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Eiruv Daf 44

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Rav Nachman bar Yitzchak asked Rava (*on Rav Nachman’s ruling that it is permitted to form a human enclosure on the Shabbos*) from the following *braisa*: If its wall (*of a sukkah*) collapsed (*and is now invalidated to be used for the mitzvah, for it does not have three walls*), it is not permitted to replace it by a person, animal, or vessels, nor may one put up a bed (*which was already in the sukkah*) and spread over it a sheet (*and the mere shifting of it from one place to another would not appear as the direct construction of a wall*), because even a temporary structure may not initially be built on *Yom Tov*, and there is no need to state that this is forbidden on the *Shabbos*. [*How then was it permitted to form a human enclosure on Shabbos?*]

Rava said to him: You quote to me (*that it is forbidden*) from this *braisa*; I can quote to you (*that it is permitted*) from the following *braisa*: A person may put up his friend as a wall (*of his sukkah*) in order that he may thereby be enabled to eat, drink and sleep in it, and he may put up the bed and spread over it a sheet to prevent the sunlight from falling upon a corpse (*causing it to decay*) or upon food (*causing it to spoil*).

The *Gemora* asks: Are then the two rulings contradictory?

The *Gemora* answers: There is really no contradiction, since one (*the first braisa*) represents the view of Rabbi Eliezer, and the other represents that of the Rabbis, for we learned in a *Mishna*: As for the shutter of a window, Rabbi Eliezer said: When it is fastened and suspended, one may close it up (*the window*) with it (*a shutter*); if not, one may not close it up with it. [*This is because the closing up of the window, though only of a temporary character, has the appearance of a structural alteration which is forbidden on the Shabbos. This view is in agreement with that cited in the first braisa.*] And

the Sages maintain: In either case, we may close it up (*the window*) with it (*a shutter*). [*This would be in agreement with the second braisa, which maintains that a temporary wall may be erected in a sukkah.*]

The *Gemora* asks: But was it not stated that Rabbah bar bar Chanah explained the dispute in the name of Rabbi Yochanan as follows: All agree that a temporary structure may not be made on *Yom Tov*, while on the *Shabbos* it goes without saying (*that it is forbidden*). They differ only in respect of adding a temporary addition (*onto an existing one*). Rabbi Eliezer maintains that one may not add a temporary addition (*onto an existing one*) on a *Yom Tov*, while on the *Shabbos* it goes without saying (*that it is forbidden*); whereas the Sages rule: One may add a temporary addition (*onto an existing one*) on the *Shabbos*, while it is superfluous to speak of *Yom Tov* (*for then, it is certainly permitted*).?

The *Gemora* answers: Rather, there is really no contradiction, since one *braisa* represents the view of Rabbi Meir and the other represents that of Rabbi Yehudah, for it was taught in a *braisa*: If a man used an animal as a wall for a *sukkah*, Rabbi Meir ruled it to be invalid (*since it might escape, and the sukkah will not have the required amount of walls*), while Rabbi Yehudah ruled it to be valid.

The *Gemora* explains the correlation: Now, Rabbi Meir who ruled the wall there to be invalid, from which it is evident that he does not regard it as a proper wall, would here permit the putting up of a similar wall, since he has not accomplished anything (*and it would merely provide privacy for the inside of the sukkah*), while Rabbi Yehudah, who regards the wall there as valid, from which it is evident that he regards it as a



proper wall, would here forbid a similar wall (for placing the animal there would legally accomplish something).

The *Gemora* asks: Do you regard this as sound reasoning? Might it not be suggested that Rabbi Meir was heard (to invalidate a sukkah wall) only in the case of an animal; was he, however, heard (to give the same ruling in respect of) a person (who may remain standing for a long period of time) and vessels (which are immobile)? And furthermore, in agreement with whose view could that of Rabbi Meir (that one is permitted to put up a temporary wall) be? If it is in agreement with that of Rabbi Eliezer (who prohibits the closing up of a window), one could object that he forbade even the addition to an existing structure (so certainly, he would prohibit making a new wall with an animal)? Consequently, it must be in agreement with that of the Rabbis (who permit the closing up of a window). But could it not be objected that the Rabbis may only have permitted the addition to a structure; did this, however, make it permissible to put up a full wall at the outset?

The *Gemora* answers: Rather, both *braisos* are in agreement with the view of the Rabbis; yet there is no contradiction between the rulings regarding vessels, since one *braisa* (that prohibits the putting up of a bed as a wall) refers to a third wall (for since two walls do not constitute a valid sukkah, the putting up of a third one completes the structure), and the other *braisa* refers to a fourth one (and as three walls constitute a valid sukkah, the putting up of a fourth one is a mere addition to an already existing structure, which the Rabbis permit).

