Rav Ashi said to him: It is not difficult according to the explanation of Rav Yehuda and it is not difficult according to the explanation of Rav Sheshet. It is not difficult according to the explanation of Rav Yehuda, since the residents of the middle courtyard established an eiruv with each of the two outer courtyards, and the residents of the two outer courtyards did not establish an eiruv with one another. The residents of each of the outer courtyards indicated that it desired to join with the middle courtyard, but did not desire to join with the other outer courtyard. Since the residents of the outer courtyards demonstrated that they did not want to join together and form a common eiruv, they cannot be forced to do so.

And it is not difficult according to the explanation of Rav Sheshet. If they said that the people living in the outer courtyards are considered as residents of the middle courtyard as a leniency, so that they should be permitted to carry in the middle courtyard, does this mean that they will say that they are considered residents of the middle courtyard also as a stringency, so that they should be prohibited from carrying in the middle courtyard as if they live there?

Rav Yehuda said that Rav said: This statement in the mishna, that objects may be carried from either of the outer courtyards into the middle courtyard and also from the middle courtyard into either of the outer courtyards, is the statement of, i.e., in accordance with the opinion of, Rabbi Shimon. But the Rabbis say: One domain serves two domains. That is to say, it is permitted to carry objects from either of the outer courtyards into the inner one, as no prohibition is imposed upon the outer courtyards, given that both established an eiruv with the middle courtyard. But two domains do not serve one domain, meaning that it is prohibited to carry objects from the middle courtyard into either of the two outer courtyards. The utensils of the middle courtyard are drawn after the other two, meaning that were he to bring them into one of the outer courtyards, he would be regarded as having removed them from the other.

Rav Yehuda relates: When I recited this teaching before Shmuel, he said to me:

This teaching, that carrying objects from either of the outer courtyards into the middle courtyard is permitted, is also the statement of, i.e., in accordance with the opinion of, Rabbi Shimon. But the Rabbis say: All three courtyards are prohibited, that is to say, carrying is prohibited from any of the courtyards to any of the others.

It was taught in a baraita in accordance with the opinion of Rav Yehuda, in accordance with the opinion of Shmuel. Rabbi Shimon said: To what is this comparable? It is comparable to three courtyards that open into one another, and that also open into a public domain. If the two outer courtyards established an eiruv with the middle one, a resident of one of the outer courtyards may bring food from a house in that courtyard and eat it in the middle courtyard, and likewise a resident of the other courtyard may bring food from a house in that courtyard and eat it in the middle courtyard. And similarly, this resident may bring leftovers from the house where he ate back into the house in that courtyard, and that resident may bring leftovers from the house where he ate back into the house in this courtyard.

However, the Rabbis say: All three courtyards are prohibited. Since the residents of the outer courtyards are prohibited to carry from one outer courtyard to the other, this results in a place where carrying is prohibited, and such a place prohibits carrying in all three courtyards.
Courtyard that is between two alleyways —

The Gemara notes that Shmuel follows his line of reasoning that he used elsewhere, as Shmuel said: With regard to a courtyard that is between two alleyways, if that courtyard established an eiruv with both alleyways, it is prohibited with both of them. Since the residents of the two alleyways are prohibited to carry from one to the other and the eiruv enables the residents of the two alleyways to carry in the courtyard, it is prohibited to carry from the courtyard into the alleyways, so that the residents of the alleyways do not transfer objects from one alleyway to the other via the courtyard.

If the courtyard did not establish an eiruv with either alleyway, it prohibits one to carry in both of them. Since the residents of the courtyard were accustomed to utilizing both alleyways and did not establish an eiruv with either alleyway, the result is that each alleyway has a courtyard that did not establish an eiruv, which prohibits carrying from the courtyard into either alleyway.

If, however, the residents of the courtyard were accustomed to utilizing only one alleyway, while they are not accustomed to utilizing another alleyway, then with regard to the alleyway which they are accustomed to utilizing, it is prohibited to carry there, as the residents of the courtyard did not establish an eiruv with it. But with regard to the alleyway, which they are not accustomed to utilizing, it is permitted to carry there, as the residents of the courtyard are not considered residents of that alleyway.

Rabba bar Rav Huna said: With regard to residents of a courtyard who established an eiruv with the alleyway, which they were not accustomed to utilizing, they negated an eiruv with both alleyways, therefore the other alleyway is not an eiruv. Therefore, it is prohibited for them to carry in that alleyway regardless.

