HALAKHA

A pillar nine handbreadths high in the public domain – **עַמּוּד תִּשְׁעָה בִּרְשׁוּת הָרַבִּים**: A pillar that is exactly nine handbreadths high (*Maggid Mishne*, citing the Ra'avad) and that many people use to shoulder their loads has the status of a public domain, even if it is not four handbreadths wide. According to the Rambam and Rashi, even a pillar that is between nine and ten handbreadths in height and that many people utilize to shoulder their loads has the status of a public domain (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 345:10).

וְנִתְכַּוֵּין לִשְׁבּוֹת בְּעִיקָּרוֹ. וּמַאי לְמַעְלָה וּמַאי לְמַטָּה – דַּהֲדַר זָקֵיף.

and he intended to establish his Shabbat residence at its base. And what is the meaning of the terms **above and below,** as we said that this tree extends horizontally to the side, which indicates that it remains at a uniform height? After the tree leans horizontally beyond four cubits from the place of its roots, **it** rises once **again in an upright** position, and therefore the terms above and below are applicable.

וְהָא אִי בָּעֵי מַיְיתִי לַהּ דֶּרֶךְ עָלָיו!

The Gemara asks: **Isn't** it true that even if the *eiruv* is above ten handbreadths, **if one wants, he can** remove it from where it was deposited and **bring it by way of** the tree's **leaves,**[N] i.e., its branches that are above ten handbreadths, to within four cubits of the place where he intended to establish his Shabbat residence? Therefore, the *eiruv* should be valid even though it is above ten handbreadths.

כְּשֶׁרַבִּים מְכַתְּפִין עָלָיו, וְכִדְעוּלָּא, דְּאָמַר עוּלָּא: עַמּוּד תִּשְׁעָה בִּרְשׁוּת הָרַבִּים וְרַבִּים מְכַתְּפִין עָלָיו, וְזָרַק וְנָח עַל גַּבָּיו – חַיָּיב.

The Gemara answers: We are dealing with a unique situation **where** the horizontal section of the tree is used by **the masses** to **shoulder** their burdens **on it,** i.e., to temporarily rest their loads on it, so that they can adjust them and easily lift them up again; **and** the *halakha* in that case **is in accordance with** the opinion of **Ulla, as Ulla said:** With regard to **a pillar** that is **nine** handbreadths high and situated **in the public domain,**[H] **and the masses** use it to **shoulder** their loads upon it,[N] **and someone threw** an object from a private domain **and it came to rest upon it, he is liable,** as this pillar has the status of a public domain. Consequently, in the case of the tree, one may not bring the *eiruv* by way of the tree's branches, as the horizontal section of the tree has the status of a public domain, and one may not carry from one private domain to another via a public domain.

מַאי רַבִּי וּמַאי רַבָּנַן?

The Gemara previously cited the opinion of Rabbi Yehuda HaNasi that anything that is prohibited on Shabbat due to rabbinic decree is not prohibited during the twilight period. The Gemara now attempts to clarify the matter: **What is** the source that originally cites **Rabbi** Yehuda HaNasi's opinion, **and what is** the source which cites the opinion of **the Rabbis?**

דְּתַנְיָא: נְתָנוֹ בָּאִילָן, לְמַעְלָה מֵעֲשָׂרָה טְפָחִים – אֵין עֵירוּבוֹ עֵירוּב. לְמַטָּה מֵעֲשָׂרָה טְפָחִים – עֵירוּבוֹ עֵירוּב, וְאָסוּר לִיטְּלוֹ. בְּתוֹךְ שְׁלֹשָׁה – מוּתָּר לִיטְּלוֹ. נְתָנוֹ בְּכַלְכָּלָה וּתְלָאוֹ בָּאִילָן – אֲפִילּוּ לְמַעְלָה מֵעֲשָׂרָה טְפָחִים עֵירוּבוֹ עֵירוּב, דִּבְרֵי רַבִּי. וַחֲכָמִים אוֹמְרִים: כׇּל מָקוֹם שֶׁאָסוּר לִיטְּלוֹ – אֵין עֵירוּבוֹ עֵירוּב.

