



Daf In Review – Weekly Chazarah

Maseches Sanhedrin, Daf טו – Daf עה

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

-----Daf טו--69-----

- The Braisa quoted **R' Meir's** version of the story, that **R' Gamliel's** father told the people to quickly use the chatzer so that the Tzeduki could not take back his rights to the chatzer.
 - **Q:** If the people would use the chatzer first, would the Tzeduki lose his ability to take back his rights to the chatzer? In a Mishna **R' Meir** says that one who relinquished his rights in a chatzer, and then uses that chatzer, whether b'shogeg or b'meidid, takes back his rights in the chatzer!? **A:** **R' Yosef** said, the proper version of the Mishna should read that **R' Meir** says if the person uses the chatzer he does **not** take back the rights to the chatzer. **A2:** **Abaye** said, the Braisa is discussing where the people used it first. That's removes the relinquisher's ability to take back the rights. The Mishna is discussing where the relinquisher used the chatzer before the other people. A Braisa quotes **R' Meir** as saying exactly like **Abaye** had explained.
 - A Braisa quotes **R' Yehuda's** version of the story, that **R' Gamliel's** father told the people to do what they need in the chatzer before Shabbos began, because it would be assur once Shabbos began. We see that **R' Yehuda** holds the Tzeduki has the status of a goy and the relinquishment is therefore not effective.
 - **Q:** In the Mishna **R' Yehuda** says that **R' Gamliel's** father told them to use it before the Tzeduki used it. We see that until he did the relinquishment was effective!? **A:** The Mishna should read that they were told to use it before it got dark on Friday. **A2:** The Braisa is dealing with one who desecrates Shabbos in open (he gets the din of a goy). The Mishna is dealing with one who desecrates Shabbos in private (he has the din of a Yid).
 - Based on this, a Braisa that says that one who desecrates Shabbos publicly is treated as a goy, follows **R' Yehuda**.
 - There was once a person that carried outside on Shabbos. When he saw **R' Yehuda Nesi'ah**, he covered over what he was carrying (he was embarrassed). **R' Yehuda Nesi'ah** said, **R' Yehuda** would allow such a person to relinquish rights.
 - **R' Huna** said, who is considered a "mumar" (totally irreligious)? Someone who publicly desecrates Shabbos.
 - **Q:** **R' Nachman** asked, if you follow **R' Meir**, that a person who doesn't keep even one mitzvah is considered to be a mumar for everything, then why did you say he is a mumar only if he desecrates Shabbos? If you follow the **Rabanan**, they say that one is not a mumar for all unless he worships avoda zarah!? **A:** **R' Nachman bar Yitzchak** said, to allow his relinquishing of rights to be effective, he cannot be one who desecrates Shabbos in public. A Braisa states this concept as well and then adds that the proper verbiage to relinquish rights is for the person to say: "My rights are transferred to you", or "My rights are relinquished to you". No further action is necessary.
 - **A:** **R' Ashi** said, **R' Huna** is following the view of the Tanna who holds that Shabbos is as important as avodah zarah, and one who worships avodah zarah or desecrates Shabbos publicly has the same status as one who transgresses all the aveiros in the Torah.

MISHNA

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- If one of the residents of a chatzer forgot to join the eiruv and he therefore relinquished his rights in the chatzer to the other residents, no one may transfer items in and out of this person's house, but all may transfer items in and out of the other residents' houses.
 - If the other residents relinquished their rights to the person who forgot to join the eiruv, this person may carry in and out of his house, but no one may carry in and out of the other residents' houses.
 - If there were 2 people who forgot to join the eiruv and the other residents relinquished their rights to the 2 people, they make it assur for each other to carry in and out of their houses to the chatzer. Because one person may give rights and receive rights, but 2 people may give rights but cannot receive rights.
- **B" S** say one must relinquish his rights before Shabbos begins. **B" H** say it may even be done on Shabbos.
- If someone relinquished his rights and then carried out into the chatzer, **R' Meir** said, whether it was done b'shogege or b'meidid, he has taken back his rights and it is assur to carry in that chatzer. **R' Yehuda** says, if it was done b'meidid, he has taken back his rights. If it was done b'shogege, he has not taken back his rights.

GEMARA

- When one relinquishes his rights, the other residents may carry from their houses into the chatzer, but the person himself may not.
 - **Q:** If the person gave up his rights, he should be able to carry from his house as well. If he didn't give up his rights, how can anyone carry in the chatzer!? **A:** He gave up his rights to the chatzer, but not to his house. The **T" K** of the Mishna holds that when one gives up rights to a chatzer, he does not necessarily give up rights to his house as well, because a person would live in a house that has no chatzer.
 - The reason he is allowed to carry in and out of their houses is because he is considered to be a guest by them.

NASNU LO RISHUSAN, HU MUTAR V'HEIN ASURIN

- **Q:** Why aren't they considered to be his guests and thereby allowed to carry from his house to the chatzer? **A:** One person can be considered a guest to 5 people, but 5 can't be considered a guest of one person.
- **Q:** From the fact that the Mishna says that this person first relinquished his rights to the others and then the others relinquished their rights to him, we see that one may relinquish and then relinquish back (which was a machlokes in the previous Gemara)!? **A:** The Mishna is discussing two cases: one where he relinquishes to them and another where they relinquish to him. It is not a continuation of one case.

HAYU SHNAYIM OSRIN ZEH AHL ZEH

- **Q:** It is obvious that 2 people who have not joined in an eiruv will prohibit each other!? **A:** The chiddush is, that if after all the residents relinquished their rights to these 2 people, one of the 2 people went and relinquished his rights (his own rights in addition to the rights which he has just received) to the other of the 2 people, it will not be effective to allow carrying in the chatzer. The only time relinquishing is effective is when it immediately allows carrying in the chatzer. The original relinquishment did not allow for that.

SH'ECHAD NOSEIN RESHUS

- **Q:** We already know that one person may give and receive rights!? **A:** The chiddush is the halacha that follows, which says that 2 people may give rights.
 - **Q:** That is also obvious!? **A:** We would have thought to be goizer in that case out of concern that it may lead to people giving them rights as well. The Mishna teaches that there is no such gezeirah.