And Rabba bar Rav Huna said that Shmuel said: If the alleyway which the residents of the courtyard were accustomed to utilizing established an eiruv on its own without the courtyard, while the alleyway which they were not accustomed to utilizing did not establish an eiruv, and also the courtyard itself did not establish an eiruv with either alleyway, we divert the residents of the courtyard to use the alleyway, which they are not accustomed to utilizing. This is because there is one alleyway in which it is prohibited to carry due to the lack of an eiruv, and a second alleyway in which it is permitted to carry; while it is prohibited for the residents of the courtyard to carry. As explained above, were they to utilize the alleyway which they are accustomed to utilizing, the other residents of the alleyway would also be prohibited to carry from their courtyards into the alleyway, despite having established an eiruv for their own alleyway. However, if they use the other alleyway, the residents of that alleyway will not lose anything; since they did not establish an eiruv, it is prohibited for them to carry in that alleyway regardless.

Background:

Established an eiruv with the alleyway which they were not accustomed to utilizing — רְגִילָה בּוֹ.

When the residents of the courtyard established a joining of courtyards with the alleyway, which they were not accustomed to utilizing, they negated their utilization of the other alleyway. That would be the case all the more so if the residents established an eiruv with the alleyway they were accustomed to utilizing (Maharal).

Notes:

Established an eiruv with the alleyway which they were not accustomed to utilizing — רְגִילָה בּוֹ.

With regard to residents of a courtyard who established an eiruv with the alleyway, which they were accustomed to utilizing, it is prohibited to carry within the other alleyway. If the residents of the two alleyways establish an eiruv in the same house in that courtyard, it is prohibited to carry from one alleyway into the other via the courtyard, unless the residents of the two alleyways establish an eiruv in the same house in that courtyard. That is the ruling because the holiness of the courtyard is not in accordance with the opinion of Shmuel. Rather, it is in accordance with the opinion of Rabbi Shimon, with regard to courtyards. Therefore, in the case of alleyways as well, if the residents of the courtyard did not establish an eiruv with each alleyway, it is prohibited to carry into either of them (Shulhan Arukh, Orach Hayyim 386:9).

If the residents of a courtyard situating between two alleyways do not establish an eiruv with one of the alleyways, which they are accustomed to utilizing, it is prohibited to carry into that alleyway. If they establish an eiruv with one alleyway, it is permitted to carry within the other alleyway. If the inhabitants of the alleyway that the residents of the courtyard are accustomed to utilizing establish a joining of courtyards for themselves, and the inhabitants of neither the courtyard nor the other alleyway establish an eiruv, the inhabitants of the courtyard are compelled to use the alleyway that does not have an eiruv. If they would utilize the other alleyway, and thereby prohibit its use, this would be behavior characteristic of Sodom, as stated by Shmuel and Rabba bar Rav Huna (Shulhan Arukh, Orah Hayyim 386:9).

Halakha:

If the residents of a courtyard between two alleyways establish an eiruv with both alleyways, the residents are permitted to carry into each of the alleyways, and it is permitted to carry from each alleyway into the courtyard. However, it is prohibited to carry from one alleyway to the other via the courtyard, unless the residents of the two alleyways establish an eiruv in the same house in that courtyard. That is the ruling because the holiness of the courtyard is not in accordance with the opinion of Shmuel. Rather, it is in accordance with the opinion of Rabbi Shimon, with regard to courtyards. Therefore, in the case of alleyways as well, if the inhabitants of the courtyard did not establish an eiruv with each alleyway, it is prohibited to carry into either of them (Shulhan Arukh, Orach Hayyim 386:9).
In a case such as this, one compels another to refrain from behavior characteristic of Sodom. We force a person to waive his legal rights in order to prevent him from acting in a manner characteristic of the wicked city of Sodom. If one denies another use of his possessions, even though he would incur no loss or damage by granting use of his property, his conduct is considered to be characteristic of Sodom. The courts may sometimes compel such a person to waive his legal rights.

Rav Yehuda said that Shmuel said: With regard to one who is particular about his eiruv, \(\text{Eiruv} \), i.e., that the other people should not eat of the food he contributed, his \text{eiruv} \ is not a valid \text{eiruv}. After all, what is its name? Joining \text{eiruv} \ is its name, indicating that it must be jointly owned \(\text{meirim} \) by all the participants in the eiruv. If one person does not allow the other participants to eat of it, it does not belong to all of them and cannot be called an eiruv.