The Gemara cites the source of the disagreement: **As it was taught** in the *Tosefta*: **If one placed** his *eiruv* **in a tree above ten handbreadths** from the ground, **his *eiruv* is not** a valid ***eiruv***. If he placed it **below ten handbreadths, his *eiruv* is** a valid ***eiruv*, but he is prohibited to take it** on Shabbat in order to eat it because it is prohibited to use the tree on Shabbat. However, if the *eiruv* is **within three** handbreadths[N] of the ground, **he is permitted to take it** because it is considered as though it were on the ground and not in a tree. If **one placed** the *eiruv* **in a basket and hung it on a tree, even above ten handbreadths, his *eiruv* is** a valid ***eiruv***; this is **the statement of Rabbi** Yehuda HaNasi. **And the Rabbis** disagree and **say:** In **any** situation in which the *eiruv* was placed in **a location where it is prohibited to take** it, **his *eiruv* is not** a valid ***eiruv***.

NOTES

Bring it by way of its leaves – **מַיְיתִי לַהּ דֶּרֶךְ עָלָיו**: All the commentaries struggle with this passage: What is the meaning of the phrase: By way of its leaves? Why is it impossible to remove the eiruv by way of the leaves when the masses shoulder their burdens on the tree? Some commentaries answer that the above phrase means by way of the tree itself, i.e., by rolling the object along the tree. One cannot roll it in this case because many people shoulder their burdens on it (*Me'iri*). Other commentaries offer a different approach: As long as one carries the object himself, he is prohibited to carry it even in the airspace of the public domain, even though it is not considered carrying in the public domain (Rashi).

A pillar nine handbreadths high, and the masses use it to shoulder their loads upon it – **עַמּוּד תִּשְׁעָה וְרַבִּים מְכַתְּפִין**: Generally, an object taller than three handbreadths is no longer considered like the ground itself. Therefore, a pillar that is nine handbreadths tall should be an exempt domain. Nevertheless, since the masses use it to adjust their loads, it attains the status of a public thoroughfare that is traversed by many people.

Within three handbreadths – **בְּתוֹךְ שְׁלֹשָׁה**: According to the principle of *lavud*, two solid surfaces are considered connected if the gap between them is less than three handbreadths. Therefore, the lowest three handbreadths of a tree are considered like the ground, and one is permitted to make use of them not only during the twilight period but even on Shabbat itself.

וַחֲכָמִים אוֹמְרִים אַהַיָּיא? אִילֵימָא אַסֵּיפָא – לֵימָא קָסָבְרִי רַבָּנַן צְדָדִין אֲסוּרִין? אֶלָּא אַרֵישָׁא.

The Gemara clarifies: With regard **to which** statement did **the Rabbis state** their opinion? **If you say** they were referring **to the latter clause** with respect to the basket hanging from the tree, **let us say that the Rabbis hold** that using even **the sides** of a tree **is prohibited,**[N] as making use of the basket is considered using the sides of a tree. **Rather,** the Rabbis' statement must refer **to the first clause,** in which Rabbi Yehuda HaNasi says that if one put the *eiruv* below ten handbreadths, his *eiruv* is valid, but he is prohibited to move it.

הַאי אִילָן הֵיכִי דָּמֵי? אִי דְּלֵית בֵּיהּ אַרְבָּעָה – מְקוֹם פְּטוּר הוּא, וְאִי דְּאִית בֵּיהּ אַרְבָּעָה כִּי נְתָנוֹ בַּכַּלְכָּלָה מַאי הָוֵי?

The Gemara clarifies further: **This tree, what are its circumstances? If it is not four** by four handbreadths wide, **it is an exempt domain,** i.e., a neutral place with respect to the laws of carrying on Shabbat, from which an object may be carried into any other Shabbat domain. In that case, the *eiruv* should be valid even if it was placed higher than ten handbreadths in the tree. **And if it is four** by four handbreadths wide, **when one places it in a basket, what of it?** What difference does it make? In any event it is in a private domain.

אָמַר רָבִינָא: רֵישָׁא דְּאִית בֵּיהּ אַרְבָּעָה, סֵיפָא דְּלֵית בֵּיהּ אַרְבָּעָה, וְכַלְכָּלָה מַשְׁלִימָתוֹ לְאַרְבָּעָה.

