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Eiruvin Daf 69

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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**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

**There is a difference if the residents of the mavoi used the mavoi before the Sadducee uses it and when the residents of the mavoi did not use the mavoi before the Sadducee used the mavoi.**

We have learned that Rabbi Meir maintained that Rabban Gamliel told his sons to carry out whatever they needed to take out into the mavoi or to bring in whatever they needed to bring in from the mavoi so the Sadducee does not preempt you by carrying from his house to the mavoi and restricting you.

Rabbi Meir is apparently of the opinion that the Sadducee could not regain the rights that he relinquished. Yet, Rabbi Meir himself in the *Mishna* (69b) maintains that if one ceded his rights and then carried out unintentionally or intentionally, he restricts because he has regained the rights that he relinquished.

Rav Yosef answers that the *Mishna* should read, “He does not restrict.”

Abaye said that this is not a difficulty, as the *braisa* refers to residents of the mavoi who used the mavoi before the Sadducee was able to regain his rights by using the mavoi. The *Mishna*, however, refers to a case where the residents of the mavoi did not use the mavoi before the one who relinquished his rights used the mavoi.

And so it was also taught: If he carried out an object before he had renounced his share, whether he acted unwittingly or intentionally, he is entitled to renounce his right; these

are the words of Rabbi Meir. Rabbi Yehudah ruled: If he acted unwittingly he is entitled to renounce his right but if he acted with intention he is no longer entitled to renounce his right. (68b -69a)

**There is a dispute regarding one who ceded his rights and then carried out into a mavoi.**

The Baraisa continues: If one ceded his rights and then carried into the mavoi unintentionally or intentionally, Rabbi Meir maintains that he restricts. Rabbi Yehudah, however, maintains that if he carried out intentionally, he restricts, and if he carried out unintentionally, he does not restrict.

This refers to a case where the residents of the mavoi did not seize the mavoi. If the residents of the mavoi did seize the mavoi, however, and then the one who relinquished his rights carried out, he does not restrict, regardless of whether he carried out unintentionally or intentionally. (69a)

**There are two explanations how to resolve the contradiction between Rabbi Yehudah’s statement in the *Mishna* and his statement in the *braisa*.**

The Master stated: Rabbi Yehudah in the *braisa* related in different terms (than Rabbi Meir) that Rabban Gamliel told his household before the onset of Shabbos, “hurry and do what you need to do in the mavoi before Shabbos begins and the Sadducee will restrict you from carrying. This implies that Rabbi Yehudah maintains that a Sadducee is



like a gentile with regard to the laws of eiruv (because Rabbi Yehudah renders the relinquishment of the Sadducee invalid). But we learned in a *Mishna*, however, [Rabbi Yehudah stated that Rabban Gamliel's father told his household to use the mavoi] **before** the Sadducee carries out [and regains his rights].<sup>1</sup>

The *Gemora* resolves this contradiction by stating that the *Mishna* should read, "Before the day ends."<sup>2</sup> Alternatively, the *Gemora* answers that the *Mishna* refers to a *mumar*, an irreligious person who violated the Shabbos discreetly. This violator can relinquish his rights, whereas the *braisa* refers to an irreligious person who violates the Shabbos in public, and he cannot relinquish his rights. (69a)

**A person carried a bag of spices on the street on Shabbos and Rabbi Yehudah said this person was allowed to relinquish his rights.**

Whom does this that was taught in a *braisa* follow? An irreligious person and one who is brazen cannot relinquish their rights.

Is one who is brazen regarded as irreligious? The *Gemora* explains that the *braisa* is referring to one individual who is brazen and irreligious, and such a person cannot relinquish his rights.

Whom does it follow? This is in accordance with the opinion of Rabbi Yehudah (who maintains that one who publicly acts in an irreligious manner cannot relinquish his rights).

