דְּאִית לֵיהּ אִשָּׁה וּבָנִים.

because it is dealing with a case in which **he** already **has a wife and children,** so that he has already fulfilled the mitzva to be fruitful and multiply, and his betrothal of another woman is only an optional act.

״לֹא חוֹלְצִין וְלֹא מְיַבְּמִין״. וְהָא מִצְוָה קָא עָבֵיד! לֹא צְרִיכָא, דְּאִיכָּא גָּדוֹל, וּמִצְוָה בַּגָּדוֹל לְיַבֵּם.

§ **Nor perform *ḥalitza*, nor perform levirate marriage:** The Gemara asks: **But doesn't one perform a mitzva** through these acts? Why are they categorized as optional? The Gemara answers: **No,** it is **necessary** for the mishna to categorize them as optional, as it is speaking of a case **when there is an older** brother. Since the general principle is that **the** preferable way to carry out the **mitzva is for the oldest** brother **to perform levirate marriage,**[NH] the performance of levirate marriage by a younger brother is classified as optional.

וְכֻלְּהוּ טַעְמָא מַאי? גְּזֵרָה שָׁמָא יִכְתּוֹב.

The Gemara clarifies the reason for the prohibition against judging, betrothing, etc., on Shabbat and Festivals: **And** in **all these** cases, **what is the reason** they may not be performed? It is **a decree lest one write** down the proceedings of these acts in a document, such as the verdict of a judgment, the document of betrothal, a document testifying to the *ḥalitza*, or a marriage contract in the case of levirate marriage.

״וְאֵלּוּ הֵן מִשּׁוּם מִצְוָה: לֹא מַקְדִּישִׁין, וְלֹא מַעֲרִיכִין וְלֹא מַחֲרִימִין״ – גְּזֵרָה מִשּׁוּם מֹקַח וּמִמְכָּר.

§ It was taught in the mishna: **And the following** are notable **because of the** full-fledged **mitzva** involved in them, yet are prohibited on Shabbat: **One may not consecrate, nor take a valuation vow, nor consecrate** objects for use by the priests or the Temple. The Gemara explains: All these cases are prohibited because of **a decree due to** their similarity to **commerce.**[N] These acts, which all involve the transfer of ownership to the Temple treasury, resemble commerce, which is prohibited on a Festival.

״וְלֹא מַגְבִּיהִין תְּרוּמוֹת וּמַעֲשְׂרוֹת״. פְּשִׁיטָא! תָּנֵי רַב יוֹסֵף: לָא נִצְרְכָא אֶלָּא לְיִתְּנָהּ לַכֹּהֵן בּוֹ בַּיּוֹם.

§ It was taught in the mishna: **And one may not separate *terumot* and tithes.** The Gemara asks: Is it not **obvious** that this is so? In doing so one makes forbidden food usable, a form of repairing, which is a prohibited labor. **Rav Yosef taught: It is necessary** for the mishna to teach this **only** to state that it is prohibited even to separate *teruma* in order **to give it to a priest on the same day.** One could have thought that since he is separating the produce in order to give it to a priest it should be permitted like any other preparation of food; the mishna therefore states explicitly that it is prohibited.

וְהָנֵי מִילֵי – פֵּירֵי דְּטָבְילִי מֵאֶתְמוֹל, אֲבָל פֵּירֵי דְּטָבְילִי הָאִידָּנָא. כְּגוֹן עִיסָּה לְאַפְרוּשֵׁי מִינָּהּ חַלָּה – מַפְרְשִׁינַן וְיָהֲבִינַן לַכֹּהֵן.

The Gemara comments: **And this applies only to produce that** had the status of **untithed produce,** and therefore was required to be tithed, **the day before** the Festival. **However, produce that became untithed now** on the Festival itself, **such as dough** prepared on the Festival, which becomes untithed and requires *ḥalla* to be taken from it only after the dough is made: With regard to **separating *ḥalla* from it, one may separate** the *ḥalla* **and give** it **to a priest** even on a Festival.[H]

וְהָנֵי מִשּׁוּם רְשׁוּת אֵיכָּא מִשּׁוּם שְׁבוּת לֵיכָּא? וְהָנֵי מִשּׁוּם מִצְוָה אֵיכָּא מִשּׁוּם שְׁבוּת לֵיכָּא?

The Gemara asks a question. When the mishna describes **those** cases as notable **because they are optional,** is this to say that to say that their prohibition is **not because** of a **rabbinic decree** to enhance the character of Shabbat as a day of **rest** [***shevut***]**?** Likewise, with regard to **those** cases described as notable **because they are mitzvot,** is this to say that their prohibition is **not because of *shevut*?** The mishna, by referring only to the first of its three categories as *shevut*, implies that the acts listed in the following categories do not involve *shevut*. But this is not so; as the Gemara stated above, all these acts are prohibited by rabbinic decree to enhance the character of Shabbat and the Festival as days of rest.

NOTES

There is an older brother…and the preferable way to carry out the mitzva is for the oldest brother to perform levirate marriage – דְּאִיכָּא גָּדוֹל וּמִצְוָה בַּגָּדוֹל לְיַבֵּם: Some ask: Granted, a case of levirate marriage can be found in which it is not a full-fledged mitzva, i.e., when it is performed by a younger brother, but what parallel case can be found with regard to *ḥalitza*? According to one opinion (*Yevamot* 39b), there is no preference for an older brother to perform this act, so whoever does it is fulfilling a full-fledged mitzva. One answer given is that indeed the Gemara's question and answer relate solely to levirate marriage and not to *ḥalitza.* The reason the mishna lists *ḥalitza* among the incomplete mitzvot is that by Torah law *ḥalitza* is considered to be an inferior option when compared to the preferable option of levirate marriage (*Shitta Mekubbetzet*).

A decree due to their similarity to commerce – גְּזֵרָה מִשּׁוּם מֹקַח וּמִמְכָּר: Rashi hints at the difficulty this entails. There is a general principle that the Sages do not enact one decree to protect another decree, but as the prohibition against buying and selling is itself a rabbinic decree, the Sages here seem to be violating that principle. He alludes to the fact that the prohibition against commercial activity is more than a rabbinic decree, as it is stated by the prophets, and this is explained at length by the *Meiri*. Its appearance in the Bible is powerful enough for the Sages to issue additional decrees in order to safeguard it, although it is not a Torah prohibition.

However, the Ra'ah maintains that the expression: A decree due to their similarity to commerce, should not be understood literally in this case; consecrations to the Temple are in themselves acts of commerce and not merely similar to commerce, in that ownership is transferred from one domain to another. It appears that it is this reasoning that led Rav Nissim Gaon to permit the taking of a vow of charity on Shabbat; although consecration to the Temple is prohibited because the mere statement of intent to give something to the Sanctuary is equivalent to delivering it, this is not true of donating to charity, where one merely declares his intention to give the money after Shabbat.

