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Eiruv Daf 93

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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

Said Rabbah bar Rav Chanan to Abaye: Do we not find elsewhere that a partition may be the cause of a prohibition? Was it not in fact taught: If a house was half covered with a roof while its other half was uncovered, it is permissible to plant in the uncovered part¹ though vines grew in the covered part; but if all the house had been equally covered with a roof would not this have been forbidden?² — There, the other replied: It is a case of the removal of partitions.³

Rava sent to Abaye by the hand of Rav Shemayah bar Ze'ira [the following message]: 'Do we not find a partition to be the cause of a prohibition? Was it not in fact taught: partitions in a vineyard may be either the cause of a relaxation of the law⁴ or one of a restriction of it. In what manner? If the plantation of a vineyard stretched to the 'very foundation of a fence one may plant from the very foundations of that fence and beyond it; whereas in the absence of a partition one may plant only at a distance of four amos; and this is an example of a partition in a vineyard that is the cause of a legal relaxation. In what manner are they a cause of legal restriction? If a vineyard was removed eleven amos from a wall no seed may be planted in the intervening space; whereas in the absence of a wall one may plant at a distance of four amos; and this is an example of a partition in a vineyard that is the cause of a legal restriction?' — 'According

to your view, however, the other replied: 'might you not raise an objection against me from a Mishnah, since we learned: A patch in a vineyard, Beis Shammai ruled, must measure no less than twenty-four amos, and Beis Hillel ruled: Sixteen amos; and the width of an uncultivated border of a vineyard, Beis Shammai ruled, must measure no less than sixteen amos, and Beis Hillel ruled: Twelve amos. And what is meant by a patch in a vineyard? The barren portion of the interior of the vineyard. If its sides do not measure sixteen amos no seed may be planted there, but if they do measure sixteen amos, sufficient space for the tillage of the vineyard is allowed and the remaining space may be planted. What is meant by the uncultivated border of a vineyard? The space between the actual vineyard and the surrounding fence. If the width is less than twelve amos no seed may be planted there, but if it measures twelve amos, sufficient space for the tillage of the vineyard is allowed and the remaining area may be planted'⁵ Consequently it must be assumed that the reason there⁶ is that all the space to the extent of four amos that adjoins the vineyard is allotted for the tillage of the vineyard, and a similar space that adjoins the wall, since it cannot be planted,⁷ is renounced⁸ so that the area intervening,⁹ if it

¹ Lit., 'here'; because the edge of the roof is deemed to descend downwards and form a partition between the covered and uncovered sections of the house.

² Which is another case where a partition is the cause of a prohibition.

³ The extension of the roof removes the virtual partition formed by the edge of the half of the roof.

⁴ Of kilayim.

⁵ Now the ruling 'If the width (between the vineyard and the wall) is less than twelve amos no seed may be planted there' proves that a

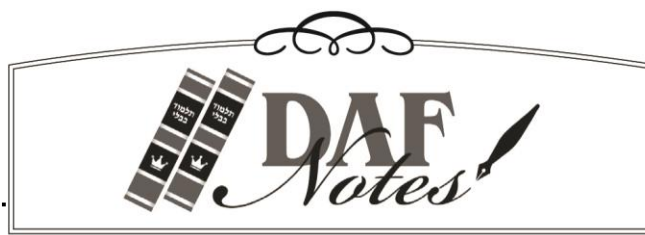
partition may be the cause of a restriction, Why then didn't Rava raise his objection on the basis of this ruling that has the authority of a Mishnah and is much superior to that of a Baraisa on which his objection is based?

⁶ Why no seed may be planted if the distance between the vineyard and the wall is less than twelve amos.

⁷ The planting of seed near a wall undermining its foundations.

⁸ By its owner, as useless for cultivation.