Rabbi Hanina said: Even in that case, his \text{eiruv} \ is a valid \text{eiruv}, however, that person called one of the men of Vardina. The men of Vardina were renowned misers, meaning that he is considered to be like them.

Rav Yehuda also said that Shmuel said: With regard to one who divides his \text{eiruv}\ to two parts, his \text{eiruv} \ is not a valid \text{eiruv}. This is for the aforementioned reason that, by definition, an \text{eiruv} needs to be indicative of joining, and this \text{eiruv} is separated into different parts.

The Gemara asks: In accordance with whose opinion did Shmuel state this teaching? Could it be in accordance with the opinion of Beit Shammai, as it was taught in a baraita: With regard to five people who collected their \text{eiruv} \ and placed it in two separate utensils, Beit Shammai say: This is not a valid \text{eiruv}, whereas Beit Hillel say: This is an \text{eiruv}. It does not stand to reason that Shmuel would follow Beit Shammai, whose opinion is not accepted as normative law.

The Gemara answers: Even if you say that Shmuel stated his opinion in accordance with the opinion of Beit Hillel, Beit Hillel stated their opinion only there, where the first utensil was filled and there was still some food left over, and therefore, some of the leftover food had to be placed in a second utensil. But where they divided it from the outset, even Beit Hillel agree that the \text{eiruv} \ is not valid.

The Gemara asks: Why do I need two rulings that are based on the same principle, i.e., that an \text{eiruv} \ must demonstrate joining? The Gemara answers: Both rulings were necessary. As, had the Gemara taught us the ruling only there, with regard to one who is particular about his \text{eiruv}, one might have said that the \text{eiruv} \ is not valid because the person is particular and expressly does not desire that his \text{eiruv} \ be eaten by others. However here, with regard to one who divides the \text{eiruv} \ into different parts, one might say that his portion should not be considered as separated from the rest.

And had the Gemara taught us the ruling only here, with regard to one who divides his \text{eiruv}, one might have said that the \text{eiruv} \ is not valid because he divided it up, thereby physically separating himself from the others. However there, with regard to one who is particular about his \text{eiruv}, one might say that his portion should not be considered as separated from the rest, since no act of separation was performed. Consequently, both rulings were necessary.

Rabbi Abba said to Rav Yehuda in the olive press in Rav Zakkai’s house: Did Shmuel actually say that in the case of one who divides his \text{eiruv}, it is not a valid \text{eiruv}? Didn’t Shmuel say elsewhere: The house in which the \text{eiruv} \ is placed \(\text{can} \) need not contribute bread for the \text{eiruv}. The Gemara asks: What is the reason for this ruling? Is it not because Shmuel maintains that since there is bread lying in a basket somewhere in the house, it is regarded as if it were placed here with the rest of the \text{eiruv}? Here too, one should say that since the bread is placed in a basket, i.e., in one of the two utensils containing the \text{eiruv}, it is regarded as if it were placed here with the rest of the \text{eiruv}.
Some early commentaries read these two details as a single case, i.e., a utensil and less than the value of a peruta. The early commentaries point out that, even if an eiruv works on the principle of acquisition, it is not clear that one can establish an eiruv with a ma’a, since courtyards and houses cannot be acquired in this manner. However, it can be argued that if bread can be utilized for an eiruv, it should also be possible to establish an eiruv with a ma’a, which can certainly be used for making purchases (Me’iri).

A utensil and less than the value of a peruta – Some early commentaries read these two details as a single case, i.e., a utensil and less than the value of a peruta. Most commentators maintain that there is no difference between a utensil worth a peruta and one worth less, since it can be used as long as it has any value at all (see Rashba, Me’iri).

HALAKHA

Joining of courtyards – An eiruv functions to establish residence and, therefore, it need not be worth a peruta. Nevertheless, it cannot be established with a utensil. In addition, a minor can collect the eiruv (Rashi), and it is even possible to establish an eiruv in a minor’s house (Tosafot). Because the halakha is in accordance with Rabbi Yohanon’s opinion in disputes with Shmuel, and since Rabba’s opinion is in accordance with the opinion of Rabbi Yohanan, the halakha is in accordance with the opinion of Rabba. In addition, the Gemara’s discussion seems to be in accordance with Rabba’s opinion (Shulhan Arukh, Orach Hayim 366:4).

The Gemara asks: If so, according to Shmuel’s opinion, in a case where he established an eiruv with money, it should nonetheless acquire, i.e., be valid. According to his opinion, there is no fundamental reason to invalidate the acquisition of rights in the residence through the payment of money, yet there is no indication that this position is valid.

