



# Daf In Review – Weekly Chazarah

## Maseches Eruvin, Daf כב – Daf נט

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H v'l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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### PEREK HADAR -- PEREK SHISHI

#### MISHNA

- One who lives in a chatzer with a goy or with a Kuti, may not carry in the chatzer (unless he leases the goy's rights to the chatzer from him). **R' Eliezer ben Yaakov** says it only becomes assur when there is more than one Yid living in the chatzer with the goy.
- **R' Gamliel** said, there was once a Tzeduki who lived in our mavui. We got him to relinquish his rights to the chatzer for Shabbos and my father told us to quickly use the mavui before the Tzeduki, so that he can't be said to have taken back his rights in the mavui.
  - **R' Yehuda** said the story went differently. **R' Gamliel's** father told them to quickly do whatever needs to be done in the mavui before Shabbos began, because it would be assur to carry there on Shabbos if the Tzeduki would use the mavui, because that would show that he had taken back his rights for use of the mavui.

#### GEMARA

- **Q: Abaye bar Avin and R' Chininah bar Avin** were sitting with **Abaye** and discussing our Mishna. They said, the view of **R' Meir** (the T"K) makes sense because he holds that a goy's residence is treated as a residence, and since he cannot be joined in an eiruv, he makes carrying in the chatzer assur (unless his rights to the chatzer are somehow taken away). **R' Eliezer ben Yaakov's** view is difficult to understand. If he holds that a goy's residence is treated as a residence, then why is the goy's residence not a problem when there is only one Yid in the chatzer? And, if he holds that the goy's residence is not considered a residence, why is it a problem when there is more than one Yid living with him in the chatzer?
  - **Q: Abaye** asked, a Braisa which follows **R' Meir** says that a goy's residence is treated like an animal barn (in that if the goy is away for Shabbos, an eiruv may be made). We see that even **R' Meir** says that a goy's residence is different than that of a Yid!? **A:** We can answer both questions. Really all agree that the residence of a goy is not treated as a residence that could assur carrying in a chatzer. The reason the **Rabanan** said they assur carrying is that they wanted to discourage Yidden from living in a chatzer with goyim. Therefore, they made life with them difficult by not allowing an eiruv to be made in a chatzer without somehow removing the goy's rights to use of the chatzer through a lease process (which a goy would be unlikely to do, resulting in the Yid not being able to carry in his chatzer). **R' Meir** says they were goizer this with even only one Yid. **R' Eliezer ben Yaakov** says one Yid would anyway never live alone in a chatzer with a goy (he would be afraid for his life). Therefore, the **Rabanan** were only goizer when there were 2 Yidden in the chatzer.
    - **Q:** Why would a goy be unlikely to give up his rights to the chatzer? If you say it is because he is afraid that he will permanently lose his rights, that makes sense if you say that a formal lease must be entered into. However, if it is only a token lease, the goy would not be concerned about that!? A Braisa says that this is actually a machlokes: **R' Chisda** says that a formal lease is needed (i.e. a lease that allows for full use of the chatzer, even to fill it up with chairs) and **R' Sheishes** says that only a token lease is needed (i.e. even if the Yid does not get the right to fill up the chatzer with chairs). So, if only a token lease is needed, the goy would have no concern that his rights would be totally taken from him. If so, why would he be unlikely to give up his rights!? **A:**

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The goy is concerned that the Yid will use the chatzer for kishuf. Therefore, he will not want to give up his rights in the chatzer.

- A Braisa says, the residence of a goy is considered like the barn of animals, in that if a Yid visits the chatzer of a goy on Shabbos, he is allowed to carry in that chatzer. However, **R' Meir** says, if a Yid lives in that chatzer along with the goy, it then becomes assur to carry to and from the goy's residence. **R' Eliezer ben Yaakov** says, it does not become assur unless there are 2 Yidden living there.
  - **Q:** In our Mishna **R' Meir** said that the goy's residence even makes carrying from the Yid's house assur as well!? **A:** The Mishna is discussing where the goy is home for Shabbos. His presence prohibits carrying to and from the Yid's house. The Braisa is discussing where the goy is away for Shabbos.
    - **Q:** If a house prohibits even without the owners there, then that din should apply for the house of a goy or a Yid, and yet we find that when a Yid is away for Shabbos his house does prohibit carrying unless he has joined an eiruv!? **A:** In truth all agree that an empty house does not prohibit carrying in a chatzer. With regard to a Yid, whose presence in the chatzer can prohibit carrying, the **Rabanan** were goizer that his empty house prohibits carrying as well. Regarding a goy, whose presence only prohibits carrying because of a gezeirah, the **Rabanan** were not goizer that his empty house should prohibit carrying as well.
    - **Q:** **R' Meir** says in a Mishna, that a goy's empty house does prohibit carrying in the chatzer!? **A:** That is only when the goy will be returning on Shabbos.
- **R' Yehuda in the name of Shmuel** says we pasken like **R' Eliezer ben Yaakov**. **R' Huna** said the minhag follows **R' Eliezer ben Yaakov**. **R' Yochanan** says, people have come to follow **R' Eliezer ben Yaakov**.
- **Q:** **Abaye** said to **R' Yosef**, we have the rule that the rulings of **R' Eliezer ben Yaakov** are few, but pure (and therefore we always pasken like him). Also, **R' Yehuda in the name of Shmuel** paskens like **R' Eliezer ben Yaakov**. Given that it is so clearly the halacha, can a talmid pasken this halacha even in the jurisdiction of his rebbi (typically a talmid may not pasken within the jurisdiction of his rebbi)? **A:** **R' Yosef** said, I would ask the simple question of whether an egg may be eaten with milk to **R' Chisda** when **R' Huna** (**R' Chisda's** rebbi) was alive, and he would not answer me. We see that even a question with a clear answer may not be paskened by the talmid.
  - **Q:** **R' Yaakov bar Abba** asked **Abaye**, may a talmid pasken a question (when in his rebbi's jurisdiction) which is answered simply by reading the "Megillas Ta'anis"? **A:** **Abaye** said, that **R' Yosef** said, I would ask the simple question of whether an egg may be eaten with milk to **R' Chisda** when **R' Huna** (**R' Chisda's** rebbi) was alive, and he would not answer me. We see that even a question with a clear answer may not be paskened by the talmid.
  - **R' Chisda** would pasken in Kafri while **R' Huna** was alive (Kafri was beyond **R' Huna's** jurisdiction). **R' Hamnuna** would pasken in Charta D'Argeiz during **R' Chisda's** (his rebbi) life (because it was beyond the jurisdiction of **R' Chisda**).