A person was once carrying spices on Shabbos in a public area, and upon seeing Rabbi Yehudah Nesiah he covered

up his bundle. Rabbi Yehudah Nesiah saw the spices and Rabbi Yehudah Nesiah declared that such a person, who was ashamed of violating the Shabbos in front of a respected rabbi, can relinquish his rights even according to the opinion of Rabbi Yehudah. (69a)

**An irreligious Jew with regard to one ceding and relinquishing rights is one who violates the Shabbos publicly.**

Rav Huna stated that one who violates the Shabbos publicly is considered an irreligious Jew in regard to all areas of Jewish law. Rav Nachman said to him: According to whom is this correct? If it is Rabbi Meir who said: If one is suspect to having transgressed one part of the Torah, then he is suspect of transgressing the Torah, so then even if he transgressed any of the prohibitions in the Torah?<sup>3</sup> If it is based on the Rabbis, but thy said: One who is suspect of transgressing one part of the Torah is not suspect of transgressing the entire Torah unless he is a *mumar*, heretic, for worshipping idols.<sup>4</sup>

Rav Nachman bar Yitzchak explains that Rav Huna renders one who transgresses the Shabbos to be irreligious with regard to ceding and relinquishing rights.<sup>5</sup> This being in agreement with what was taught: An irreligious Jew who observes the Shabbos in public may renounce his share, but one who does not observe the Shabbos in public may not renounce his share, because the Rabbis have laid down: An Israelite may renounce or present his share, whereas with a gentile transfer is possible only through the letting of his share. How is this done? He says to him, 'My share is acquired by you' or 'my share is renounced in your favor', [and the latter thereby] acquires possession

<sup>1</sup> This implies that if the Sadducee relinquishes his rights, the relinquishment is valid as long as he does not retract his relinquishment.

<sup>2</sup> And the *Mishna* refers to the end of Friday afternoon and the onset of Shabbos, and not to the Sadducee carrying out. This is in accord with Rabbi Yehudah's opinion in the *braisa* that the Sadducee cannot relinquish his rights.

<sup>3</sup> Rav Huna cannot be in accord with Rabbi Meir.

<sup>4</sup> Rav Huna does not appear to be in accord with this opinion either.

<sup>5</sup> According to Rav Huna, one who is suspect of having transgressed one part of the Torah is not suspect with regard to other parts of the Torah. Nonetheless, by violating the Shabbos, he cannot join in an eruv nor relinquish his rights, because with regard to the laws of eiruv, he is akin to one who worships idols.



and there is no need for him to perform a formal act of acquisition.

Rav Ashi replied: To this Tanna the desecration of the Shabbos is an offence as grave as idol worship; as it was taught: It is said: *Adam ki yakriv mikem korban laHashem*, a man among you who will offer an offering to Hashem. The words *among you* exclude an irreligious Jew from offering sacrifices. The word *mikem*, among you, teaches that amongst the Jews Hashem differentiates between the religious and the irreligious, but a gentile can offer an *olah* sacrifice. The verse continues and states: *min habihaimah*, from the animals, and this includes people who behave like animals. This teaches us that we accept sacrifices from *poshei yisrael*, deviant Jews. This is done so they can repent their ways. All sinners can offer sacrifices except for an irreligious Jew concerning one part of the Torah, one who makes libations of wine to an idol and one who violates the Shabbos publicly.

Now isn't this statement self-contradictory: First you said: 'Among you implies: But not all of you, thus excluding an irreligious Jew', and then you state, 'Sacrifices may be accepted from deviant Jews'? This, however, is no contradiction since the first clause might deal with a person who is an irreligious Jew in respect of all the Torah, while the intervening clause might refer to one who is an irreligious Jew in respect of one part of the Torah only. But [then] read the final clause: 'Except from an irreligious Jew and from one who offers libations of wine to idols'. What, pray, is one to understand by this type of irreligious Jew? If he is an irreligious Jew in respect of all the Torah he is obviously identical with the one in the first clause; and if he is an irreligious Jew in respect of one part of the Torah only, doesn't a contradiction arise from the middle clause? Must it not consequently be conceded that it is this that was meant: Except from one who is an irreligious Jew in respect of offering libations of wine to idols or the

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<sup>6</sup> To one's neighbor, so that the use of the courtyard shall be unrestricted.

desecration of the Shabbos in public? It is thus evident that idolatry and the desecration of the Shabbos are offences of equal gravity. This is conclusive. (69b)

**If a resident of a chatzer forgot to join in an eruv, both he and the other residents of the chatzer are restricted from carrying in and out of his house, but their houses are permitted for him and for them.**

