

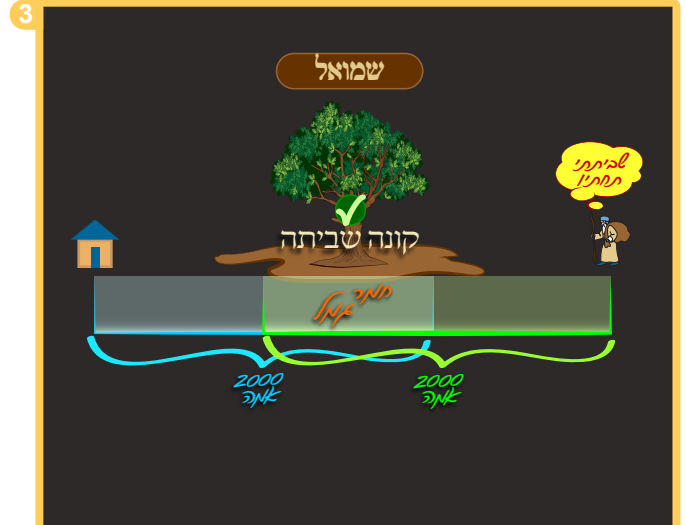
- 1 In the previous דף we learned in the Mishnah -  
 שביתתי תחתיו לא אמר כלום -  
 When he did not specify the exact location where he wants to  
 be קונה שביתה, he merely said my residence should be  
 UNDER the tree, it is not effective.



- 2 רב explained it to mean that he was not קונה שביתה under the  
 tree at all, and is only permitted to walk אמות 4 where he  
 is.



- 3 שמואל holds that he IS קונה שביתה under the tree, but we do not  
 know at which specific spot. Therefore, the space under the  
 tree is like a  
 חמור גמל - it's figured in to the 2000 אמות in each direction  
 לחומרא!  
 His current location must be within 2000 אמות of the far end of  
 the tree, and his house must be within 2000 אמות of the other  
 end of the tree.





4 אמר רבה מאי טעמא דרב -  
 Rashi explains - Shmuel's opinion is logical. He was indeed  
 קונה שביתה at an unspecified spot somewhere under the tree -  
 therefore we must be מחמיר in both directions.  
 However, Rav's reasoning needs explanation.  
 Why would he not be קונה שביתה under the tree at all?

4 אמר רבה...  
**מאי טעמא דרב?**

רב **?** Why not be קונה שביתה at all?

שמואל *Logical* קונה שביתה ✓  
 Unspecified spot under the tree  
 Therefore...  
 מחמיר in both directions

5 Rabbah explains Rav's logic in one of two ways:  
 - משום דלא מסיים אתריה -  
 Rashi adds - וכיון דלא סיים לא קנה ליה מידי -  
 Since he did not declare a specific area as his residence, he  
 does not acquire any residence at all.

5 **1**  
**משום דלא מסיים אתריה**  
 רש"י  
 לא קנה ליה מידי  
 Didn't declare - SPECIFIC AREA  
 Doesn't acquire - ANY RESIDENCE

6 Another explanation -  
 - כל שאינו בזה אחר זה אפילו בבת אחת אינו -  
 We view it as if he establishes each four אמה area that is  
 under the tree as his residence. Since a person who has  
 already established one שבת residence, cannot establish  
 another residence, he cannot simultaneously establish  
 multiple areas of four אמות as his residence either. Therefore,  
 none take effect.  
 The גמרא questions this rule from three sources:

6 **2**  
**כל שאינו בזה אחר זה אפילו בבת אחת אינו**  
 Viewed as...  
 Established each 4 אמה area as his residence  
 Since one...  
 Can ONLY establish 1 שבת residence  
 He can't...  
 Simultaneously establish multiple residences  
 Therefore...  
**NONE TAKE EFFECT!**



- 7 איתיביה אביי לרבה המרבה במעשרות -  
 One who gave more than 10% of his produce as מעשר -  
 פירותיו מתוקנין ומעשרותיו מקולקלין -  
 The מעשר is valid to make the rest of the produce permissible  
 - but part of what he separated as מעשר remains טבל, because  
 we cannot separate more than 10 percent.

Now, based on אינו כל שאינו בזה אחר זה אפילו בבת אחת אינו -  
 after separating 10% one cannot separate additional מעשר -  
 when done simultaneously, none should take effect?

7

איחובה אביי לרבה...  
**המרבה במעשרות**  
 Gave more than 10% as מעשר  
**פירותיו מתוקנין ומעשרותיו מקולקלין**

מעשר אסור  
 מותר PRODUCE

Can't separate more than 10%

Based on...  
 כל שאינו בזה אחר זה  
 אפילו בבת אחת אינו  
 When done simultaneously  
**NONE SHOULD TAKE EFFECT?**

- 8 The Gemara answers;  
 שאני מעשר דאיתיה לחצאין -  
 Since one does not have to make each piece of fruit entirely מעשר,  
 we can assume that he meant to designate a part of each piece of fruit as מעשר up to a total of 10 percent.

