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Eiruvim Daf 26

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Mav the studying of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

If a *karpaf* was larger than two *beis se’ah* and was not enclosed for dwelling purposes, and it is desired to reduce its size; if it was reduced by means of trees, the reduction is invalid (for they provide shade, and are commonly found in a *karpaf*). If a pillar, ten *tefachim* in height and four *tefachim* in width, was erected, it is a valid reduction. If the pillar was less than three *tefachim* wide, it constitutes no valid reduction.

If it is between three and four *tefachim* wide, Rabbah said: It is a valid reduction; but Rava said: It is not a valid reduction.

The *Gemora* explains: Rabbah said that it is a valid reduction, since such a size is excluded from the law of *lavud*. Rava maintained that it is not a valid reduction, because so long as it does not cover a space of four *tefachim* in width, it is of no significance.

If at a distance of four *tefachim* from the (*original*) wall, a partition was erected, the act is legally effective, but if the distance was less than three *tefachim*, the partition is ineffective.

If the distance was between three and four *tefachim*, Rabbah said: The partition is effective, but Rava maintained: It is ineffective.

The *Gemora* explains: Rabbah said that it is effective since such a distance is excluded from the law of *lavud*. Rava maintained that it is ineffective, because so long as it does not extend over four *tefachim*, it is of no significance.

Rav Shimi taught that the discussion related to a more lenient procedure. [They argue where the width of the pillar or the distance of the partition from the wall was less than three *tefachim*. Where, however, it was between three and four *tefachim*, he maintains, both Rabbah and Rava agree that as the rule of *lavud* does not apply, the pillar constitutes a proper reduction and the partition is deemed valid and put up for dwelling purposes.] (25a)

If the fence was smeared with mud and the layer is so thick that it can stand by itself, it constitutes a reduction; where it cannot stand by itself, Rabbah said: It, nevertheless, constitutes a reduction, but Rava maintained: It does not constitute a reduction.

The *Gemora* explains: Rabbah said that it constitutes a reduction, because now at any rate it stands. Rava maintained that it constitutes no reduction, because in view of the fact that it cannot stand by itself, it possesses no validity whatsoever. (25a)

If a partition was erected at a distance of four *tefachim* from a mound, it is effective. If, however, it was erected at a distance of less than three *tefachim* from it, or it was actually erected on the edge of the mound, there is a disagreement between Rav Chisda and Rav Hamnuna. One holds that this is effective and the other maintains that it is ineffective.

The *Gemora* notes: You may conclude that it was Rav Chisda who held that the partition is effective, for it was



stated: If one partition was erected upon another, Rav Chisda ruled that it is effective regarding the laws of *Shabbos*, but no possession of the property of a convert may thereby be acquired; and Rav Sheishes ruled it is ineffective even with respect of the laws of the *Shabbos*. This indeed is conclusive.

Rav Chisda said: Rav Sheishes, however, agrees with me that if a man erected a fence on the mound, it is effective. What is the reason? It is because the man dwells in the space between the upper partitions.

Rabbah bar bar Chanah inquired: What if the lower partitions sank into the ground, and (*only*) the upper ones remained standing? In what respect does this matter? If it was in respect of acquiring possession of the estate of a convert, isn't the principle here exactly the same as that underlying a ruling of Yirmiyah Bira'ah, for Yirmiyah Bira'ah ruled in the name of Rav Yehudah: If one person threw a turnip into a hole in the ground which belonged to a convert (who died without children), and another Jew came along and dug somewhat in the ground, the last one acquired it, and the first one does not acquire it. The reason for this is because throwing the turnip in the ground does not improve the land, and if the turnip actually takes root, it is considered an improvement that happened by itself. [A *chazakah* has to be an act of improving the land. In this case, in order to be considered normal planting, one must cover up the turnip. Merely throwing it into the ground is not sufficient.] Rather, if it is in respect of the laws of the *Shabbos*, it may be retorted that it is a partition that was erected on the *Shabbos*, concerning which it was taught a *braisa* states that a partition made on *Shabbos*, intentionally or unintentionally, is considered a valid partition.

The *Gemora* asks: But has it not been stated in connection with this ruling that Rav Nachman said that this applied to throwing only (*and one would be liable for throwing an object from a public domain into an area enclosed by these*

*partitions*), but not to carrying (*and one is forbidden to carry inside an area enclosed by these partitions*)?

