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Eiruvin Daf 98

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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 one is reading a scroll (*of Scripture*) on a threshold (*which has a status of a karmelis, for it is four tefachim wide, between three and ten tefachim high, and a public domain passing before it*), and it rolls out of his hand, he may roll it to himself. [*There is no Biblical prohibition to transport a partial object from one domain to another. If one side of the scroll remains in his hands there cannot be a Biblical prohibition. Now, in this case, even if it entirely fell out of his hand, it is still only Rabbinically prohibited to carry it back, for we are dealing with a karmelis; therefore, here, where he retains one end, there is no Rabbinic decree on account of a case where the entire scroll fell from his hand.*] If one is reading on the top of a roof (*which is a private domain*), and the scroll rolls out of his hand, before it comes within ten tefachim of the ground, he may roll it back himself (*for it never entered the airspace of a public domain*); if it comes within ten tefachim of the ground (*he cannot roll it to himself, for we are concerned that he might come to do so – even when the scroll fell completely from his hand, and then he will have violated a Biblical transgression*), he must turn the written side over (*because it is degrading for a scroll to lie open the rest of Shabbos with its written part facing upward*). Rabbi Yehudah said: Even if it was removed from the ground only by the thickness of a pin, he may roll it back himself. Rabbi Shimon said: Even if it was on the ground itself, he may roll it back himself, for there is no Rabbinic law that stands in the way of treating Holy Scriptures with respect.

There is an argument regarding whether or not we permit a Rabbinic prohibition of Shabbos when it comes to saving Holy Scriptures.

This is an argument between Rabbi Shimon and Rabbi Yehudah. Rabbi Shimon says that we do permit a “shvus” -- “Rabbinic Shabbos prohibition” to save Holy Scriptures. Therefore, if someone is in a private domain holding a holy scroll, and one side of it unravels and goes into the public domain, he may roll it back towards him. Being that according to Torah law the object is considered in his possession, and it is only Rabbinic law that would prohibit rolling it towards him in order to prevent a person from carrying according to Torah law, it is permitted in order to save Holy Scriptures. Rabbi Yehudah argues that even when Holy Scriptures are involved, this is forbidden.

Ben Azzai holds that walking is like standing, but throwing is not.

Ben Azzai understands that when someone walks, it is as if he is standing. This is relative to Shabbos, as carrying on Shabbos is judged by where the item was taken from and where it is considered to have rested. For example, if one carries from a private domain to a karmelis and then to a public domain without stopping (see Shabbos 5a), according to the Rabbanan he has carried from a private to a public domain, and has transgressed a Torah prohibition of carrying. According to Ben Azzai, it is as if he carried from a private domain

to a karmelis, stopped, and then carried from a karmelis to a public domain. These are only Rabbinic transgressions. However, Ben Azzai agrees that if one throws from a private domain to a public domain, and the item flies through a karmelis, he has transgressed a Torah prohibition.

One generally may not take a page of a Torah scroll and turn it over.

The Gemora says that it is forbidden for a scribe to take a page of a Torah scroll and turn it over. Rashi explains that even if his intent is to protect the letters so that they should not get dusty, it is considered improper. Instead he should cover the page. However, our Gemora concludes that if the page will be desecrated, he may do so.

A person can carry some things to and from certain window ledges from his house.

The Mishna says that if a person has a ledge that is four *tefachim* wide and ten *tefachim* tall, he may carry to and from it on Shabbos. The Gemora says that this only applies to breakable things. This is because we otherwise suspect that if something from the ledge falls down, he will go and bring it back into his house from the public domain. However, if it is breakable, he will not retrieve it because it will be broken and worth very little.

A person can stand in one domain and carry in the other.

As mentioned above, carrying is determined by where the object is picked up and where it is placed down. A person who is standing in a private domain who bends over and picks up something in the public domain may place that object somewhere else in the public domain

within four cubits. Of course, he must ascertain that at no time does he bring it into the private domain. The Mishna is teaching us that we do not suspect that he will bring it into his domain, and therefore allow him to do so. (97b – 98b)

INSIGHTS TO THE DAF

Status of a Ledge

The Mishna says that if a person has a ledge that is four *tefachim* wide and ten *tefachim* tall, he may carry to and from it on Shabbos. The Gemora says that this only applies to breakable things. This is because we otherwise suspect that if something from the ledge falls down, he will go and bring it back into his house from the public domain. However, if it is breakable, he will not retrieve it because it will be broken and worth very little.

The Ritva discusses whether or not the same law, that one can only use this ledge for breakable vessels, applies to a ledge that is hanging over a karmelis. He quotes an opinion that indeed it does. This is because we often find that Abaye considers a karmelis to follow the same laws as a public domain. This is in the spirit of the rule, “Whatever the Rabbanan instituted, they made its laws follow (i.e. like) Torah laws.”

However, the Ritva quotes Tosfos who says that this is only up to a point. Where there is a common problem that is likely to happen and is strong reason for a decree, Abaye will indeed say that a karmelis is like a public domain. However, in a case like this where it is uncommon to have such a wide window ledge hanging over the public domain, and being that it is uncommon to use such a ledge, Tosfos holds that Abaye would not extend this decree to include a karmelis. Accordingly, if one had such a ledge that extended over a karmelis, Tosfos holds that Abaye would allow one to carry back and forth even vessels that are not breakable.