may be drawn on the *Shabbos* (*because there is a concern that the water is coming from the other courtyard*), unless a partition ten *tefachim* high has been made for it - either below (*which, the Gemora ill explain*) or within its rim. Rabban Shimon ben Gamliel said: Beis Shammai ruled: below, and Beis Hillel ruled: above. Rabbi Yehudah observed: The partition could not be more effective than the intervening wall (*between the courtyards*).

Rav Huna explained: "Below" means actually below (*below the mouth of the cistern, though there is no need for the edge of the partition to touch the water*), and "above" means actually above (*near the rim, but there is no need to extend it to the water*), and in either case the partition must be within the cistern. [Even Beis Hillel agree that the entire partition of ten *tefachim* high must be within the rim and below it.] Rav Yehudah, however, explained: "Below" means below the water (*the partition must be fixed in the floor of the cistern*), and "above" means above the water.

Rabbah bar Rav Chanan said to Abaye: With reference to Rav Yehudah's explanation that "below" means below the water, why isn't actually below (*but above the surface*) valid? Apparently, it is because the waters (*of the two courtyards*) would be mixed; but then, even if according to that which he explains that it is below the water (*on the floor of the cistern*), isn't the water still mixed (*above the partition*)?

Abaye replied: Have you not heard the statement which Rav Yehudah made in the name of Rav, or as others cite, in the name of Rabbi Chiya: The tops of the reeds must be seen projecting one *tefach* above the surface of the water (*and therefore the waters do not mix*)!

Furthermore (*Rabbah bar Rav Chanan said to Abaye*), with reference to Rav Yehudah's explanation that "above" means above the water, why doesn't he explain that it is actually above (*near the lip of the cistern*)? Apparently, it is because the water would be mixed; but then, even if according to that which he explains that it is above the water, isn't the water mixed?

Abaye replied: Have you not heard the *braisa* that Yaacov Karchina has taught: One must insert the ends of the reeds into the water to the depth of at least a *tefach* (*and therefore the waters do not mix*)!

The *Gemora* asks: With reference, however, to Rav Yehudah's ruling that a crossbeam of the width of four *tefachim* effects permissibility (*to carry underneath it*) in a ruin (*if it lay on its width and reached from one wall to the other on the opposite side*); and to that of Rav Nachman who said in the name of Rabbah bar Avuha that a crossbeam of the width of four *tefachim* effects permissibility in the case of water (*that the water may be used by the residents of each courtyard*

as if a proper division had separated the water of their domain from that of the other); doesn't the bucket swing to the other side and thus carry up the water from it?

The *Gemora* answers: The Rabbis have ascertained that a bucket does not swing beyond four *tefachim* (*and since the beam is four tefachim wide, the bucket cannot swing from its one side beyond its opposite side*).

The *Gemora* asks: But aren't the waters still mixed under the crossbeam?

The *Gemora* answers: The fact is that the Sages have relaxed the law in respect of water; as Rabbi Tavla, when he enquired of Rav whether a suspended partition (*three or more tefachim above the ground*) convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility of use in the case of water only, because it is only in respect of water that the Sages have allowed a special leniency.

The *Mishna* had stated: Rabbi Yehudah observed: The partition could not be more effective than the intervening wall (*between the courtyards*).

Rabbah bar bar Chanah said in the name of Rabbi Yochanan: Rabbi Yehudah made his ruling on the lines of the view of Rabbi Yosi who holds that a suspended partition effects permissibility even on dry land, for we learned in a *Mishna*: If one weaves the walls from above to below (*the reference is to the walls of a sukkah; he takes horizontal boards, and beginning from the top, adds boards to fill in the open frame; he does not, however, reach the ground*): if they are three *tefachim* high above the ground, it is invalid; from below to above: if they are ten *tefachim* high, it is



valid. Rabbi Yosi ruled: As walls of the height of ten *tefachim* are valid if they rise from below to above (*even though they do not reach the s'chach*), so are those that stretch from above to below valid if their height is ten *tefachim* (*even if they do not reach the ground*).

The *Gemora* notes: This, however, is not correct, for neither does Rabbi Yehudah hold the view of Rabbi Yosi, nor does Rabbi Yosi hold that of Rabbi Yehudah. The *Gemora* explains: Rabbi Yehudah does not hold the view of Rabbi Yosi, since Rabbi Yehudah maintained his view only in respect of an *eiruv* of courtyards which are merely a Rabbinical institution, but not in that of *sukkah*, which is Biblical. Nor does Rabbi Yosi hold the view of Rabbi Yehudah, since Rabbi Yosi maintained his view only in respect of *sukkah*, which is merely a positive commandment, but not in that of *Shabbos*, which involves a prohibition punishable by stoning.

And should you ask: In agreement with whose view was that incident at Tzipori (*concerning a suspended partition which was used on Shabbos*) decided upon? [Now, R' Yosi, who was the leader of that town, did not hold that a suspended partition may be used.] The answer is that it was not decided upon being in agreement with the view of Rabbi Yosi, but with that of Rabbi Yishmael son of Rabbi Yosi.

INSIGHTS TO THE DAF

Rebbi and Rabbi Akiva honored the rich. Rava bar Mari explained that this was due to the verse, "The world sits before Hashem, kindness and truth are supplied by them" This teaches that the rich, who supply the poor with food, are helping the world exist before Hashem. They should therefore be honored.

However, Rabbi Akiva Eiger in Gilyon Hashas quotes a Likutei Maharil who says that there was another reason why Rebbi taught that people should honor the rich. Being that Rebbi himself was very learned, he did not want to benefit from his stature as a great Torah scholar. He therefore taught people to honor the rich, so that when they would honor him they would be doing so anyway because he was rich. He would therefore not be benefiting from his Torah scholarship.

It is possible that this is also why we find this teaching being taught by Rabbi Akiva. After all, Rabbi Akiva was very rich in the second half of his life (as opposed to being very poor originally), as stated clearly in the *Gemora* in Nedarim (50a-b).

This does not mean that Rava bar Mari's teaching is incorrect. However, there are many people who do many good things for which we could honor them. It seems that the Likutei Maharil was saying that Rebbi (and probably Rabbi Akiva) made a point of singling out rich people so that the honor they would receive would not be solely due to their Torah scholarship.