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- **Ravina** checked a shechita knife (which is something that was typically done by the rav) even though his rebbi, **R' Ashi**, was there. **R' Ashi** asked him, why did you do that? **Ravina** said, **R' Hamnuna** paskened in Charta D'Argeiz while his rebbi, **R' Chisda**, was alive since it was not **R' Chisda's** city. I checked a knife outside of your city as well. **R' Ashi** said, the statement taught was that **R' Hamnuna** did *not* pasken there! **Ravina** said, a statement was made that he *did* pasken there and another statement was made that he did *not* pasken there. He did not pasken there while his rebbi, **R' Huna**, was alive. He did pasken while his rebbi, **R' Chisda**, was alive, because **R' Hamnuna** was a talmid who was as great as **R' Chisda** in Torah. **Ravina** said, I too am a talmid as great as you (**R' Ashi**) in Torah, and therefore I may check a shechita knife.
  - **Rava** says, a young rav ("tzurva mei'Rabanan") may check a knife by himself for his own use (and need not bring to his rebbi).
    - **Ravina** was at an inn in Mechuza and the innkeeper brought him a knife to check. **Ravina** told him to bring it to **Rava** because he was the rav of the city. The innkeeper asked, but **Rava** said

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that a young rav may check a knife for himself, and you will be eating this meat!? **Ravina** said, I will be buying the meat from you, so it is considered to be for your use, not mine.

- A group of **Rabanan** were gathered in the city of **R' Acha bar Yaakov**. One of the **Rabanan** brought a knife for the others to check. One said, shouldn't we be concerned for the honor of **R' Acha bar Yaakov** and show it to him? Another of the **Rabanan** answered that **Rava** says a young rav may check for himself. He therefore checked the knife, but was punished by Hashem for doing so.
  - **Q: Rava** said he may, so why was he punished? **A:** They had begun discussing the honor of **R' Acha bar Yaakov**, so they should have afforded him the honor of checking the knife. **A2: R' Acha bar Yaakov** was especially prestigious and therefore should have been afforded this honor even by a young rav who was shechting for himself.
- **Rava** says, a talmid may yell at someone to prevent him from wrongdoing even if the talmid's rebbi is there.
  - **Ravina** was with his rebbi, **R' Ashi**, on Shabbos and saw a man about to tie his donkey to a tree. **Ravina** yelled at him to stop, but the man did not listen. **Ravina** said, this person should be put in cheirem. **Ravina** then asked **R' Ashi** whether it was improper for him to have done that in **R' Ashi's** presence. **R' Ashi** said, when it comes to preventing a chilul Hashem, one need not worry about giving respect to his rebbi.
- **Rava** says, if a talmid paskens in front of his rebbi, it is assur and he is chayuv misah. If he paskens not in front of his rebbi, it is assur but he is not chayuv misah.
  - **Q: R' Eliezer** says in a Braisa that Aharon's sons died because they paskened in front of their rebbi, Moshe. The Braisa then says that a talmid of **R' Eliezer** paskened in front of him. **R' Eliezer** told his wife, I doubt that this talmid will live out the year, and the talmid actually died that year. **Rabbah bar bar Channa in the name of R' Yochanan** said, this talmid was **Yehuda ben Gurya** who was 3 "parsaos" away (24,000 amos) when he paskened. We see that even when not in front of the rebbi one is chayuv misah!? **A:** He was in front of **R' Eliezer** when he paskened. Although **Rabbah bar bar Channa** said he was 3 parsaos away, that was where he lived (not where he had paskened), and he gave that detail to show that this was an actual story that happened to real people.
- **R' Chiya bar Abba in the name of R' Yochanan** says, a talmid who paskens in front of his rebbi deserves to be bitten by a snake.
- **Zeiri in the name of R' Chanina** says, a talmid who paskens in front of his rebbi is called a sinner.
- **R' Hamnuna** asks, one pasuk says that Dovid Hamelech did pasken, and another says that he did not? The Gemara says, he didn't pasken when his rebbi was alive. He paskened after his rebbi had passed away.
  - **R' Aba bar Zavda** said, a pasuk teaches us (from Dovid) that one who takes all the items which must be given to Kohanim, and gives them all to one Kohen, causes hunger to be brought upon the world.
- **R' Elazar** says, a talmid who paskens in front of his rebbi is removed from his greatness (we see this from Elazar HaKohen).
- **R' Levi says**, a talmid who paskens in front of his rebbi dies without children (we see this from Yehoshua).
  - **R' Pappa** argues on this. He says that the reason Yehoshua got punished in this way was because he caused the Yidden to remain away from their wives for an extra night.
  - **R' Shmuel bar Iniya in the name of Rav** says, from the fact that the Malach came to tell Yehoshua he was wrong for not learning Torah, and didn't come to give him mussar for not having brought the Korbon Tamid, we see that Torah learning is greater than the bringing of the Korbon Tamid.
  - **R' Brona in the name of Rav** says, one who sleeps in a room where a husband and wife are sleeping (thereby preventing them from tashmish) is described derogatorily in a pasuk.

