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Eiruv Daf 86

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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

Rebbe showed respect to rich men, and Rabbi Akiva also showed respect to rich men, in agreement with an exposition made by Rava bar Mari: May he be enthroned before God for ever, appoint mercy and truth that they may preserve him, when ‘may he be enthroned before God for ever’? When he ‘appoint mercy and truth that they may preserve him’. (86a)

Rabbah bar Bar Chanah explained: The peg of the plow, for instance.<sup>1</sup> Rav Nachman stated: It was taught at the school of Shmuel: If it is an object that may be handled on the Shabbos<sup>2</sup> the tenant imposes restrictions,<sup>3</sup> but if it is one that may not be handled on the Shabbos the tenant imposes no restrictions.<sup>4</sup> So it was also taught: If he has tevel, bars of metal, or any other object that may not be moved on the Shabbos, the tenant imposes no restrictions. (86a)

MISHNAH: If a man left his house and went to spend the *Shabbos* in another town, whether he was an idolater or a Jew, his share imposes restrictions (*for carrying upon those who reside in the courtyard*); these are the words of Rabbi Meir. Rabbi Yehudah ruled: it imposes no restrictions (*for he maintains that an empty house cannot in respect of eiruv be regarded as a dwelling-house*). Rabbi Yosi said: The share of an idolater imposes

restrictions; but that of a Jew does not impose any restrictions, because it is not usual for a Jew to return on the *Shabbos*. Rabbi Shimon ruled: Even if he left his house and went to spend the *Shabbos* with his daughter in the same town, his share imposes no restriction, since he had no intention whatsoever of returning. (86a)

Rav stated: The *halachah* is in agreement with Rabbi Shimon. This, however, applies only where the man went to spend the *Shabbos* with his daughter, but not where he went to spend it with his son; for it is a common saying: If a male dog barks at you, go in; if a female dog barks at you, go out. [A quarrelsome son-in-law can be endured, and there is no reason to be concerned that his father-in-law might have to leave his daughter’s house during the *Shabbos*. A quarrelsome daughter-in-law, however, might drive her father-in-law from his sons’s house before the day is over.] (86a)

MISHNAH: [There is a dispute as to how to remedy a situation where there is a well of water that is situated between two courtyards and one cannot draw water from the well. Some opinions maintain that a barrier must be set up inside the well and other opinions maintain that it is sufficient if the barrier is erected at the top of the well. This dispute is also predicated on

<sup>1</sup> That the householder kept in the tenant's room.

<sup>2</sup> So that it is possible to remove it from the room during the day.

<sup>3</sup> On the use of the courtyard, unless he made his contribution to the eiruv.

<sup>4</sup> Since the householder's right to the holding in his room is secured for the whole *Shabbos*.

whether a suspended wall is deemed to be a proper wall.] From a cistern between two courtyards (*when an eiruv has not been prepared*), no water may be drawn on the *Shabbos* (*because there is a concern that the water is coming from the other courtyard*), unless a partition ten *tefachim* high has been made for it - either below (*which, the Gemora will explain*) or within its rim. Rabban Shimon ben Gamliel said: Beis Shammai ruled: below, and Beis Hillel ruled: above. Rabbi Yehudah observed: The partition could not be more effective than the intervening wall (*between the courtyards*). (86a)

Rav Huna explained: “Below” means actually below (*below the mouth of the cistern, though there is no need for the edge of the partition to touch the water*), and “above” means actually above (*near the rim, but there is no need to extend it to the water*), and in either case the partition must be within the cistern. [Even Beis Hillel agree that the entire partition of ten *tefachim* high must be within the rim and below it.] Rav Yehudah, however, explained: “Below” means below the water (*the partition must be fixed in the floor of the cistern*), and “above” means above the water.

Rabbah bar Rav Chanan said to Abaye: With reference to Rav Yehudah’s explanation that “below” means below the water, why isn’t actually below (*but above the surface*) valid? Apparently, it is because the waters (*of the two courtyards*) would be mixed; but then, even if according to that which he explains that it is below the water (*on the floor of the cistern*), isn’t the water still mixed (*above the partition*)?