⁹ Between the four amos for tillage on the side of the vineyard and the four amos waste on the side of the wall.



measures four amos,¹⁰ is deemed to be of sufficient importance, but not otherwise.¹¹ (93a)

Rav Yehudah said: If three karpafs¹² adjoined one another, and the two outer ones had projections¹³ while the middle one had none¹⁴ and one man occupied each, the group¹⁵ is treated as a caravan who are allowed as much space as they require. If the middle one had projections while the two outer ones had none¹⁶ and one man occupied each, the three men together¹⁷ are allowed no more space than six [beis se'ah]. (93a)

The question was raised: What is the ruling where one person occupied each of the outer karpafs and two occupied the middle one?¹⁸ Is it held that if these¹⁹ were to go²⁰ to the one karpaf²¹ there would be in it three²² and if they were to go to the other karpaf there would be in it three, or is it rather held that only one of them²³ is deemed to be going to each karpaf? And were you to find some ground for the assumption that only one of them is deemed to be going to each karpaf, the question arises: What is the decision where two people

¹⁰ The total distance between the vineyard and the wall would consequently be $4 + 4 + 4 = 12$ amos.

¹¹ Lit., 'and if not they are not important'. As this Mishnah provides no basis for Rava's objection so does not the Baraisa which may be similarly explained.

¹² Whose enclosure consisted of no proper fence (plaited lengthwise and crosswise) but of ropes drawn horizontally or reeds fixed in the ground vertically.

¹³ c. each one was wider than the middle karpaf and projected on both sides of the line of contact, so that the projections formed a sort of frame the space between which is regarded as a doorway to it.

¹⁴ If they were situated, for instance, in the following formation.

¹⁵ Of the three men, two of whom, on account of the bigger size of their karpafs, influence the rights of the third man in the middle one and who may, therefore, be deemed to be joint occupiers with him of that karpaf.

¹⁶ The karpafs having been situated with the largest in the middle and flanked on both of its sides by a smaller one.

¹⁷ Since the man of the middle karpaf, which is bigger than those occupied by the other two men and which has virtual doorways opening towards them, now has the influence over the others, in consequence of which the latter cannot be treated as the occupiers off his karpaf to form with him a joint group of three (the minimum required to constitute a caravan), while he himself, despite his influence on the two can only be regarded as the occupier of the one or the other of the outer karpafs so that no more than two men

occupied each of the outer karpafs and only one occupied the middle one? Is it certain that the view is here: If he were to go to the one karpaf there would be in it three and if he were to go to the other karpaf there would be in it three, or is the view rather that it is doubtful in which direction he would go? The law is that in these questions the more lenient rule is adopted. (93a)

Rav Chisda said: All embankment five tefachim high and a partition on it five tefachim high are not combined²⁴ since it is necessary that the entire height²⁵ shall be contained either in the embankment or in the partition.

An objection was raised: If there were two courtyards one higher than the other, and the upper one is ten tefachim higher than the lower one, or has²⁶ an embankment five tefachim high and a partition five tefachim high, two separate eiruvim may be prepared but not one.²⁷ If it²⁸ was lower, only a single eiruv may be prepared but not two eiruvim!²⁹ — Rava

(a number less than the minimum required for a caravan) ever occupy any one of the karpafs.

¹⁸ Lit., 'one in this and one in this and two in the middle one', which was bigger than the others and which, owing to its projections on either side of each, is deemed to be provided with a doorway and to have influence over them.

¹⁹ The two occupiers of the middle karpaf.

²⁰ As they are well entitled to do on account of the size and position of their karpaf.

²¹ Lit., 'to here', to one of the side karpafs that were each occupied by one man.

²² Occupiers, in consequence of which they constitute a caravan and are, therefore, entitled to as much space as they require.

²³ Since, in order to avoid being in each other's way, the two are not likely to use the same karpaf at the same time.

²⁴ To constitute a single partition of the height of ten tefachim which is the minimum height prescribed for an enclosure round a private domain.

²⁵ Of ten tefachim.

²⁶ On the side at which it adjoins the lower courtyard.

²⁷ For the two jointly.

²⁸ The height of the upper courtyard or the joint height of the embankment and partition.