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- **R' Yosef** says, this is true even if the woman is a nidah. **Rava** says, if she is a nidah it is a good thing if someone is there because it prevents them from any possibility of tashmish.
  - The Gemara says, **Rava** is not correct. Just as they didn't need someone to prevent them up to this point, they don't need someone there now either.
- There was a mavoi in which a number of Yidden and one goy lived. The Yidden tried to rent the goy's rights in the chatzer from him (to allow them to have an eiruv and permit them to carry in the chatzer), but the goy refused. **Abaye** told them, let all the Yidden relinquish their rights in the chatzer to one of the Yidden. In this way it will be as if there is only one Yid with the goy, in which case we said that it is not assur for the Yid to carry in the chatzer.
  - **Q:** They asked **Abaye**, the reason it is permitted when there is only one Yid is because it is not typical for one Yid to live alone near a goy, and the **Rabanan** were therefore not goizer in that case. However, here, in actuality there is more than one Yid, so the gezeirah should apply!? **A: Abaye** said, relinquishing property rights is something which is not typical, and the **Rabanan** were therefore not goizer in this case.
    - **R' Huna the son of R' Yehoshua** repeated **Abaye's** psak to **Rava**. **Rava** asked, based on this, this mavoi will never be subject to the halachos of eiruv, and these people will forget about the halachos and possibly transgress them at some point!? **A:** We require them to go through the motions of making an eiruv (even though it truly doesn't help).
      - **Q:** People will say that an eiruv is effective even when a goy lives in the chatzer or mavoi!? **A:** They announce that although an eiruv is being made, it truly is not effective.
      - **Q:** Future generations will not understand that and think the eiruv is effective!? **A: Rava** said, what must be done is that one of the Yidden should befriend the goy, ask the goy permission to place something in the chatzer, and then put something there. In that way it is as if he is a worker there, and **R' Yehuda in the name of Shmuel** said, a worker has the ability to join the eiruv with the other Yidden in place of the goy.
        - **Q: Abaye** asked **R' Yosef**, if there are 5 workers who work for the goy, do they all have to join the eiruv, or is one sufficient? **A: R' Yosef** said, the allowance of a worker to join the eiruv in place of the goy is a leniency. Therefore, we would only require one worker to join.

### -----Daf 70--64-----

- **R' Yehuda in the name of Shmuel** said, an employee of a goy may join the eiruv in place of the goy. **R' Nachman** said, this is an excellent psak.
- **R' Yehuda in the name of Shmuel** said, one who drank a revi'is of wine may not pasken. **R' Nachman** said, this is not a good psak, because my mind is not clear until I drink a revi'is of wine.
  - **Rava** asked **R' Nachman**, why did you say "this is a good psak" and "this is not a good psak"? A psak teaches us that one who does so will forget his learning! **R' Nachman** said, I take back what I said.
- **Rabbah bar R' Huna** said, one who drank wine should not daven, but if he does, he has fulfilled his obligation to daven. One who is intoxicated should not daven and if he does, his davening is considered to be disgusting.
  - These terms were explained by **R' Abba bar Shumni** and **R' Menashye bar Yirmiya M'Gifiti**, who, when taking leave of each other, each repeated something that the other had never heard as a way to remember their departing friend. One said "one who drank wine" refers to someone who can still speak in front of a king, and "one who is intoxicated" refers to someone who cannot speak in front of a king. The other one then said, if one has a financial windfall because he obtained the possessions of a "ger" who died without inheritors, if he wishes to protect the money (and not subject it to loss from "ayin harah" or other losses), he should use some of the money to purchase a Sefer Torah. **R' Sheishes** says, the same should be done by one who has acquired a lot of money through marriage. **Rava** says the same should be done by one who made a lot of money in business. **R' Pappa** says, this should even be

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done by one who finds a lost item and thereby becomes wealthy. **R' Nachman bar Yitzchak** says, one can also buy tefillin with the money to accomplish this goal.