Ravina said: The first clause is referring to a case **where** the tree **is four** by four handbreadths wide. The *eiruv* is not valid if it was placed above ten handbreadths because the tree at that height constitutes a private domain, and the *eiruv* cannot be brought to the public domain below, where one wishes to establish his Shabbat residence. **The latter clause,** however, is referring to a case **where** the tree **is not four** by four handbreadths wide, **and the basket completes** the width of the tree at that spot **to four.**

NOTES

Let us say that the Rabbis hold that using the sides of a tree is prohibited – לֵימָא קָסָבְרִי רַבָּנַן צְדָדִין אֲסוּרִין: This question itself is puzzling. The rule that utilizing the sides of a tree is prohibited on Shabbat is accepted as *halakha*, and at the very least it should not be considered astonishing. Rabbeinu Ḥananel explains that the question relates to the suggestion that utilizing the sides of the tree should be prohibited during the twilight period, as it is only prohibited to use the sides of a tree on Shabbat itself, but not during twilight.

Perek **III**
Daf **33** Amud **b**

וְרַבִּי סָבַר לַהּ כְּרַבִּי מֵאִיר, וְסָבַר לַהּ כְּרַבִּי יְהוּדָה.

And Rabbi Yehuda HaNasi **holds in accordance with** the opinion of **Rabbi Meir, and he** also **holds in accordance with** the opinion of **Rabbi Yehuda.**

סָבַר לַהּ כְּרַבִּי מֵאִיר – דְּאָמַר: חוֹקְקִין לְהַשְׁלִים.

The Gemara clarifies: **He holds in accordance with** the opinion of **Rabbi Meir, who said** the following in the case of an arched gateway in which the lower, straight-walled section is three handbreadths high, and the entire arch is ten handbreadths high: Even if, at the height of ten handbreadths, the arch is less than four handbreadths wide, one considers it as if he **carves out** the space **to complete** it,[B] i.e., the arch has the legal status as though it were actually enlarged to a width of four handbreadths. Similarly, in our case the basket is taken into account and enlarges the tree to a width of four handbreadths.

וְסָבַר לַהּ כְּרַבִּי יְהוּדָה – דְּאָמַר: בָּעֵינַן עֵירוּב עַל גַּבֵּי מְקוֹם אַרְבָּעָה, וְלֵיכָּא.

And he also **holds in accordance with** the opinion of **Rabbi Yehuda, who said: We require** that the ***eiruv*** rest **on a place** that is **four** by four handbreadths wide, **and** here **there is not** a width of four handbreadths without taking the basket into account.

מַאי רַבִּי יְהוּדָה? דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: נָעַץ קוֹרָה בִּרְשׁוּת הָרַבִּים וְהִנִּיחַ עֵירוּבוֹ עָלֶיהָ, גְּבוֹהָּ עֲשָׂרָה וּרְחָבָה אַרְבָּעָה – עֵירוּבוֹ עֵירוּב, וְאִם לָאו – אֵין עֵירוּבוֹ עֵירוּב.

The Gemara now asks: **What is** the source of the ruling of **Rabbi Yehuda? As it was taught** in a *baraita* that **Rabbi Yehuda says: If one stuck a** cross **beam** into the ground **in the public domain and placed his *eiruv* upon it,** if the cross beam is **ten** handbreadths **high and four** handbreadths **wide,** so that it has the status of a private domain, **his *eiruv* is a** valid ***eiruv*; but if not, his *eiruv* is not a** valid ***eiruv*.**

אַדְּרַבָּה, הוּא וְעֵירוּבוֹ בְּמָקוֹם אֶחָד! אֶלָּא הָכִי קָאָמַר: גָּבוֹהַּ עֲשָׂרָה – צָרִיךְ שֶׁיְּהֵא בְּרֹאשָׁהּ אַרְבָּעָה, אֵין גְּבוֹהָה עֲשָׂרָה – אֵין צָרִיךְ שֶׁיְּהֵא בְּרֹאשָׁהּ אַרְבָּעָה.

