

21 Mar-Cheshvan 5781  
Nov. 8 2020



Eiruv Daf 91

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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

Rabbi Shimon ruled: Roofs etc. Rav ruled: The halachah is in agreement with Rabbi Shimon. This, however, applies only where no eiruv<sup>1</sup> had been prepared,<sup>2</sup> but not where one<sup>3</sup> had been prepared, since [in the latter case] a preventive measure must be enacted<sup>4</sup> against the possibility of carrying out objects from the houses [in one courtyard] into a [neighboring] courtyard. Shmuel, however, ruled: [The same law applies] whether an eiruv had been prepared or not. So also said Rabbi Yochanan: ‘Who whispered this to you? [There is in fact no difference] whether an eiruv had been prepared or not’.

Rav Chisda demurred: According to the view of Shmuel and Rabbi Yochanan,<sup>5</sup> it might well be objected, ‘Two objects in the same courtyard, and one may be moved while the other may not!’<sup>6</sup> — Rabbi Shimon follows his own principle that in such cases no preventive measure need be enacted. For we learned: ‘Rabbi Shimon remarked: To what may this case be compared? To three courtyards that open one into the other and also into a public domain where, if the two outer ones made an eiruv with the middle one, it is permitted to have access to them and they are permitted access to it, but the two outer ones

are forbidden access to one another’ and no preventive measure against the possibility of carrying objects from the one courtyard into the other had been enacted; so also here no preventive measure has been enacted against the possibility of carrying objects from the houses of one courtyard into the next courtyard.

Rav Sheishes raised an objection: Rabbi Shimon ruled: Roofs, courtyards and karpafs are equally regarded as one domain in respect of carrying from one into the other objects that were kept with them when the Shabbos began, but not in respect of objects that were in the house when the Shabbos began. Now if you grant that the ruling applies also to cases where an eiruv had been prepared it is quite easy to see how objects from a house can be found in a courtyard,<sup>7</sup> but if you maintain that the ruling applies only to cases where no eiruv had been prepared, how<sup>8</sup> is it possible for objects from a house to be found in a courtyard? — He raised the objection and he also supplied the solution: [The objects] referred to might be caps or scarfs.<sup>9</sup>

<sup>1</sup> By the tenants of each courtyard.

<sup>2</sup> For their respective courtyards. As in the absence of all eiruv they are forbidden to carry any objects from their houses into their courtyards there is no need to provide against the possibility of the carrying of an object from one of the houses into a neighboring courtyard.

<sup>3</sup> Each courtyard for itself but no two courtyards jointly.

<sup>4</sup> Forbidding the transfer of objects from one courtyard into another, even though these were all the time in the courtyard.

<sup>5</sup> That, though objects that were in a courtyard when the Shabbos began may be moved into another courtyard, those that were at the time mentioned in a house in that courtyard may not be moved to an

adjoining courtyard, even after they had been brought into their own courtyard by means of an eiruv.

<sup>6</sup> As a result, people might take the liberty of carrying the two kinds of objects into the next courtyard. Why then was no preventive measure enacted against such a possibility?

<sup>7</sup> And the limitation, ‘but not in respect of objects that were in the house’ was consequently necessary.

<sup>8</sup> Since in the absence of all eiruv no object may be carried from any of the houses into the courtyard.

<sup>9</sup> Which may well have been in the house when the Shabbos began but were carried into the courtyard on one’s head as articles of dress.



Come and hear: If the tenants of a courtyard and the tenants on its gallery forgot to join together in an eiruv,<sup>10</sup> any level that is higher than ten tefachim<sup>11</sup> belongs to the gallery, and any lower level belongs also to the courtyard.<sup>12</sup> This<sup>13</sup> applies only where both the former as well as the latter were occupied by many tenants and each group prepared an eiruv for itself,<sup>14</sup> or where they belonged to individuals who<sup>15</sup> need not prepare an eiruv;<sup>16</sup> but if they were occupied by many tenants who forgot to prepare an eiruv,<sup>17</sup> roof, courtyard, exedra and gallery constitute together a single domain.<sup>18</sup> The reason then is that no eiruv had been prepared, but if an eiruv had been prepared this would not have been permitted, would it?<sup>19</sup> — This represents the view of the Rabbis.<sup>20</sup>

A deduction from the form of the expression also supports this view, since karpaf and mavoi were not mentioned.<sup>21</sup> This is conclusive. (91a – 91b)

<sup>10</sup> But each group prepared an eiruv for its courtyard and gallery respectively.

