27 Tishrei 5781
Oct. 15 2020

DAF Notes
Insights into the Daily Daf
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Eiruvin Daf 67

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

When Rav Chisda and Rav Sheishes would meet each other, Rav Chisda's lips would tremble because of the awe that Rav Chisda felt for the knowledge that Rav Sheishes possessed. [Rav Chisda was anxious because Rav Sheishes might ask him to resolve contradictory statements of various *Tanaaim*.] Rav Sheishes' entire body would tremble upon meeting Rav Chisda, because Rav Chisda was very sharp and would ask very analytical questions. (67a)

If there are two houses on two sides of a public domain and gentiles enclosed the houses with walls on Shabbos, even according to the opinion that there is relinquishment of rights of rights from one *chatzer* to another, in this case they cannot relinquish their rights.

Rav Chisda inquired of Rav Sheishes: If there are two houses on two sides of a public domain, and gentiles enclosed the houses with walls on *Shabbos*, what is the law?[1] According to the one (Shmuel) who maintains that there is no relinquishment of rights from one *chatzer* to another, there is no question: For if two *chatzeiros* sought to join in an *eiruv* before *Shabbos*, they would have been able to join in an *eiruv*, yet there is no relinquishment of rights from one *chatzer* to another; certainly in this case, then, where they would not have even been able to join in an *eiruv* before *Shabbos* because of the public domain that separates them, they would certainly not be able to relinquish their rights. According to the one (Rabbi Yochanan), however, who maintains that there is relinquishment of rights from one *chatzer* to another, there is a question: Do we say that only there where they could, if desired, have prepared an eiruv on the previous day is one also allowed to renounce one's domain, but here where they could not prepare an eiruv on the previous day one is not allowed to renounce one's domain either; or is it possible that there is no difference between the two cases? Rav Sheishes said to him: They cannot relinquish their rights (because at least one condition of Shmuel must be met, and in our case no conditions were met). (67a)

There is a dispute regarding a gentile who dies on *Shabbos* if one Jew can relinquish his rights in the *chatzer* to allow another Jew to carry.

If a gentile dies on *Shabbos* (and the Jews residing in the *chatzer* did not join in an *eiruv* or lease the rights of the gentile before his demise), what is the law? The *Gemora* elaborates: According to the one (Rabbi Yochanan) who maintains (65b) that (when the gentile arrives on *Shabbos*) the Jews can lease their rights (and relinquish their rights to each other), there is no question at all: In that case, two procedures were performed (leasing and relinquishing), so certainly in our case (when the gentile dies on *Shabbos* and does not leave heirs to restrict the *chatzer* and only relinquishing is required), the one procedure of relinquishing rights would certainly be permitted. The question would be according to the one (Shmuel) who maintains that they may not lease the rights of the gentile in conjunction with relinquishing rights in order to permit carrying. Are only two acts forbidden but not one, or is it possible that no difference is to be made between the two cases?' — 'I maintain', the

[1] Is one of the tenants permitted to move objects from his house into the enclosure if the other has renounced in his favor the share he has in it?

L'zecher Nishmas HaRav Raphael Dov ben HaRav Yosef Yechezkel Marcus O"H

other replied: 'that renunciation is permitted'; Hamnuna, however, ruled: renunciation is not permitted.[2] (67a)

Rav Yehudah said in the name of Shmuel: If a gentile has an entrance of four *tefachim* by four *tefachim* that opens to an empty field, even if he brings camels and wagons in an out of the entrance to the *mavoi* the entire day, he does not restrict the residents of the *mavoi*. What is the reason for this? - Because we assume that he desires more the entrance that is unique to him. The gentile has more open space there than he has in the *mavoi*. The Gemora inquires: If the gentile's house opens to a *karpaf*, what is the law? Rav Nachman bar Ami quoted teachings: Even if it opens to a *karpaf* [he still does not restrict the *mavoi*].[3] (67a - 67b)

When a gentile has access to a *karpaf*, if the *karpaf* is the area of two *beis se'ah* or less, he restricts the *mavoi*. If the *karpaf* is larger than two *beis se'ah*, he does not restrict the *mavoi*.