The Gemara expresses surprise: **On the contrary,** if the cross beam is not ten handbreadths high, why shouldn't his *eiruv* be valid? **He and his *eiruv* are in the same place,**[N] i.e., in the public domain. **Rather, this is what he said:** If the cross beam is **ten** handbreadths **high, it is necessary that its top be four** handbreadths wide, so that it can be considered its own domain; but if it is **not ten** handbreadths **high, it is not necessary that its top be four** handbreadths wide because it is considered part of the public domain.

BACKGROUND

He carves out the space to complete it – חוֹקְקִין לְהַשְׁלִים: See Background note on *Eiruvin* 11b, p. 56.

NOTES

He and his *eiruv* are in the same place – הוּא וְעֵירוּבוֹ בְּמָקוֹם אֶחָד: The early commentaries had a variant reading: Is his *eiruv* an *eiruv?* Isn't he in one place while his *eiruv* is in another place? Furthermore, with regard to the ruling that: If not, his *eiruv* is not an *eiruv*; on the contrary, he and his *eiruv* are in the same place.

According to this reading, the Gemara's question is: If a person wishes to establish his Shabbat residence in the public domain and his *eiruv* is placed in a private domain, why should his *eiruv* effectively establish his Shabbat residence? It is possible to explain, as Rashi does, in accordance with the opinion of Rava, which maintains that one who establishes an *eiruv teḥumin* creates a private domain for himself at the location of his *eiruv*. Therefore, he and his *eiruv* are in fact in the same place (see the Ritva).

LANGUAGE

Basket [*teraskal*] – טְרַסְקָל: Probably from the Greek word κάρταλλος, *kartallos*, with the consonants transposed. It means a basket with a pointed base.

BACKGROUND

A reed and a basket – קָנֶה וּטְרַסְקָל: According to the opinion of Rabbi Yosei, son of Rabbi Yehuda, the sides of the basket that have been placed on the reed are considered as though they extend down to the ground.

Basket placed on a reed

כְּמַאן? דְּלָא כְּרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה; דְּתַנְיָא, רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר: נָעַץ קָנֶה בִּרְשׁוּת הָרַבִּים וְהִנִּיחַ בְּרֹאשׁוֹ טְרַסְקָל, וְזָרַק וְנָח עַל גַּבָּיו – חַיָּיב.

The Gemara poses a question: **In accordance with whose** opinion did Ravina offer his explanation, which maintains that we are dealing with a basket that completes the dimension of the tree to four handbreadths and yet it is not treated as a private domain? **It is not in accordance with** the opinion of **Rabbi Yosei, son of Rabbi Yehuda,**[N] **as it was taught** in a *baraita* that **Rabbi Yosei, son of Rabbi Yehuda, says:** If **one stuck a reed** into the ground **in the public domain, and placed a basket** [*teraskal*][LB] four by four handbreadths wide **on top of it,**[N] **and threw** an object from the public domain, **and it landed upon it, he is liable** for carrying from a public domain to a private domain. According to Rabbi Yosei, son of Rabbi Yehuda, if a surface of four by four handbreadths rests at a height of ten handbreadths from the ground, this is sufficient for it to be considered a private domain. Ravina's explanation of Rabbi Yehuda HaNasi's position, however, does not appear to accept this assumption.

אֲפִילּוּ תֵּימָא רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה, הָתָם – הָדְרָן מְחִיצָּתָא, הָכָא – לָא הָדְרָן מְחִיצָּתָא.

The Gemara refutes this and claims that this proof is not conclusive: **Even if you say** that Ravina's explanation is in accordance with the opinion of **Rabbi Yosei, son of Rabbi Yehuda,** a distinction can be made: **There,** in the case of the basket resting on a reed, the sides of the basket constitute **partitions** that **surround** the reed on all sides, and we can invoke the principle of: Lower the partition, according to which the partitions are viewed as extending down to the ground. Consequently, a kind of private domain is created within the public domain. **Here,** in the case of the basket hanging from the tree, the **partitions** of the basket **do not surround** the tree, and so they do not suffice to create a private domain.