The *Gemora* answers: Rav Nachman's statement was only made in respect of a partition that was erected intentionally. [*In such a case, one is still forbidden to carry; however, if partitions were erected on Shabbos – unintentionally, one is permitted to carry inside of them.*]

A certain woman once erected a fence on the top of another fence in the estate of a convert when a man came and dug somewhat in the ground. The man then appeared before Rav Nachman who confirmed it in his possession. The woman thereupon came to him and shouted (*in protest*). Rav Nachman replied: What can I do for you, seeing that you did not take possession in the proper way? (25a – 25b)

If a *karpaf* was of the size of three *beis se'ah* and one *beis se'ah* was covered with a roof, Rabbah said: Its covered space causes it still to be deemed larger than two *beis se'ah* (*and therefore, carrying is forbidden*), but Rabbi Zeira ruled: Its covered space does not cause it to be deemed larger.

The *Gemora* asks: May it be assumed that Rabbah and Rabbi Zeira differ on the same principle as that on which Rav and Shmuel differed? For was it not stated: If a pavilion (*one with a flat roof*) was situated in a valley, Rav ruled: It is permitted to carry objects within its entire interior; but Shmuel said: Objects may be carried only within four *amos*. Rav ruled that it was permitted to carry objects within its entire interior, because we apply the principle: The edge of the ceiling descends and closes up (*and is a valid partition*), but Shmuel ruled that objects may be carried only within four *amos*, because we do not apply the principle: The edge of the ceiling descends and closes up?

The *Gemora* disagrees with the suggestion: If the roof over the *beis se'ah* was made like a pavilion, the ruling would



indeed have been the same, but here we are dealing with one that was made in the shape of a shed (*i.e., it was slanted*). (25a – 25b)

Rabbi Zeira stated: I admit, however, that where a karpaf has a gap across its entire width towards a courtyard [the movement of objects within it] is forbidden. What is the reason? Because the space of the courtyard increases its extent.<sup>1</sup>

Rav Yosef asked: Does a space [from] which it is permitted [to move objects] into it cause its prohibition? — Said Abaye to him: In accordance with whose view [do you ask]? Apparently in accordance with that of Rabbi Shimon;<sup>2</sup> but according to Rabbi Shimon also there is in fact the space of the position of the walls.<sup>3</sup> For Rav Chisda ruled: If a gap across the full width of a karpaf was opened towards a courtyard [movement of objects] is permitted in the latter and forbidden in the former. Now why [is this permitted in] the courtyard? [Is it on account of the fact] that it has ridges?<sup>4</sup> Does it not, however, sometimes happen<sup>5</sup> that the reverse is the case?<sup>6</sup> Consequently<sup>7</sup> [it must be admitted that] the reason is that as regarding the karpaf the space of the walls increases its extent<sup>8</sup> while in

that of the courtyard the space of the walls does not increase it.<sup>9</sup> (25b)

A certain orchard adjoined the wall of a mansion.<sup>10</sup> When the outer wall of the mansion<sup>11</sup> collapsed it was Rav Bibi's intention to rule that one might rely<sup>12</sup> upon the inner walls,<sup>13</sup> but Rav Pappi said to him, 'Because they descend from short-lived people,<sup>14</sup> you speak frail words. Those walls were made for the interior [of the mansion]; they were not made for [the orchard] outside'.<sup>15</sup> (25a)

## DAILY MASHAL

### *Fences of Holiness*

By Rabbi Zev Leff

Do not imitate the practice of the land of Egypt in which you dwelled; and do not imitate the practice of the land of Canaan to which I bring you, and do not follow their traditions (Vayikra 18:3).

The common theme running through Acharei Mos, Kedoshim and Emor is the kedushah (holiness) of Klal

the ridges does not arise since in the absence of ridges also Rabbi Shimon permits the movement of objects from the courtyard to the karpaf. And should it happen that the ridges were on the side of the karpaf the courtyard would still be permitted in agreement with Rabbi Shimon while the karpaf also would be permitted since the space previously occupied by the fallen walls cannot be regarded as an increase of its area on account of the ridges. Thus, at any rate, it follows that even according to Rabbi Shimon the space previously occupied by the fallen walls is regarded as an addition to a karpaf.