Mishnah: If a resident of a chatzer forgot to join in an eruv, both he and the other residents of the chatzer cannot carry in and out of his house. The other residents' houses are permitted for him and the other residents. If the other residents of the chatzer ceded their rights in the chatzer to the person who forgot to join in the eruv, he is allowed to carry from his house into the chatzer and from the chatzer into his house, but the other residents cannot carry from their houses to the chatzer. If two residents of the chatzer forgot to join in the eruv and the other residents of the chatzer ceded their rights in the chatzer to these two people, these two people restrict each other from carrying between their houses and the chatzer. This is because they both own the chatzer together and each one owns their house exclusively. They cannot carry from their exclusive domains to the shared domain of the chatzer.

When must one's share be presented?<sup>6</sup> Beis Shammai ruled: while it is yet day, and Beis Hillel ruled: after dusk. If a tenant presented his share and then carried out any object, whether unwittingly or intentionally, he imposes restrictions;<sup>7</sup> these are the words of Rabbi Meir. Rabbi Yehudah ruled: if he acted with intention he imposes restrictions, but if unwittingly he imposes no restrictions. (69b)

<sup>7</sup> On the use of the courtyard by his neighbors. His act is regarded as one of re-acquisition of the share he has previously presented to them.

GEMARA: Apparently it is only 'his house' that 'is forbidden' but his share in the courtyard is permitted;<sup>8</sup> but how is one to understand the circumstances? If he has renounced his rights, why should his house be forbidden? And if he has not renounced his rights why should his courtyard be permitted? Here we are dealing with the case of a tenant who renounced his right to his courtyard but not his right to his house, the Rabbis being of the opinion that a tenant who renounces his right to his courtyard does not ipso facto renounce his right to his house, since a person might well live in a house that has no courtyard. (69b)

But their houses are permitted both to him and to them. What is the reason? — Because he is regarded as their guest. (69b)

If they presented their shares to him, he is permitted the unrestricted use of the courtyard but they are forbidden. Why should not they be regarded as his guests? — One man may be regarded as the guest of five men; five men cannot be regarded as the guests of one. Does this then imply that renunciation may be followed by renunciation? — No; it is this that was meant: 'If they' originally 'presented their shares to him, he is permitted the unrestricted use of the courtyard but they are forbidden'. (69b)

If there were two who forgot to join in the eiruv they impose restrictions upon one another. Isn't this obvious?<sup>9</sup> — This ruling was necessary only in a case where one of them has subsequently renounced his share in favor of the other. As it might have been assumed that the latter should be permitted [the full use of the courtyard], hence we were informed that [this is not so], because the former, at the time he renounced his share, was not himself permitted the unrestricted use of that courtyard. (69b)

<sup>8</sup> To the other tenants who are allowed to carry objects from their houses into the courtyard and from the courtyard into their houses.

Because one tenant may present his share. What need again was there for this ruling? If that he 'may present,' did we not learn this before? If that he 'may acquire,' did we not already learn this also? — It was necessary on account of the final clause: 'Two tenants may present their shares.' Isn't this also obvious? — It might have been presumed that this should be forbidden, as a preventive measure against the possible assumption that one may also renounce his share in favor of two, hence we were informed that no such possibility need be considered. (69b – 70a)

But may not acquire any. What need was there for this ruling? — It was required only for this case: Even where they said to him, 'Acquire our shares on the condition that you transfer them'. (70a)

#### DAILY MASHAL

#### ***Idolatry, Desecrating the Shabbos, and prohibition to offer sacrifices***

The *Gemora* states that idolatry and Shabbos desecration are equivalent with regard to one being prohibited for offering sacrifices. One who worships idols declares that he does not seek to become close to Hashem. In fact, he demonstrates that he wishes to distance himself from Hashem by using idols as a medium or as a sole power. Similarly, one who desecrates the Shabbos demonstrates that he does not wish to use the opportunity that Hashem affords him to come close to Hashem. He desecrates the Holy Day and distances himself from Hashem. It follows, then, that such a person should be prohibited from offering sacrifices, as the very word *korban*, sacrifices, reflects that one seeks to come closer to Hashem.

<sup>9</sup> Since even in the absence of the other tenants the two would have imposed restrictions upon each other.