HALAKHA

The preferable mitzva is for the oldest brother to perform levirate marriage – מִצְוָה בַּגָּדוֹל לְיַבֵּם: When there are several brothers in a family and one dies without children, it is a mitzva for one of the remaining brothers, preferably the oldest, to perform levirate marriage with the widow. The same applies to *ḥalitza*; if levirate marriage is not performed, the oldest brother takes precedence over the others in performing *ḥalitza*. However, if the older brother wishes to perform *ḥalitza* and the younger wishes to perform levirate marriage, the latter has the right to do so. If the oldest does not wish to marry the widow, each of the brothers is approached in age order. If none of them is willing to perform the mitzva, the rabbis return to the oldest and instruct him, by coercion if necessary, to perform *ḥalitza,* unless a younger brother consents to perform *ḥalitza* willingly. All this is in accordance with Torah law. Nowadays, however, the mitzva of *ḥalitza* takes precedence over levirate marriage (*Shulḥan Arukh*, *Even HaEzer* 161:4–6, and in the comment of the Rema; see *Beit Shmuel*).

Separating *ḥalla*…on a Festival – הַפְרָשַׁת חַלָּה בְּיוֹם טוֹב: One who kneads dough on a Festival may separate *ḥalla* and give it to a priest. He may not, however, separate *ḥalla* from dough that had been kneaded before the Festival. Nowadays, when the separated *ḥalla* is ritually impure and burned, it may not be burned on the Festival (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 506:3–4).

אָמַר רַבִּי יִצְחָק: לָא מִבָּעְיָא קָאָמַר; לָא מִבָּעְיָא שְׁבוּת גְּרִידְתָּא דְּאָסוּר, אֶלָּא אֲפִילּוּ שְׁבוּת דִּרְשׁוּת – נַמִּי אָסוּר. וְלָא מִבָּעְיָא שְׁבוּת דִּרְשׁוּת דְּאָסוּר, אֶלָּא אֲפִילּוּ שְׁבוּת דְּמִצְוָה – נַמִּי אָסוּר.

Rabbi Yitzḥak said: They are indeed all prohibited as *shevut*. The mishna lists three types of *shevut*: Those that involve no mitzva whatsoever, those that have a mitzva aspect to them, and those that constitute a full-fledged mitzva. And the *tanna* **is speaking** and arranges his list employing the style of: **There is no need,** i.e., he arranges the cases in order of increasing notability. First, **there is no need** to state, i.e., it is most obvious, that **plain *shevut,*** which involves no mitzva at all, **is prohibited, but even *shevut* of an optional act,** i.e., an act that is a minor mitzva, **is also prohibited. And there is no need** to state, i.e., it is obvious, that ***shevut* of an optional act is prohibited, but even *shevut* of** a full-fledged **mitzva is also prohibited.**

"כָּל אֵלּוּ בְּיוֹם טוֹב אָמְרוּ". וּרְמִינְהוּ: מַשְׁלִין דֶּרֶךְ אֲרוּבָּה בְּיוֹם טוֹב אֲבָל לֹא בַּשַּׁבָּת!

§ It was taught in the mishna: The Sages **spoke** of **all these** acts being prohibited even **with regard to a Festival;** all the more so are they prohibited on Shabbat. There is no difference between a Festival and Shabbat except for work involving food. The Gemara **raises a contradiction** against this from an earlier mishna: **One may lower** produce[N] from the roof into the house **through a skylight** to prevent it from being spoiled by the rain **on a Festival, but not on Shabbat.** This shows that there is another difference between a Festival and Shabbat besides food preparation: Doing a strenuous activity to prevent a loss is permitted on a Festival but prohibited on Shabbat.

אָמַר רַב יוֹסֵף: לָא קַשְׁיָא: הָא – רַבִּי אֱלִיעֶזֶר, הָא – רַבִּי יְהוֹשֻׁעַ.

Rav Yosef said: This is **not difficult,** as **this** mishna here, which does not include the *halakha* of lowering produce as an example of a difference between Shabbat and a Festival, is in accordance with **Rabbi Eliezer,** whereas **that** previous mishna that does cite it as a difference is in accordance with **Rabbi Yehoshua.**

דְּתַנְיָא: אוֹתוֹ וְאֶת בְּנוֹ שֶׁנָּפְלוּ לַבּוֹר, רַבִּי אֱלִיעֶזֶר אוֹמֵר: מַעֲלֶה אֶת הָרִאשׁוֹן עַל מְנָת לִשְׁוֹחֲטוֹ, וְשׁוֹחֲטוֹ. וְהַשֵּׁנִי עוֹשֶׂה לוֹ פַּרְנָסָה בִּמְקוֹמוֹ, כְּדֵי שֶׁלֹּא יָמוּת.

Rav Yosef elaborates on his statement: **As it is taught** in a *baraita*: If a cow and her calf, which may not be slaughtered on the same day because of the biblical prohibition: "You shall not kill **it and its offspring** both in one day" (Leviticus 22:28), **fell into a pit**[H] on a Festival, and their owner wishes to take them out, **Rabbi Eliezer says: One may raise the first in order to slaughter it and** then **slaughter it, and** as for **the second, he provides it sustenance in its place so that it will not die** in the pit. It is prohibited to undertake the strenuous task of raising an animal out of a pit except for the purpose of eating it on the Festival. Therefore, since one cannot slaughter both animals on the Festival, only one can be raised, while the other should be sustained in its place until after the Festival.

רַבִּי יְהוֹשֻׁעַ אוֹמֵר: מַעֲלֶה אֶת הָרִאשׁוֹן עַל מְנָת לִשְׁוֹחֲטוֹ וְאֵינוֹ שׁוֹחֲטוֹ, וְחוֹזֵר וּמַעֲרִים וּמַעֲלֶה הַשֵּׁנִי. רָצָה – זֶה שׁוֹחֵט, רָצָה – זֶה שׁוֹחֵט.

Rabbi Yehoshua, however, **says: One may raise the first with the intent of slaughtering it and** then change his mind and **not slaughter it. Then he may go back and employ artifice** by deciding that he prefers to slaughter the second one, **and he raises the second.** Having raised both animals, **if he** so **desires he may slaughter this** one; **if he** so **desires he may slaughter that** one. Rav Yosef understands the argument between the two Sages as follows: Rabbi Yehoshua maintains that it is permitted to perform a strenuous activity on a Festival in order to prevent a loss, and therefore he may raise both animals, lest the one left behind die in the pit. Rabbi Eliezer, on the other hand, holds that one may not perform a strenuous activity to prevent a loss, so the second animal must be left in the pit even though it may die there. It may therefore be posited that the mishna that permits lowering produce on a Festival to prevent loss is in accordance with Rabbi Yehoshua's opinion. Rabbi Eliezer would disagree with this leniency, and the principle that there is no difference between Shabbat and a Festival other than food preparation would remain intact.