-----Daf י'---70-----

V'EIN NOTLIN RESHUS

- **Q:** The Mishna already said this halacha!? **A:** The chiddush is, that even if the people relinquished the rights to one of the others on the condition that he then give those rights to the other individual, it will still not be effective.
- **Q:** **Abaye** asked **Rabbah**, when relinquishing rights to people of a chatzer, must the rights be relinquished to each person, or is relinquishing to one person sufficient? **A:** **Rabbah** said that the rights must be relinquished to each individual.

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- **Q:** A Braisa has six halachos (which will be explained in the Gemara). The first halacha says that one who forgot to join the eiruv may relinquish rights to “one who did join the eiruv”. Obviously there is more than one person in the eiruv, and still the Braisa says giving the rights to one person is enough! This is not like **Rabbah** said!? **A: Rabbah** says the Braisa is discussing a case where the other member of the eiruv died. Therefore, there is only one remaining person to relinquish the rights to.
 - **Q:** The Braisa later says that one who had joined the eiruv may not relinquish his rights to one who forgot to join the eiruv. If that case is talking about where the other member of the eiruv died, then why can’t this be done? It must be that there is another member of the eiruv in existence! If so, the beginning of the Braisa must also be discussing where the other member of the eiruv is in existence!? **A:** It could be that the beginning of the Braisa is discussing where the other member of the eiruv died, and the end of the Braisa is discussing where he did not die. In fact, the “end of the beginning” of the Braisa says that 2 people who did not join the eiruv may relinquish their rights to two people who did. We see that it must be to both people who joined, and relinquishing to just one of them would not be enough.
 - **Abaye** says, that “end of the beginning” means that they must relinquish to one of the two people who have joined the eiruv. It does not mean that it must be relinquished to both.
 - **Q:** Who doesn’t the Braisa say “to one of the people...”? That remains a **Kashyeh**.
- The Braisa listed 6 cases. The Gemara now explains the necessity of each case.
 - “One who did not join the eiruv may give his rights to one who did join the eiruv”. **Abaye** says this teaches that rights need be relinquished to only one person of the eiruv. **Rabbah** says this is discussing where the other member of the eiruv died, and we are not goizer for a case when the second member did not die.
 - “Two members of the eiruv may give their rights to one who did not join”. Although this seems obvious, we would think that we should penalize the one who did not join the eiruv and not allow him to receive the rights from the others. The Braisa teaches that we allow it.
 - “Two members who have not joined the eiruv may give their rights to two who have joined”. **Rabbah** says this teaches us that the rights must be given to all members of the eiruv. **Abaye** says, this teaches that we need not be goizer and say that if we allow 2 who have not joined to give their rights, we may come to allow them to receive rights as well.
 - “Two members who have not joined the eiruv may give their rights to another who has not joined.” This teaches that we are not goizer when all members of the story have not joined an eiruv (we would think that we only allow relinquishing of rights when some members have joined the eiruv and others have not).
 - “But, one who has joined the eiruv may not give his rights to one who has not joined”. **Abaye** says this teaches that the Braisa (including the first case) is discussing where there are more members of the eiruv in existence. **Rabbah** says this case is mentioned only because it is the reverse of the very first case of the Braisa.
 - “Two people who have joined the eiruv may not relinquish their rights to two who have not joined the eiruv”. The chiddush here is that even if one of the 2 who have been given the rights then relinquishes all the rights to the other, it is not effective.
 - “Two people who have not joined the eiruv may not relinquish their rights to two others who have not joined the eiruv”. The chiddush is, this may not be done even if one of the 2 people on the receiving end were told that they were getting the rights on the condition that he then gives it to the other person.
- **Q: Rava** asked **R’ Nachman**, if a person dies on Shabbos, may his inheritor relinquish his rights to other members of the chatzer or not? Maybe only one who could have joined the eiruv before Shabbos may relinquish rights, and the inheritor could not have joined the eiruv before Shabbos. Or maybe a son is considered an extension of

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his father, and therefore can relinquish his rights just like his father could have done? **A: R' Nachman** said, I say that he may relinquish his rights, but in the **Yeshiva of Shmuel** they said that he cannot relinquish his rights.

- **Q:** A Braisa says: Any chatzer that was permitted to carry in at the beginning of Shabbos remains permitted for the entire Shabbos (e.g., if there was an opening between chatzeiros, and eiruv was made between the two of them, and then the opening became closed, it remains permitted to carry between those chatzeiros, or if the lechi or korah of a mavoi fell down on Shabbos, it remains permitted to carry there on Shabbos). Any chatzer that was prohibited in the beginning of Shabbos remains prohibited for the entire Shabbos (e.g. two houses on either side of reshus harabim where goyim walled off the reshus harabim in between the houses on Shabbos, since it was prohibited at the onset of Shabbos because the walls were not there and no eiruv could be made, it remains assur even when the walls are there, or if a goy was a member of a chatzer, so no eiruv could be made, and then he died on Shabbos, it remains assur the entire Shabbos) **except**, where one relinquished his rights. From this last part of the Braisa it seems that a person may only relinquish his own rights, not rights he inherited that Shabbos!? **A:** The Braisa is referring to the concept of relinquishing, and doesn't mean to limit it to a person's own rights.
- **Q:** A Braisa says that if one who owned (but did not live in) a house in a chatzer died on Shabbos, and the inheritor is a member of the chatzer, the chatzer remains prohibited. It seems that an inheritor may not relinquish his rights!? **A:** The Braisa means that it remains assur *until* the rights are relinquished.