רַבִּי יִרְמְיָה אָמַר: שָׁאנֵי כַּלְכָּלָה הוֹאִיל וְיָכוֹל לְנוֹטְתָהּ וְלַהֲבִיאָהּ לְתוֹךְ עֲשָׂרָה.

Rabbi Yirmeya said that the opinion of Rabbi Yehuda HaNasi in the *Tosefta* can be explained in an entirely different manner: **A basket is different, since one can tilt it**[N] **and** in that way **bring it to within ten** handbreadths of the ground. Without moving the entire basket, one can tilt it and thereby remove the *eiruv* in order to eat it, without carrying it from one domain to another.

יָתֵיב רַב פַּפָּא וְקָא אָמַר לְהָא שְׁמַעְתָּא. אֵיתִיבֵיהּ רַב בַּר שַׁבָּא לְרַב פַּפָּא: כֵּיצַד הוּא עוֹשֶׂה? מוֹלִיכוֹ בָּרִאשׁוֹן וּמַחְשִׁיךְ עָלָיו, וְנוֹטְלוֹ וּבָא לוֹ. בַּשֵּׁנִי מַחְשִׁיךְ עָלָיו וְאוֹכְלוֹ וּבָא לוֹ.

Rav Pappa sat and recited this *halakha*. Rav bar Shabba raised an objection to Rav Pappa from the following mishna: **What does one do** if a Festival occurs on Friday, and he wishes to establish an *eiruv* that will be valid for both the Festival and Shabbat? **He brings** the *eiruv* to the location that he wishes to establish as his residence **on** the eve of the **first** day, i.e., the eve of the Festival, **and stays** there **with it until nightfall,** the time when the *eiruv* establishes that location as his residence, **and** then **he takes it** with him **and goes away,**[N] so that it does not become lost before Shabbat begins, in which case he would not have an *eiruv* for Shabbat. **On** the eve of the **second** day, i.e., on Friday afternoon, he takes it back to the same place as the day before, and **stays** there **with it until nightfall,** thereby establishing his Shabbat residence; and then he may then **eat** the *eiruv* **and go away,** if he so desires.

NOTES

It is not in accordance with Rabbi Yosei, son of Rabbi Yehuda – דְּלָא כְּרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה: Rabbeinu Ḥananel explains that this comment does not refer to the opinion of Rabbi Yehuda HaNasi. Rather, the reference is to a statement by Rabbi Yehuda, whose opinion with regard to an *eiruv* resting on a place four handbreadths wide at a height of ten handbreadths is contrary to the approach of his son, who holds that anything that is four handbreadths wide at a height of ten handbreadths constitutes a private domain (Rashba).

If one stuck a reed…and placed a basket on top of it – נָעַץ קָנֶה...וְהִנִּיחַ בְּרֹאשׁוֹ טְרַסְקָל: The dispute between Rabbi Yosei, son of Rabbi Yehuda, and the Rabbis is whether or not to evaluate partitions for a private domain in an entirely formalistic manner. Rabbi Yosei holds that since the basket has partitions at a height of ten handbreadths, they should be considered as partitions that descend all the way down to the ground. In this manner, they create a pillar four handbreadths wide and ten handbreadths high. The Rabbis claim that since these partitions do not form an actual physical barrier, they are insufficient to create a private domain.

Since one can tilt it – הוֹאִיל וְיָכוֹל לְנוֹטְתָהּ: In the Jerusalem Talmud it is explained that it is possible to turn the basket upside down. Once it has been turned upside down, all agree that its sides cannot be considered valid partitions and it cannot create a private domain, even according to Rabbi Yosei, son of Rabbi Yehuda.

He brings it on the first day…and takes it – מוֹלִיכוֹ בָּרִאשׁוֹן... וְנוֹטְלוֹ: The Gemara's implication is that if one wants to be sure that his *eiruv* will not be eaten or lost before Shabbat, he may remove it from its spot after it has established his place of residence for the first day and return it on the following day. However, in the Jerusalem Talmud it is stated that the *eiruv* must be removed, since one cannot establish an *eiruv* on Thursday for Shabbat if the sanctity of a Festival intervenes.