- **Rami bar Abbah** says, travelling the distance of a “mil”, or sleeping for any amount of time removes the effects of the wine.
  - **R' Nachman in the name of Rabbah bar Avuha** says, this only works for one who drank a revi'is. However, one who drank more than a revi'is increases the effects of the wine by then traveling or sleeping.
  - **Q:** A Braisa says the story of **R' Gamliel** who was riding on a donkey, and was followed by **R' Illai**. They came across loaves of bread on the ground and **R' Gamliel** instructed **R' Illai** to pick them up, and he then instructed him to give them to a goy that they met whose name **R' Gamliel** knew. The goy told **R' Illai** that he had never met **R' Gamliel** and it became clear that **R' Gamliel** had “ruach hakodesh”. From this part of the story we learn: 1) we are not to leave food on the floor; 2) we follow the majority of travelers (he considered this bread to be of a goy and therefore assur for **R' Illai** to eat); 3) the chametz of a goy that was in existence over Pesach is mutar to benefit from after Pesach. The story continued, when **R' Gamliel** reached his destination, a man asked him to be “matir neder” for him. **R' Gamliel** said, because we have drunk a revi'is of Italian wine, we have to travel to get rid of the effects of the wine. He then traveled 3 “mil”, descended from the donkey, wrapped himself in his talis and was matir neder for the man. From this part of the story we learn: 1) a revi'is of Italian wine intoxicates; 2) an intoxicated person may not paskan; 3) traveling rids one of the effects of wine; 4) one may not be matir neder unless he is seated. We see from this Braisa that **R' Gamliel** had to walk 3 mil to rid the effects of the wine, not just one mil?! **A:** Italian wine is stronger and therefore a longer distance of travel is needed to rid one of its effects.
    - **Q: R' Nachman** said before, that if one drank more than a revi'is, because it is more intoxicating, traveling more than a mil will cause even more intoxication. If Italian wine is stronger, traveling longer distances should cause increased intoxication!? **A: R' Gamliel** was riding on a donkey, not walking. Therefore, traveling longer distances removed the effects of the wine. This is also why he had to travel 3 mil. Since he was riding and not walking, he needed to travel a longer distance to rid himself of the effects of the wine.
    - **Q: R' Nachman** said that one may be matir neder when walking, standing or riding!? **A:** It is a machlokes Tana'im whether one must sit when he is matir neder. The Tanna who says the judge must find a reason to annul the vow would say that the judge must sit, because that requires concentration. The one who says that this need not be done would say that the judge need not sit. We find that **R' Gamliel** held that a judge must find a reason. That is why he sat down.
    - The Braisa said that one may not leave food on the floor. **R' Yochanan in the name of R' Shimon ben Yochai** said, this is only true in the earlier generations, when Jewish girls did not practice “kishuf”. However, in later generations when they did, one should leave the food on the floor.
      - A Braisa says that whole loaves should be left on the floor (because of “kishuf”) but pieces should be picked up.
      - **Q: R' Assi** asked **R' Ashi**, a pasuk says that pieces of bread were used for kishuf!? **A:** It was used to pay the one doing the kishuf, but was not used for kishuf itself.
- **R' Sheishes in the name of R' Elazar ben Azarya** said, the pasuk says that after the Churban we are “drunk” from our troubles. Based on that, **R' Sheishes** said no one can be held responsible for any of their actions (and cannot be punished for them).
  - **Q:** A Braisa says that a drunk is responsible for all his actions (and gets punished accordingly), although he is not allowed to daven!? **A: R' Sheishes** meant that after the Churban a person should not be punished for not davening, because we are all considered to be drunk.

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- **R' Chanina** says, a drunk is responsible for his actions only if he has not reached the level of intoxication of Lot (who was mezaneh with his own daughters due to his intoxication). However, at the level of Lot, one would not be responsible for his actions.

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- **R' Chanina** says, we learn from a pasuk, one who skips over davening while intoxicated, Hashem holds back tzaros that were destined to occur to him.
  - **R' Yochanan** says the same idea, but says we learn from the pasuk that one who holds back from davening while intoxicated, Hashem holds back tzaros that were destined to occur to him.
    - The difference between these two understandings is whether one can go to sleep while intoxicated and have someone wake him for davening (which is what **R' Sheishes** would do). According to **R' Yochanan** this is allowed. According to **R' Chanina**, one cannot daven until he would awake on his own.
- **R' Chiya bar Ashi in the name of Rav** said, one whose mind is not settled should not daven. **R' Chanina** did not daven on a day that he was angry. **Mar Ukva** would not judge on a stormy, windy day. **R' Nachman bar Yitzchak** said, judging requires a clear, good weather day.
- **Abaye** said, on a day that his “mother” would ask him to pass her some “kutach”, he was not able to concentrate on his learning as well as he usually did. **Rava** said, on a day that he was bitten by a louse he could not concentrate on his learning as well as he usually did.
  - The mother of **Mar the son of Ravina** would make him a set of clothing for each day of the week to help prevent lice.
- **R' Yehuda** said, nights were created for sleeping. **Reish Lakish** said, the moonlight was created for Torah learning. **R' Zeira** said, his teachings were sharp because he would learn during the day.
  - **R' Chisda's** daughters asked him why he didn't nap. He answered, there will plenty of time to rest after death. **R' Nachman bar Yitzchak** said, we who learn are daytime workers. **R' Acha bar Yaakov** would have a set amount of time set aside for learning. If he was busy and couldn't reach that time by day, he would complete the hours at night.
- **R' Elazar** says, one should not daven for 3 days after traveling (he cannot properly concentrate). **Shmuel's** father would conduct himself like that. **Shmuel** would not daven in a house that had beer (the smell would intoxicate him). **R' Pappa** would not daven in a house that had “harsanah” fish.
- **R' Chanina** said, one who becomes appeasable when he drinks wine has one of the characteristics of Hashem, who allowed Himself to be appeased when He “smelled” the korbon of Noach.
  - **R' Chiya** says, one who drinks wine and retains a clear mind is like the 70 Sanhedrin. “Yayin” is the gematria of 70 and “Sod” is the gematria of 70. When wine goes into a person, typically his secrets come out. This person who doesn't let that happen is therefore like the 70 Sanhedrin.
  - **R' Chanin** said, wine was created to console mourners and to provide reward to the wicked on this world.
  - **R' Chanin bar Pappa** said, true bracha is when one has wine flowing freely in his house like water.
  - **R' Illai** said, a person's true character can be seen with his cup (how he acts after drinking wine), with his wallet (if he deals honestly), and with his anger (if he does not get angry often). Some say also with his laughter (the way he acts when laughing).
- **R' Yehuda in the name of Rav** said, if there are 2 chatzeiros situated one within the other (the people of the inner can only get to the street by walking through the outer), and one Yid and one goy live in the inner chatzer, and one Yid lives alone in the outer chatzer, **Rebbi and R' Chiya** each prohibited carrying in the outer chatzer unless the rights of the goy are leased by the Yid.
  - **R' Sheishes** said, **Rav** said this according to **R' Meir** who says that a Yid (even one Yid) may not carry in a chatzer which he shares with a goy (which would be why they then prohibit carrying in the outer chatzer as well). **Rabbah** agreed with **R' Sheishes**. **R' Yosef** said, if he is following **R' Meir**, why does he need to give a case of a Yid living in the outer chatzer!? We can't say that these were the circumstances of an

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actual case, because **Rav** himself said that the Yid of the inside chatzer may carry within his chatzer (which **R' Meir** would say is assur)!