Rabbah and Rav Yosef both say: When a gentile has access to a *karpaf*, if the *karpaf* has an area of two *beis se'ah* (*a beis se'ah is an area fifty amos by fifty amos, so two beis se'ah is an area that is fifty amos by one hundred amos*) or less, the gentile restricts the *mavoi*.[4] If the *karpaf* is larger than two *beis se'ah*, however, then the gentile does not restrict the *mavoi*.[5] Regarding a Jew (who forgot to join in an *eiruv* and has access to the *karpaf*, then the law is the opposite), if the area of the *karpaf* is two *beis se'ah* (or less), then the Jew does not restrict the *mavoi*.[6] If the area of the *karpaf*, however, is larger than two *beis se'ah*, then the Jew restricts the *mavoi*.[7] Rava bar Chaklai asked Rav Huna: What is the ruling where [the door of a gentile's courtyard] opened into a *karpaf*? The other replied: Behold it has been said: 'Causes restrictions if [his *karpaf* was no bigger than] two *beis se'ah*, but if it was bigger he causes no restrictions'. (67b)

A *karpaf* that is larger than the area of two *beis se'ah* and is not enclosed for the purposes of dwelling, even if the *karpaf* is as large as a *kor* or two *kors*, one who throws an object into the *karpaf* is liable.

Ulls said in the name of Rabbi Yochanan: If a *karpaf* that is larger than two *beis se'ah* was not enclosed for the purpose of dwelling, even if the *karpaf* is as large as one or two *kors* (*a kor is equal to thirty se'ah, so a beis kor is equal to 75,000 amos*), one who throws something into it from a public domain is liable. The reason for this is because the enclosure renders the area a private domain and it is only lacking residents.[8]

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[2] Rav Sheishes maintains that when the gentile arrived on *Shabbos*, the Jews were unable to join in an *eiruv* before *Shabbos* because the gentile was not present to lease out his rights. When the gentile was present before *Shabbos*, however, the Jews were able to lease the gentile's rights before *Shabbos* and an *eiruv* could have been made. For this reason when the gentile dies on *Shabbos*, they can relinquish their rights. Rav Hamnuna, however, maintains that they cannot relinquish their rights because they could not have joined in an *eiruv* before *Shabbos*, because the gentile was alive and unless the gentile had leased the Jews his rights, he would have restricted the *chatzer*. Since there was no option for the Jews to join in an *eiruv*, they cannot relinquish their rights. Rav Sheishes maintains that one of the Jews residing in the *chatzer* may relinquish his rights to the other Jew to allow him to carry in the *chatzer*, whereas Rav Hamnuna maintains that they cannot relinquish their rights.

[3] The reason for this is because a *karpaf* has more space than a *mavoi*.

[4] The reason for this is because the *karpaf* is small, so the gentile would rather exit his house through the *mavoi*.

[5] Because he prefers a *karpaf* this size to the *mavoi*.

[6] The reason for this is because the Jew uses the entrance to the *mavoi* and does not restrict the residents of the *mavoi*. Although an area less than two *beis se'ah* is insufficient for a gentile, a Jew can suffice with such an area because a Jew does not carry large burdens on *Shabbos*.

[7] The reason for this is because a *karpaf* that is larger than two *beis se'ah* is like a *karmelis* when it is not enclosed for dwelling purposes. Therefore, a Jew cannot carry from his house into the *karpaf*, and since he must use the *mavoi*, he restricts it.

[8] Biblically, any area enclosed by walls is considered a private domain, but the Chachamim decreed that an area that is larger than two *beis se'ah* and was not designated for dwelling purposes, even though it is enclosed, has the status of a *karmelis*. A *karmelis*, like a sea or other area that is not enclosed, cannot have the status of a private domain because it lacks an enclosure, yet it lacks the requirements necessary to render an area a public domain. The Chachamim therefore decreed that the *karmelis* has the stringencies of both the public and private domain, so one cannot carry within a *karmelis* more than four *amos*, similar to a public domain, and one can carry from the *karmelis* to a public or private domain. A *karpaf* is different than a *karmelis* in that biblically, the *karpaf* has a status of a private domain because it is enclosed. Regarding a *karpaf* that is larger than two *beis se'ah* and is not designated for residential purposes, the Chachamim were concerned that one may confuse the *karpaf* with a public domain. For this reason they gave this size *karpaf* the status of a *karmelis* and one cannot carry in it. Nonetheless, it still has the status of a private domain and one cannot transfer from a public domain to the *karpaf*.