אָמַר לֵיהּ אַבַּיֵי: מִמַּאי? דִּילְמָא עַד כָּאן לֹא קָאָמַר רַבִּי אֱלִיעֶזֶר הָתָם – אֶלָּא דְּאָפְשָׁר בְּפַרְנָסָה, אֲבָל הָכָא דְּלָא אָפְשָׁר בְּפַרְנָסָה – לָא.

Abaye said to Rav Yosef: **From where** do you know that this analysis of these Sages' opinions is correct? **Perhaps Rabbi Eliezer stated** his opinion that a strenuous activity to prevent monetary loss is prohibited on a Festival **only thus far, there** in the case of the animals in the pit, **where it is possible to sustain** the second animal in the pit and keep it from dying. **But here,** in the case of the produce on the roof, where there is **no possibility** of preventing the loss **through providing sustenance,** he would **not** prohibit lowering the produce to save it from loss.

NOTES

The Gemara raises a contradiction: One may lower produce, etc. – וּרְמִינְהוּ: מַשְׁלִין וכו׳: See *Tosafot*, who address a difficulty: Ostensibly there are more obvious sources that could be cited in opposition to the mishna's principle than the teaching pertaining to lowering produce. The later authorities discuss the approach of *Tosafot* at length. Some explain that the Gemara prefers to challenge the principle based on the previous mishna, which can be seen as an internal contradiction between the beginning and the end of the same mishna, rather than from a more remote source (*Rishon LeTziyyon*).

HALAKHA

It and its offspring fell into a pit – אוֹתוֹ וְאֶת בְּנוֹ שֶׁנָּפְלוּ לַבּוֹר: If a mother animal and its calf fall into a pit, one may raise one of them in order to slaughter it, then employ artifice in order to remove the other one as well, and, having raised them both, slaughter whichever one of them he prefers. If two animals that are not mother and calf fell into a pit, one may raise them both without slaughtering either one (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 498:10 and *Be'er Heitev* there).

אִי נַמִי: עַד כָּאן לֹא קָאָמַר רַבִּי יְהוֹשֻׁעַ הָתָם – אֶלָּא דְּאָפְשָׁר לְאַעֲרוּמֵי, אֲבָל הָכָא דְּלָא אָפְשָׁר לְאַעֲרוּמֵי – לָא.

Alternatively, one can propose an opposite argument: **Rabbi Yehoshua stated** his opinion that a strenuous activity to prevent loss is permitted **only thus far, there** in the case of the two animals, **because it is possible to employ artifice** to raise the second animal, so that an observer might assume that that he was not acting to preserve his property, but wished to eat the first animal and subsequently changed his mind. **But here,** in the case of the produce on the roof, **where it is not possible to employ artifice,**[N] as it is clear that he is acting to salvage his produce, Rabbi Yehoshua would **not** be lenient. Therefore, Rav Yosef's approach to resolving the contradiction has no support from this *baraita*.

אֶלָּא אֲמַר רַב פָּפָּא: לָא קַשְׁיָא; הָא – בֵּית שַׁמַּאי, הָא – בֵּית הִלֵּל.

Rather, Rav Pappa said: This resolution of the contradiction is to be rejected in favor of the following: This is **not difficult,** as **this** case is in accordance with **Beit Shammai,** whereas **that** case follows the approach of **Beit Hillel.**

דְּתָנַן, בֵּית שַׁמַּאי אוֹמְרִים: אֵין מוֹצִיאִין לֹא אֶת הַקָּטָן וְלֹא אֶת הַלּוּלָב וְלֹא אֶת סֵפֶר תּוֹרָה לִרְשׁוּת הָרַבִּים, וּבֵית הִלֵּל מַתִּירִין.

As we learned in a mishna: **Beit Shammai say:** On a Festival **one may not take out a child** who cannot walk, **nor a *lulav*, nor a Torah scroll** into the public domain, as none of these are required for the preparation of food, **and Beit Hillel permit** it. It is certainly prohibited to carry out any item into the public domain on Shabbat, yet Beit Hillel permit it on a Festival. Therefore, it may be posited that just as Beit Hillel allow carrying out items on a Festival but not on Shabbat, so would they permit moving the produce off the roof on a Festival but not on Shabbat. According to Beit Shammai, who forbid carrying items out on a Festival and on Shabbat equally, moving the produce from the roof would also be equally prohibited, and the principle that there is no difference between Shabbat and a Festival other than food preparation would remain intact.

דִּלְמָא לָא הִיא; עַד כָּאן לָא קָא אָמְרִי בֵּית שַׁמַּאי הָתָם – אֶלָּא אַהוֹצָאָה, אֲבָל אַטִּלְטוּל – לָא. אַטּוּ טִלְטוּל לָאו צוֹרֶךְ הוֹצָאָה הוּא?

The Gemara at first refutes this explanation: **Perhaps that is not so,** as it is possible that **Beit Shammai stated** their opinion **only thus far, there** with regard to the prohibition against **transferring** objects from one domain to another, **but not** with regard to **moving** objects, such as produce, from place to place in the house. The Gemara rejects this claim: **Is that to say** that **moving is not** performed **for the sake of taking out** to the public domain? The decree against moving items unnecessarily, i.e., not for use on Shabbat or a Festival, was enacted due to a concern that one might take objects into the public domain. Rav Pappa's explanation that it is only Beit Shammai who would prohibit lowering the produce from the roof therefore stands.

מתני׳ הַבְּהֵמָה וְהַכֵּלִים – כִּרְגְלֵי הַבְּעָלִים. הַמּוֹסֵר בְּהֶמְתּוֹ לְבְנוֹ אוֹ לְרוֹעֶה – הֲרֵי אֵלּוּ כִּרְגְלֵי הַבְּעָלִים.

MISHNA The status of **animals and vessels** on Festivals **is as the feet of** their **owner,**[H] meaning that one's animals and vessels are governed by his own travel limitations on Shabbat[N] and Festivals. In the case of **one who delivers his animal to his son**[NH] **or to a shepherd** before the Festival to care for it, **these are as the feet of the owner,** rather than those of the son or the shepherd.

כֵּלִים הַמְיוּחָדִין לְאֶחָד מִן הָאַחִין שֶׁבַּבַּיִת – הֲרֵי אֵלּוּ כִּרְגְלָיו, וְשֶׁאֵין מְיוּחָדִין – הֲרֵי אֵלּוּ כִּמְקוֹם שֶׁהוֹלְכִין.

