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Eiruv Daf 89

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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

1. There is an argument regarding the status of roofs in eiruv.

Rabbi Meir says that the roofs of two buildings that are next to each other are considered one domain regarding Shabbos. No eiruv chatzeiros is necessary, despite the fact that different owners own the buildings, unless one of the roofs is ten handsbreaths taller than the other. The Chachamim look at roofs the same as yards. An eiruv would be required to carry from one to the other. Rabbi Shimon states that while roofs are equal to yards, there is a leniency that applies to both. One can carry from one to the other any vessel that was in either yard when Shabbos arrived. However, one cannot carry something that was in a house when Shabbos arrived into the yard.

2. Abaye explains Rabbi Meir's law (stated in #1 above).

Abaye explains that the law of Rabbi Meir is similar to the decree that one cannot put something on a permanent platform in a yard that is ten handsbreaths high and four handsbreaths wide. Even though both are in a private domain, there is a decree lest one come to put something on such a platform in the public domain (which would constitute a Torah prohibition of carrying). Here,

too, if the next roof is ten handsbreaths tall, there is a decree that one cannot carry to and from it to an adjacent roof.

3. Even according to the Chachamim, one can carry on his entire roof if the two buildings are not touching.

Rav and Shmuel argue regarding the Chachamim's opinion in a case where the buildings are literally connected. The argument hinges on whether or not we say "gud asik" on the wall between the buildings when the wall is not apparent. Rav says we do not, and therefore one can only carry four cubits on his roof. Shmuel says we do, and therefore he can carry on his whole roof. However, everyone agrees we do say gud asik if the two buildings are not touching. Both people can therefore carry the entire distance of their own roofs.

4. Rav and Shmuel argue regarding the Chachamim's statement in our Mishna.

The Gemora states that the Chachamim's statement, "Every roof is its own domain" seems to be according to Shmuel's opinion, that one may carry on his entire roof even though there is no eiruv and the buildings are touching. However, according to Rav who says that one may only carry a



distance up to four cubits on his roof, what do the Chachamim mean when they say, “Each roof is its own domain?” The Gemora explains that Rav understands this to mean that one may not carry from one roof to the other, even if he is carrying only two cubits on each side.

5. There are times when a person is considered to be able to use all of the roofs even without making an eiruv.

Abaye and Rav Nachman both maintain that if one of the roof owners does something to show he wants to use the rooftops and other do not do so, it shows that the other roof owners have removed themselves from the roof and allow him to be there. This makes it as if all of the roofs are his domain. (Rav Nachman says if he builds a ladder going to the other roofs this is effective, while Abaye says the case where this effective is if he makes a small doorway.)

INSIGHTS TO THE DAF

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Tosfos in Gitin (79b) asks that Shmuel seems to contradict himself in Gitin. Shmuel states (ibid.) that a person should not stand on his roof and catch rainwater from his friend’s roof, as just as there are

different domains in the house, so too there are different domains on top of the house. This sounds like Rav’s opinion in our Gemora!

Tosfos answers that Shmuel there must mean that he should not collect water from the roof and bring it into his house. However, Tosfos counters, why then would Shmuel say that he should not collect rain from his friend’s roof? He cannot even do so from his roof!

Tosfos answers that Shmuel in fact holds in our Gemora that one can bring the rainwater from his roof into his house. This is because he holds that we say “gud asik” on the wall between the buildings, and it is as if each roof is a separate domain. However, Shmuel would agree that one cannot bring the rainwater from his friend’s roof into his house.

Tosfos asks that this too seems slightly difficult. Why would Shmuel state, “just as there are different domains in the house, so too there are different domains on top of the house?” According to what we answered, the problem is bringing the water into the house. Why did he have to focus on the different domains above the house?

Tosfos therefore concludes that Shmuel wanted his statement to be able to be read according to both the Chachamim and Rabbi Shimon. According to Rabbi Shimon (who we rule like), Shmuel indeed meant to focus on bringing the water into the house. According to the Chachamim, the case is where he is carrying from his friend’s roof to his roof. This is why Shmuel added, “just as there are different domains in the house, so too there are different domains on top of the house.”