Rav Huna bar Chinena asked: One cannot carry from the top of a rock in the sea that is ten *tefachim* high and four *tefachim* wide to the sea, and one cannot carry from the sea to the top of the rock.[9] If the height of the rock is less than ten *tefachim*, however, one can carry between the sea and the rock.[10] How large may it be? - As long as the rock does not exceed an area of two *beis se'ah*. Now what do these refer to? If it be suggested: To the final clause,[11] the objection would arise: Seeing that one would only be moving from a karmelis to a karmelis,[12] why only two beis se'ah, and no more? Consequently it must refer to the first clause, and what was implied was this: 'If a rock in the sea was ten tefachim high and four tefachim wide it is forbidden to move objects from it into the sea and from the sea into it', and 'To what extent? To two beis se'ah', from which it follows that if it was bigger than two beis se'ah the movement of objects is permitted. It is thus obvious that a rock of such dimensions[13] has the status of a karmelis. Doesn't this[14] then present an objection against Rabbi Yochanan?[15] — Rava retorted: only he who does not know how to explain Baraisos raises such an objection against Rabbi Yochanan. [The limitation] as a matter of fact refers to the first clause,[16] and it is this that was meant: Within it,[17] however,[18] it is permitted to move objects; and 'To what extent? To two beis se'ah'.[19] Rav Ashi replied: [The limitation applies] indeed to the first clause, for the Rabbis have laid down the one ruling and they themselves have also laid down the other ruling.[20] They have laid down the ruling that in a karpaf that was bigger than two beis se'ah and that was not enclosed for dwelling purposes the movement of objects is permitted only within four amos,[21] and they themselves have also laid down the ruling that no objects may be moved from a private domain into a karmelis. [In the case, therefore, of a rock that was no bigger than] two beis se'ah, throughout the area of which the movement of objects is permitted, the Rabbis have forbidden the movement of objects from the sea into it as well as from it into the sea.[22] What is the reason? Because it[23] is a private domain in all respects. [If, however, it was] bigger than two beis se'ah, throughout the area of which the movement of objects is forbidden, the Rabbis permitted the movement of objects from it into the sea and from the sea into it. What is the reason? Because, otherwise,[24] people might assume it to be a private domain in all respects and, in consequence, would also move objects throughout its area.[25] But wherein does the one differ from the other?[26] — It is usual to move objects within the area of

[9] The rock has the status of a private domain, and therefore one cannot carry from the rock, which is a private domain, to the sea, which is a public domain, even if one carries a distance of less than four *amos*.

[10] Because both the sea and the rock are considered a *karmelis*, and one can carry up until a distance of four *amos* like in any *karmelis*.

[11] Which deals with a rock that was lower than ten tefachim.

[12] Since, whatever its area, a rock that is lower than ten tefachim has the status of a karmelis.

[13] On account of its big area, despite its height.

[14] The relaxation of the law in turning a private domain into a karmelis on account of the extent of its area.

[15] Who laid down that though a karpaf was bigger than two beis se'ah it is still subject to the restrictions of a private domain and that a person who threw an object from a public domain into it incurs guilt.

[16] Which deals with a rock that was lower than ten tefachim.

[17] Sc. on the surface of the rock itself.

[18] Since the first clause only stated that 'it is forbidden to move objects from it into the sea and from the sea into it' and did not forbid the movement of objects on the surface of the rock from one part of it to another.

[19] But if it is bigger it loses, on account of its wide extent and the absence of inhabitants, the status of a private domain in respect of the movement of objects within it, and assumes that of a karmelis. Had it not been subjected to these restrictions people might erroneously have treated a public domain also with the same laxity. On account of its height, however, it retains, in relation to the sea, the status of a private domain the movement of objects from which into the sea and vice versa remains forbidden.

[20] The one in the first clause of the Baraisa cited by Rav Huna bar Chinena as defined by the limitation at its conclusion. Since both rulings are merely Rabbinical and not Biblical, the Rabbis could well abrogate one in favor of the other wherever the general requirements of the Shabbos laws demanded such a course; as will be explained.

[21] Sc. that it has been given the status of a karmelis as a restriction and safeguard against mistaking it for a public domain and applying its relaxation to the latter also. It is nevertheless forbidden to move airy objects from it into a public domain or vice versa since, as Rabbi Yochanan stated, it is Biblically regarded as a private domain proper.

[22] Since the prohibition only strengthens the Shabbos laws and can in no way lead, as in the case that follows, to their infringement.

[23] The rock whose area was less than two beis se'ah.