Vessels that have been inherited by several brothers and have not been divided among them but are still owned jointly, if they **are designated for** the use of **one of the brothers**[H] **in the house** and the other brothers have no part in them, **these are as his feet,**[N] and they are subject to his travel limitations. **And** as for those **that are not designated** for any particular brother, **these are as a place where** they **may** all **go.** They are limited by the travel limitations of every one of the brothers, as when one brother made a joining of Shabbat boundaries [*eiruv teḥumin*] and the others did not.

HALAKHA

The status of animals and vessels is as the feet of the owner – בְּהֵמָה וְכֵלִים כִּרְגְלֵי הַבְּעָלִים: It is permitted to move one's animals and vessels to anywhere the owner himself may walk, but not beyond his Shabbat limit (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:3).

One who delivers his animal to his son – הַמּוֹסֵר בְּהֶמְתּוֹ לִבְנוֹ: If one delivers his animal to his son, it remains as the feet of the father (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:4), even if he delivers it on the eve of the Festival (*Shulḥan Arukh HaRav*). There is no distinction whether the son is a minor or an adult, nor whether or not he is financially dependent on his father. This *halakha* applies all the more so to one who delivers the animal to his wife or to anyone else for whom he provides (*Arukh HaShulḥan*). Some authorities, however, maintain that there is no difference between one's son and the case of a shepherd discussed in the Gemara (*Eliya Rabba* citing Rashi; *Tur*; Rashba; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:4).

Vessels that are designated for one of the brothers – כֵּלִים הַמְיוּחָדִין לְאֶחָד מִן הָאַחִין: If there are vessels designated for one of several brothers who have yet to divide up their father's property, they are as his feet. If they are not designated for one particular brother, they are as the feet of all of them and may be carried only to a place where they all may go (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:8).

NOTES

Here, in the case of the produce on the roof, where it is not possible to employ artifice – הָכָא דְּלָא אָפְשָׁר לְאַעֲרוּמֵי: The Maharam understands Rashi's explanation in the following manner: Since everyone knows that the produce he has lowered will not be left in his house but will subsequently be returned to the roof, no ruse is possible. Others explain that as this case includes wheat and similar produce that are unfit to be eaten on the Festival itself, there is no ruse possible to say that he is lowering the produce for use on the Festival (*Meiri*).

Shabbat limits – תְּחוּמִין: The *halakha* prohibits one from venturing beyond the boundaries of his current location on Shabbat and Festivals. Once he has established his place of rest in a certain location, he may traverse that entire place: Four cubits if it is an isolated location, or the entire area if it is a large city; to these areas are added a *mil*, two thousand cubits, in each direction. The *tanna'im* and early authorities disagree about whether the concept of the Shabbat limit is Torah law or rabbinic law, some maintaining that distinct from the rabbinic limit of two thousand cubits there is a biblical prohibition to travel beyond twelve *mil*. See discussion later of the concept of the joining of Shabbat boundaries, a procedure that enables one to change his Shabbat limit.

One who delivers his animal to his son – הַמּוֹסֵר בְּהֶמְתּוֹ לִבְנוֹ: The early authorities debate the meaning of this passage, in accordance with the Gemara's explanation below. Many authorities maintain that it refers to one who delivers the animal to two sons, in which case neither has received absolute responsibility for it. The Rambam explains similarly in his Commentary on the Mishna. However, in his *Mishne Torah* he indicates that this *halakha* also includes one who delivers his animal to a single son. The *Maggid Mishne* explains that one who gives the animal to his son or to another member of his household does not intend to transfer it completely into the latter's domain, which is why the object remains as the feet of its owner.

Vessels that are designated for one of the brothers in the house, these are as his feet – כֵּלִים הַמְיוּחָדִין לְאֶחָד מִן הָאַחִין שֶׁבַּבַּיִת הֲרֵי אֵלּוּ כִּרְגְלָיו: This does not refer to vessels that are fully owned by one of the brothers, as in such a case this would be obvious. Rather, it speaks of vessels that in principle belong to the entire family, but in practice are used solely by one brother, and are therefore considered his regarding this issue (Rid).

הַשּׁוֹאֵל כְּלִי מֵחֲבֵירוֹ מֵעֶרֶב יוֹם טוֹב – כְּרַגְלֵי הַשּׁוֹאֵל, בְּיוֹם טוֹב – כְּרַגְלֵי הַמַּשְׁאִיל. וְכֵן הָאִשָּׁה שֶׁשָּׁאֲלָה מֵחֲבֶרְתָּהּ תְּבָלִין וּמֶלַח לְעִסָּתָהּ – הֲרֵי אֵלּוּ כְּרַגְלֵי שְׁתֵּיהֶן. רַבִּי יְהוּדָה פּוֹטֵר בַּמַּיִם, מִפְּנֵי שֶׁאֵין בָּהֶן מַמָּשׁ.

One who borrows a vessel from another on the eve of a Festival, it is **as the feet of the borrower** rather than the owner, as when the Festival began the vessel established its place of rest in possession of the borrower. However, if he borrowed it **on the Festival** itself, it is **as the feet of the lender,** since at the start of the Festival its place of rest was established in the possession of its owner. **And similarly, a woman who borrowed spices from another** to put in a dish, **or water and salt**[H] to put in **her dough, these** foods, i.e., the dish and the dough, which contain ingredients belonging to both parties, **are as the feet of both of them;** they are limited by the travel limitations of both parties. **Rabbi Yehuda exempts** one from travel limitations **in the** case of **water, because it** has **no substance** in the mixture and therefore is not considered connected to the original owner.

HALAKHA

A woman who borrowed spices…or water and salt – אִשָּׁה שֶׁשָּׁאֲלָה...תְּבָלִין וּמַיִם וּמֶלַח: If on a Festival a woman borrows from her neighbor water and salt for her dough, or spices for a dish, the dough or the dish is as the feet of both of them, in accordance with the first *tanna* (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:12).