²⁹ Which shows that an embankment and a partition are reckoned together as one unit of heights. How then could Rav Chisda maintain that they are not combined?

replied: Rav Chisda agrees³⁰ in the case of the lower courtyard, since its tenants can see a frontage of ten tefachim.³¹ If so, [shouldn't the tenants of] the lower [courtyard]³² prepare an eiruv [as in the case of] two [separated courtyards] but not a single one while those of the upper one³³ should neither prepare a single one [for the two courtyards] nor³⁴ one for themselves alone? — Rabbah bar Ulla replied: [This deals with a case,] for instance, where the upper courtyard had rims³⁵ [that left a gap]³⁶ not wider than ten amos.³⁷ If so, read the final clause: 'If it was lower,³⁸ only a single eiruv may be prepared but not two should not the tenants be allowed to prepare one eiruv if they wished³⁹ or, if they preferred it, two? — Rabbah son of Rava replied: This deals with a case, for instance, where the gap extended along a whole side of the lower courtyard.⁴⁰ If so shouldn't the tenants of the lower one be allowed to prepare a single eiruv [jointly] but not one for themselves alone while those of the upper one should be allowed, if they wished it, to prepare an eiruv for themselves alone or, if they preferred it, a single eiruv jointly?⁴¹ — This is so indeed, and the ruling, 'If it was lower, only a single eiruv may be prepared but not two' applies to the tenants of the lower one. (93a – 93b)

Ameimar made the following exposition: An embankment five tefachim high and a partition on it five tefachim high are combined.⁴² When Ravina met Rav Acha son of Rava he asked

³⁰ That the heights of the embankment and the partition may be combined into one unit of ten tefachim.

³¹ The tenants of the upper courtyard, however, cannot see the full height; and it is on account of them that Rav Chisda gave his ruling.

³² Who can see a valid partition between their courtyard and the upper one.

³³ Since the valid partition of the lower courtyard forms a division between the two courtyards.

³⁴ Being exposed to the lower courtyard, having no valid partition on its side to separate it.

³⁵ Rising on the embankment and forming a partition of ten tefachim high round the upper courtyard.

³⁶ In the center of the partition.

³⁷ And it was in this gap, which may be regarded as a doorway, that the partition on the embankment was only five tefachim high. The upper courtyard is thus separated from the lower one by both a valid partition and a doorway while the latter is separated from it completely by a valid partition. Hence the ruling that one imposes no restrictions on the other and that two separate eiruvim must be prepared. A joint eiruv, however, is not allowed on account of the valid partition of the lower one.

him, 'Did the Master learn anything about a partition?' the other replied: 'No'; and the law is that an embankment five tefachim high and a partition on it five tefachim high are combined. (93b)

Rav Hoshaya enquired: Do tenants who arrive on the Shabbos⁴³ impose restrictions? — Rav Chisda replied: Come and hear: If the full width of a wall of a small courtyard was broken down⁴⁴ so that the yard fully opened into a large courtyard, the use of the larger one is permitted, but that of the smaller one is forbidden because the gap is regarded as a doorway to the former.⁴⁵ Is it not possible to assume', Rabbah objected, 'that the breach occurred while it was yet day?' Said Abaye to him, Do not say: Master, 'It is possible to assume' but rather, 'It is 'certain that the breach occurred while it was yet day', for, surely, it was the Master himself who stated: 'I enquired of Rav Huna and also of Rav Yehudah as to what was the law where an eiruv was laid in reliance on a certain door and that door was blocked up, or on a certain window and that window was stopped up? And each replied: Since permission for that Shabbos was once granted the permissibility continues until the conclusion of the day'. (93b)

It was stated: If a wall between two courtyards⁴⁶ collapsed, Rav ruled, it is permitted to move objects within four amos only,⁴⁷ but Shmuel ruled: The tenants on either side may

³⁸ This, according to the explanation of Rabbah bar Ulla who assumed the partition to be ten tefachim high above the embankment, must obviously refer to the partition at the 'gap'.

³⁹ Since the gap represented a valid doorway between the two courtyards.

⁴⁰ Lit., 'where the lower one was broken in its fullness into the upper one', the width of the upper one not exceeding ten amos, so that the tenants of the latter, in the absence of a joint eiruv, impose restrictions on the tenants of the former.

⁴¹ With the tenants of the lower courtyard.

⁴² To form a height of ten tefachim, the minimum prescribed for an enclosure around a private domain.

⁴³ If, for instance, a wall between two courtyards collapsed and the tenants of one courtyard arrived so to speak at the other.