-----Daf נ"ז-----71-----

- **R' Nachman** had paskened that one who inherits rights on Shabbos may relinquish his rights that very day to allow people in the chatzer to carry.
 - **Q:** A Braisa says, if a Yid and a ger live in the same chatzer, and the ger died before Shabbos with a Yid inheriting his property, it is assur to carry in that chatzer. If one may relinquish rights inherited by him on Shabbos, why can't he relinquish those rights and allow carrying? **A:** The Braisa means that it is assur to carry *until* he relinquishes his rights.
 - **R' Yochanan** says these last 2 Braisos that seem to say that an inheritor can't relinquish rights on Shabbos are not because they are discussing an inheritor, it is because they follow **B"S** who say that rights may never be relinquished on Shabbos. **B"H** say that rights may be relinquished on Shabbos.
 - **Ulla** explains that **B"H** hold, when one relinquishes his rights on Shabbos it shows that he wanted to allow carrying in the chatzer even before Shabbos began, and that he wanted to relinquish his rights then as well.
 - **Q: Abaye** asked, according to this understanding, if a goy resident in the chatzer died on Shabbos, we should not allow the Yid to relinquish his rights!? **A: Abaye** therefore explains the machlokes, that **B"S** say that relinquishing rights is like a transaction, which may not be done on Shabbos. **B"H** say relinquishing rights is merely removing oneself from the chatzer, which may be done on Shabbos.

MISHNA

- If one is a partner with his neighboring chatzeiros, to each chatzer he is a partner in some wine, they do not need to make an eiruv to allow carrying in the mavoi (the jointly owned wine acts as a shituf). If he is a partner with one chatzer in some wine and with the other chatzer in some oil, he does need to set up an eiruv. **R' Shimon** says, in either case he does not need to set up an eiruv.

GEMARA

- **Rav** said, the **T"K** says that the partnership obviates the need for an eiruv only when all the wine is kept in one keili.
 - **Rava** said, this can be proven from the fact that the Mishna says that if the partnership was of wine with one neighbor and of oil with another neighbor, an eiruv must be established. It makes no sense why the halacha should be different just because the partnership includes different foods. It must therefore be

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that the beginning of the Mishna is discussing where the items were placed in one keili and the next part of the Mishna is discussing where the items were placed in 2 separate keilim.

- **Abaye** said, both cases may be where the items were placed in separate keilim. The difference is, when all partnerships are in wine, they are fit to be combined. Therefore, even without being combined they are considered combined for eiruv purposes. Wine and oil are not fit to be combined and therefore cannot be considered an eiruv.

R' SHIMON OMER ECHAD ZEH V'ECHAD ZEH EIN TZRICHIN L'AREIV

- **Q:** Even if one is wine and the other is oil? **A: Rabbah** said, the Mishna is discussing the case where there is a chatzer that sits between two mavois, each with an entrance to the reshus harabim, and each with an entrance into the neighboring chatzer. In another Mishna, **R' Shimon** says that in a case where a middle chatzer has an eiruv with each outer chatzer, but the two outers do not have with each other, items may be transferred between the middle and each outer, but not between the two outers (and we are not goizer that allowing such transfer may lead to items being transferred from one outer to the other). Our Mishna is discussing where there was a partnership with wine with one of the mavois and a partnership with oil with the other mavoi. **R' Shimon** says that the partnership with each mavoi has the status of an shituf, even though they can't be combined with each other.
 - **Q: Abaye** asks, it is not the same case as the other Mishna! There, the Mishna says that the outer chatzeiros are assur to each other. Here the Mishna says that "no eiruv is needed", which would mean that they are mutar to each other!? **A:** The Mishna means that the middle to each outer does not need an eiruv. However, the outers to each other would certainly need an eiruv.
- **R' Yosef** said that the **T"K** and **R' Shimon** are arguing in the machlokes of the **Rabbanan** and **R' Yochanan ben Nuri** whether oil floating on top of wine is considered to be combined with the wine or not (if a tamei person touches the oil, is the oil itself tamei, or does the wine become tamei as well). **R' Shimon** holds like **R' Yochanan ben Nuri** that they combine, and therefore they combine for eiruv purposes as well.
- **R' Elazar ben Tadaï** says in a Braisa that even if all partnerships are in wine, a separate eiruv will need to be established.
 - **Rabbah** explains, if the partnership was established by them each bringing wine and pouring it into one keili, all would agree that it serves as an eiruv as well. The machlokes is where they used joint monies to buy a barrel of wine. In that case, **R' Elazar ben Tadaï** says, since there was never any clear and distinct ownership in the wine by each party, it cannot act as an eiruv. The **T"K** of our Mishna says that we do view this as being separate and distinctly owned by the parties. Therefore it can serve as an eiruv.
 - **R' Yosef** explains that **R' Elazar ben Tadaï** and the **T"K** of our Mishna argue with regard to whether a shituf made for a mavoi can serve as an eiruv for the chatzeiros as well. **R' Elazar ben Tadaï** says that it cannot and the **T"K** says that it can.
 - **R' Yosef** says, this can be proven from the fact that **R' Yehuda in the name of Rav** paskens like **R' Meir** that a shituf may not act as an eiruv for the chatzeiros, and **R' Bruna in the name of Rav** paskens like **R' Elazar ben Tadaï**. Presumably **Rav** paskens like them both because the reasoning of the two of them is the same.
 - **Q: Abaye** asked, if the reasoning of them both is the same, why did **Rav** have to tell us to pasken like both of them? If he would tell us to pasken like **R' Meir** that a shituf of bread can't act as an eiruv for the chatzeiros, certainly we would pasken like **R' Elazar ben Tadaï** that a shituf of wine cannot act as an eiruv for the chatzeiros!? **A: Rav** is teaching us that we don't follow a double chumra of one shita when dealing with eiruvin. Therefore he must pasken like **R' Elazar ben Tadaï** that a shituf of wine won't act as an eiruv, then he can pasken like **R' Meir** that a shituf of bread will be treated the same way.
 - The shita of **R' Meir** that is being referred to is found in a Braisa. **R' Meir** says that an eiruv must be made using bread, and a shituf may be made using wine as well as bread. Also, to permit carrying in a chatzer and the mavoi, an eiruv and a shituf must be made

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so as not to have the halachos of eiruv forgotten. The **Chachomim** say, either an eiruv or a shituf can be made. Both together are not necessary.