גמ׳ מַתְנִיתִין

GEMARA

The Gemara asserts: **The mishna**

Perek **V**
Daf **37** Amud **b**

דְּלָא כְּרַבִּי דּוֹסָא. דְּתַנְיָא: רַבִּי דּוֹסָא אוֹמֵר, וְאָמְרִי לָהּ אַבָּא שָׁאוּל אוֹמֵר: הַלּוֹקֵחַ בְּהֵמָה מֵחֲבֵרוֹ מֵעֶרֶב יוֹם טוֹב, אַף עַל פִּי שֶׁלֹּא מְסָרָהּ לוֹ אֶלָּא בְּיוֹם טוֹב – הֲרֵי הִיא כִּרְגְלֵי הַלּוֹקֵחַ. וְהַמּוֹסֵר בְּהֵמָה לָרוֹעֶה, אַף עַל פִּי שֶׁלֹּא מְסָרָהּ לוֹ אֶלָּא בְּיוֹם טוֹב – הֲרֵי הִיא כִּרְגְלֵי הָרוֹעֶה.

is **not in accordance with** the opinion of **Rabbi Dosa. As it is taught** in a *baraita*: **Rabbi Dosa says, and some say Abba Shaul says: One who purchases an animal from another on the eve of a Festival, even if he did not deliver it to him until the Festival** itself, **it is as the feet of the purchaser. And one who delivers his animal to a shepherd,**[H] **even if he did not deliver it to him until the Festival** itself, **it is as the feet of the shepherd.** The mishna, on the other hand, teaches that an animal delivered to a shepherd remains as the feet of the owner, therefore apparently contradicting Rabbi Dosa.

HALAKHA

One who delivers his animal to a shepherd – הַמּוֹסֵר בְּהֵמָה לָרוֹעֶה: If one delivers his animal to a shepherd, whether Jew or gentile (see *Magen Avraham*), even if he does so on the Festival, it is as the feet of the shepherd. If he gives it to two shepherds jointly, it remains as the feet of the owner, as he did not transfer it to one of them exclusively. Some say that if he transfers it to them on the eve of the Festival, it is as the feet of the shepherds (*Ba'al HaMaor*; Ra'avad; *Milḥamot Hashem*; Ran). Others maintain that in a case where there are two shepherds, even if he delivered it to one of them on the Festival, it remains as the feet of the owner, as it is not established retroactively to the eve of the Festival which of them would receive it (Rashba; Rosh). In principle, the *halakha* follows Rabbi Dosa (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:5).

אֲפִילּוּ תֵּימָא רַבִּי דּוֹסָא, וְלָא קַשְׁיָא: כָּאן – בְּרוֹעֶה אֶחָד, כָּאן – בִּשְׁנֵי רוֹעִים. דַּיְקָא נַמִּי, דְּקָתָנֵי ״לִבְנוֹ אוֹ לָרוֹעֶה״, שְׁמַע מִינָּהּ.

The Gemara rejects the assertion that this is a contradiction. **You** can **even say** that the mishna is in accordance with **Rabbi Dosa, and** it is **not difficult. Here,** in the *baraita*, it is referring **to** a town that has only **one shepherd.** In that case the owner knows with certainty beforehand that he will be delivering his animal to this shepherd over the course of the Festival, and therefore the animal's place of rest is established as being identical to that of the shepherd. **There,** however, the mishna is referring **to** a town where there are **two shepherds.** Since the issue of which of them will receive this animal is undetermined when the Festival begins, the animal remains as the feet of its owner. The Gemara strengthens this assertion that the mishna is dealing with a case where there are two shepherds: The language of the mishna **is also precise** in accordance with this interpretation, **as it teaches: To his son or to a shepherd,**[N] suggesting that initially he did know to whom he would give the animal. The Gemara concludes: Indeed, **learn from this** that this is so.

NOTES

To his son or to a shepherd – לִבְנוֹ אוֹ לָרוֹעֶה: Since the Gemara explains that the mishna is referring to a case in which there are two shepherds, why didn't it say explicitly: One delivers his animal to one of two shepherds? The Rashba explains that the mishna as it is worded is making an additional point: Even if one of the two shepherds in town is the owner's own son, it is not assumed that he certainly intended to give it to him over the Festival; rather, his intention remains unclear as long as there are two shepherds.

אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: הֲלָכָה כְּרַבִּי דּוֹסָא. וּמִי אָמַר רַבִּי יוֹחָנָן הָכִי? וְהָאָמַר רַבִּי יוֹחָנָן: הֲלָכָה כְּסָתָם מִשְׁנָה, וּתְנַן: הַבְּהֵמָה וְהַכֵּלִים כִּרְגְלֵי הַבְּעָלִים.

Rabba bar bar Ḥana said that **Rabbi Yoḥanan said: The *halakha* is in accordance with** the opinion of **Rabbi Dosa,**[N] that animals given to a shepherd are as the feet of the shepherd. The Gemara asks: **And did Rabbi Yoḥanan** actually **say this? But didn't Rabbi Yoḥanan say** a general principle that **the *halakha*** always **follows an unattributed** statement in **a mishna? And we learned** in the mishna: **Animals and vessels are as the feet of the owner.** One who delivers his animal to his son or to a shepherd, it is as the feet of the owner.

NOTES

The *halakha* is in accordance with Rabbi Dosa – הֲלָכָה כְּרַבִּי דּוֹסָא: The question is asked: Why is it necessary to rule in accordance with Rabbi Dosa since, as the Gemara explains, there is no opinion here that conflicts with his? Some explain that this ruling is meant to teach that the Gemara's explanation harmonizing the mishna with Rabbi Dosa's opinion is not a forced interpretation but is the proper way to understand it (Rashba).

וְלָאו אוֹקִימְנָא כָּאן בְּרוֹעֶה אֶחָד כָּאן בִּשְׁנֵי רוֹעִים.

The Gemara answers: **And did we not establish** that the *baraita* of Rabbi Dosa is dealing with a different case than the mishna, that **here** in the *baraita* it is dealing **with** a town with **one shepherd,** whereas **there** in the mishna it is dealing **with** a town with **two shepherds?** There is consequently no contradiction between establishing the halakha both in accordance with Rabbi Dosa and in accordance with the mishna.

BACKGROUND

The boundary of the *eiruv* – תְּחוּם הָעֵירוּב: In the case where the boundaries of the two *eiruvin* overlap, it is permitted to carry the robe only in the common area.

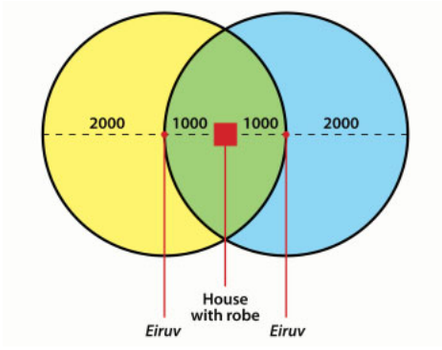

Diagram of overlapping *eiruvin*, measurements in cubits

If they made their respective limits end in the center – אִם מִיצְעוּ אֶת הַתְּחוּם: If the two boundaries of the *eiruvin* do not overlap at all, the robe may not be moved from its spot.