[24] If the restrictions had been imposed ant the movement of objects from it into the sea or vice versa had been forbidden even within four amos.

[25] Even beyond four amos. As this, however, "would entail an infringement of the Rabbinical law which imposed on such an area the restrictions of a karmelis, it was considered preferable to abrogate in this case the law forbidding the movement of objects between a karmelis and a private domain.

[26] I.e., why should the law against moving objects between a karmelis and a private domain be abrogated rather than the one forbidding the

the rock itself but it is unusual to move objects from it into the sea or from the sea into it.[27]

[Summary: The Chachamim decreed that a *karpaf* that is larger than two *beis se'ah* and was not enclosed for dwelling purposes is a *karmelis*, and one can only move an object within the *karpaf* a distance of four *amos*. The Chachamim also decreed that one cannot carry from a *karmelis* to a private domain, so when a rock is less than two *beis se'ah*, the Chachamim prohibited one from carrying between the rock and the sea. The reason for this is because the rock is a genuine private domain and there are no side effects from this ban. If the rock is larger than two *beis se'ah*, however, when one cannot carry in the entire *karpaf*, the Chachamim allowed one to carry between the rock and the sea. The reason they relaxed their decree in this case is because if they had prohibited carrying between the rock and the sea, one may confuse the rock with a genuine private domain and one will come to carry in the entire *karpaf*. This confusion would lead one to transgress the ban of carrying on the rock, which has a status of a *karmelis*, so to avoid this confusion, the Chachamim lifted their ban on transferring between a private domain and a *karmelis*.] (67b)

There was once a child whose warm water[28] was spilled (on the Shabbos). 'Let some warm water', said Rabbah 'be brought for him from my house'. 'But', observed Abaye, 'We have prepared no eiruv'.[29] 'Let us then rely', the other replied, 'on the shittuf'.[30] 'But', Abaye told him, 'we had no shittuf either'. 'Then', the other said: 'let a gentile be instructed to bring it for him' — 'I wished', Abaye later remarked: 'to point out an objection against the Master but Rav Yosef prevented me, because he told me in the name of Rav Kahana, "When we were at Rav Yehudah's he used to tell us that in a Biblical matter any objection must be raised before the Master's ruling is acted upon, but in a Rabbinical matter we must first act on the ruling of the Master and then point out the objection".' After that he said to him, 'What objection was it that you wished to raise against the Master?' 'It was taught', the other replied, 'that "sprinkling"[31] on the Shabbos is only Rabbinically forbidden. Now, instructing a gentile to do work on the Shabbos is also Rabbinically forbidden, why then should it not be said: As "sprinkling" on the Shabbos which is a Rabbinical prohibition does not supersede the Shabbos so should not an instruction to a gentile to do work on the Shabbos which is also Rabbinically forbidden supersede the Shabbos?' — 'Do you', the first retorted: 'draw no distinction between a Rabbinical prohibition that involves a manual act and one that involves no such act?' (67b – 68a)

DAILY MASHAL

The Warning

On the wall of the shul in Mattersdorf, hung a plaque which read: "As an eternal remembrance, that the later generations may know of the warning imposed by our teacher and master, R' Yissachar Ber Malach *zt"l*. By remembering his warning, may Hashem save us from fire and water… as it was on Yom Kippur last year (5597/ 1836), when certain people went against the Rav's instruction and ordered gentiles to work for them on *Shabbos*. Three days later a fire broke out, and the entire city was in great danger. We went to the grave of the Rav to daven, and we accepted upon ourselves and upon our children, never again to disobey his instruction. We thank Hashem, that he heard the prayers of the tzaddik who davened on our behalf, and destruction did not fall upon our homes" (Eleph Ksav I, 359).

movement of objects beyond four amos in a private domain that was bigger than two beis se'ah?

[27] Against that which is unusual no preventive measures were enacted. Only in the case of a private domain and a karmelis on land, the movement of objects between which is not infrequent, has such a preventive measure been deemed necessary.

[28] That was prepared for him prior to the Shabbos, in connection with his circumcision due on the Shabbos day, and kept warm for the purpose.

[29] Sc. an eiruv of courtyards' which enables the tenants of different houses in the same courtyard to move objects from house to house through the courtyard area.

[30] Shittuf in a mavoi in relation to its courtyards and the houses in their courtyards serves the same purpose as that of eiruv in a courtyard in relation to its houses.

[31] On a tamei person, of the water of purification containing the ashes of the red heifer.