<sup>10</sup> The orchard was bigger than two beis se'ah and enclosed by a wall that was put up after a door from the mansion was opened to it, so that it was enclosed for dwelling purposes.

<sup>11</sup> The wall that divided the mansion from the orchard and which had a door that communicated between the two.

<sup>12</sup> In permitting the movement of objects in the orchard.

<sup>13</sup> Which might also be regarded as walls of the orchard.

<sup>14</sup> Bibi who was the son of Abaye was a descendant of the house of Eli who were condemned to die young.

<sup>15</sup> The orchard, being bigger than two beis se'ah, cannot consequently be regarded as having been enclosed for dwelling purposes.

<sup>1</sup> Above the permitted size, the principle, 'The edge of the ceiling (pi tikrah yored vesoseim) etc.' being inapplicable in this case.

<sup>2</sup> As he has laid down that it is permitted to move objects from a courtyard into a karpaf.

<sup>3</sup> By which the area of the karpaf that was exactly two beis se'ah is increased to more than the permitted size.

<sup>4</sup> The remnants of the fallen wall, which, being situated on both sides of the gap that is not wider than ten amos, form, according to the Rabbis, a kind of doorway.

<sup>5</sup> When the karpaf is wider than the courtyard.

<sup>6</sup> That it is the karpaf that has the ridges and that the courtyard has them not. If then the view of the Rabbis is followed why this distinction between karpaf and courtyard?

<sup>7</sup> Since the karpaf only has been singled out for prohibition.

<sup>8</sup> In agreement with Rabbi Shimon who, otherwise, permits the movement of objects from the courtyard into it.

<sup>9</sup> Hence its permissibility. As the only reason for the prohibition is the increased area of the karpaf the prohibition cannot apply to a courtyard which was originally enclosed for dwelling purposes. The question of



Yisroel and the need for its preservation and protection. In Acharei Mos, we are enjoined not to behave in the depraved manner of the Egyptians and Canaanites (Vayikra 18:3). The question is asked: Why did the Torah command us only with respect to the extreme depravity of the Egyptians and Canaanites? Part of the answer lies in the verse that concludes this parashah and sums it up: "And you shall guard My observances" (Vayikra 18:30). Chazal (Yevamos 21a) derive from this verse the need to make fences around the Torah.

Those fences include general rabbinic decrees designed to distance one from transgressing Torah law and the specific protective measures each individual must implement in his own life to protect himself in areas of personal vulnerability. The Torah is not merely exhorting us not to lead immorally depraved lives, but warning us that if we do not implement safety measures to prevent us from such depravity, we will sink to the lowest level, that of the Canaanites and Egyptians.

Often we hear those who do not understand the true nature of rabbinic legislation complain that the Rabbis made observance much more difficult, complicating our lives with extra prohibitions and restrictions. The following analogy demonstrates the fallacy of this argument. A group of people are situated on a mountaintop which ends in a sheer cliff and a drop of several thousand feet. One civic-minded member of the group erects on his own initiative a safety fence to prevent anyone from venturing too close to the edge of the cliff and falling off inadvertently. Would anyone complain that the fence limited his freedom of movement by making it less likely that he plummet off the mountain to his death?

One who appreciates the seriousness of transgressing a Torah law - the devastating effects of such transgressions on one's neshamah, one's eternal life and the world in general - surely feels more secure knowing that safety fences have been erected to make it more difficult for him to inadvertently transgress.

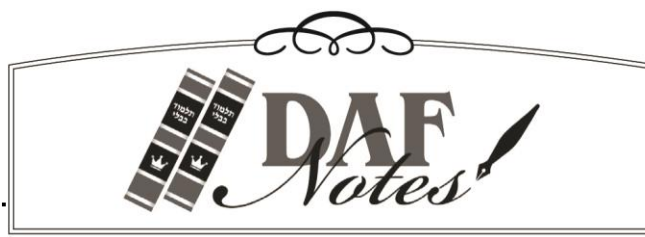
Thus, the first function of rabbinic "fences" is to prevent one from transgressing Torah prohibitions inadvertently. For instance, the prohibition on handling certain objects associated with prohibited activities on Shabbos. The danger of inadvertently striking a match on Shabbos is drastically reduced if one never touches matches. Similarly, the rabbinic prohibition on trapping any animal on Shabbos reduces the chance of confusing animals that we are permitted to capture and those which we may not according to Torah law.