The Gemara answers: Even Shmuel did not permit one to establish an eiruv with money, due to a decree lest people say that a ma’a is essential, and sometimes a ma’a will not be available, and they will not come to prepare an eiruv with bread, and the halakhic category of eiruv will be forgotten.

Rabba disagreed with Shmuel and said: An eiruv is effective due to the principle of residence. Each person who contributes a portion of food is considered as if he resides, for that Shabbat, in the residence in which the food is deposited.

The Gemara asks: What is the practical, halakhic difference between these two understandings? The Gemara answers: There is a practical difference between them with regard to the question of whether an eiruv may be established with a utensil; whereas according to Rabba’s opinion, this would not constitute a valid eiruv, according to the opinion of Shmuel.

And another practical difference between them is with regard to whether an eiruv may be established with food that is less than the value of a peruta. According to Shmuel’s opinion, this would not be a valid eiruv, as there is no acquisition with something less than the value of a peruta; whereas according to Rabba’s opinion, since an eiruv is effective by establishing a person’s residence, this can be done even with an amount of food worth less than a peruta.

And there is another practical difference between them with regard to the question whether a minor may collect the eiruv from the residents of the courtyard and deposit it in one of the houses. According to Shmuel’s opinion, this would not be a valid eiruv, for a minor cannot serve as an agent to effect acquisition, whereas according to Rabba’s opinion, the eiruv is valid, as the food itself establishes the common residence for all the residents.
Abaye said to Rabba: It is difficult according to your opinion that an **eiruv** is effective based on the principle of residence, and it is difficult according to the opinion of Shmuel that it is effective based on the principle of acquisition. As it was taught in a **baraita**: With regard to five people who collected their **eiruv**, when they take their **eiruv** elsewhere, in order to establish an **eiruv** together with another courtyard, one person may take it there for all of them. This indicates that it is only that person who acquires rights, and nobody else, and it is only that person who gains residence, and nobody else. In that case, how can the others rely on this **eiruv**?

Rabba said to him: It is neither difficult according to my opinion, nor is it difficult according to the opinion of Shmuel, as, the person who takes the **eiruv** acts as an agent, effecting acquisition or determining residence on behalf of all of them.

With regard to the case of the three courtyards addressed above, Rabba said that Rav Hama bar Gurya said that Rav said: The **halakha** is in accordance with the opinion of Rabbi Shimon that it is permitted to carry from the middle courtyard into either of the two outer ones; and vice versa, however, it is prohibited to carry from one outer courtyard to the other.

MISHNA With regard to one who was coming along the way on Shabbat eve, and it grew dark while he was traveling, and he was familiar with a tree or a fence located two thousand cubits from his current location, and two thousand cubits from his house, and he said: My residence is beneath that tree, rather than in his present location, he has not said anything, as he did not establish a fixed location as his residence.

If, however, he said: My residence is at the tree's trunk, he acquired residence there, and he may therefore walk from the place he is standing to the trunk of the tree two thousand cubits away, and from the trunk of the tree to his house, an additional two thousand cubits. Consequently, he walks after nightfall a total of four thousand cubits.

If one is not familiar with a tree or any other noticeable landmark, or if he is not an expert in the **halakha**, unaware that residence can be established from a distance, and he said: My residence is at my current location, then his presence at his current location acquires for him the right to walk two thousand cubits in each direction.

The manner in which the two thousand cubits are measured is the subject of a tannanic dispute. These cubits are measured circularly, i.e., as a circle with a radius of two thousand cubits; this is the statement of Rabbi Hanina ben Antigonus. And the Rabbis say: These are measured squarely, i.e., as a square tablet, with each side measuring four thousand cubits, so that he gains the corners. He is permitted to walk from the middle to the corners of the square as well, a distance of approximately 4,800 cubits.