- **R' Nechumi** and **Rabbah** argue. One says that all would agree that if the shituf was made using bread, a separate eiruv would be unnecessary, and **R' Meir** only argues when a shituf is made using wine. The other says, if a shituf is made using wine all agree that a separate eiruv is necessary. The **Rabanan** only argue when the shituf was made using bread.
 - **Q:** A Braisa says that the **Rabanan** say either an eiruv or a shituf need be made. Presumably this is even referring to a shituf made using wine!? **A:** **R' Gidal in the name of Rav** said, it is referring only to a shituf made using bread.
- **R' Yehuda in the name of Rav** said that the halacha follows **R' Meir** (we pasken in public like him). **R' Huna** said the minhag is to follow **R' Meir** (we pasken this way for an individual who asks, but we don't announce this psak in a public shiur). **R' Yochanan** said the people have come to conduct themselves like **R' Meir** (we don't pasken like him at all, but we don't protest one who follows **R' Meir's** shita).

-----Daf כ"ב---72-----

MISHNA

- If 5 groups of people stayed in one mansion over Shabbos: **B"S** say each group must contribute to the eiruv of the chatzer in which the mansion belongs to allow carrying in the chatzer, and all groups must join the eiruv to allow transferring between the areas of the groups. **B"H** say they only need to join the eiruv as one party (and not 5 separate groups) to allow carrying in the chatzer, and they may carry between their areas without an eiruv.
 - **B"H** agree, that if some of them are in rooms or upper floors, each group must join the eiruv on their own.

GEMARA

- **R' Nachman** said, the machlokes between **B"S** and **B"H** is only where the groups are separated by walls of less than 10 tefachim high. However, if they are separated by walls that are 10 tefachim high, even **B"H** would agree that they each must join the eiruv independently.
 - **Others say** that **R' Nachman** said, the machlokes between **B"S** and **B"H** is even when the walls dividing the groups are less than 10 tefachim high. In both cases **B"S** say they are distinct for eiruv purposes and **B"H** say they are not.
- **R' Chiya and R' Shimon b'Rebbi** argue as to the parameters of the machlokes between **B"S** and **B"H**:
 - **One says** the machlokes is where the walls separating the groups reach the ceiling, but if the walls do not reach the ceiling **B"S** would agree that the groups are considered to be one for eiruv purposes. **The other** says, the machlokes is where the walls do not reach the ceiling, but if the walls do reach the ceiling, even **B"H** would agree that the groups are treated as being independent for eiruv purposes.
 - A Braisa says: **R' Yehuda Hasavar** said, **B"S** and **B"H** do not argue when the walls separating the groups reach the ceiling, and they both agree that the groups are considered distinct in that case. They only argue when the walls do not reach the ceiling. In that case **B"S** say that the groups are still considered separate and **B"H** say that the groups are considered as one for eiruv purposes.
 - This clearly refutes the view that the machlokes between **B"S** and **B"H** is even when the walls reach the ceiling.
 - This clearly supports the view that there is no machlokes when the walls reach the ceiling.

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- This refutes the version of **R' Nachman** which says that the machlokes is only when the walls are less than 10 tefachim.
- **Q:** Does this also refute the version of **R' Nachman** which says that the machlokes between **B" S** and **B" H** exists where the walls are less than 10 tefachim *and* where they are more than 10 tefachim? Does the Braisa mean to say that the machlokes only exists when there are high walls that just don't reach the ceiling? **A:** **R' Nachman** would say, the Braisa would agree that the machlokes exists even by walls less than 10 tefachim as well. The reason it terms the machlokes in terms of a higher wall is to teach the extent of **B" H**, that they say that even such a wall does not separate the groups for eiruv purposes. The reason the Braisa focuses on teaching the extent of **B" H** rather than of **B" S** is because **B" H** is more lenient, and showing the extent of a leniency is always preferable, because it is a greater chiddush.
- **R' Nachman in the name of Rav** paskens like **R' Yehuda Hasavar**.
 - **R' Nachman bar Yitzchok** said, our Mishna is mashma like that as well. The Mishna concludes, that if some groups are in rooms or upper floors, they are considered separate and distinct for the eiruv. The Mishna can't mean that the groups are in actual, separate rooms, because that would be obvious. It must mean that if they are in areas that are "like" separate rooms, in that the walls reach to the ceiling, they are considered separate and distinct for eiruv purposes. This is the shita of **R' Yehuda Hasavar**.
- A Braisa says, the machlokes in our Mishna is only where the eiruv for the chatzer is being kept over Shabbos outside of the mansion (i.e. even **B" S** agree that the mansion makes all the groups into one group for purposes of their own eiruv, and the machlokes is whether any group which has made an eiruv and now wants to join their eiruv with another group, needs each member of the group to separately join that new eiruv, or can one member of the existing eiruv join for them all – **B" S** say each must separately join and **B" H** say one may join for them all). However, if the eiruv is kept in the mansion, all agree that the groups are considered one even for purposes of this other eiruv, and because it is left in the mansion, no members of these groups need to add to the eiruv.
 - Based on this Braisa, another Braisa which says, "when one group wants to join the eiruv of another group, one member of the group can join for all the other members", must be following the shita of **B" H**.
 - **Others say**, the Braisa mentioned 2 paragraphs up was said differently. The Braisa says, the machlokes between **B" S** and **B" H** is where the eiruv is kept in the mansion (**B" S** say that even in that case the groups must contribute to the eiruv). However, all (even **B" H**) would agree that if the eiruv is kept elsewhere, each group must join the eiruv on its own.
 - Based on this version of the Braisa, another Braisa which says, "when one group wants to join the eiruv of another group, one member of the group can join for all the other members", does not follow **B" S** or **B" H**.

MISHNA

- Brothers who "eat at their father's table", but sleep in their own houses, must each join the eiruv separately. Therefore, if one of them forgets to join the eiruv, he must relinquish his rights to the others.
 - This is true if the eiruv is not being kept in their father's house. However, if it is kept in their father's house, or if these brothers and the father are the only residents of their chatzer, they need not join the eiruv.