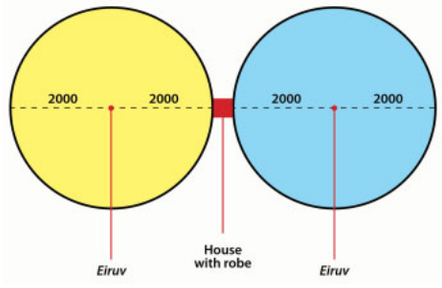

Diagram of non-overlapping *eiruvin*, measurements in cubits

תָּנוּ רַבָּנַן: שְׁנַיִם שֶׁשָּׁאֲלוּ חָלוּק אֶחָד בְּשׁוּתָּפוּת, זֶה לֵילֵךְ בּוֹ שַׁחֲרִית לְבֵית הַמִּדְרָשׁ וְזֶה לִיכָּנֵס בּוֹ עַרְבִית לְבֵית הַמִּשְׁתֶּה, זֶה עֵרֵב עָלָיו לַצָּפוֹן וְזֶה עֵרֵב עָלָיו לַדָּרוֹם, זֶה שֶׁעֵרֵב עָלָיו לַצָּפוֹן – מְהַלֵּךְ לַצָּפוֹן כִּרְגְלֵי מִי שֶׁעֵרֵב עָלָיו לַדָּרוֹם,

§ **The Sages taught:** In the case of **two** people **who borrowed one robe**[H] **in partnership** from a third party, **this** person in order **to go to the study hall with it** in the **morning and that** person in order **to enter** a wedding **feast with it** in the **evening,** and **this one made a joining** of Shabbat boundaries [*eiruv teḥumin*] **for himself to the north** in order to reach his destination, **and that** one **made an *eiruv* for himself to the south** in order to reach his destination, **the one who made an *eiruv* for himself to the north may walk** with the robe only **to the north** as far **as** it is permitted for **the feet of the one who made an *eiruv* for himself to the south,** i.e., he may go north only as far as the other borrower may go.

וְזֶה שֶׁעֵרֵב עָלָיו לַדָּרוֹם – מְהַלֵּךְ לַדָּרוֹם כִּרְגְלֵי מִי שֶׁעֵרֵב עָלָיו לַצָּפוֹן.

And similarly, **the one who made an *eiruv* for himself to the south may walk** with the robe **to the south** only as far **as** is permitted for the **feet of the one who made an *eiruv* for himself to the north,** as the robe is as the feet of both borrowers and may go only as far as both of them may walk. If each of them placed his *eiruv* at a distance of one thousand cubits from their house, to the north and south respectively, they may each walk, without the robe, three thousand cubits from their regular dwelling-place, one partner toward the north and the other partner toward the south. The three thousand cubits are comprised of the thousand cubits from the house to the *eiruv* plus another two thousand, the standard Shabbat limit, from the location of the *eiruv*. The one whose *eiruv* is in the north may not wear the robe farther than one thousand cubits north of his house, as he would then be going beyond the farthest extent of the other's Shabbat limit, and vice versa for the one whose *eiruv* is in the south.[B]

וְאִם מִצְּעוּ אֶת הַתְּחוּם – הֲרֵי זֶה לֹא יְזִיזֶנָּה מִמְּקוֹמָהּ.

And if they made their respective **limits** end **in the center,**[B] i.e., if one placed his *eiruv* two thousand cubits from the house to the south, so that the house is his farthest limit to the north, and the other placed his *eiruv* two thousand cubits to the north of the house, the house being his farthest limit to the south, **then each** of them **may not move** the robe **from its place** at all.

אִתְּמַר: שְׁנַיִם שֶׁלָּקְחוּ חָבִית וּבְהֵמָה בְּשׁוּתָּפוּת. רַב אָמַר: חָבִית מוּתֶּרֶת וּבְהֵמָה אֲסוּרָה, וּשְׁמוּאֵל אָמַר: חָבִית נַמִּי אֲסוּרָה.

The Gemara records a dispute between *amora'im*. **It was said:** In the case of **two** people **who purchased a barrel** of wine **or an animal in partnership**[H] before a Festival, in order to divide the contents of the barrel or the meat of the animal between them on the Festival itself, what is the *halakha* if the two people have different Shabbat limits? **Rav said:** The **barrel is permitted** to each of them, and each may take his portion on the Festival and transfer it within his respective Shabbat limit, which is also applicable to Festivals; **but** the **animal is prohibited,** and each portion of it may be transferred only within the limits that are shared by both purchasers. **And Shmuel said:** The **barrel is also prohibited** to be transferred beyond the limits shared by both people.

HALAKHA

Two people who borrowed one robe – שְׁנַיִם שֶׁשָּׁאֲלוּ חָלוּק אֶחָד: If two people borrow a robe in order to wear it at different times of the day, they may take it only to places where they both may walk. If one of them makes an *eiruv* at the end of two thousand cubits of the town in one direction, and the other at the end of two thousand cubits in the opposite direction, they may not move the robe from its place at all, as stated in the *baraita* (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:9).

Two people who purchased…an animal in partnership – שְׁנַיִם שֶׁלָּקְחוּ…בְּהֵמָה בְּשׁוּתָּפוּת: If two people purchase an animal in partnership and slaughter it on a Festival, the meat is as the feet of both of them, as the rule is that the *halakha* follows Rav over Shmuel in ritual matters. Although Rav was challenged by a question for which he had no response, this is not because he considered himself refuted but because he did not consider the question to pose any difficulty. This is the opinion of most authorities.

Some, however, are more lenient in this case, reasoning that since retroactive designation is accepted with regard to rabbinic prohibitions, the meat of the animal is permitted (Rashi; Rabbi Zeraḥya HaLevi; Rosh; *Tur*). One may therefore be lenient in a situation of exigent circumstances (*Mishna Berura*). However, if they bought a barrel of wine or the like in partnership and divided it between them on a Festival, the portion of each one is as his own feet (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:10).

מַאי קָסָבַר רַב? אִי קָא סָבַר יֵשׁ בְּרִירָה – אֲפִילּוּ בְּהֵמָה תִּשְׁתְּרֵי, וְאִי קָסָבַר אֵין בְּרִירָה – אֲפִילּוּ חָבִית נַמִּי אֲסוּרָה.

The Gemara questions the opinion of Rav, who distinguished between the case of the barrel and that of the animal. **What does Rav hold? If he holds** that **there is** retroactive **designation,** so that after the division of the barrel it becomes clarified retroactively which portion belonged to which partner, and the Festival place of rest for each portion is established at the start of the Festival in accordance with the person who will later become its owner, then **even** the **animal should be permitted. And if he holds** that **there is no** retroactive **designation,** so that at the start of the Festival both portions of the animal belong jointly to both of them and may therefore be transferred only within the limits shared by both people, then **even** the **barrel should be prohibited.**

לְעוֹלָם קָסָבַר יֵשׁ בְּרִירָה, וְשָׁנְיָא בְּהֵמָה דְּקָא יָנְקִי תְּחוּמִין מֵהֲדָדֵי. אָמְרִי לֵיהּ רַב כָּהֲנָא וְרַב אַסִי לְרַב: לְאִיסּוּר מוּקְצֶה לֹא חָשְׁשׁוּ, לְאִיסּוּר תְּחוּמִין חָשְׁשׁוּ? שָׁתֵיק רַב.