⁴⁴ This is now assumed to have occurred on the Shabbos.

⁴⁵ Which shows that restrictions are imposed.

⁴⁶ Which had no common door and the tenants of which did not join in a single eiruv for the two courtyards.

⁴⁷ Because the tenants of the courtyards impose restrictions upon another despite the fact that when the Shabbos began each group of tenants was allowed the use of its own courtyard.

move their objects⁴⁸ to the very foundation of the wall.⁴⁹ The ruling of Rav, however, was not explicitly stated but was arrived at by implication. For Rav and Shmuel were once sitting in a certain courtyard when a parting wall collapsed.⁵⁰ 'Take a cloak', said Shmuel to the people, 'and spread it across,⁵¹ and Rav turned away his face.⁵² 'If Abba⁵³ objects', Shmuel told them, 'take his belt and fasten the cloak with it'.⁵⁴ Now according to Shmuel's view, what need was there for this, seeing that he ruled: 'The tenants on either side may move their objects to the very foundation of the wall'? — Shmuel did that merely for the sake of privacy. If Rav, however, held that this was forbidden, why did he not say so to him? The place was under Shmuel's jurisdiction. If so, why did he turn away his face? — In order that it might not be said that he held the same opinion as Shmuel. (93b – 94a)

INSIGHTS TO THE DAF

Mechitzos of Shabbos vs. Mechitzos of Sukkah

In our sugya, and also in Maseches Gittin (15) the Gemara asks whether a wall five *tefachim* tall can combine with a "*gedud*" of five *tefachim*, to form a *mechitza* of ten *tefachim*. Rashi interprets *gedud* to mean the wall of a pit.

According to this interpretation, the Gemara asks whether a wall must be either entirely above ground or entirely below ground, or if the underground wall of the pit can combine with the above ground wall to equal ten *tefachim*. From the perspective of a person standing in the pit, a wall of ten *tefachim* is visible. However, from the perspective of a person standing outside of the pit, there is only a five *tefachim* wall. The *Amoraim* therefore debated whether this is considered a valid *mechitza*. According to R' Chisda, they do not combine to form a *mechitza*.

⁴⁸ Even such as were in the houses when the Shabbos began.

⁴⁹ Unlike Rav, he holds that once the movement of objects in a certain place has been permitted when the Shabbos began the permissibility remains in force until the conclusion of the day.

⁵⁰ And the courtyard in which they sat was thus exposed to the adjoining courtyard.

⁵¹ To form a partition at the gap, in order that the tenants of the adjoining courtyards shall not impose restrictions upon each other.

In Maseches Gittin (15b s.v. *Ein mitztarfim*), Rashi adds that even relative to the person standing in the pit, who can see the *mechitzos*, it is still not considered a *reshus hayachid*. Tosefos (s.v. *gedud*) rejects this interpretation, and shows that our own sugya shows explicitly to the contrary. When one courtyard is five *tefachim* higher than its neighbor, and there is also a five *tefachim* wall between them, the height difference and the wall combine to form a ten *tefachim* *mechitza*. In regard to the lower courtyard there is a *mechitza*, but in regard to the higher courtyard there is not. This is because a person standing in the lower courtyard sees the wall as an extension of the cliff upon which the higher courtyard is situated. Together, they form a wall of ten *tefachim*. The person standing in the higher courtyard sees only the five *tefachim* wall. The upshot of this distinction is that the lower courtyard makes its own *eiruv chatzeiros* without including the higher courtyard, since a *mechitza* separates the two, but the higher courtyard cannot make an *eiruv chatzeiros* without including the lower, since from their perspective there is no *mechitza*.

Tosefos asks a similar question in Maseches Sukka (4b s.v. *Pachos*). There we find that if a pit is dug five *tefachim* into the ground, and walls of five *tefachim* are built around it, it may be used as a Sukka. Once again we see that the underground walls of a pit, and the aboveground walls that surround it can combine to form a *mechitza* of ten *tefachim*.

The purpose of *mechitzos*: R' David Pavovski zt"l, the former Rosh Yeshiva of Ponevetzh, offered the following explanation to defend Rashi's position (Shiurei R' David Pavovski, Gittin p. 201).