<sup>11</sup> A column or a mound, fair instance.

<sup>12</sup> And since the tenants of the courtyard as well as those of the gallery have a right to it, its use is forbidden to both.

<sup>13</sup> The prohibition on both groups of tenants to use the same courtyard or gallery.

<sup>14</sup> So that the tenants in each group were permitted to carry their objects from their houses into their courtyard and gallery respectively. If objects that rested in the courtyard or the gallery had been permitted to be transferred from the one into the other, people might mistakenly transfer also objects from the house of the one into the other. Hence the prohibition.

<sup>15</sup> Since there were no other tenants either in the one or in the other to impose restrictions.

<sup>16</sup> And may, therefore, carry their objects from their houses into their respective domains. Hence the prohibition.

<sup>17</sup> For their respective domains, so that no object could be moved from any of the no uses into the courtyard and gallery respectively into which that house opened.

<sup>18</sup> And it is consequently permitted to move these objects from one into the other.

<sup>19</sup> Obviously not, since a preventive measure against the possibility of carrying objects from the houses of the one into the other would have been necessary. Now since it is Rabbi Shimon who regards roofs, courtyards etc. as one domain this ruling which also regards them as one domain must be attributed to him, since it was shown that if an eiruv had been prepared the movement of all objects between courtyard and gallery is forbidden, an objection arises against Shmuel and Rabbi Yochanan.

<sup>20</sup> Who agree that roofs and courtyards do constitute a single domain, and it is only they who did not permit the movement of objects as a

Come and hear: If five courtyards were open one into the other and also into a mavoi and all their tenants forgot to prepare an eiruv, it is forbidden to carry in or to carry out from a courtyard into the mavoi<sup>22</sup> or from the mavoi into a courtyard; objects, however, that were in a courtyard when the Shabbos began may be moved about within the courtyard, but in the mavoi this is forbidden;<sup>23</sup> but Rabbi Shimon permits this for he used to say: Whenever they belong to many people who forgot to prepare an eiruv,<sup>24</sup> a roof a courtyard, a portico, a gallery, a karpaf and a mavoi are jointly regarded as a single domain. The reason then is that no eiruv had been prepared<sup>25</sup> but if they had prepared one<sup>26</sup> this would not have been the case, would it?<sup>27</sup> — The meaning of ‘no eiruv had been prepared’ is that the tenants of the courtyards did not prepare an eiruv jointly, but the courtyard with its houses were joined by an eiruv.<sup>28</sup> But was it not stated: ‘No eiruv had been prepared’? —

preventive measure. Rabbi Shimon, however, enacted no such preventive measures.

<sup>21</sup> In agreement with their view. A ruling of Rabbi Shimon would have included these also since he regards these as well as the others as one domain.

<sup>22</sup> The Rabbis, whose view is here represented, regarding a mavoi as a karpaf into which no objects may be carried.

<sup>23</sup> This is now assumed to mean that even objects that were in the mavoi itself at the time the Shabbos commenced may not be moved in it because, so long as no joint eiruv had been prepared, it is subject to the restrictions of a karmelis.

<sup>24</sup> For themselves. This is now presumed to mean that tenants of each courtyard did not prepare an eiruv for their own courtyard.

<sup>25</sup> So that no objects from the houses may be carried into the courtyard and no preventive measure against the possibility of carrying them into the mavoi is called for.

<sup>26</sup> In reliance on which objects from the houses could be carried into the courtyard.