Abaye replied: Have you not heard the statement which Rav Yehudah made in the name of Rav, or as others cite, in the name of Rabbi Chiya: The tops of the reeds must be seen projecting one *tefach* above the surface of the water (*and therefore the waters do not mix*)!

Furthermore (*Rabbah bar Rav Chanan said to Abaye*), with reference to Rav Yehudah’s explanation that “above” means above the water, why doesn’t he explain that it is actually above (*near the lip of the cistern*)? Apparently, it is because the water would be mixed; but then, even if according to that which he explains that it is above the water, isn’t the water mixed?

Abaye replied: Have you not heard the *braisa* that Yaacov Karchina has taught: One must insert the ends of the reeds into the water to the depth of at least a *tefach* (*and therefore the waters do not mix*)!

The *Gemora* asks: With reference, however, to Rav Yehudah’s ruling that a crossbeam of the width of four *tefachim* effects permissibility (*to carry underneath it*) in a ruin (*if it lay on its width and reached from one wall to the other on the opposite side*); and to that of Rav Nachman who said in the name of Rabbah bar Avuha that a crossbeam of the width of four *tefachim* effects permissibility in the case of water (*that the water may be used by the residents of each courtyard as if a proper division had separated the water of their domain from that of the other*); doesn’t the bucket swing to the other side and thus carry up the water from it?

The *Gemora* answers: The Rabbis have ascertained that a bucket does not swing beyond four *tefachim* (*and since the beam is four tefachim wide, the bucket cannot swing from its one side beyond its opposite side*).

The *Gemora* asks: But aren’t the waters still mixed under the crossbeam?

The *Gemora* answers: The fact is that the Sages have relaxed the law in respect of water; as Rabbi Tavla, when he enquired of Rav whether a suspended partition (*three or more tefachim above the ground*) convert a



ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility of use in the case of water only, because it is only in respect of water that the Sages have allowed a special leniency. (86a – 86b)

The *Mishna* had stated: Rabbi Yehudah observed: The partition could not be more effective than the intervening wall (*between the courtyards*).

Rabbah bar Bar Chanah said in the name of Rabbi Yochanan: Rabbi Yehudah made his ruling on the lines of the view of Rabbi Yosi who holds that a suspended partition effects permissibility even on dry land, for we learned in a *Mishna*: If one weaves the walls from above to below (*the reference is to the walls of a sukkah; he takes horizontal boards, and beginning from the top, adds boards to fill in the open frame; he does not, however, reach the ground*): if they are three *tefachim* high above the ground, it is invalid; from below to above: if they are ten *tefachim* high, it is valid. Rabbi Yosi ruled: As walls of the height of ten *tefachim* are valid if they rise from below to above (*even though they do not reach the s'chach*), so are those that stretch from above to below valid if their height is ten *tefachim* (*even if they do not reach the ground*).

The *Gemora* notes: This, however, is not correct, for neither does Rabbi Yehudah hold the view of Rabbi Yosi, nor does Rabbi Yosi hold that of Rabbi Yehudah. The *Gemora* explains: Rabbi Yehudah does not hold the view of Rabbi Yosi, since Rabbi Yehudah maintained his view only in respect of an *eiruv* of courtyards which are merely a Rabbinical institution, but not in that of

*sukkah*, which is Biblical. Nor does Rabbi Yosi hold the view of Rabbi Yehudah, since Rabbi Yosi maintained his view only in respect of *sukkah*, which is merely a positive commandment, but not in that of *Shabbos*, which involves a prohibition punishable by stoning.

And should you ask: In agreement with whose view was that incident at Tzipori (*concerning a suspended partition which was used on Shabbos*) decided upon? [Now, R' Yosi, who was the leader of that town, did not hold that a suspended partition may be used.] The answer is that it was not decided upon being in agreement with the view of Rabbi Yosi, but with that of Rabbi Yishmael son of Rabbi Yosi. When Rav Dimi came he related: The people once forgot to bring a Torah scroll of the Torah on the Shabbos eve and on the following day they<sup>5</sup> spread a sheet upon the pillars,<sup>6</sup> brought the scroll of the Torah and read from it.<sup>7</sup> 'They spread!' But is this permitted, seeing that all<sup>8</sup> agree that not even a temporary tent may be put up on the Shabbos? The fact is that they found sheets spread upon the pillars and so they brought the scroll of the Torah and read from it. (86b)