GEMARA

- The Mishna seems to support the view that the place where one sleeps determines his residence (although they are eating together, since they sleep in their own houses they are considered to be separate for the eiruv).

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- **R' Yehuda in the name of Rav** said, the Mishna is discussing where the brothers are being supported by their father, but they each actually eat in their own houses. Therefore, it may be that the place of eating is what determines residence for eiruv purposes.
- What is considered to be the place of one's residence? **Rav** says it is the place where one eats his meals. **Shmuel** says it is the place where one sleeps.
 - **Q:** A Braisa says, shepherds and watchman who perform their duties outside the city, if they return to the city to sleep, their residence for techum purposes is deemed to be in the city. If they sleep outside the city (even if they eat in the city), their residence is considered to be outside the city. We see that one's place of sleeping is considered his residence, which refutes **Rav**!? **A:** In that case, it is clear to us that they would rather the food be brought to them in the field. Therefore, we consider their residence to be outside the city.
 - **R' Yosef** said, I never heard this halacha of **Rav**. **Abaye** said, you told us this halacha of **Rav** in regard to the following Mishna (our Mishna). **Abaye** said, we asked you that the Mishna is mashma that the place where one sleeps determines his residence. You told us that **R' Yehuda in the name of Rav** says, the Mishna is discussing where the brothers are being supported by their father, but they actually each eat in their own homes. Therefore, it may be that the place of eating is what determines residence for eiruv purposes.

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- A Braisa says, if one has 5 wives who are each supported by him, and who each live in separate houses in the same chatzer as the husband, or if one has 5 servants who are supported by him, each of which live in their own houses in the same chatzer as the master, **R' Yehuda ben Beseirah** says, in the case of the wives, no eiruv is needed because they are considered to be one with their husband (even though they eat and sleep in their own houses), and in the case of the servants, an eiruv is needed to permit the chatzer. **R' Yehuda ben Bava** says, no eiruv is needed in the case of the servants (**Rav** proves from a pasuk that because of his constant obligations to his master, a servant is considered to be a resident at his mater's residence), but an eiruv is needed in the case of the wives.
 - **Q:** What about a talmid who is supported by his rebbi and lives in his rebbi's chatzer? Do they need an eiruv? **A:** When **Rav** was in the **Yeshiva of R' Chiya**, he said "There is no need to join in an eiruv because we are supported by **R' Chiya**". **R' Chiya** said the same when he was learning in the **Yeshiva of Rebbi**.
- **Q: Abaye** asked **Rabbah**, if 5 people joined in an eiruv, and now want to join in an eiruv with another chatzer, can one member of the group contribute for the entire group, or does each member have to contribute? **A: Rabbah** says one person can contribute for the entire group.
 - **Q: Abaye** asked, in our Mishna the brothers are like members of a group who have joined in an eiruv (the Mishna says that they do not even need an eiruv), and yet the Mishna (as understood by **Abaye**) says that if they want to join with another eiruv they each must do so on their own!? **A: Rabbah** said, the Mishna is discussing where the brothers are trying to make an eiruv in their own chatzer, and they must do so because the case being discussed is where there are members of the chatzer besides the brothers. The Mishna is saying, since the other members of the chatzer prohibit the chatzer, the brothers are considered to prohibit as well, and they must each join on their own if the eiruv is not kept in the father's house.
 - This can be proven from the Mishna as well. The Mishna says "if there are no other residents, they do not need to join in an eiruv". It would seem that if there are other residents, they must join in an eiruv.
- **Q: R' Chiya bar Avin** asked **R' Sheishes**, the members of a yeshiva, who eat their meals in a restaurant in the valley, but sleep in the yeshiva, where is their techum measured from – the restaurant or the yeshiva? **A:** He answered, we measure from the yeshiva.
 - **Q:** When one establishes an eiruv of food and then sleeps at home, his techum is measured from his eiruv of food (representing the place he eats) and not from the place he sleeps!? **A:** When one makes an eiruv he would prefer having the ability to sleep at the place of his eiruv, so we therefore measure from

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there. The members of the yeshiva would prefer having food available for them at the yeshiva, so we measure the techum from the yeshiva.

- **Q: Rami bar Chama** asked **R' Chisda**, a father and son, or a talmid and rebbi, are they considered to be “one person” so that if they are the only members of a chatzer they do not need to make an eiruv to permit carrying, or are they considered to be separate entities? Also, are they considered as 2 houses in the chatzer, so that the mavoi of this chatzer can be adjusted with a lechi or a korah (a mavoi can only be so adjusted when it has 2 chatzeiros opening into it, with each chatzer having 2 houses in it), or are they only considered to be “one house”? **A: R' Chisda** said, a Braisa says that a father and son, or talmid and rebbi, are considered to be one entity when there are no other members of the chatzer with regard to the fact that they need not make an eiruv. However, their mavoi may be adjusted with a lechi or korah on account of them.

MISHNA

- 1) Five chatzeiros that are open to each other (they are in line, with an opening between each chatzer and the one(s) it neighbors) and which are also each open to the mavoi, if each chatzer made an eiruv but did not join in a shituf for the mavoi, each chatzer may carry based on the eiruv they made, but they may not carry to or in the mavoi (we don't rely on an eiruv to function as a shituf).
- 2) If they made a shituf for the mavoi (but did not make individual eiruvim) they are permitted to carry in the chatzer and in the mavoi (we rely on the shituf to function as an eiruv).
- 3) If they each made an eiruv and made a shituf, but one of the members of the chatzer forgot to join the eiruv, but did join the shituf, they are allowed to carry in the chatzer and in the mavoi (we rely on the shituf to function as the eiruv).
- 4) If they each made an eiruv and made a shituf, but one member forgot to join the shituf, they are permitted to carry in the chatzeiros, but not in the mavoi, because a mavoi is to the chatzeiros as the chatzer is to the houses.