The Gemara answers: **Actually,** the explanation for Rav is that **he holds there is** retroactive **designation,** and the reason Rav was stringent in the case of the animal is that **an animal is different, as** the **limits absorb from each other.**[N] A live animal cannot be divided into two parts for ownership; each part of its body depends on and is nourished by the other. Consequently, even if the designation of the respective portions takes place retroactively, each portion continues to draw from the other part, so that at the time of division the two portions are once again mixed together. **Rav Kahana and Rav Asi said to Rav:** If that is your rationale, this indicates that the Sages **were not concerned about the prohibition of *muktze*,**[N] as it is not assumed that each of them removed the portion of his partner from his mind, thereby prohibiting it from his own use, and yet **they were concerned about the prohibition of** Shabbat **limits.** Isn't this illogical? **Rav was silent** and offered no response.

מַאי הֲוֵי עֲלָהּ? רַבִּי הוֹשַׁעְיָא אָמַר: יֵשׁ בְּרִירָה, וְרַבִּי יוֹחָנָן אָמַר: אֵין בְּרִירָה.

The Gemara asks: **What** conclusion **was** reached **about** this issue? **Rabbi Hoshaya said:** In general, **there is** retroactive **designation,** and they can therefore each transport their portions of both the barrel and the animal to their respective places. **And Rabbi Yoḥanan said: There is no** retroactive **designation,** and therefore they may not move their portions of either the barrel or the animal except within the limits shared by both of them.

וְכִי רַבִּי הוֹשַׁעְיָא יֵשׁ בְּרִירָה? וְהָתְנַן: הַמֵּת בַּבַּיִת, וְלוֹ פְּתָחִים הַרְבֵּה – כּוּלָּן טְמֵאִים, נִפְתַּח אֶחָד מֵהֶן – הוּא טָמֵא וְכוּלָּן טְהוֹרִים. חִשֵּׁב לְהוֹצִיאוֹ בְּאֶחָד מֵהֶן, אוֹ בְּחַלּוֹן שֶׁיֵּשׁ בּוֹ אַרְבָּעָה עַל אַרְבָּעָה – מַצָּלַת עַל הַפְּתָחִים כּוּלָּן.

The Gemara asks: **And does Rabbi Hoshaya** really **hold there is** retroactive **designation? But didn't we learn** in a mishna: If there is **a corpse in a house that has many entrances, all** the entrances **are ritually impure,** i.e., everything situated in the space of the entrance becomes impure, even in the part that lies beyond a closed door, separating it from the corpse. Since any of the entrances might be used to remove the corpse, and none are designated for that purpose, all are rendered impure. However, **if one of them was** subsequently **opened,** then the space of **that** particular entrance **is impure, while all the others are pure,** as it is assumed that that the corpse will be removed by way of the open door. Even if none of the entrances was actually open, if **one** merely **intended to remove** the corpse **through** a particular **one of** the entrances **or through a window that is** at least **four by four** handbreadths in size, this intention of his **saves all the** other **entrances** from impurity.

בֵּית שַׁמַּאי אוֹמְרִים: וְהוּא שֶׁחִשֵּׁב עָלָיו עַד שֶׁלֹּא יָמוּת הַמֵּת, וּבֵית הִלֵּל אוֹמְרִים: אַף מִשֶּׁיָּמוּת הַמֵּת.

The details of this last *halakha* are disputed by *tanna'im*. **Beit Shammai say: And this** applies only **if he had this intention before the dead person died,** so that at the time of death it was known which entrance would be used. **And Beit Hillel say:** It applies **even** if he had this intention only **after the dead person died.**

וְאִתְּמַר עֲלָהּ, אָמַר רַבִּי הוֹשַׁעְיָא: לְטַהֵר אֶת הַפְּתָחִים מִכָּאן וּלְהַבָּא. מִכָּאן וּלְהַבָּא – אִין, לְמַפְרֵעַ – לָא.

And it is stated with regard to this mishna: **Rabbi Hoshaya said:** When Beit Hillel said that the other entrances are pure even if one thought of removing the corpse via a particular entrance only after the person died, they meant only **to purify the entrances from that point and onward;** from the moment of his intention there is no more impurity in the other entrances. From this the Gemara infers: **From here and onward: Yes,** the other entrances are saved from impurity, but **retroactively: No.** Whatever was in the doorways before this intent was formulated has already contracted ritual impurity and this cannot be reversed retroactively by one's subsequent thoughts. This indicates that the principle of retroactive designation is not accepted by Rabbi Hoshaya.

NOTES

As the limits absorb from each other – דְּקָא יָנְקִי תְּחוּמִין מֵהֲדָדֵי: The early and later commentaries have great difficulty explaining this passage, as well as Rav's approach with regard to the absorbing of limits in the animal. The later authorities address the question of why the minute amount absorbed is not nullified by the majority. One answer is that a prohibited item that will become permitted in the future cannot become nullified, and here the forbidden absorbed matter is problematic only during the Festival, after which time it becomes permitted (see *Tziyyun LeNefesh Ḥayya*).

A more fundamental problem concerns the notion of absorption itself. If one accepts the principle of retroactive designation, why can't the amount absorbed be considered part of the retroactively selected portion as well? The *Ḥatam Sofer* explains that retroactive designation depends on the state of mind of the concerned parties; since the partners did not have this absorption in mind, the principle of retroactive designation does not apply to it.

They were not concerned for the prohibition of *muktze* – לְאִיסּוּר מוּקְצֶה לֹא חָשְׁשׁוּ: This question is also discussed at length from several perspectives by the early and later commentaries, and many explanations have been offered. One central question is: Why does the Gemara assume that it is illogical to be more lenient with regard to *muktze* than with regard to Shabbat limits? Some explain that one must be more stringent with regard to *muktze* because it is connected to the *halakha* of pre-Festival preparation, which, according to Rabba (2b) and the accepted *halakha*, is of Torah origin as opposed to being a rabbinic enactment (Rabbi Shlomo Eiger). According to this approach, one could explain that Rav was not bothered by this question because there are many Sages who maintain that the *halakhot* of Shabbat limits are of Torah origin as well.