- **Q:** If not **R' Meir**, **Rav** must be following **R' Eliezer ben Yaakov**. However, according to him the goy does not prohibit unless there are 2 Yidden in the chatzer, and here there is only one!? If so, the people of the inner chatzer would also not prohibit carrying in the outer chatzer, because the **Rabanan** say, that if the people of the inner chatzer are not prohibited to carry, they do not prohibit the people of the outer chatzer to carry either! To say that **Rav** follows **R' Akiva**, who says that even when the people of the inner chatzer may carry, they still prohibit the people of the outer chatzer from carrying, is also problematic, because why does he have to give a case where there is a goy in the inner chatzer? Even if it was only Yidden the halacha would be the same!? **A:** **R' Huna the son of R' Yehoshua** said, **Rav** is following the views of **R' Eliezer ben Yaakov** and **R' Akiva**, and we are dealing with a case where an eiruv was made among the Yidden. Therefore, the reason it is assur to carry is because the eiruv is not effective due to the presence of the goy.
- **Q:** **R' Elazar** asked **Rav**, what is the halacha with regard to carrying in the outer chatzer in a case where a goy and a Yid lived in the outer chatzer and a Yid lived alone in the inner chatzer? Maybe **Rav** only prohibited carrying in the outer chatzer in the last case, because it is typical for a Yid to live with a goy alone in an inner chatzer, since he does not have to worry about being attacked by the goy (because the goy would be afraid that the Yid of the outer chatzer would come looking for the Yid and would realize that the goy had murdered him, therefore we would be goizer and would prohibit carrying in this chatzer). However, maybe it is not typical for a Yid to live with a goy in the outer chatzer because the goy would not be afraid to attack the Yid (if the Yid of the inner chatzer comes looking for the other Yid, the goy can always say that he went out to the street, and therefore we would not be goizer in this case). Or, maybe the goy is still afraid of getting caught in the act of murder and therefore a Yid would live there and we would be goizer to prohibit carrying there even according to **R' Eliezer ben Yaakov**? **Rav** answered, carrying would be assur in this case as well.
- **Reish Lakish and the Talmidim of R' Chanina** were at an inn and wanted to join in an eiruv to permit carrying on Shabbos. However, there was one house in the chatzer that was owned by one goy and was rented to a second goy. The second goy was not around to try and lease his rights in the chatzer, but the owner of the house was around. The talmidim asked, can we lease the rights from the owner of the house? They said, if he may not terminate the lease early then we clearly cannot lease the rights from him, but if he could, do we say that since he could we can lease the rights from him, or do we say that since he has not yet terminated the lease, we may not do so? **Reish Lakish** said, since this is a question of a halacha D'Rabanan, let us be lenient and lease the rights from the owner, and when we reach the **Rabanan** in the South, we can ask them what the halacha is. They eventually asked **R' Afes**, and he told them that they acted properly in leasing the rights from the owner.

-----Daf 10---66-----

- **Q:** **R' Chanina bar Yosef**, **R' Chiya bar Abba**, and **R' Assi** were at an inn, and the owner, who was a goy, returned to the inn on Shabbos (after having been away from before Shabbos began). The question arose whether they could lease the rights from the goy on Shabbos (and they would then each relinquish their rights to one of the Yidden, which they would have to do because the original eiruv was rendered ineffective with the presence of the goy). Do we say that leasing rights is like creating an eiruv, and just like an eiruv must be done before Shabbos, so too must the leasing of rights be done before Shabbos, or do we say that leasing rights is like relinquishing rights, and just as relinquishing rights may be done on Shabbos, leasing rights may be done on Shabbos as well? **A:** **R' Chanina bar Yosef** said to lease the rights on Shabbos. **R' Assi** said that it could not be done. **R' Chiya bar Abba** said let us rely on **R' Chanina bar Yosef** and lease the rights on Shabbos.
  - After Shabbos they went and asked **R' Yochanan** what the halacha was. He told them that they acted properly by leasing the rights on Shabbos.
    - **Q:** The **Nehardai** asked, we find that **R' Yochanan** says that leasing rights is like making an eiruv. Presumably that means, that just as an eiruv must be done before Shabbos, so too must the

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leasing of rights be done before Shabbos!? **A: R' Yochanan** means that leasing rights is like making an eiruv in that it can be done with less than the value of a perutah, and can be leased from an employee of the goy, and need only be leased by one representative of the chatzer.