GEMARA

- **Q:** Section 1 of the Mishna seems to follow **R' Meir** who says that an eiruv and shituf are both necessary. However, Section 2 of the Mishna seems to follow the **Rabanan** who say that only one of the two are necessary to be done!? **A:** Section 2 is not a new case, it is a continuation of Section 1, and it is saying, if an eiruv was made, and in addition a shituf was made, the chatzer and mavoi are both permitted.
- **Q:** Section 3 of the Mishna says that although one forgot to join the eiruv, carrying in the chatzer and mavoi are mutar. That can only be true if the one who forgot to join relinquished his rights in the chatzer. However, Section 4 of the Mishna says if one forgot to join the shituf, it is assur to carry in the mavoi. If, as we established regarding Section 3, the Mishna is discussing where he relinquished his rights, why is it assur!? We can't say that **R' Meir** says one may not relinquish rights in a mavoi, because we find that he clearly allows that. It must be that Section 4 is discussing where he did not relinquish his rights. If so, Section 3 must be discussing such a case as well. This would mean that Section 3 allows carrying in the chatzer based on a shituf, which would follow the shitah of the **Rabanan!** That would mean that the beginning and end of the Mishna follow **R' Meir** and the middle follows the **Rabanan!** **A:** The entire Mishna follows **R' Meir**. The reason **R' Meir** requires an eiruv and a shituf is so that the concept of eiruv not be forgotten. In this case, since most of the people joined the eiruv, this concern is not valid. Therefore, even **R' Meir** would say that the shituf allows carrying in the chatzer.
- **R' Yehuda** says that **Rav** taught a version of the Mishna which did not say that the chatzeiros were open to the other chatzeiros. They were only open to the mavoi. If so, when the Mishna discusses eiruv it is referring to an eiruv that only permits carrying within each chatzer – not between chatzeiros. In that case even the **Rabanan** would agree that such an eiruv cannot function as a shituf. **R' Kahana** said like this as well.
 - **R' Yosef** explained, the reason **Rav** felt the Mishna must be learned that way is because **Rav** held that for a shituf to be effective, the food used for the shituf must be carried out of the chatzer, through the mavoi, and then into the chatzer in which it will be stored. Therefore, if the chatzeiros are connected, **Rav** would say the shituf is passul, because people will think the food was brought directly to the chatzer in which it is being stored without it ever having been brought through the mavoi.

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- **Q:** A Mishna says that if the people of one chatzer are partners with the people of the other chatzeiros in wine and oil, there is no need to create a shituf. According to **Rav**, since the food never entered the mavoi it should not be a good shituf!? **A:** The Mishna is discussing a case where the wine and oil was carried out from each chatzer and into the mavoi.
- **Q:** A Mishna says that a shituf can be made by placing a barrel of wine in one of the chatzeiros and saying that it is for all the members of the mavoi. The food was never collected and therefore never brought out to the mavoi!? **A:** The Mishna is discussing a case where the barrel was carried out from each chatzer and into the mavoi.
- **Q: Rabbah bar Chanan** asked, we find that **R' Yehuda in the name of Rav** said, that when in a bind, one may simply rely on the bread he has on his table to act as a shituf by granting ownership in it to all the members of the mavoi. Based on this statement of **Rav**, it cannot be that he holds that the shituf must be carried through the mavoi!? If so, why did **Rav** insist on learning the Mishna like he did? **A:** The reason why **Rav** said the Mishna is discussing where the chatzeiros are not connected is, because he felt that if they were connected they would be given the status of one chatzer. If so, the mavoi would only have one chatzer opening up into it. **Rav** holds that a mavoi must have a minimum of 2 chatzeiros (each with 2 houses) opening up into it, which this mavoi would not have if the chatzeiros were connected.

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- **Rav** says, a mavoi cannot be made permitted for carrying by adjusting it with a lechi or korah unless there are 2 chatzeiros that open up to the mavoi, with 2 houses in each chatzer. **Shmuel** says even if the mavoi has only one house, and one chatzer (with one house of its own) opening up into it, it may be adjusted with a lechi or korah. **R' Yochanan** says, even if the mavoi has only one chatzer (with a house of its own), and a ruin opening up into it, it may be adjusted with a lechi or korah.
 - **Q: Abaye** asked **R' Yosef**, does **R' Yochanan** allow the mavoi even if instead of a ruin there is path to a vineyard? **A:** He answered, **R' Yochanan** only allowed a ruin because it is somewhat fit to be a residence. A vineyard is not and therefore cannot permit the mavoi.
 - **R' Huna bar Chininah** said, **R' Yochanan** is consistent with something that he says elsewhere. We find the **R' Yochanan** paskens like **R' Shimon** who allows transferring items between roofs, karfafs, and chatzeiros. **R' Yochanan** even paskens that way when the people of the chatzer have made an eiruv, thereby increasing the risk that an item that began Shabbos in a house will be transferred into the chatzer and then transferred to another chatzer. **R' Yochanan** is not concerned for that possibility. Similarly, he allows items to be transferred from the chatzer into the mavoi and is not concerned that they may then be transferred into the ruin. The same concern could apply to both cases and **R' Yochanan** is consistent by not being goizer in either case.
 - **R' Bruna** repeated the shitah of **Shmuel** that a mavoi may be adjusted with a lechi or korah even if it only has one house that opens directly into it and has a chatzer (with a house of its own) that opens up into it. **R' Elazar** went to find **Shmuel** and asked him, how can you say this? You yourself say that we must follow the wording of the Mishna when establishing leniencies regarding the halachos of eiruv. You said that regarding the Mishna that says that the mavoi is to the **chatzeiros** as the chatzer is to the houses. The Mishna says it must be **chatzeiros** – which is at least 2 chatzeiros!? **Shmuel** remained silent.
 - **Q:** Was **Shmuel** silent because he accepted what **R' Elazar** said, or did he not accept it? **A:** There was mavoi that had a shul which had a living space in it that was opened to the mavoi, and there was also a chatzer, in which Eivos bar Ihi lived, that opened into the mavoi as well. Eivos erected a lechi for the mavoi and **Shmuel** permitted carrying in the mavoi based on that. **R' Anan** went (after **Shmuel** had died) and threw down the lechi, because the mavoi did not have 2 chatzeiros with 2 houses each opening up into it. Eivos said, how can **R' Anan** come and passul a mavoi that had been permitted to us by **Shmuel**! In any event, we see that **Shmuel** had allowed for this adjustment, which would mean that he did not accept what **R' Elazar** had told him.

