



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Eiruv Daf Samach Beis

#### 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:** 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**).