- **R' Zeira** scrutinized **R' Yochanan's** halacha, trying to reconcile it with something that **Shmuel** said. **Shmuel** said 3 halachos about relinquishing rights (as explained by **R' Sheishes**): 1) any situation where the people prohibit each other from carrying in the chatzer by not having joined an eiruv, and they could have joined an eiruv before Shabbos, but did not, that is a case where they may relinquish their rights to one person of the chatzer and carry in that chatzer (as in the case of one chatzer within an outer chatzer, where the inner chatzer did not make an eiruv); 2) if they could have joined in an eiruv, but not doing so does not prohibit carrying in the chatzer, they may not relinquish their rights on Shabbos (as in the case where 2 neighboring chatzeiros have an opening between them, where they could, but need not, make a joint eiruv); 3) if they prohibit carrying in the chatzer, but could not have joined an eiruv, they also cannot relinquish their rights on Shabbos (as in a case where 2 Yidden live in a chatzer with a goy, in which case they prohibit each other but may not join in an eiruv if they did not lease the rights of the goy before Shabbos, since they could not have entered into an eiruv). **R' Sheishes** says, **R' Zeira** was bothered by **R' Yochanan's** psak because this last case of **Shmuel** says that one may not relinquish rights in this case!?
  - **R' Yosef** said, "I have never heard this first halacha of **Shmuel**". **Abaye** said to him, "You taught it to us on the following statement of **Shmuel**". **Shmuel** said, 1) the residents of one chatzer may not relinquish rights to the residents of another chatzer, and 2) there is no relinquishing of rights in a ruin. You, **R' Yosef**, explained, that **Shmuel** said this first halacha only in regard to 2 neighboring chatzeiros with an opening between them. However, in the case of an inner and outer chatzer, since they can prohibit each other, they may relinquish rights to each other.
    - **Q: R' Yosef** asked, how could I have explained **Shmuel** in this way? **Shmuel** says that we follow the wording of the Mishnayos with regard to eiruv, and the Mishna says "people of a **chatzer**" may relinquish rights, which presumably means only if they are of the same chatzer! **A: Abaye** said, you explained to us, that when **Shmuel** says we follow the wording of the Mishnayos, he was referring to a different Mishna which compares a chatzer to a mavoi.
- We mentioned that **Shmuel** says, there is no relinquishing of rights between members of different chatzeiros, and there is no relinquishing of rights in a ruin (when there is a ruin in between 2 houses). **R' Yochanan** argues and says that relinquishing may be done in both these cases.
  - We need to be told that they argue in both these cases, because if they would only argue in the case of chatzeiros, we would say it is only there that **Shmuel** says there is no relinquishing, because each chatzer is made to be used by its respective house. However, in the case of the ruin, where it is equally suitable to be used by both houses, maybe he would allow relinquishing of rights. And, if they would only argue in the case of the ruin, we would say that **R' Yochanan** only allows it there for the reason mentioned, but would maybe agree with **Shmuel** in the case of 2 chatzeiros.
  - **Abaye** said, **Shmuel** said his halacha of relinquishing between chatzeiros only in regard to 2 neighboring chatzeiros with an opening between them. Since they don't prohibit each other, they may not relinquish rights to each other. However, in the case of an inner and outer chatzer, since they prohibit each other, he would allow it. **Rava** says, even in the case of the inner and outer chatzer, at times **Shmuel** would allow it and at times he would not. **Rava** explains:
    - In a case where they made a joint eiruv and placed it in the outer chatzer, and one member of the inner chatzer forgot to join, he could not simply relinquish his rights and thereby allow carrying, because who should he relinquish it to? He can't relinquish to the people of the inner chatzer, because their eiruv is in the outer chatzer. He can't relinquish to the people of the outer

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chatzer, because **Rava** says that **Shmuel** does not allow this type of relinquishing from one chatzer to another.

- In a case where they made a joint eiruv and placed it in the outer chatzer, and one member of the outer chatzer forgot to join, he could not simply relinquish his rights and thereby allow carrying, because who should he relinquish it to? He can't relinquish to the people of the outer chatzer, because the people of the inner chatzer would be prohibited to carry (because the eiruv is no good) and would therefore also prohibit the people of the outer chatzer. He can't relinquish to the people of the inner chatzer, because **Rava** says that **Shmuel** does not allow this type of relinquishing from one chatzer to another.
- In a case where they made a joint eiruv and placed it in the inner chatzer, and one member of the inner chatzer forgot to join, he could not simply relinquish his rights and thereby allow carrying, because who should he relinquish it to? He can't relinquish to the people of the inner chatzer, because the eiruv makes it that the outer people are "in" the inner chatzer as well, and he has not relinquished his rights to them. He can't relinquish to the people of the outer chatzer, because **Rava** says that **Shmuel** does not allow this type of relinquishing from one chatzer to another.
  - **Q: R' Huna the son of R' Yehoshua** asks, why can't he relinquish his rights to all the members of the inner chatzer, and through the joint eiruv thereby allow all to carry? **A: Rava** says, that would only work according to **R' Eliezer**, who says that one need not relinquish to all members of the eiruv. However, according to the **Rabanan** he must relinquish to all members, and he cannot do so here because he cannot relinquish to the members of the outer chatzer.
- In a case where they made a joint eiruv and placed it in the inner chatzer, and one member of the outer chatzer forgot to join, in this case **Shmuel** would say that the inner chatzer may carry within their chatzer, because they can effectively tell the people of the outer chatzer, we have joined with you to enhance our rights, not to detriment them. Therefore they can disassociate themselves from the outer chatzer and can carry in the inner chatzer. The outer chatzer would remain assur to carry in.

### -----Daf 70-----67-----

- **R' Chisda's** lips would tremble from **R' Sheishes's** knowledge of Mishnayos, out of fear that **R' Sheishes** would ask him to explain a contradiction among the Mishnayos. **R' Sheishes's** entire body would tremble from **R' Chisda's** deep thinking and the questions he would ask.
  - **Q: R' Chisda** asked **R' Sheishes**, if there are 2 houses (one on each side of the reshus harabim) and goyim enclosed the area in between the houses with a wall on Shabbos, can the residents of one house relinquish their rights in the enclosed area to the people of the other house and thereby allow carrying in the area in between? According to the view that one may not relinquish rights to people of another chatzer even though he could have made an eiruv with them before Shabbos, in this case, where they could not have made an eiruv before Shabbos (the area was not enclosed), they clearly cannot relinquish rights to each other. The question is according to the view that one may relinquish rights to members of another chatzer. Maybe it may only be done where they could have entered into an eiruv, but in this case, where they could not have entered into an eiruv, maybe they may not relinquish rights? **A: R' Sheishes** answered, they may not relinquish rights.
  - **Q: R' Chisda** asked, if there was a goy in the chatzer, and the Yidden of the chatzer did not lease his rights or join in an eiruv before Shabbos, and the goy then died on Shabbos, may the Yidden now relinquish rights to one of the Yidden and permit carrying? According to the view that the Yidden may lease the rights of a goy on Shabbos (when he wasn't around before Shabbos) and then relinquish rights to the others, in this case, where they only need to relinquish rights, it may clearly be done. The question is according to the view that they may not lease rights from the goy on Shabbos and then relinquish rights to the other, maybe it is only there that they cannot do that because they have to do