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- It could be that he did accept what **R' Elazar** said. The case in this story was actually a case where there were 2 chatzeiros. One chatzer is where Eivos lived along with another house. The other chatzer had the shul with a living space for one person and a second area where the “shamash” of the shul would sleep, although he would eat his meals in another chatzer. That is why **Shmuel** allowed the lechi. After **Shmuel** died, the shamash no longer slept there, which is why **R' Anan** no longer allowed the lechi. Eivos thought that since the shamash never ate his meals there, it was not considered as if there were two houses in that second chatzer. Therefore it should not have been different now that the shamash no longer slept there. **Shmuel** however held that residence follows where one sleeps. That is why it was considered to be a chatzer with 2 houses at that point in time.
- **R' Yehuda in the name of Rav** said, a mavoi that has a chatzer on one side, in which lives a goy, and a chatzer on the other side, in which lives a Yid, and attached to the Yid's house are additional houses of Yidden that are not part of the chatzer, but have windows between each house, providing an opening from one to the other, the Yidden may not make an eiruv to permit the houses outside the chatzer to transfer items through the other houses and then out into the mavoi.
 - **Q: Abaye** asked **R' Yosef**, would **Rav** say that this halacha would apply (that an eiruv may not be made) when we are dealing with a goy and a Yid who live in the same chatzer (not on opposite sides of the mavoi) and the houses of the other Yidden are set up in the same way? **A: R' Yosef** said it would apply there as well.
 - **Q: Why would Abaye** think that it wouldn't apply in that case as well? **A: Abaye** explains, we would have thought the reason **Rav** did not permit carrying in the mavoi was because there were not 2 chatzeiros opening up into it (because the residence of a goy is not considered to be a residence in halacha). But, in the case of an eiruv in a chatzer, maybe **Rav** would allow it.
 - **Q: Rav** already taught the halacha that a mavoi needs 2 chatzeiros opening into it. Why would he teach it again? **A:** We would say that both times the psak was necessary. If he would just say the case of a regular mavoi, we would not know that the residence of a goy is not considered to be a residence. And, if he would just say the case of the mavoi with the goy, we would know that 2 chatzeiros are needed, but we would not know how many houses are needed in each chatzer. That's why he had to tell us the other psak.
 - The reason why **Rav** said it is assur in the case of the mavoi with the goy and the chatzer with the goy is because we don't want the other Yidden using the mavoi or the chatzer with the Yid whose house opens to the mavoi or the chatzer, because that would make that Yid more comfortable. We don't want the Yid to be made comfortable, because we don't want him to remain living in a place where he alone shares a mavoi or a chatzer with a goy.

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MISHNA

- If there are two chatzeiros – one within the other (the inside chatzer's only access to the street is through the outside chatzer):
 - If the inside chatzer made an eiruv but the outside one did not, carrying would be permitted in the inside chatzer and prohibited in the outside chatzer.
 - If the outside chatzer made an eiruv but the inside one did not, carrying in both chatzeiros is assur.
 - If each chatzer made their own eiruv: **T"K** says carrying is permitted within each chatzer. **R' Akiva** says carrying is only permitted in the inside chatzer, because the right of the inner chatzer to walk through the outer chatzer prohibits the outer chatzer from carrying. The **Chachomim** say that the right to walk through does not prohibit carrying in the outer chatzer.

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- If one of the members of the outer chatzer forgot to join their eiruv, he prohibits carrying in the outer chatzer, but the inside chatzer remains permitted to carry in.
- If one of the members of the inner chatzer forgot to join their eiruv, he prohibits carrying in both chatzeiros.
- If the two chatzeiros made a joint eiruv (which the Gemara explains to mean that they then put in the outer chatzer), and a member of either chatzer forgot to join the eiruv, it is assur to carry in both chatzeiros
- If only one person lived in each chatzer, no eiruv is necessary.

GEMARA

- **R' Dimi** said that **R' Yanai** explained the machlokes in the Mishna as follows. **R' Akiva** says the right to walk through the outer chatzer prohibits carrying there even when the people of the inside chatzer may carry in their own chatzer. The **Chachomim** say, just like the right to walk through does not prohibit the outer chatzer when the people of the inside may carry within their own chatzer, it also does not prohibit when the people of the inside chatzer are assur to carry within their own chatzer.
 - **Q:** The Mishna said, if the outer chatzer made an eiruv but the inner chatzer did not, both chatzeiros are assur to carry in. This can't be following **R' Akiva**, because he would say even if the inner made an eiruv the outer would be assur. It must be following the **Rabanan** and we see that they must hold that if the inner chatzer is assur, they would prohibit the outer chatzer as well!? **A:** The Mishna is following **R' Akiva**, and the Mishna first says that the outside chatzer is assur when the inside chatzer is assur. **R' Akiva** then teaches the larger chiddush that even if the inside chatzer is permitted to carry, the outside will not be permitted.
 - **Q:** The Mishna says, if each chatzer made their own eiruv, both chatzeiros are mutar. It is mashma that if the inner chatzer did not make an eiruv, the outer chatzer would be assur to carry in. This can't follow **R' Akiva**, because he says that even when each made an eiruv the outer would be assur to carry in. It must follow the **Rabanan** and we see that they only allowed carrying in the outer when carrying is permitted in the inner as well?! **A:** This part of the Mishna follows **R' Akiva**, and the Mishna is discussing a case where there is a small door between the chatzeiros. In that case, the inner chatzer has effectively renounced its right to walk through the outer chatzer. That is why the outer chatzer remains mutar to carry in.
 - **Q: R' Bibi bar Abaye** asked, the Mishna said, that if one person lives in each chatzer, the chatzeiros are mutar to carry in. It is mashma, if there was more than one person in the inner chatzer and an eiruv was not made, in which case they are assur to carry in the inner chatzer, they would also be assur to carry in the outer chatzer. Again, we see that the inner chatzer prohibits the outer chatzer if the inner chatzer itself is prohibited. This can't follow **R' Akiva** and must therefore be the shitah of the **Rabanan**, which is not how **R' Dimi** explained it!? **Q2: Ravina** asked, the Mishna says, if a member of the outer chatzer forgot to join the eiruv, carrying is mutar in the inner chatzer but assur in the outer chatzer. If a member of the inner chatzer forgot to join, carrying in both chatzeiros is assur. It is mashma, if he had not forgotten, both would be mutar. Again, this cannot follow the shitah of **R' Akiva**, so it must be the shitah of the **Rabanan**, which is not how **R' Dimi** explained it!? **A: Ravin** said that **R' Yannai** said there is a 3-way machlokes regarding this in the Mishna: The **T"K** says that if it is mutar to carry in the inner chatzer, the right to walk through the outer chatzer will not make carrying in the outer chatzer assur. But, if carrying is assur in the inner chatzer, their right to walk through the outer chatzer will make carrying assur in the outer chatzer. **R' Akiva** holds, the right to walk through prohibits carrying in the outer chatzer even if carrying in the inner chatzer is permitted. The **Rabanan** hold that the right to walk through never prohibits carrying in the outer chatzer.