And this is the meaning of that which the Sages said: The pauper establishes an **eiruv** with his feet, i.e., one who does not have the bread required to establish an **eiruv** may walk anywhere within his Shabbat limit and declare: This is my residence, and his Shabbat limit is measured from that location. Rabbi Meir said: We have this leniency in effect only for a pauper, who does not have food for two meals. However, one who has bread may only establish residence with bread. Rabbi Yehuda says: This leniency is in effect for both a pauper and a wealthy person. The Sages said that one establishes an **eiruv** with bread only in order to be lenient with the wealthy person, so that he need not exert himself and go out and establish an **eiruv** with his feet. Instead, he can appoint an agent to place bread for him in that location. This, however, does not negate the option of personally going to that location in order to establish residence without bread.
HALAKHA

My residence is beneath the tree. If one establishes residence in a location lacking clearly demarcated boundaries and which is more than four cubits wide, e.g., beneath a tree, if part of the tree is more than two thousand cubits away from his current location, he did not establish residence there. If the entire tree is within two thousand cubits, he acquired residence beneath the tree. However, the two thousand cubits from the tree are measured from the far side of the tree. The halakha, therefore, is stringent in both regards, as stated by Shmuel, because the baraita supports Rashi’s understanding of Shmuel’s opinion. The Rambam and the Rif have a different understanding of Shmuel’s opinion. They rule that if he did not establish his place of residence in a particular location beneath the tree, he establishes residence in his present location and is prohibited to proceed any farther (Shulhan Arukh, Orach Hayyim 409:11).

NOTES

Shmuel’s opinion – רבי שמעון הוא הלכה: Rashi cites two explanations of Shmuel’s opinion. The Rambam interprets this differently, and explains Shmuel’s opinion in the following manner. The person said nothing with regard to going to his house, and therefore did not establish residence beneath the tree at all. Instead, he established his residence in his present location. By failing to specify a particular location, it is as though he said nothing, and his residence is where he is standing (Maggid Meshne; see Meir).

GEMARA

We learned in the mishna that one who declares his intention to establish residence beneath a tree, without specifying the precise location, has not said anything. The Gemara asks: What is the precise meaning of he has not said anything?

Rav said: He has not said anything at all, and has failed to establish residence anywhere, and he may not even go to the place beneath that tree. His failure to specify a particular location prevents him from establishing residence beneath the tree. The fact that he sought to establish residence someplace other than his present location prevents him from establishing residence at his present location. Accordingly, he may walk no more than four cubits from the place that he is standing.

And Shmuel said: He has not said anything with regard to going to his home, if it is two thousand cubits past the tree; however, with regard to the area beneath the tree,9 it’s bough is entirely within two thousand cubits of his present location he may indeed go there.

And when we learned in the mishna that he did not establish residence, it means that the legal status of the area beneath the tree becomes comparable to both a donkey driver, who walks behind the animal and prod it, and a camel driver, who walks before the animal and leads it in the sense that the tree is pulling him in both directions. Since he did not specify a particular location as his residence, any part of the area beneath the tree could be the place where he established residence.

Therefore, if he comes to measure two thousand cubits from the north of the tree in order to ascertain whether or not he may go to his home, because of the uncertainty with regard to the precise location where he established residence, one measures the distance for him stringently from the south. And likewise if he comes to measure the distance to his home from the south, one measures the distance from him from the north.

NOTES

Not precisely defined – דקא לאfrog מיסים במדות. This principle is significant primarily with regard to the halakha of Shabbat boundaries. However, even though the tannaim disagreed with regard to conceptions and views, the halakha is that an object that is not defined can be consecrated. Therefore, Abaye did not raise an objection to the first version of Rabbia’s opinion (Geon Yaakov).

Simultaneously – א”ח איהא בבב: Rabbia’s opinion with regard to two matters taking effect simultaneously appears to be that this concept is moot, as no two phenomena can occur at precisely the same time. Therefore, simultaneity is merely uncertainty which of two events that occurred consecutively was first, as it is impossible to determine the actual order of events.

Rabba said: What is the reason for Rav’s statement that one who declares his intention to establish residence beneath a tree has said nothing at all? It is because the place he designated is not precisely defined.9 Since he did not establish his residence in one particular location, he did not establish it at all.

And some say an alternative version of Rabbia’s statement. Rabba said: What is the reason for the statement of Rav? It is because he maintains: Anything that cannot be accomplished sequentially, due to halakhic or practical considerations, even simultaneously,9 cannot be accomplished, as one negates the other. In this case, since one cannot establish residence in an area of four cubits on one side of a tree and proceed to establish residence in an area of four cubits on the other side of the tree, neither can he simultaneously establish residence beneath a tree greater than four cubits.

The Gemara asks: What is the practical difference between these two versions of Rabbia’s statement? The Gemara answers: There is a practical difference between them with regard to a case where he said: Let residence be acquired for me in four cubits of the eight or more cubits beneath that tree.

According to the one who said that it is because the place he designated is not precisely defined, here too, the place he designated is not precisely defined, as he failed to specify the precise location of the four cubits in which to establish his residence.