The *Gemora* notes: The inference from the wording leads to this conclusion, for it was stated: If its wall fell (evidently referring to its critical third wall); this is indeed conclusive.

The *Gemora* asks: But doesn't a contradiction still remain between the two rulings regarding a person? [In the first *braisa* a person is forbidden to be used as a wall, while in the second one, he is permitted. The answer given in connection with vessels - that the second *braisa* deals with a fourth wall, is inapplicable, since the *braisa* specifically speaks of that wall

as enabling one 'to eat, drink and sleep.' Only the third wall accomplishes that.]

The *Gemora* answers: There is really no contradiction between the two *braisos* regarding a person, since the first *braisa* refers to a person used as a wall with his knowledge, while the second *braisa* refers to a person who was used without his knowledge (and he is not similar to a wall).

The *Gemora* asks: Wasn't, however, the arrangement for Nechemiah the son of Rav Chanilai (where he was involved in his learning, and inadvertently left the techum, and Rav Chisda told Rav Nachman that his student was uncomfortable, since he was stuck outside, and Rav Nachman said that they should make a wall of people to allow him to reenter) made with the people's knowledge?

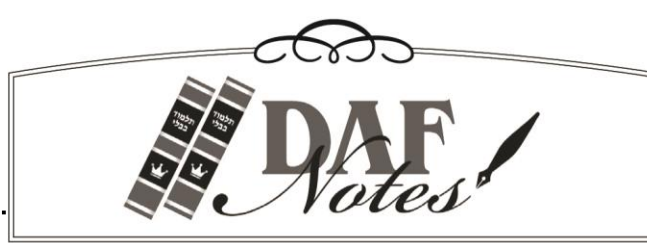
The *Gemora* answers: No; it was without their knowledge.

The *Gemora* asks: But Rav Chisda himself must have known?

The *Gemora* answers: Rav Chisda was not one of those counted (to form the wall).

The *Gemora* relates: Certain members of a wedding party once brought water (on Shabbos, from a public domain into a private one) through human walls (with their knowledge), and Shmuel had them flogged. He said: If the Rabbis permitted human walls where the men composing them were unaware of the purpose they served, would they also permit such walls where the men were aware of the purpose?

The *Gemora* records another incident: A number of leather flasks were once left in the square of Mechuza (on Shabbos), and while Rava was coming from his lecture (he was surrounded by people), his attendant carried them in (for the people formed a partition). On a subsequent Shabbos, he desired to carry them in again, but Rava forbade it to them, because the human walls were regarded as having been put up with their knowledge, which is forbidden.



The *Gemora* relates: For *Levi*, straw was brought in (to a private domain from a public one, using human partitions). For *Ze'iri*, cattle fodder was brought in. And for *Rav Shimi bar Chiya*, water was brought in.

[A *Mishna* in *Rosh Hashanah* states that when the witnesses came to *Beis Din* on the *Shabbos* to testify about having seen the new moon, originally they were not permitted to leave, but *Rabban Gamliel* established a rule permitting them free access to the entire city of *Yerushalayim*, as well as travel within the 2000 perimeter around the city. Furthermore, this ruling was applied to others who travel outside of their *techum* boundary for a *mitzvah*, including a midwife who comes to deliver a baby, or someone who comes to save others from a fire, avalanche or flood.] If a man who was permitted to do so went out beyond the *techum* (his *Shabbos* limit) and was then told (while he was on his way) that the deed (which he intended to do) had already been performed, he is entitled to move within two thousand *amos* in any direction. If he was within the (original) *techum*, he is regarded as if he had not gone out. All who go out to save people may return to their original places.

The *Gemora* asks: What does the *Mishna* mean when it stated that if he was within the (original) *techum*, he is regarded as if he had not gone out? [Isn't this obvious; he didn't go out of the *techum*!]

Rabbah replied: It is this that was meant: If he was within the (original) *techum*, he is regarded as if he had not left his house (and he still has 2000 *amos* from his house, and not from the place where he is presently located).

The *Gemora* asks: Isn't this obvious as well (for so long as a man has not gone beyond his *techum*, he is, of course, entitled to his original rights of movement)? It might have been presumed that as he has uprooted himself from his original residence, he has thereby uprooted himself completely from it (and his *techum* will be based upon his location); therefore we were informed that if he was within the (original) *techum*, he is regarded as if he had not left his house.