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both actions, but in this case where they only need to relinquish rights, maybe it may be done? **A: R' Sheishes** said, I allow them to relinquish rights (this is better than the case in which the goy was not around before Shabbos, because in this case there was the possibility for them to have entered into an eiruv before Shabbos), and **Hamnuna** does not allow it (they could not have entered into an eiruv before Shabbos because they never leased the rights from the goy, therefore relinquishing rights won't work).

- **R' Yehuda in the name of Shmuel** said, if a goy is a member of the chatzer, but the goy also has an exit from his house to a large, open area, he does not prohibit carrying in that mavoi even if he uses his entrance to the mavoi the entire Shabbos, because we assume that he prefers the entrance to the large open space.
  - **Q:** What if he has an entrance to a "karfaf" (an enclosed area)? **A: R' Nachman bar Ami** said, even in that case he will not prohibit carrying in the mavoi.
  - **Rabbah and R' Yosef** say, if a goy of a chatzer has another entrance to a karfaf that is only 2 beis se'ah large, he will prohibit carrying in the mavoi, because he prefers the mavoi entrance. If the karfaf is larger than 2 beis se'ah, he will not prohibit carrying in the mavoi. If a Yid who was a member of the chatzer and didn't join in the eiruv and is thereby prohibiting carrying in the mavoi, if this Yid has another entrance from his house to a karfaf, if the karfaf is larger than 2 beis se'ah, since he will not be allowed to carry from his house into that karfaf, he continues to prohibit carrying in the mavoi. If the karfaf is 2 beis se'ah or less, we consider that entrance to be his preferred one and he no longer prohibits carrying in the mavoi.
- **Ulla in the name of R' Yochanan** said, although it is prohibited to carry in a karfaf larger than 2 beis se'ah (which was not enclosed for residential purposes), D' Oraisia it is a reshus hayachid (it is enclosed) and therefore one who throws into it from the reshus harabim will be chayuv.
  - **Q: R' Huna bar Chinina** asked, a Braisa says: "If there is a rock in the sea that is 10 tefachim high and 4 tefachim wide (i.e. it is a reshus hayachid), one may not transfer items between it and the sea (which is a karmelis). If it is less than those measurements, items may be transferred between it and the sea. How large can the rock be? Up to a 2 beis se'ah." What is this last piece of the Braisa referring to? If it is qualifying the end of the Braisa and saying that even if less than 10 tefachim tall, if it is larger than 2 beis se'ah items may not be transferred between it and the sea, that can't be, because lower than 10 tefachim the rock will have a din of a karmelis and transfer will be permitted! Rather, it must be qualifying the beginning of the Braisa and saying that it is only considered to be a reshus hayachid up to the size of 2 beis se'ah, but anything larger than that will make it into a karmelis. This contradicts **R' Yochanan's** view!? **A: Rava** said, that part of the Braisa is qualifying the unwritten inference from the beginning of the Braisa. The Braisa says that transfer between it and the sea is prohibited. It is mashma that one may carry on the surface of the rock. The Braisa later says that one may carry on the rock only if the rock is 2 beis se'ah or less. However, transferring would still be assur because D'Oraisia it is a reshus hayachid. **A2: R' Ashi** said, there are 2 gezeiros D'Rabanan at play here. One is that one may not carry in a karfaf larger than 2 beis se'ah that was not enclosed for residential purposes. The other is that one may not transfer items between a reshus hayachid and a karfaf. Therefore, when the rock is 2 beis se'ah or less, since it is treated like a reshus hayachid in that one may carry on its entire surface, the **Rabanan** said that transfer between it and a karmelis is assur. On the other hand, when it is larger than 2 beis se'ah and carrying on its surface is assur, they allowed transfer between it and a karmelis, so as not to get mixed up and treat the rock like a reshus hayachid (and ultimately carry along the entire surface).
    - **Q:** Why were they more concerned with not carrying on a larger karfaf than they were with not transferring from a reshus hayachid to a karmelis? **A:** Carrying on the surface of the rock is more common than transferring between it and the sea.
- The hot water set aside to bathe a baby who was to have a bris performed on Shabbos (bathing him in hot water was considered absolutely vital to his health after a bris) spilled. **Rabbah** told the people to get hot water from his house. **Abaye** asked, they cannot carry the water because there is no eiruv in this chatzer!? **Rabbah** said, we can rely on the shituf done for the mavoi. **Abaye** asked, there was no shituf made for the mavoi!? **Rabbah** said, tell a goy to carry the water to the baby.

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- **Abaye** said, he wanted to ask a question on that psak, but **R' Yosef** did not allow him to, because **R' Yosef in the name of R' Kahana** said, if a psak is made on a D'Rabanan, allow the psak to be acted upon, and then ask questions later. After the water was brought, **R' Yosef** asked **Abaye**, what was your issue with the psak? He said, we know that we don't sprinkle the parah adumah on Shabbos (even though it is only a D'Rabanan), so why do we allow telling the goy to do something for us if that is also assur D'Rabanan? He answered, for your reason it would be assur to tell a goy to do something that would be assur D'Oraisa for a Yid to do. However, carrying with no eiruv is itself only assur D'Rabanan, so telling a goy to do this type of melacha is mutar.