Nevertheless, there are rabbinic prohibitions that seem excessively far-fetched as protective enactments. Sometimes this is because we lack Chazal's sensitivity to the potency of forces that may drive one to sin.

A congregant once asked me about allowing a sick old uncle to stay in an apartment usually occupied by his two teenage daughters. When I told him that his daughters could not remain there alone with their great uncle due to the prohibition of yichud (members of the opposite sex being alone together), he complained at the seeming absurdity of worrying in this case.

I was reminded of a story involving Rabbi Elya Lopian. A young bachur sought his permission to attend a relative's wedding. Reb Elya inquired if the women would be dressed modestly. The bachur replied that there would be non-religious people there, but, Baruch Hashem, he had reached a level where immodest dress no longer made an impression. Reb Elya gave him permission to attend the wedding, but only after he contacted one of Reb Elya's friends. The young man took the phone number and returned a few hours later to tell Reb Elya that he must have made a mistake because the number was a doctor's office.

"No," Reb Elya told him, "there was no mistake. I am a man in my late eighties, blind in one eye, and these things still affect me, but if they don't affect you, then I fear



something is physically wrong with you and would like you to go see a doctor."

Hashem created us with extremely strong and potent physical desires, all of them intended to be used for important and holy purposes. But if not channeled properly, these desires can lead to the greatest impurity and defilement. Recognizing how potent these drives are, necessitates extreme caution and strong protective measures. Complaining of the stringency of Chazal's protections is like complaining about the protective lead-lined clothing one wears in a nuclear plant. If one understands how dangerous the radioactivity is, such protective measures are not viewed as excessive.

Chazal had a much surer sense than we of the power of these natural desires. I doubt there is any communal rabbi who does not know from his personal experience of people who were confident of their ability to restrain themselves without observing rabbinic- proscriptions and whose confidence proved badly misplaced.'

Other times, rabbinic rules work indirectly by instilling attitudes that reduce temptations to sin. The Rabbis, for instance, prohibited drinking wine touched by a non-Jew or eating food cooked by a non-Jew as a fence against intermarriage. On the surface, it seems ludicrous that drinking wine in the confines of one's home that has been touched by a non-Jew, or eating food cooked by a gentile and bought in a store could in any way make it more likely that one would marry a gentile.

That response, however, fails to comprehend the purpose of the rabbinic enactment, which is not designed to protect one against intermarriage with any particular non-Jew, but rather to create an all-pervasive attitude that is in itself a protective measure. The prohibition against eating food cooked by non-Jews and from drinking wine touched by non-Jews has effectively created an attitude of an absolute chasm between Jew and non-Jew. The mere

knowledge that the food cooked by a non-Jew is forbidden engenders a feeling of separateness that makes the thought of intermarriage even more remote.

Similarly, the rabbinic strictures regarding chametz on Pesach have created a mind-set which makes it extremely unlikely that we will have any contact with chametz, though it is not something from which we naturally separate ourselves.

There is yet another aspect to rabbinic legislation. The Torah commands us to be a nation of priests, a holy nation. An aura of holiness must surround us, not just an absence of external sin. True, being alone with the old sick uncle may not lead to immorality, but allowing a situation where immorality is even remotely possible is not holiness. Holiness demands removing oneself totally from any taint of anything that can be associated with immodesty. Rabbinic fences enclose us in an environment that reflects holiness and cordons off all that opens into unhappiness. Thus, the observance of Rabbinic prohibitions reflects our holiness even more than observance of Torah prohibitions. Rabbeinu Yonah (to Pirkei Avos 1:1) writes: It is very great and praiseworthy to make a fence to the Torah's mitzvos so that one who fears and respects God's word will not stumble into transgressing the mitzvah. One who observes the rabbinic laws that form the fences around the Torah shows more fear of God than one who fulfills the mitzvah itself. Performance of the mitzvah does not imply fear and respect as much as observance of the fences by one who is careful not to even come close to inadvertent transgression.

Thus rabbinic fences, besides protecting us from inadvertent transgressions, create an attitude of yiras shamayim and an environment of kedushah that enhances the performance of each and every mitzvah.

[http://www.shemayisrael.co.il/parsha/leff/archives/ach\\_kdsh.htm](http://www.shemayisrael.co.il/parsha/leff/archives/ach_kdsh.htm)