Rav Shimi bar Chiya replied: The *Mishna* meant as follows: If the *techum* which was given to him by the *Rabbis* (after he had reached his permissible destination) overlapped with his original *techum*, he is regarded as if he had not left his original *techum* (and may return there and make complete use of it).

The *Gemora* notes the principle that they differ on: One master (*Rav Shimi*) is of the opinion that the overlapping of the *techum* is of significance, while the other master maintains that it is of no consequence.

Abaye said to *Rabbah*: Are you not of the opinion that the overlapping of *techum* limits is of significance? What if a man spent the *Shabbos* in a cave, whose interior was four thousand *amos* but that of its roof was less than four thousand *amos*? [Two of the cave's opposite walls were sloping upwards towards one another; this reduced the length of the roof, in which there were two entrances, one at the side of either wall.] Would he not be able to move all along its roof and two thousand *amos* beyond it (in either direction, from either entrance)? [If one entrance, for instance, was on the east side of the cave and the other on its west side, the former would enable the man to move a distance of two thousand *amos* from the east side of that entrance and another two thousand *amos* from its west side, while the latter entrance would similarly enable him to move along equal distances from both its sides. But since the western limit of the eastern entrance overlaps along the roof with the eastern limit of the western entrance, the man is permitted to move along a distance of more than four thousand *amos*, beginning in the east at a point two thousand *amos* from the eastern entrance and extended along the roof to a point in the west two thousand *amos* distant from the western entrance. If the two *techum* limits, however, had not overlapped along the roof as would be the case where the roof of the cave, like its floor, was four thousand *amos* long, the man on leaving the eastern entrance would have been allowed to move to a limit of two thousand *amos* in either direction but no further, and a similar distance and no further if he left by the western entrance. How then could *Rabbah* maintain that overlapping is of no consequence?]



Rabbah replied: Do you make no distinction between a case where the man began to spend the *Shabbos* within the walls of his residence, while it was yet day (such as in the case of the cave, where then he acquires both *techum* limits, one at each entrance), and one where he did not begin to spend the *Shabbos* between the walls while it was yet day (such as in the case where he left his house after the *Shabbos* began with permission)?

Abaye asks: You say that where a man did not begin to spend the *Shabbos* (within the walls of a residence common to both limits overlapping of the limits) is of no consequence, but surely, we learned in a *Mishna*: Rabbi Eliezer said: If a man walked two *amos* beyond his *techum* (without permission), he may re-enter, but if he walked three *amos*, he may not re-enter. Is it not evident from this that Rabbi Eliezer follows his principle on the basis of which he ruled: The man (who walked out of his *techum*, and who was allowed a distance of four *amos* in which to move) is deemed to be in the middle of them (and is allowed no more than two *amos* in the various directions), so that the four *amos* which the Rabbis have allowed him are regarded as overlapping (with his former *techum*), and (it is because of this overlapping that) he ruled that he may re-enter. Does not this then clearly prove that the overlapping of two *techum* limits is of significance?

Rabbah bar bar Chanah said to Abaye: Do you raise an objection against the master from a ruling of Rabbi Eliezer (when the majority opinion is to the contrary)?

Abaye replied: Yes; because I heard from the master himself that the Rabbis differed from Rabbi Eliezer only in respect of a discretionary matter, but that in respect of a *mitzvah* matter, they agree with him. (44a – 45a)

INSIGHTS TO THE DAF

Human Partitions

We see in the Gemora that a wall of people can be used to permit carrying on *Shabbos* when it would otherwise be forbidden. However, there is a strict condition that the

people who form the wall cannot know they are being used as a wall to permit carrying on *Shabbos*. Additionally, they must form a very tight wall, as discussed in halachah (see Shulchan Aruch 362:5).

One might therefore think that this scenario will never happen, as who can ever get many people to just stand around doing nothing? Aside from the scenario of hundreds of people flocking to a Torah speech, what other scenario is possible?

A friend of mine related to me that this halachah was practically applied once in his summer camp. The camp eiruv became invalid right before *Shabbos*. This prohibited them from bringing the *Shabbos* food, cooked in a building near the main dining hall, to the dining room for *Shabbos*. This was a real dilemma.

They therefore told all of the campers that they were going to do a special activity. They had them all line up between the buildings, forming a direct path to the dining hall, and told them not to move. They probably thought it was pretty interesting when many counselors came out of the building, running with *Shabbos* food straight into the main dining room!