<sup>27</sup> Since a preventive measure against the possibility of carrying objects from the houses into the mavoi would have been necessary. A distinction is thus drawn between a case where eiruv has, and one where it has not been prepared. All objection against Shmuel and Rabbi Yochanan.

<sup>28</sup> Rabbi Shimon's form of expression was not intended as a restriction but, on the contrary, as an extension of the privilege: Even though each courtyard was provided with a separate eiruv and objects from its houses were permitted to be carried into it, it is nevertheless permitted to move into the mavoi such objects as were in the courtyard when the Shabbos began and no preventive measure against the possibility of carrying also the objects from the houses was deemed necessary.



The meaning of an eiruv had been prepared' is that there was no shittuf.<sup>29</sup> And if you prefer I might say: Rabbi Shimon was speaking to the Rabbis in accordance with their view. 'According to my view', he said, in effect, 'there is no difference between a case where an eiruv had been prepared and one where it had not been prepared; but according to your view, would you not agree with me that at least where no eiruv had been prepared all should be regarded as a single domain?' And the Rabbis replied: No, they must be regarded as two domains. (91b)

The Master said: 'But in a mavoi this is forbidden'. May it be suggested that this provides support to a ruling Rabbi Zeira cited in the name of Rav, for Rabbi Zeira citing Rav ruled: In a mavoi wherein no shittuf had been arranged no objects may be moved about except within four amos? — Read: 'But into a mavoi it is forbidden'. But this is identical, is it not, with the first clause? — The superfluous Mishnah was required: As it might have been presumed that the Rabbis differed from Rabbi Shimon only where an eiruv had been prepared<sup>30</sup> but that where no eiruv had been prepared they agreed with him,<sup>31</sup> we were informed [that they differ in both cases].<sup>32</sup>

### INSIGHTS TO THE DAF

The Gemora notes that Rabbi Shimon needed to say that one cannot carry items such as clothing, that were in the house when Shabbos entered and transported into the yard while being worn, from one yard to another.

What is the law regarding carrying them inside the yard itself when no eiruv was made? On the one hand, one cannot carry things from the house to the yard. However, once this was done in a permitted way, do we say it is only

limited to being carried in the yard? Or do we say it cannot even be carried four cubits in the yard itself (although other items can indeed be carried not only within the entire yard, but even into other yards)?

The Tosfos Rid says it is indeed permitted to carry the clothing throughout the entire yard, even more than four cubits. The Rashba seems to agree, but asks that if a person takes off clothing in the yard, this confuses the situation greatly, as some things one can carry into other yards while some things cannot be carried. What is the law? In his first answer, the Rashba says that we indeed decree that if a person takes off clothing in the yard, everything in the yard cannot be carried out of the yard. However, in his second answer he says that because it is uncommon that people take off items of clothing in the yard, even if they do it is called "an uncommon occurrence" not included in a decree. According to this second answer, everyone can keep carrying everything else into other yards. The Ritva sides with this second answer.

However, Rabbi Akiva Eiger does not understand why it should be permitted to carry these clothes four cubits. He says it should have a regular law of not being able to carry items in the house that entered a yard without an eiruv, which is that one cannot carry them four cubits.

<sup>29</sup> Between the courtyards in the mavoi. The question of eiruv between the houses of each courtyard is completely disregarded since the use of the mavoi is permitted irrespective of whether such an eiruv was or was not prepared in the courtyards.

<sup>30</sup> For each courtyard separately; (the meaning of eiruv in the expression 'forgot to prepare an eiruv' being shittuf), and that the prohibition to move objects from a courtyard into the mavoi is due to a

preventive measure against the possibility of moving objects from the house into the mavoi.

<sup>31</sup> That, since no preventive measure is called for, the movement of objects from the courtyard into the mavoi is permitted.

<sup>32</sup> Since the repetition of the ruling can be explained only by applying each statement to a different case: One where all eiruv for each courtyard had been prepared and one where none had been prepared.