NASNU EIRUVAN B'MAKOM ECHAD V'SHACHACH ECHAD BEIN MIN HAPNIMIS...

- **R' Yehuda in the name of Rav** explains that the term "makom echad" refers to the eiruv being placed in the outer chatzer. It is so called because it is the one place that is designated for members of both chatzeiros.

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- A Braisa says this as well. The Braisa says, if a joint eiruv was placed in the outer chatzer and one member of either chatzer forgot to join, it is assur to carry in either chatzer. If the joint eiruv was placed in the inner chatzer and a member of the inner chatzer forgot to join, it is assur to carry in both chatzeiros. If the joint eiruv was placed in the inner chatzer and a member of the outer chatzer forgot to join, **R' Akiva** says it is assur to carry in both chatzeiros, and the **Rabanan** say it is mutar to carry in the inner chatzer but assur to carry in the outer chatzer.
 - **Q: Rabbah bar Chanan** asked **Abaye**, in the last case of the Braisa, the **Rabanan** say it is mutar to carry in the inner chatzer, because we say that the inner chatzer “closes the door” and separates themselves from the outer chatzer. Why doesn't **R' Akiva** say that as well?! **A: Abaye** said, the fact that the eiruv is in the inner chatzer makes the people of the outer chatzer used to using the inner chatzer. Therefore, they cannot be said to disassociate themselves from the outer chatzer.
 - **Q: Why don't the Rabanan** say this as well? **A:** They say, that the people of the inner chatzer can say to the members of the outer chatzer, “We have joined with you to make things better, not to make things worse”, and they have made things worse by the fact that one of their members have forgotten to join the eiruv.
 - **Q: Why doesn't R' Akiva** say this as well? **A:** The inner chatzer cannot simply disassociate themselves, because the people of the outer chatzer can relinquish their rights in the inner chatzer to the members of the inner chatzer. Until they do so, **R' Akiva** says that both chatzeiros are assur. Once they do so, he would agree that the inner chatzer would be mutar. The **Rabanan** however say that members of one chatzer cannot relinquish their rights to members of another chatzer.
 - **Q: Shmuel and R' Yochanan** argued earlier whether rights may be relinquished from the members of one chatzer to those of another chatzer. Maybe they argue in machlokes between **R' Akiva and the Rabanan** here? **A: Shmuel** would say that even **R' Akiva** normally says that rights may not be relinquished between chatzeiros. Only in the case of a chatzer within a chatzer he allows it because they restrict each other. **R' Yochanan** would say that the **Rabanan** only don't allow relinquishing from one chatzer to another in the case of a chatzer within a chatzer, because they say the chatzer may simply disassociate themselves and become mutar without having to wait around for a relinquishment of rights.

V'IHM HAYU SHEL YECHIDIM...

- **R' Yosef** said, that **Rebbi** taught a Braisa that said if there are 3 people among the 2 chatzeiros, they do make it assur to carry. This is so even if the inner chatzer only has one resident. The reason is that we are concerned that it may get confused with a case where the inner chatzer has 2 residents.
 - **R' Bibi** said, it was not actually a Braisa taught by **Rebbi** that said this. It was **R' Ada bar Ahava**.
 - **Shmuel** argues and says it would only be assur if there are actually 2 residents in the inner chatzer.
 - **R' Elazar** said, if there is only one resident in the inner chatzer but he is a goy, he prohibits carrying in the outer chatzer.
 - **Q: Why is it that when the single resident is a Yid we are not concerned, because we say people either know that he is a single resident, or if they don't, they will assume that an eiruv was made, if he is a goy we should say that either people know that a goy doesn't prohibit a chatzer when he is alone, and if they don't know he is alone, they would say that the Yid must have leased the rights to the chatzer from him!?** **A:** Goyim don't typically lease out their rights, and if the goy did, people would have known.
- **R' Yehuda in the name of Shmuel** said, if there are 10 attached houses, with one of the end houses opening into a chatzer, only the house opening to the chatzer needs to contribute to the eiruv. **R' Yochanan** said even the outside one (presumably all the way at the other end) must contribute.

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- **Q:** The outside one is a gatehouse for the other houses to pass through to the outside, and a gatehouse does not need to join an eiruv!? **A:** He means the house attached to the house which opens to the chatzer. He holds that since it is only a “pass through” for the one house, it is not considered to be a “gatehouse” and needs to be included in the eiruv. **Shmuel** holds that it has the status of a gatehouse and therefore does not need to be included in the eiruv.