### -----Daf 70-----68-----

- **Rabbah bar R' Chanan** asked **Abaye**, how can it be that 2 great people like yourself and **Rabbah** both lived in a chatzer and mavoi that had no eiruv or shituf!? **Abaye** said, what are we to do? It is not proper for **Rabbah** to go around and collect food for the eiruv, and I am too busy learning to do so. The other residents obviously don't care. What can be done is for me to take bread and acquire it for everybody and use that as the eiruv. The problem with that is that I can't truly give it to them (**Abaye** did not have enough food to give some away), so it would not have a din of a true eiruv. **Rabbah bar R' Chanan** asked, why don't you use a revi'is of vinegar from one of the barrels that is sitting as storage anyway? **Abaye** answered, to do so, we would have to resort to relying on breirah (if some of the vinegar is used we will have to say that the eiruv is made with the vinegar that remains), and a Braisa says that this should not be done.
  - **Q:** A Braisa says that we can use stored items for an eiruv!? **A:** **R' Oshaya** said, the first Braisa follows **B"S** and the second Braisa follows **B"H**. **B"S** say that stored items should not be used because they don't hold of breirah, and **B"H** say that stored items may be used because they do hold of breirah.
- There was an 8 day old baby whose hot water spilled out on Shabbos. **Rava** said, before we tell a goy to heat up water for the baby (hot water was needed to bathe the baby after his bris to prevent danger to his life), ask the mother if she needs hot water for herself as well, and if she does, the goy can just cook up a larger pot of water.
  - **Q:** **R' Mesharshiya** asked, the mother is eating dates (i.e. she is perfectly healthy)!? **A:** **Rava** said, it could be that she is so sick that she doesn't even realize what she is eating, but is truly not healthy enough to be eating the dates.
- There was an 8 day old baby whose hot water spilled out on Shabbos. **Rava** had hot water in his house, but **Rava's** house was in a neighboring chatzer with an entrance in between, but no eiruv was made between the chatzeiros. **Rava** said, move the items of my house away from the entrance (so that there is no risk that they will be mistakenly carried out into the chatzer) and I will then relinquish my rights in the chatzer to the neighboring chatzer, so that they can come and get the hot water for the baby.
  - **Q:** **Ravina** asked him, **Shmuel** says one may not relinquish rights to another chatzer!? **A:** **Rava** said, I hold like **R' Yochanan**, who does allow this.
  - **Q:** **Ravina** asked, if you don't hold like **Shmuel**, you should have the other chatzer relinquish the rights back to you after they have gotten the hot water, because **Rav** says that may be done (although **Shmuel** argues)!? **A:** **Rava** said, with regard to this din I hold like **Shmuel**.
    - **Q:** Seemingly the reason why **Shmuel** says that one cannot relinquish rights back after they have been relinquished to him is because he holds that once one has relinquished rights it is as if he no longer is in this chatzer and to relinquish rights back would mean they have to relinquish rights to someone who is in a "different" chatzer. How could he hold of this halacha of **Shmuel** but not the first one!? **A:** The reason **Shmuel** says the rights cannot be relinquished back is simply because he feels that doing so would make a joke of the gezeirah. It is not connected to his last halachah.
- **Rav** says one may relinquish rights and then have the rights relinquished back to him. **Shmuel** says that one who relinquishes rights may not have those rights relinquished back to him.
  - **Q:** Maybe we can say that they argue in the machlokes between the **Rabanan** and **R' Eliezer**. They argue whether one who relinquishes rights in a chatzer also relinquishes his rights in his house. **R' Eliezer** says he does and the **Rabanan** say that he does not. We can say that **Rav** holds like the **Rabanan**, and since

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he has not relinquished all rights, he may get them back, and **Shmuel** holds like **R' Eliezer**, and since he has given up all rights, he may not get them back? **A:** This is not necessarily true. **Rav** can even hold like **R' Eliezer**. He would say that one gives up the rights to his house because no one would live in a house without a chatzer, but it could be that he could still get those rights back. **Shmuel** can also hold like the **Rabanan**. He would say that one only relinquishes the rights that he specifically gives up. However, what he does give up totally removes him from these right so that he cannot get them back on Shabbos.

- **Q: R' Acha bar Chana in the name of R' Sheishes** said, maybe they argue in the machlokes between **R' Meir** and **R' Yehuda** in the following case. If one relinquishes rights in his chatzer and then carried something out into the chatzer, **R' Meir** says whether it was done b'shogeg or b'meized, he has taken back his rights. **R' Yehuda** says, if it was done b'shogeg he has not taken back his rights, if it was done b'meizid, he has. **Rav** must hold like **R' Meir**, which is why even b'shogeg he gets his rights back. **Shmuel** holds like **R' Yehuda**, which is why he doesn't get his rights back when done b'shogeg! **A: R' Acha bar Tachlifa in the name of Rava** said, it could be that all would hold that there is no relinquishing rights back after they were relinquished. The machlokes between **R' Meir** and **R' Yehuda** is whether we are goizer the case of shogeg for a case of meizid.
- **R' Ashi** said that **Rav and Shmuel** do argue in the machlokes between **R' Eliezer and the Rabanan** mentioned above.

AMAR R' GAMLIEL MA'ASEH B'TZIDUKI ECHAD SHEHAYA DAR IMANU

- **Q:** The Mishna made no mention of a Tzeduki. Why is **R' Gamliel** making mention of him? **A:** There are words missing in the Mishna. It should say, the **T"K** holds that a Tzeduki is like a goy (and relinquishing rights will not help). **R' Gamliel** says he is not like a goy. **R' Gamliel** then says the story in which the Tzeduki relinquished his rights, and **R' Gamliel's** father told them to use the chatzer before the Tzeduki so that he should not be able to take his rights back. A Braisa shows that this is the correct reading of the Mishna as well.