Another issue here is: Why is the other half of the animal considered *muktze* in the first place? Rashi explains that *muktze* in this instance is referring to the fact that each partner removes his mind from the portion of the other. Others understand it as referring to the additional flesh the animal gains from eating *muktze* food during the Festival before it is slaughtered (*Tosefot Rid*). Rabbeinu Ḥananel explains that the Gemara is referring to the fact that although every animal is *muktze* on a Festival, as when the Festival began it was alive and therefore forbidden to eat, it is permitted to slaughter it and eat it on the Festival.

However, other early commentaries claim that the Gemara here is not speaking of *muktze* in the usual sense of the term. Rather, it is speaking of a series of prohibitions that apply to a limb of an animal, such as a limb of a sacrificial animal that goes out of the Temple confines. If this happens only the problematic limb is disqualified, while the rest of the animal is unaffected. In this case the Sages were not concerned by the absorption of material of the forbidden limb into the rest of the animal, but since there is no specific term for these prohibitions the Gemara borrows the term *muktze* to refer to them (Ra'ah).

An alternative explanation is that the Gemara is referring to an entirely different prohibition, which is also known as *muktze*: An item set aside for idolatrous worship. If an animal is the object of idolatrous worship, the Gemara teaches that although the animal itself does not become forbidden thereby, any noticeable growth of the animal itself thereafter is forbidden (*Avoda Zara* 48a). The implication is that unnoticeable growth, such as the phenomenon of absorption of one part of the animal from another, is not taken into consideration (*Rishon LeTziyyon*).

HALAKHA

Brothers who divided property received as an inheritance – הָאַחִין שֶׁחָלְקוּ: Brothers who divide inherited property are considered purchasers, and must return their portions to each other in the Jubilee year, at which point they may redistribute the property, in accordance with Rabbi Yoḥanan (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 11:20).

אֲפוּךְ, רַבִּי הוֹשַׁעְיָא אָמַר: אֵין בְּרֵירָה, וְרַבִּי יוֹחָנָן אָמַר: יֵשׁ בְּרֵירָה.

Reverse the presentation of their opinions given above, and say: **Rabbi Hoshaya said: There is no** retroactive **designation, and Rabbi Yoḥanan said: There is** retroactive **designation.**

וּמִי אִית לֵיהּ לְרַבִּי יוֹחָנָן בְּרֵירָה? וְהָאָמַר רַב אַסִי אָמַר רַבִּי יוֹחָנָן: הָאַחִין שֶׁחָלְקוּ – לָקוֹחוֹת הֵן, וּמַחֲזִירִין זֶה לָזֶה בַּיּוֹבֵל.

The Gemara questions this resolution: **And does Rabbi Yoḥanan** really **accept** the principle of retroactive **designation? But didn't Rav Asi say** that **Rabbi Yoḥanan said: Brothers who divided** property received as an inheritance[H] **are** considered **purchasers** from each other, **and** as purchasers of land **they must return** the portions **to each other in the Jubilee** year, at which point they may redistribute the property? This demonstrates that Rabbi Yoḥanan does not hold that it is retroactively established that each brother's portion was designated for him directly upon their father's death, but rather it is considered that all the land was joint property until the brothers traded or bought their respective portions from each other.

וְכִי תֵּימָא כִּי לֵית לֵיהּ לְרַבִּי יוֹחָנָן בְּרֵירָה – בְּדְאוֹרַיְיתָא, אֲבָל בְּדְרַבָּנַן – אִית לֵיהּ.

And if you should say: When does Rabbi Yoḥanan not accept the principle of retroactive **designation?** Only **in** regard to matters that are **Torah law,** but **he does hold** of retroactive designation **in** regard to matters of **rabbinic law,** such as the *halakhot* of Shabbat limits; this would account for the discrepancy.

וּבְדְרַבָּנַן מִי אִית לֵיהּ? וְהָתָנֵי עַיּוֹ:

But does he accept retroactive designation **in** matters of **rabbinic law? Didn't** the Sage **Ayo teach** otherwise in regard to the *halakhot* of joining of Shabbat boundaries [*eiruv teḥumin*]? As it was taught in a mishna: One who has heard that a rabbi will be coming to a place near his town to deliver a lesson on Shabbat, but is unsure where the lecture will take place, may place two *eiruvin* on Shabbat eve in two different directions, while stipulating that only the *eiruv* on the side where the rabbi will teach will take effect. Furthermore, if he hears that two rabbis will be coming to two different locations, he may place two *eiruvin* and stipulate that he will decide on Shabbat which rabbi he prefers, and consequently which of the two *eiruvin* will take effect.

רַבִּי יְהוּדָה אוֹמֵר: אֵין אָדָם מַתְנֶה עַל שְׁנֵי דְּבָרִים בְּאֶחָד, אֶלָּא אִם בָּא חָכָם לַמִּזְרָח – עֵירוּבוֹ לַמִּזְרָח, לַמַּעֲרָב – עֵירוּבוֹ לַמַּעֲרָב. וְאֵילּוּ לְכָאן וּלְכָאן – לֹא.

Ayo taught in a *baraita* that **Rabbi Yehuda** disagreed with this *halakha* and **said: A person may not make a stipulation with regard to two** contradictory **things at once,** and therefore if two Sages will be arriving, his condition is of no effect. **Rather,** it is true that in the first case, where he knows that a rabbi is coming but does not know from which direction, he may place two *eiruvin* and stipulate that **if the rabbi comes from the east his *eiruv* in the east** will take effect, and if the rabbi comes **from the west, his *eiruv* in the west** will take effect. **However,** in the second case, when two rabbis come to the two locations, one of them arriving **here and** the other arriving **there,** and one wants to place two *eiruvin* and decide on Shabbat which of the two lecture he will attend, this he may **not** do; that would require the identity of the functional *eiruv* to be determined retroactively, and one's place of rest must be determined when Shabbat begins.

Perek **V**
Daf **38** Amud **a**

וְהָוֵינַן בָּהּ: מַאי שְׁנָא לְכָאן וּלְכָאן דְּלָא – דְּאֵין בְּרֵירָה, מִזְרָח וּמַעֲרָב נַמִּי – אֵין בְּרֵירָה.

And we discussed the following difficulty **with regard to this** teaching of Ayo: **What is different** about the case where two rabbis are coming to the two locations, one **here and** the other **there,** and one places two *eiruvin*, planning to decide on Shabbat which lecture he will attend? Why did Rabbi Yehuda state that this may not be done? It is because he held that **there is no** retroactive **designation.** But if so, in the first case **as well,** where only one rabbi comes, but the location of his lecture was not known before Shabbat, and one placed *eiruvin* in the **east and** the **west,** we should say that neither is effective because the rabbi's location will not be known until Shabbat, and **there is no** retroactive **designation.**