## INSIGHTS TO THE DAF

### ***Keeping the Torah "Safe" from Impurity***

The Gemara explains the dispute cited in the Mishna regarding a wall of a Sukkah that starts more than three *tefachim* above the ground. This dispute is parallel to the laws of Shabbos where there is a dispute if a suspended wall is deemed to be a wall and would thus create a private domain with regard to carrying on

<sup>5</sup> In order to enable them to carry the scroll from the house where it was kept, through a courtyard in which no *eiruv* had been prepared, into the Synagogue.

<sup>6</sup> That were on the way; and thus they formed a narrow passage between the house in which the scroll was kept and the Synagogue. Since no other door opened into the passage it was

permissible to carry the scroll through it even in the absence of all *eiruv*.

<sup>7</sup> As a sheet is a suspended partition it follows that at that time the validity of a suspended partition was duly recognized.

<sup>8</sup> Even those who allow a certain form of additions to an existing tent.



Shabbos. The Gemara cites an incident that occurred in Tzipori where the people forgot to bring the Sefer Torah to the shul prior to Shabbos and they carried it on Shabbos, relying on sheets that were spread on posts prior to Shabbos. The *Aruch LaNer* wonders why they did not have a gentile carry the Sefer Torah. The *Aruch LaNer* answers that they did not employ a gentile because it is degrading to have a Sefer Torah carried by a gentile.

The question of the *Aruch LaNer*, however, is difficult to understand, as Rashi writes that the reason the Sefer Torah was in the house was because the people sought to protect the Sefer Torah from the gentiles. This would imply that the Jews did not wish to make it known to the gentiles that they were in possession of a Sefer Torah (See *Shearim Mitzuyanim B'Halacha* who mentions this.)

The Rambam in Hilchos Sefer Torah (10:8) rules that any person who is tamei, such as a *niddah* (a woman who has menstruated) or a gentile is permitted to touch a Sefer Torah as we have a principle that Torah cannot contract tumah.

*Sefer Otzar HaYedios* cites a responsa from the *Divrei Hillel* who rules based on the words of the Rambam that if a gentile was in shul on Simchas Torah, he should be allowed to hold the Sefer Torah because it may otherwise cause the gentiles to hate the Jews.

The *Rema* in Orach Chaim 88 quotes sources who maintain that a woman should not enter a shul while she is a *niddah*. Furthermore, a woman who is a *niddah* should not pray, mention the Name of Hashem or even touch a sefer. The Rema also quotes sources who disagree with this ruling. The Rema concludes that the custom is in accordance with the first opinion. However, the Rema limits this restriction to a woman who is still

menstruating whereas a woman who has ceased to see a flow but is in the stage of becoming pure is not restricted from entering a shul, praying, reciting the Name of HaShem or from touching a sefer.

#### DAILY MASHAL

Rebbe and Rabbi Akiva honored the rich. Rava bar Mari explained that this was due to the verse, "The world sits before Hashem, kindness and truth are supplied by them" This teaches that the rich, who supply the poor with food, are helping the world exist before Hashem. They should therefore be honored.

However, Rabbi Akiva Eiger in Gilyon Hashas quotes a Likutei Maharil who says that there was another reason why Rebbe taught that people should honor the rich. Being that Rebbe himself was very learned, he did not want to benefit from his stature as a great Torah scholar. He therefore taught people to honor the rich, so that when they would honor him they would be doing so anyway because he was rich. He would therefore not be benefiting from his Torah scholarship.

It is possible that this is also why we find this teaching being taught by Rabbi Akiva. After all, Rabbi Akiva was very rich in the second half of his life (as opposed to being very poor originally), as stated clearly in the Gemora in Nedarim (50a-b).

This does not mean that Rava bar Mari's teaching is incorrect. However, there are many people who do many good things for which we could honor them. It seems that the Likutei Maharil was saying that Rebbe (and probably Rabbi Akiva) made a point of singling out rich people so that the honor they would receive would not be solely due to their Torah scholarship.