

Our Shiur began with a continuation of the discussion of שבת כיון שהותרה הותרה - שבת כיון שהותרה הותרה

Once it was permitted to carry in this אבת at the onset of שבת, it remains permitted for the duration of this שבת. The הלכה does not change in middle of ...

- איתמר כותל שבין שתי חצירות שנפל

A wall between two אירובין, who had separate עירובין, collapsed -

- רב אמר אין מטלטלין בו אלא ד' אמות

They become אסור to carry more than ד' אמות.

Rav does not hold שבת כיון שהותרה.

מטלטל עד עיקר מחיצה וזה מטלטל עד עיקר מחיצה - Iney may each carry until the wall, as before. Shmuel holds שבת כיון שהותרה. שבת כיון שהותרה.

The גמרא says that we learned their respective positions from the following incident:

Once in ישכוואל s town, a fence came down between two חצירות, and Shmuel advised them to hang a curtain between the חצירות for privacy only, and they may continue to carry based on the עירוב.

רב, did not want to object openly in שמואל stown, nor did he want to give the impression that he agrees, therefore, he simply turned away to show that he disagrees.

a fence came down between 2 ממואל

advised them to did not want to hang a curtain for privacy only and carry

and carry

and carry

exposing it to a רשות הרבים, רשות הרבים, זרשות הרבים treats the אליעזר ווke a רשות הרבים, and one who carries from this חכמים to a חייב is חייב for הוצאה. The חכמים view the אמר as a הרמלים, and therefore one may not carry from the חייב חטאת but there is no חייב חטאת for doing so.

הרבים – when a wall of a חצר collapses,







ואגט the משנה -





The גמרא asks;

- ו?ור' אליעזר משום דנפרצה לרשות הרבים הויא לה רשות הרבים

Because the חצר is open to a רשות, we consider it to be a , we consider it to be a ?!

The גמרא gives two answers:

-1-

The entire חצר, of course, is not a רשות הרבים.

The case of our משנה is when the exact spot upon which the wall stood is not recognizable, and there is a dispute on a strip of land at the front of the חצר. The public claims that the wall was recessed further into the field than to where the owner claims, and they are simply using a path that they once had.

רבי אליעזר holds

- רבים שבררו דרך לעצמן מה שבררו בררו

When the public claims to have had a path through a private field, and they now actually use it, they acquire it, and in our case it becomes a רשות הרבים.

The חכמים hold it remains in dispute, and therefore, not a רשות הרבים.

5 -2-

According to the second פשט, the place of the wall is known, but is now like

בים הרבים - an area of overflow traffic.

רבי אליעזר holds that צידי רשות בידי has the status of a צידי רשות hold that צידי hold that צידי hold that רבנן hold that צידי hold that רשות הרבים do not have the status of a רשות הרבים.

אגט the משנה:

- חצר שנפרצה לרשות הרבים משתי רוחותיה

If a חצר, or a מבוי, or a מבוי becomes open to a רשות הרבים from two sides, on Shabbos,

רבי יהודה holds:

- מותרין לאותו שבת ואסורין לעתיד לבא

They may continue to carry in that חצר for the rest of this שבת, because

- שבת כיון שהותרה הותרה

But unless fixed, it will be אסור on future שבתות. holds:

אם מותרין לאותו שבת מותרין לעתיד לבא ואם אסורין לעתיד לבא אסורין – לאותו שבת – לאותו שבת

Whatever the הלכה is for the coming שבתות must be the הלכה for this שבת, and in this case, ששת 'ח and יוחנון, supported by an explicit מחמיר, say that ר' יוסי means to be מחמיר, and not allow carrying even for the rest of this שבת, because רבי יוסי שבת toes not hold.

ור' אליעזר משום דנפרצה לרשות הרבים?

The case of our הויא לה רשות הרבים?

The case of our משנה is when the exact spot of the wall is not recognizable

The public claims the wall was recessed further into the field than to where the owner claims

רבי אליעזר

דליגם

דליגם ברכן ברך אללעור







Dedicated By: \_\_\_\_\_

DafHachaim.org

Review

Eruvin 94 - 2



The גמרא asks how large are these breaches? If they are ten אמות or less they should not pose a problem because they are doorways.

If they are more than ten אמות it would pose a problem even on one side?

The גמרא has two explanations of this משנה:

-1-

אמות – Rav answers that they are less than ten אמות, but are not considered a פתח, because they are פתח - on a corner, and it is not the norm to have a doorway in the corner.

We also cannot apply the principle of
פי תקרה יורד וסותם
to view the roof edge as if it extends downward to form a
wall,

ש because וקירויו באלכסון it is a slanted roof. We can only apply פי תקרה יורד וסותם to a flat roof, where its edge is perpendicular to the ground, and therefore Halachically extends straight down to form a wall. How large are these breaches?

10 אמות or less More than 10 אמות They are Even on Doorways? One side?

1 אמר רכ לעולם בעשר but are not Doorways because וכגון שנפרצה בקרן זוית it's not the norm to have a doorway in the corner











10 -2-

- ושומואל אמר אפילו ביתר מעשר

Shmuel holds that the Mishnah can be referring even to a breach more than ten אמוח, and in the case of a סובי or a ינובי it would indeed be a problem even if only breached from one side, but the משנה mentions a two sided breach because in the case of a בית it is only a problem if breached from two sides in a corner - where the roof is also cut away at angles that leave four roof endings - and שמואל holds that we do not apply שו to four roof endings - only up to three.



The גמרא explains why each opinion rejects the other:

שמואל rejects משנה explanation because the משנה never mentioned a slanted roof.

Rav rejects שמואל's explanation because Rav holds that we apply פי תקרה יורד וסותם even on four sides, as we see from the following Machlokes:



12 אתמר אכסדרה בבקעה – a gazebo in an open field - holds

- מותר לטלטל בכולה

one may carry throughout the entire gazebo, based on the principle of

- פי תקרה יורד וסותם

we view the edges of the roof as if they extend down and form walls around the gazebo, making it a רשות היחיד. holds

אין מטלטלין בה אלא בארבע -

One may not carry in the gazebo more than ד', because לא אמרינן פי תקרה יורד וסותם - לא אמרינן פי תקרה יורד וסותם -

As the Gemara explains, Shmuel holds we do not apply פי סי מקרה יורד וסותם to four sides - only where there is at least one actual wall - like an open porch abutting a house.









There are two versions of the size of the gazebo that מואל disagree about.

The first version is that they argue when the sides of the gazebo are more than ten אמות, but when less than ten אמות even שמואל would apply פי תקרה יורד וסותם to allow carrying in the gazebo.

The second version is that they argue when it is ten אמות or less, but when it is more than ten אמות, even Rav would not apply פי תקרה יורד וסותם to allow carrying in the gazebo.



