

6 Mar-Cheshvan 5781  
Oct. 24 2020



Eiruv Daf 76

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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

Rechava tested the Rabbis (*with the following question*): If there were two courtyards and between them two houses, and a tenant of the one courtyard came through the one house and deposited his *eiruv* in the other (*house*), while a tenant of the other courtyard came through the one house and deposited his *eiruv* in the other (*house*), do they thereby acquire the privileges of an *eiruv* or not? Do we regard each house in relation to the courtyard (*on its far side - into which it had no door and from which it is separated by the other house*) as a house (*and the eiruv would be valid*), and in relation to its courtyard as a gatehouse? [*If both houses had been regarded as gatehouses, neither eiruv would have been valid, and even if both houses had been regarded as proper houses, neither eiruv would have been valid, since in the case of each house, the other that was not covered by the eiruv intervened between it and the courtyard for which the eiruv had been prepared.*] They replied: Both do not acquire the privileges of an *eiruv*, for whatever way you turn, this must be the result. If you regard either house as a gatehouse, an *eiruv* deposited in a gatehouse, portico, or a balcony is not a valid *eiruv* (*as the Mishna states later*), and if you regard either as a proper house, the tenants would be carrying objects into a house which was not covered by their *eiruv*.

The *Gemora* asks: But why should this ruling be different from that of Rava, for Rava said: Two people requested of a third individual to make an *eruv techumin* (*so they could travel another two thousand amos from that place*) on their behalf. For one person he made the *eruv* before the start of *Shabbos*, and for the second person he made the

*eruv* during *Bein Hashemashos* (*twilight*). The first one's *eruv* was eaten during *Bein Hashemashos*, and the second one's *eruv* was eaten after *Shabbos* began. The law is that the *eruv* works for both people. [*Since the time status of Bein Hashemashos is in doubt, and the rules of eruvei techumin are Rabbinical, we rule leniently. Therefore, the one whose eruv was eaten at Bein Hashemashos, Bein Hashemashos is considered night, and his eruv was in effect before it was eaten. For the one whose eruv was eaten after Shabbos began, we say that Bein Hashemashos was day, and his eruv was in effect before Shabbos. Now, if twilight is here assumed to be day for one individual and night for another, why couldn't a house also be assumed to be a gatehouse for one and a proper house for another?*] The *Gemora* answers: How can the cases be compared? There, it is doubtful whether twilight is day or night, a point that is not so noticeable, but in this case, if a house is to be regarded as a proper house in relation to the courtyard, it must be so regarded in relation to the other courtyard as well, and if it is regarded in relation to this courtyard as a gatehouse it must also be so regarded in relation to the former. (76a)

### **WE SHALL RETURN TO YOU, HADAR**

If between two courtyards there was a window of four *tefachim* by four, within ten *tefachim* from the ground, the tenants may prepare two *eiruv*s, or, if they prefer, they may prepare one (*jointly*). [*The tenants of one courtyard deposit their eiruv in the other, and by joining together, both groups of tenants are permitted the unrestricted use of both courtyards.*] If the size of the window was less than



four *tefachim* by four (which cannot be regarded as a valid opening), or higher than ten *tefachim* from the ground, two *eiruv*s may be prepared, but not one. [This is because the wall constitutes a solid partition between the courtyards. It is consequently forbidden to move objects between the courtyards either over the wall or through any small apertures or cracks in it.]

The *Gemora* asks: Must it be assumed that we have here learned an anonymous *Mishna* (when it stated that if the window is less than four *tefachim* square, it is regarded as closed) in agreement with Rabban Shimon ben Gamliel who ruled that wherever an opening is less than four *tefachim*, it is considered *lavud*? [Is it likely, however, that an anonymous *Mishna*, which usually represents the accepted *halachah*, would agree with an individual opinion against that of the majority, and the majority maintains that the principle of *lavud* is stated only when an opening is less than three *tefachim*?] The *Gemora* answers: It may be said to agree even with the Rabbis; for the Rabbis differed from Rabban Shimon ben Gamliel only in regard to the laws of *lavud*. Regarding an opening, however, even they may agree that only if its size is four *tefachim* by four is it regarded as a valid opening, but otherwise it cannot be so regarded.

The *Gemora* asks on the *Mishna*'s wording: Isn't it obvious? For, since it was said that the window (if it is to be regarded as a valid opening that enables the tenants of both courtyards to join in a single *eiruv*) must be four *tefachim* by four, within ten *tefachim*, would I not naturally understand that if it was less than four and higher than ten it is not valid opening? The *Gemora* answers: It is this that we were taught: The reason (that the window above ten *tefachim* is invalid) is because all of it was higher than ten *tefachim* from the ground, but if a part of it was within ten *tefachim* from the ground, the tenants may prepare two *eiruv*s, or, if they prefer, they may prepare one. [This could not have been inferred from the first clause of our *Mishna* which might have been taken to imply that the entire window must be within ten *tefachim* from the ground; and

since 'higher than ten *tefachim*' has to be stated, it incidentally states also 'less than four.']