In regard to *mechitzos* of Sukka, it is sufficient for the *mechitza* to be visible only from the inside of the Sukka. This

⁵² As a mark of his displeasure. Presumably because in his opinion the collapse of the wall, which exposed the courtyards to one another, caused also the respective tenants to impose restrictions upon each other, in consequence of which it was forbidden to move the cloak from its place to the gap.

⁵³ This was Rav's proper name. 'Rav' ('great', 'master') was a title of distinction.

⁵⁴ To secure the partition. This he said in disregard of Rav's disapproval.



is because a Sukka must be an area large enough for a person to live there. Our Sages deemed seven *tefachim* width by ten *tefachim* height to be sufficient. It is absolutely irrelevant that a person standing outside the Sukka cannot perceive these dimensions, provided that the person inside the Sukka finds the space sufficient for living arrangements.

When Rashi said that the *mechitza* must be visible from both sides, he referred only to the *mechitzos* necessary to form a *reshus hayachid*. A *reshus hayachid* can only be formed by walls that are objective and absolute, from whatever vantage point they are observed.

This same distinction can be applied to the case of two courtyards. Both courtyards are already considered *reshuyos hayachid*, since they are both surrounded by walls. The issue at hand is whether the *mechitza* serves to separate them, in order that they need not be included in the same *eiruv*. In this case, Rashi rules that a *mechitza* may be subjective to the vantage point from which it is perceived. Since the lower courtyard sees the *mechitza*, it is valid for them and they need not include the higher courtyard in their *eiruv*. The higher courtyard cannot see the *mechitza*, therefore it is not valid for them.

Combining

Rav Chisda says that if ground is elevated five handsbreaths and a person puts five handsbreaths of man made wall on top of that, the resulting ten handsbreaths do not have the status of a wall, even though a wall only requires ten handsbreaths of height. This implies that it is because it must either be comprised of ten handsbreaths of ground, or ten of man made wall. The Gemora proves from a braisa that such a wall is clearly a halachic wall for the shorter yard, as it faces a ten handsbreath wall. The question is regarding its status towards the people on the higher yard.

Tosfos advances an interesting query. It would seem that according to Rav Chisda this area is a paradox. For example, if a pile of earth five handsbreaths tall and four handsbreaths wide would be in the public domain, and a person would add five handsbreaths of man made wall, what would be the law

of this area on Shabbos? It seems that Rav Chisda should hold that if a person is in the public domain and throws an object on the surface of this area, he should be liable for carrying from a public domain to a private domain. However, if he was on the surface of the area and he threw from it to the public domain, he should not be liable. This is because he is only facing a wall of five handsbreaths, and therefore is not in a private domain. This would seem to mean, Tosfos concludes, that one could have the same area be a different domain depending on one's perspective.

However, the Keren Orah says that it is obvious that there is no way this has the status of a private domain, even according to Rav Chisda.

DAILY MASHAL

The Best Shaliach Tzibur

Someone once wrote a letter to the Rosh, complaining about how people from undistinguished families are often allowed to be *shaliach tzibur*. The Rosh (Teshuvos 4:22) responded with a teshuva to the contrary, in which he quoted the *possuk*, "Peace, peace to the far and to the near" (Yeshaya 57:19). Mahari Abuhav explained that the Rosh meant to apply this *possuk* to Baalei Teshuva, who came from families distant from Torah and mitzvos, but were drawn near to Torah observance. These people are closer to Hashem, and their prayers are more acceptable, than others from more distinguished families, who are themselves lax in Torah observance (Beis Yosef, O.C. 53).

Similarly, the Maharam (Teshuvos, 249) was asked if it was perhaps inappropriate for handicapped people to be *shaliach tzibur*. He responded that their prayers are even more acceptable in Heaven, since they are more likely to daven with a contrite and humbled heart. The *possuk* says, "A broken and downcast heart, *Elokim*, do not reject" (Tehillim 51:19). Whereas mortal kings prefer to make use of perfect vessels, the King of kings, Hashem, prefers broken vessels for His service (Bach, *ibid*).