8

שאני מעשר  
**דאיתיה לחצאין**  
 Doesn't have to make entire fruit מעשר

Designated a part of each fruit  
 Up to a total of 10%

- 9 The Gemara asks;  
 והרי מעשר בהמה דליתיה לחצאין -  
 When it comes to giving מעשר בהמה, an entire animal must be designated,  
 and we learned that if he simultaneously called two animals עשירי,  
 they both have מעשר קדושת מעשר. Since it would not take effect when he designated as עשירי two animals one after the other,  
 it should not work simultaneously either?

9

והרי מעשר בהמה  
**דליתיה לחצאין**  
 Entire animal must be designated

עשירי  
 Both have מעשר קדושת מעשר

Designating one after the other  
**DOESN'T WORK**

Designating simultaneously  
**SHOULDN'T WORK!**

**10** The Gemara asks;  
 והרי מעשר בהמה דליתיה לחצאין -  
 When it comes to giving מעשר בהמה, an entire animal must be designated, and we learned that if he simultaneously called two animals עשירי, they both have מעשר. Since it would not take effect when he designated as עשירי two animals one after the other, it should not work simultaneously either?

The Gemara answers;  
 שאני מעשר בהמה דאיתיה בזה אחר זה בטעות -  
 If a person designates two animals one after the other as קדושה by mistake, both do have קדושה.

**10**

שאני מעשר בהמה  
 דאיתיה בזה אחר זה בטעות  
 Designating 2 animals by mistake  
 one after the other  
 Both DO have קדושה

**11** The Gemara asks;  
 והרי תודה דליתה בטעות וליתה בזה אחר זה -  
 When it comes to sanctifying forty loaves of bread for a קרבן תודה, once the forty have been designated we cannot designate another 40 loaves, even by mistake, yet חזקיה holds that if somebody sanctifies 80 loaves at once, forty of them are sanctified?

**11**

והרי תודה  
 דליתה בטעות  
 וליתה בזה אחר זה

Designated → Can't designate → Designated  
 40 loaves of קרבן תודה    Another 40 loaves    80 loaves for קרבן תודה  
 ARE sanctified

**12** The Gemara answers that we assume the person did not mean to sanctify all 80 loaves.  
 לאחריות קא מכוין ועל תנאי אייתניהו -  
 He just meant to say that in case the first 40 loaves become פסול, the other 40 should take their place.

**12**

Didn't mean to sanctify  
 all 80 loaves  
 לאחריות קא מכוין  
 ועל תנאי אייתניהו

In case first 40 loaves become פסול → Other 40 loaves take their place

13 אמר אביי לא שנו אלא באילן שתחתיו שנים עשרה אמה - אלא באילן שתחתיו שנים עשרה אמה רב's ruling that somebody who does not specify which part of the area under the tree is his residence, is not קונה שביטה there at all, is only if the total area under the tree is 12 אמות or larger.

If it were smaller than 12 אמות, by choosing the middle four אמות, he certainly has at least some of the four אמות that is designated as his residence, and being able to identify at least some of the residence is all that is necessary to establish a Shabbos residence.

13 אמר אביי...  
לא שנו אלא באילן שתחתיו שנים עשרה אמה  
רב  
קונה שביטה  
12 אמה or larger  
תחתן לביתנו

14 רב הונא בריה דרב יהושע holds that there is no Halachic reason to choose the middle four אמות as his real residence, rather than any other 4 אמות. Therefore having some of his residence within those four אמות won't accomplish anything. Instead, he suggests that the area must be less than 8 אמות, so that any given four אמות under the tree would automatically have some of the Shabbos residence that he had established. Rav's ruling is at 8 אמות or more.

14 רב הונא בריה דרב יהושע אביי  
קונה שביטה  
4 אמה  
רב's ruling is at 8 אמות or more  
קונה שביטה  
4 אמה 4 אמה 4 אמה  
Chooses the middle

15 The Gemara next cites 2 Braisos, one in support of each opinion  
תניא כותיה דרב - One supports רב by stating;  
לא סיים ארבע אמות שקבע - if the person did not identify which four אמות he is trying to establish as his residence,  
לא יזוז ממקומו - he establishes no residence and is not permitted to go anywhere.

שמואל would respond that the ברייתא must be talking about a case where there is 2004 אמות from his current location to the tree trunk. Since his מקום שביטה is unclear, if it is on the other side of the trunk he is out of the תחום. Therefore he cannot move more than ד' אמות.

15 תניא כותיה דרב  
לא סיים ארבע אמות שקבע  
קונה שביטה  
שמואל  
2,004 אמה  
תחתן לביתנו

16 Parenthetically the ברייתא also taught that if two people are together and only one of them recognizes a specific location, the other person can make him a שליח - his agent to set up a Shabbos residence for him.

16 *Parenthetically...*  
One can appoint a שליח who recognizes a specific location, to set up a Shabbos residence for him

17 תניא כותיה דשמואל - One תניא supports שמואל by stating that a person who has two שלוחים set up a שבת residence for him on two different sides of town, we have to assume that one of these is a valid residence, and we are מחמיר not to walk beyond either תחום. This is similar to שמואל's opinion with regard to the undefined area under the tree where a מקום שביתה takes effect, and we are מחמיר in both directions.



רב's opinion is not refuted by this ברייתא, because רב תנא הוא ופליג - Rav is considered a תנא who can argue with a ברייתא.