The *Gemora* notes: Thus we have learned in a *Mishna* what the Rabbis taught elsewhere in a *braisa*: If (almost) the entire window was higher than ten *tefachim* from the ground, but a part of it was within ten *tefachim* from it, or if (almost) all of it was within ten *tefachim* and a part of it was higher than ten *tefachim*, the tenants may prepare two *eiruv*s, or, if they prefer, they may prepare one.

The *Gemora* asks: Now then, where (almost) the entire window was higher than ten *tefachim* from the ground, but a part of it was within ten *tefachim* from it, you ruled that the tenants may prepare two *eiruv*s, or, if they prefer, they may prepare one; was it also necessary to mention the case where (almost) all of it was within ten *tefachim* and a part of it was higher than ten *tefachim*? The *Gemora* answers: The *Tanna* taught it using the following format: This, and there is no necessity to say that.

Rabbi Yochanan ruled: A round window must have a circumference of twenty-four *tefachim* (and then they can join together in one *eiruv*), and (the) two (lower *tefachim*) and a fraction more must be within ten *tefachim* from the ground, so that, when it is squared (and thus reduced on each side of the square by two *tefachim*, leaving a square window of the size of  $8 - (2 + 2)$  by  $8 - (2 + 2) = 4 \times 4$  *tefachim*; this is based upon the assumption that the area of a square constructed within a circle is half the area of the circle itself), a fraction remains within the ten *tefachim* from the ground.

The *Gemora* asks: Let us consider: Any circle that has a circumference of three *tefachim* is one *tefach* in diameter. Shouldn't then twelve *tefachim* be sufficient? The *Gemora* answers: This applies only to a circle, but where a square is to be inscribed within it, a greater circumference is required. [As the window under discussion must be four *tefachim* square, the diameter of the circle in which such a square can be inscribed must have, as ruled by R'



*Yochanan, a minimum circumference of twenty-four tefachim.]*

The *Gemora* asks: Let us consider: By how much does the perimeter of a square exceed that of a circle? It is by a quarter; shouldn't then a circumference of sixteen *tefachim* be sufficient? The *Gemora* answers: This applies only to a circle that is inscribed within the square, but where a square is to be inscribed within a circle, it is necessary for the circumference of the circle to be much bigger.

The *Gemora* explains the reason for this: It is in order to allow space for the projections of the corners (*of the square*). [*A circular window with a circumference that is less than twenty-four tefachim would not contain the area that is required.*]

The *Gemora* asks: Let us consider: Every cubit in the side of a square corresponds to one and two fifths cubits in its diagonal; shouldn't then a circumference of sixteen and four fifths *tefachim* be sufficient? The *Gemora* answers: Rabbi Yochanan holds the same view as the judges of Caesarea, or, as others say, as that of the Rabbis of Caesarea, who maintain that the perimeter of a circle that is inscribed within a square is one-quarter less than the circumference of the square, while the perimeter of the square that is inscribed within that circle is one-half less than the circumference of the circle.

The *Mishna* had stated: If the size of the window was less than four *tefachim* by four, etc.

Rav Nachman said: This (*that the window must not be higher than ten tefachim from the ground*) was learned only in respect of a window between two courtyards, but in the case of a window between two houses, even though it was higher than ten *tefachim* from the ground, the residents may, if they wish, prepare one *eiruv* jointly. The reason for this is as follows: A house is regarded as filled

(*with objects, and therefore the window is regarded as being within the prescribed ten tefachim*).

Rava raised an objection against Rav Nachman from the following *braisa*: A window, irrespective of whether it was between two courtyards, between two houses, between two attics, between two roofs, or between two rooms, must be of the size of four *tefachim* by four within ten *tefachim* from the ground?

Rav Nachman answers: The interpretation is that the limitation applies only to the courtyards (*but regarding a house, it must be located entirely above ten tefachim*).

The *Gemora* asks: But wasn't it stated: Irrespective of whether, etc.?

The *Gemora* answers: The interpretation is that this refers to the prescribed four *tefachim* by four.

Rabbi Abba inquired of Rav Nachman: If an overhead window led from a room to an attic, is a permanent ladder required for the purpose of allowing the movement of objects, or not? Do we apply the principle that 'a house is regarded as filled' only when the overhead window is at the side (*by the wall of a house*), but not when it is in the middle, or is it possible that there is no difference?

Rav Nachman replied: It is not necessary.

The *Gemora* notes: Rabbi Abba understood him to mean that only a permanent ladder is not necessary, but that a temporary one is necessary. It was, however, stated: Rav Yosef bar Minyumi said in the name of Rav Nachman: Neither a permanent, nor a temporary ladder is necessary. (76a – 76b)